

WORKS TO TREES WITHIN A CONSERVATION AREA: WORKS ALLOWED

Applicant:

Mr Aman Sharma
The Garth Care Home
The Square
Kington
Herefordshire
HR5 3BA

Agent:

Mr Andrew Pickup
Woodbine Cottage
Mordiford
Hereford
HR1 4LT

Application code: 250154

Grid ref: 329582, 256770

Date of receipt of application: 15 January 2025

Proposal:

SITE: The Garth Residential Care Home, The Square, Kington, Herefordshire, HR5 3BA

DESCRIPTION: Large, mature beech tree leaning towards the accommodation wing of the care home. There are major structural defects to the main stem, including several historic pruning wounds with significant cavities and indications of decay and spiral grain including a crack on the north-east side of the main stem. Given the trees size and location and nature of the adjacent buildings, there is a very high chance of injury or loss of life if it failed. Work proposals are to fell the tree to ground level.

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**.

1. A duty applies to plant another tree of an appropriate size and species if a tree within a conservation area is removed because it is dead or presents an immediate risk of serious harm.

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, 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, at any time of the year, of any wild bird, while the nest is in use or being built,. If a nest is discovered while work is being undertaken, all work must stop and advice sought from an appropriately qualified ecological consultant.

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; and any potentially significant effects on foraging and commuting activity

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 2017 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 a licensed bat worker-ecological consultant or if that is not possible by contacting Natural England Species Licensing Team via 0300 060 3900.

- 3 This consent does not grant any automatic consent, rights or statutory permission, to access, cross or enter land owned by a third party that may be required to undertake any part of the consented or approved works.
- 4 This consent does not grant any automatic consent or statutory permission, in respect of any other statutory, regulatory or legal consents, licences or permissions that may also be required to undertake the approved works.
- 5 The following British Standards should be referred to for all consented works undertaken: BS3998:2010 Tree Work - Recommendations.

Natural Environment Team
Planning Services
PO Box 4
Hereford
HR4 0XH

Decision Date: 21.02.25

Signed:



Ben Boswell
Head of Environment, Climate Emergency & Waste

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