



Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSratha Báin
Derry Cittie & Strabane
Destrack Cooncil

Ref: EIR / 2254

15th February 2019

Mr

Email: @bbc.co.uk

Dear Mr Wilson

Environmental Information Regulations 2004 Request: Tree Preservation Orders

I refer to your EIR request to the Council's Media office on 7th January 2019, regarding the above-mentioned matter.

The Council does hold a Register of Tree Preservation Orders (TPOs) in the District. In accordance with Section 242 of the Planning Act (NI) Order 2011, this Register is available for inspection by the public at all reasonable hours. Additionally, the Council is currently in the process of developing a GIS web mapping application which will provide a spatial index / record of individual TPO sites across the District; this is expected to be made available through the Planning section of the Council's website, within a few months.

There are currently 59 confirmed TPOs and 1 Provisional TPO in this District. It is not possible to state the number of individual trees protected by TPOs, because most TPOs relate to multiple trees and, furthermore, many of our older TPOs sites in particular relate to groupings of trees, rather than individual trees. However, TPO files are available for inspection, on request, and these will normally detail the numbers, location, species, and health & condition of individual trees.

Whilst it is not possible to be definitive about what constitutes a TPO breach, I can advise you that there have been 26 alleged 'breaches' of TPOs reported / investigated between 2010 and 2018 and no prosecutions. As requested, a detailed breakdown is provided in the table below, based on alleged breaches per calendar year:

Calendar Year	Alleged Breaches	Prosecutions
2010	3	0
2011	4	0
2012	1	0
2013	3	0
2014	2	0
2015	3	0
2016	3	0
2017	3	0
2018	4	0
Total	26	0

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Planning officials investigating the 26 alleged 'breaches' determined:

- 14 cases there was no actual breach;
- 5 cases it was not expedient to pursue, as the work had been undertaken by a statutory undertaker with legislative consent to remove such trees necessary to undertake their work; or minor remedial works had been carried out to trees in poor condition;
- 2 cases could be resolved by tree planting and appropriate site management and maintenance; and
- 5 cases remain ongoing investigations.

I trust that this gives you the information you have requested. However, if you are dissatisfied with our response, you have rights of review and appeal; these rights consist of two review processes:

Firstly our internal review procedure is available by contacting:

John Kelpie
Chief Executive
Derry City and Strabane District Council
98 Strand Road
Derry BT48 7NN
Tel 028 71253253 or email john.kelpie@derrystrabane.com

Secondly, you can appeal directly by contacting the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
CHESHIRE SK9 5AF
Tel: 0303 123 1113 (local rate) or email: casework@ico.org.uk

I would advise however, the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.