

Delegated Officer Report

Decision Maker: Nasir Dad, Director of Environment

Date of Decision: 21 September 2023

Subject: Proposal to allocate Section 106 resources from DB 405 – Keb Lane (PA/340354); DB435 - All Nations Church (PA/343757); DB449- land rear of 19-23 Shaw Hall Bank Road ((PA/345333) and DB466 – 96 High Street, Lees (PA/345839) towards a boroughwide tree planting scheme of 103 trees and their establishment period

Report Author: Nik Anderson

Ward (s): Medlock Vale, St Mary's, Saddleworth South and Saddleworth West & Lees

Reason for the decision: To seek approval for the allocation of resources secured primarily through Section 106 planning obligations to fund a boroughwide tree planting scheme of 103 trees and their establishment period.

Summary: The Council recognises the importance of tree cover and the importance of replacing trees that have been lost, and where possible, to increase tree cover in Oldham with additional tree and woodland planting.

Resources from several S106 planning obligations and a Tree Preservation Order fine have been combined to create a budget for this scheme to plant 103 trees across the borough in locations determined suitable by the Councils Senior Arboricultural and Countryside Officer

The resources to be used are as follows:

DB405 – Keb Lane, Bardsley. £16,982.58

Trees protected by the Land at Keb Lane Tree Preservation Order 2017 (TPO/00582/17) were felled without consent by FCHO.

In Feb 2018, FCHO agreed to pay compensation of £31,132.50 to be spent on tree and woodland planting. This was paid to the Council on 11 July 2018 and paid into the S106 account for ease of monitoring. One tree planting scheme has already been implemented and this scheme uses the final balance and any future interest accrued. The current balance available including interest is £16,982.58.

**DB 435 – All Nations Church, Egerton Street
£5,540.92**

Planning permission for the development at All Nations Church, Egerton Street (PA/343757) was granted subject to the developer's unilateral undertaking which was signed on 23 January 2020. This required the developer, KSL Nominees Limited as Trustees of the Stoller Charitable Trust, to pay to the Council a commuted sum of £5,400 towards the Council's cost of planting 36 replacement trees within Oldham Borough. With interest, this contribution now stands at £5,540.92.

**DB449 – rear of 19-23 Shaw Hall bank Road,
Greenfield £6,894.89**

Planning permission for the development rear of 19-23 Shaw Hall bank Road, Greenfield (PA/345333) was granted subject a Section 106 planning obligation. This obligation was signed on 16 April 2021, whereby the developer, Hangate Limited, agreed to pay a commuted sum of £6,750 for the planting of 45 trees on public open space within the Borough of Oldham. With interest, this contribution now stands at £6,894.89

DB466 – rear of 96 High Street, Lees. £917.46

Planning permission for the development rear of 96 High Street Lees (PA/345839) was granted subject to a Section 106 planning obligation. This obligation was signed on 27 July 2022, whereby the developer, Assure Certification Ltd, agreed to pay a commuted sum of £900 towards the provision of 3 replacement trees. With interest, this contribution

now stands at £917.46.

The 103 trees are to be located as follows:

- 20 x trees Rosary Road – Highway Verge
- 10 x trees Marland Ave – Highway Verge
- 5 x trees Corner Simpkin Ave and Ashton Road
- 3 x trees Springwood Hall drive
- 2 x trees Bardsley War memorial
- 3 x Hollinhall Street
- 5 x Sunfield Road
- 5 x Beckett Meadows
- 3 x Co-operative Street
- 10 x Covert Road
- 1 x Woods Lane
- 11 x Tandle Hill Road
- 10 x Clayton Playing Fields
- 5 x Abbey Hills Road

All trees will be 12-14 standards with double stake and tie – weldmesh cage, irrigation piping, mulching and the costs include 3 years watering and the removal of the stake and tie once established. It is anticipated that the tree will be planted during the 2023/2024 planting season

The estimated costs:

Year 1 (2023/24) £24,500 – supply and plant trees – and water through first summer.

Year 2 (2024/25) £2,000 – Water through second summer.

Year 3 (2025/26) £3,835 plus any additional interest accrued – Final year's watering, remove stakes and ties, mulch and formative prune.

The resources will be allocated as follows:

Source	Year 1 (2023/24)	Year 2 (2024/25)	Year 3 (2025/26)
DB405	11,146.73	2,000	3,835.85
DB435	5,540.92		
DB449	6,894.89		
DB466	917.46		
Total	24,500	2,000	3,835.85

What are the alternative option(s) to be considered? Please give the

The reasons for the contribution being paid to the council are very specific and is for the planting of

reason(s) for recommendation(s):

replacement trees. Not carrying out the tree planting as set in the legal agreements with developers could result in the funds being returned and no new trees being planted. There are no other alternatives than to alter the locations and the tree planting locations have been determined as priority locations by the Senior Arboricultural and Countryside Officer.

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.

Consultation took place as part of the planning process to determine the planning application for the extension. This is tree replacement as required by the planning permission and Council Policy

Recommendation(s):

To approve the allocation of:

- £917.46 section 106 resources from DB 466
- £6,894.89 Section 106 resources from DB449
- £5,540.92 Section 106 resources from DB435
- £16,982.58 TPO fine from DB405 (plus any future interest accrued)

to Environmental Services for the purposes of a boroughwide tree planting scheme of 103 trees and their establishment.

Implications:

What are the financial implications?

Capital Implications

The cost to supply, plant and water 103 trees for the first Summer within various locations across the Borough is expected to cost £24.5k and will be charged to the Environmental Services Capital Programme.

This will be financed from the following Section 106 resources:

Description	Available funding £k	Utilised on this scheme £k	Balance remaining £k
DB405 – Keb Lane, Bardsley	11.14	(11.14)	0
DB 435 – All Nations Church, Egerton Street	5.54	(5.54)	0
DB449 – rear of 19-23 Shaw Hall bank Road	6.89	(6.89)	0
DB466 – rear of 96 High Street, Lees	0.92	(0.92)	0
Total	24.5	(24.5)	0

Revenue implications

A further two year maintenance programme is expected to cost £5.83k and will be charged to the Environmental Services revenue budget.

This will be financed from the following Section 106 resource and transferred to the Service on an annual basis.

S106 Description	Current available funding £k	2024/25 Maintenance £k	2025/26 Maintenance £k
DB405 – Keb Lane, Bardsley	5.83	(2.0)	(3.83)

After the two years of S-106 contributions have ceased, maintenance costs if required are expected to be absorbed using existing resources within the Environmental Management Service.

(John Edisbury)

What are the **legal** implications?

The proposals are an appropriate use of the section 106 funding (A Evans)

What are the **procurement** implications?

The allocation of S106 funds does not bear any procurement implications however the manner it is spent in does. The cost of trees is expected to cost below £10k as is the cost of sundry items. The cost for the planting of trees is expected to cost approx. £14k which is to be spread over 3 to 4 contractors, each of which will fall below the £10k threshold,

therefore in line with the Council's Contract Procedure Rules one written quote must be sought. (Emily Molden)

What are the **Human Resources** implications?

N/A

Equality and Diversity Impact Assessment attached or not required because (please give reason)

Not required as the project does not affect a vulnerable group.

What are the **property** implications

None – these are tree replacements where trees have existed before.

Risks:

Loss or vandalism to trees - this risk is mitigated by protecting the trees with weldmesh cages and watering through dry spells. Less than 2% of trees are lost.

Co-operative agenda

Addresses climate emergency. Addresses the commitment to increase tree cover from 11.9% to 15% within a generation. Addresses the commitment to become the greenest borough in GM.

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

No

Reason(s) for exemption from publication:

N/A

There are no background papers for this report

Report Author Sign-off:	
Nik Anderson	

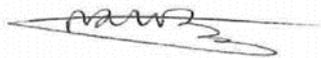
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Please list and attach any appendices:-

Appendix number or letter	Description

In consultation with Director

Signed :



Date: 21.09.2023