



7 December 2020

INFORMATION REQUEST REFERENCE 20-032

Dear 

Thank you for your information request, received on 30 October 2020. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Environmental Information Regulations 2004 (EIR):

"I would like all information relating to the trees in the area of land to the East of "Here East" that make up the boundary of phase 2 and phase 3 of the proposed East Wick development.

In particular I am interested as to who paid for the trees, any reports on the health of these trees, the maturity of these trees, whether these trees are protected in anyway through by-laws, rules, or regulations that would prevent them being removed.

I am also interested in whether any assessment has been undertaken as to whether it is appropriate to destroy trees planted as part of the Olympic park legacy for development.

If these requests full over the time limit please treat them as separate FOI requests."

I can confirm that the Legacy Corporation holds information which falls within the scope of your request. The information relevant to your request is below. Our response follows your order:

Q1. *I would like all information relating to the trees in the area of land to the East of "Here East" that make up the boundary of phase 2 and phase 3 of the proposed East Wick development.*

With reference to your requests as above, please be advised that given the broad nature of the request, the Legacy Corporation are refusing your request on the basis of EIR regulation 12(4)(b) manifestly unreasonable.

EIR regulation 12(4)(b) – manifestly unreasonable

12(4) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that—

(b) the request for information is manifestly unreasonable;

While there are no appropriate costs limit under the EIR, the exception at regulation 12(4)(b) of the EIR can apply if the cost or burden of dealing with a request is too great.

In assessing the cost or burden of dealing with a request, public authorities need to consider the proportionality of the costs involved and decide whether they are clearly or obviously unreasonable.

You have requested "*all information relating to the trees in the area of land to the East of "Here East" that make up the boundary of phase 2 and phase 3 of the proposed East Wick development*".

In order to find the information requested, searches were run on the Legacy Corporation email archive on the following terms: East Wick, East Wick Development, Trees, Phase 2, Phase 3, tree relocation, velodrome plaza trees, health and destroy. There were over 17,000 items.

All of the information resulting from these searches would need to be extracted and then reviewed in order to try to identify if the information is relevant to your request.

The Legacy Corporation is not a large organisation and the time and resources taken to answer the questions as above would have a considerable impact on those resources.

The Legacy Corporation have considered the public interest in respect to their decision and appreciate that they also must balance public interest with the effective, efficient and economic use of the resources that they have responsibility for as a public authority. In this instance, the Legacy Corporation cannot justify the disproportionate burden this request would place on the Legacy Corporation's limited resources or the impact it would have on delivery of its other responsibilities. While there is a presumption in favour of disclosure under EIR, responding to this request would place unreasonable demands on our resources and for this reason, the Legacy Corporation consider your request to be manifestly unreasonable under regulation 12(4)(b) of the EIR.

Q2. In particular I am interested as to who paid for the trees, any reports on the health of these trees, the maturity of these trees, whether these trees are protected in anyway through by-laws, rules, or regulations that would prevent them being removed.

The trees in the North Park were comprehensively surveyed during 2018. However, the trees within the Phase 2 and 3 development areas were not included as it was thought that these would be imminently removed /relocated around that time. Notwithstanding this fact, Idverde and their tree consultant have regularly monitored and maintained these trees and confirm that 90% of them are in good condition but some specimens in the Phase 3 zone are in decline due to poor ground conditions. In 2019, a selection of trees that were recorded as being in a poor condition during previous surveys were re-inspected across the Park but the Phase 2 & 3 development areas were again excluded for the same reason.

Assessments have been made primarily on arboricultural merit, rather than based on cultural legacy considerations, as these trees were not intended as part of a longer-term legacy proposal. This is reflected within the approved Tree safeguarding plan with the majority

being identified for removal/relocation. This plan has been approved by the Local Planning Authority and has been attached in **Annex A**.

Q3. *I am also interested in whether any assessment has been undertaken as to whether it is appropriate to destroy trees planted as part of the Olympic park legacy for development.*

The sites in question have been approved for development as part of the Legacy Communities Scheme (LCS), and as a result, the existing trees for the most part will not be able to remain in their current locations. The LCS Tree safeguarding plan as referenced above and attached in **Annex A**, highlights which trees remain in their current locations and those which will need to be moved or removed. Only trees which have been identified to be retained in established location or relocated will be replanted. The principle to remove a large number of trees without re provision has been established through the LCS Tree Safeguarding Plan.

The Legacy Corporation has demonstrated commitment to relocation of trees planted as part of the Games on this site, where possible. Though these sites were always intended to be developed, and planting therefore temporary, the Legacy Corporation is working closely with development partners to relocate the trees (where they are healthy and of a size able to be moved) as per the attached drawing in **Annex A**. The removal/relocation of trees is governed by extension by the attached approved drawings in **Annex B** and **Annex C**. It is likely that there will be minor updates as part of upcoming planning applications on the East Wick Phases 2&3 site, due primarily to the intervening passage of time.

If you are unhappy with our response to your request and wish to make a complaint or request an internal review of our decision, you should write to:

Deputy Chief Executive
London Legacy Development Corporation
Level 10, 1 Stratford Place
Montfichet Road
London, E20 1EJ

Email: FOI@londonlegacy.co.uk

Please note: complaints and requests for internal review received more than two months after the initial response will not be handled.

If you are not content with the outcome of the internal review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.

Further information on the Freedom of Information Act 2000 is available from the Information Commissioner's Office:

Wycliffe House
Water Lane

Wilmslow
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45

Website www.ico.gov.uk

Yours sincerely

FOI / EIR Co-ordinator
London Legacy Development Corporation