

WORKS TO TREES WITHIN A CONSERVATION AREA: WORKS ALLOWED

Applicant:

Mr John Shutler
Chamberwell Cottage
Weobley
Hereford
HR4 8SH

Application code: 223721

Grid ref: 340264 251401

Date of receipt of application: 10 November 2022

Proposal:

SITE:

Chamberwell Cottage, Weobley, Hereford, Herefordshire, HR4 8SH

DESCRIPTION:

Removal of a large (>30m) Douglas fir tree located on a steep bank in the garden of Chamberwell cottage. The roots are exposed on one side and there appears to be erosion taking place which makes the tree liable to falling in a strong wind. The tree could potentially fall on the house or one of two outbuildings in the garden, and/or block the stream that runs through the garden and then onwards through the village of Weobley. A qualified tree surgeon has confirmed the risk and quoted for the safe removal of the tree by cutting it down in small sections.

The COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL has duly considered your notice of intention to carry out the above mentioned operation(s) and you are **HEREBY NOTIFIED** that **the works are allowed**.

INFORMATIVES:

- 1 All nesting birds, their nests, eggs and young are protected by law and it is an offence to:
 - intentionally kill, injure or take any wild bird
 - intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
 - intentionally take or destroy the egg of any wild bird
 - intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being

undertaken, all work must stop and advice sought from Natural England and the Council's Ecologist.

2 It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural England. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural England (0300 060 6000) and the Council's Ecologist. Advice is also available from the Bat Conservation Trust Helpline on 0845 1300 228.

3 Herefordshire Council fully endorse the planting of replacement trees to maintain and improve green infrastructure in the locality and contribute to the counties biodiversity net gain.

4 The following British Standards should be referred to:

- BS: 3998:2010 Tree work – Recommendations

Built and Natural Environment Team
PO Box 4
Hereford
HR4 0XH

Decision Date: 14/2/2023

Signed: ...



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Elizabeth Duberley
Service Manager
Built and Natural Environment

This consent expires 2 years from the date of this decision.