

## DELEGATED OFFICER DECISION NOTICE

<b>SERVICE AREA:</b>	PLACE Operations and Neighbourhoods
<b>SUBJECT MATTER:</b>	<b>FELLING OF A TREE OUTSIDE 17 BROMLEY CRESCENT, ASHTON-UNDER-LYNE UNDER DUTY TO CONSULT LEGISLATION.</b>
<b>DECISION:</b>	That it be DETERMINED that:  The Council remove a tree that is located outside the property at 17 Bromley Crescent due to structural damage to property.
<b>DECISION TAKER(S):</b>	Julian Jackson
<b>DESIGNATION OF DECISION TAKER (S):</b>	Director of Place
<b>DATE OF DECISION:</b>	18 February 2025
<b>REASON FOR DECISION:</b>	Removing the tree will allow for the necessary repairs to be carried out to the property and stop any further damage and claims.
<b>ALTERNATIVE OPTIONS REJECTED (if any):</b>	Leave the tree in situ however the property damage will worsen which will lead to further claims against the Council.
<b>CONSULTEES:</b>	Councillor Laura Boyle Executive Member (Climate Emergency and Environmental Services) and Ashton Hurst ward members. Public Consultation by Notice on the tree and on the Council's website.
<b>FINANCIAL IMPLICATIONS:</b>	This report is seeking approval that the Council removes a tree outside the property of 17 Bromley Crescent due to structural damage.  The removal of the tree will prevent further structural damage to the property and mitigate insurance claims.  The tree will be felled by the Council's In-house Arboricultural Unit and will be carried as part of their maintenance schedule and borne from existing revenue budget.
<b>LEGAL IMPLICATIONS:</b>	The consultation complies with the Councils duties under section 96A of the Highways Act 1980
<b>CONFLICT OF INTEREST:</b>	None
<b>DISPENSATION GRANTED BY STANDARDS COMMITTEE ATTACHED:</b>	Not applicable
<b>ACCESS TO INFORMATION:</b>	Not Confidential

**BACKGROUND INFORMATION:**

The background papers relating to this report can be inspected by contacting, Nick Sayers, Head of Operations and Greenspace:

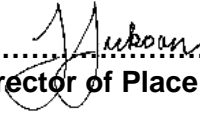


Telephone: 0161 342 2704



E-mail: [nick.sayers@tameside.gov.uk](mailto:nick.sayers@tameside.gov.uk)

Signed .....





Julian Jackson, Director of Place

Dated: 18 February 2025

**DELEGATED OFFICER DECISION REPORT**

<b>SERVICE AREA:</b>	PLACE Operations and Neighbourhoods
<b>SUBJECT MATTER:</b>	<b>FELLING OF A TREE OUTSIDE 17 BROMLEY CRESCENT, ASHTON-UDER-LYNE DENTON UNDER DUTY TO CONSULT LEGISLATION.</b>
<b>DATE OF DECISION:</b>	18 February 2025
<b>DECISION TAKER(S):</b>	Julian Jackson
<b>DESIGNATION OF DECISION TAKER (S):</b>	Director of Place
<b>REPORTING OFFICER:</b>	Nick Sayers, Head of Operations & Greenspace
<b>REPORT SUMMARY:</b>	Professional assessments and reports have confirmed that the tree's roots are undermining the structural integrity of the property and that the proven subsidence damage to property cannot be adequately repaired with the tree in situ.
<b>RECOMMENDATION:</b>	That it be DETERMINED that:  The Council remove a tree that is located outside the property at 17 Bromley Crescent due to structural damage to property.
<b>JUSTIFICATION FOR THE DECISION:</b>	Removing the tree will allow for the necessary repairs to be carried out to the property and stop any further damage and claims.
<b>ALTERNATIVE OPTIONS REJECTED (if any):</b>	Leave the tree in situ however the property damage will worsen which will lead to further claims against the Council.
<b>CONSULTEES:</b>	Councillor Laura Boyle, Executive Member (Climate Emergency and Environmental Services) and Ashton Hurst ward members. Public Consultation by Notice on the tree and on the Council's website
<b>FINANCIAL IMPLICATIONS:</b>	This report is seeking approval that the Council removes a tree outside the property of 17 Bromley Crescent due to structural damage.  The removal of the tree will prevent further structural damage to the property and mitigate insurance claims.  The tree will be felled by the Council's In-house Arboricultural Unit and will be carried as part of their maintenance schedule and borne from existing revenue budget.
<b>LEGAL IMPLICATIONS:</b>	The consultation complies with the Councils duties under section 96A of the Highways Act 1980
<b>CONFLICT OF INTEREST:</b>	None
<b>DISPENSATION GRANTED BY STANDARDS COMMITTEE</b>	Not applicable.

<b>ATTACHED:</b>	
<b>ACCESS TO INFORMATION:</b>	Not Confidential
<b>BACKGROUND INFORMATION:</b>	<p>The background papers relating to this report can be inspected by contacting the Report Writer, Nick Sayers by:</p> <p> Telephone: 0161 342 2704</p> <p> E-mail: <a href="mailto:nick.sayers@tameside.gov.uk">nick.sayers@tameside.gov.uk</a></p>

## **1. INTRODUCTION**

- 1.1 The Duty to Consult legislation forms Section 115 of the Environment Act 2021 and it was enacted on 30 November 2023. It became a statutory duty that all Local Authorities are required to consult residents on the felling of street trees where no exemptions apply. See **Appendix 1** for the guidance.
- 1.2 This legislation has been introduced to ensure local people can express their views over the proposed management of street trees in their locality. The duty will ensure the decision-making process is more transparent and considers the views of local people.
- 1.3 In Tameside the vast majority of street trees that are felled would be exempt from this legislation as these are felled for safety reasons. However, where we are carrying out work not classed as an exemption the Council have a duty to consult and follow the consultation process.
- 1.4 The tree outside 17 Bromley Crescent, Ashton-Under-Lyne is not exempt from the Duty to Consult legislation. This tree is compromising the structural integrity of the adjacent property which has been confirmed through professional reports and conclusive evidence and therefore we need to fell in order to prevent further property damage and consequent insurance claims.

## **2. CONSULTATION PROCESS**

- 2.1 A notice was attached to the tree on 20 January 2025 to give notice that the Council intend to remove the street tree due to proven subsidence damage to property that cannot be adequately repaired with the tree in situ. See **Appendix 2**.
- 2.2 Ward members and the Executive Member were emailed separately informing them of the Duty to Consult and the rationale for the removal of the tree.
- 2.3 Confirmation of the above notice has been included on the Council's website.
- 2.4 Following the 28-day consultation period which has now ended, the Council have not received any objections or comments.

## **3. REMOVAL OF TREE AND COSTS**

- 3.1 The tree will be felled by the Council's In-house Arboricultural Unit and will be carried as part of their maintenance schedule and borne from existing revenue budget.

## **4. CONCLUSION**

- 4.1 The removal of the tree at 17 Bromley Crescent is a necessary action to prevent further structural damage to the property and mitigate further insurance claims. The decision was made after a thorough assessment and consultation process, with no viable alternatives that would avoid the need for removal.

## **5. RECOMMENDATION**

- 5.1 As stated on the cover of the report