

## DELEGATED OFFICER DECISION NOTICE

<b>SERVICE AREA:</b>	HOUSING, ENVIRONMENT AND ESTATES Environment
<b>SUBJECT MATTER:</b>	<b>FELLING OF THREE TREES OUTSIDE 91 HEATON STREET, DENTON UNDER DUTY TO CONSULT LEGISLATION.</b>
<b>DECISION:</b>	That it be DETERMINED that:  The Council remove three trees that are located outside the property at 91 Heaton Street due to structural damage to property.
<b>DECISION TAKER(S):</b>	Julian Jackson
<b>DESIGNATION OF DECISION TAKER (S):</b>	Strategic Director of Housing, Environment and Estates
<b>DATE OF DECISION:</b>	11 September 2025
<b>REASON FOR DECISION:</b>	Removing the trees 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 trees 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 Denton West ward members. Public Consultation by Notice on the trees and on the Council's website.
<b>FINANCIAL IMPLICATIONS:</b>	This report is seeking approval that the Council removes the trees outside the property of 91 Heaton Street 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 report sets out the Council's duty under section 96A Highways Act 1980 and how it has been complied with in relation to these trees.
<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 .....  ..... Dated: 11 September 2025  
Julian Jackson, Strategic Director of Housing, Environment and Estates

**DELEGATED OFFICER DECISION REPORT**

<b>SERVICE AREA:</b>	HOUSING, ENVIRONMENT AND ESTATES Environment
<b>SUBJECT MATTER:</b>	<b>FELLING OF THREE TREES OUTSIDE 91 HEATON STREET, DENTON UNDER DUTY TO CONSULT LEGISLATION.</b>
<b>DATE OF DECISION:</b>	
<b>DECISION TAKER(S):</b>	Julian Jackson
<b>DESIGNATION OF DECISION TAKER (S):</b>	Strategic Director of Housing, Environment and Estates
<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 trees in situ.
<b>RECOMMENDATION:</b>	That it be DETERMINED that:  The Council remove the trees that are located outside the property at 91 Heaton Street due to structural damage to property.
<b>JUSTIFICATION FOR THE DECISION:</b>	Removing the trees 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 trees 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 Denton West 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 the trees outside the property of 91 Heaton Street 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 report sets out the Council's duty under section 96A Highways Act 1980 and how it has been complied with in relation to these trees.
<b>CONFLICT OF INTEREST:</b>	None

<b>DISPENSATION GRANTED BY STANDARDS COMMITTEE ATTACHED:</b>	Not applicable.
<b>ACCESS TO INFORMATION:</b>	Not Confidential
<b>BACKGROUND INFORMATION:</b>	<p>The background papers relating to this report can be inspected by contacting, Nick Sayers, Head of Operations and Greenspace:</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 three trees outside 91 Heaton Street, Denton are not exempt from the Duty to Consult legislation. These trees are 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 trees on 28 July 2025 to give notice that the Council intend to remove the street trees due to proven subsidence damage to property that cannot be adequately repaired with the trees 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 trees.
- 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 trees 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 trees outside 91 Heaton Street is necessary 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