

WORKS TO TREES WITHIN A CONSERVATION AREA: WORKS ALLOWED

Applicant:

Mrs Wall
26 Burton Wood
Weobley
HR4 8SU

Agent:

Mr Gareth Higgs
The Old Cider Mill
Kingsland
Leominster
HR69SE

Application code: 183489
Date of receipt of application: 5 November 2018

Grid ref: 340769 251282

Proposal:

SITE: 26 Burton Wood, Weobley, Hereford, Herefordshire, HR4 8SU
DESCRIPTION: T1 - Silver birch – Crown reduction of 1m.
T2 – Field maple and hazel- Cut back to property boundary approximately 1m.

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 Any approved works should be completed within 2 years from the date of the submitted Notice of Intention. In order to comply with the requirements of Section 211 of the Town and Country Planning Act 1990.
- 4 Herefordshire County Council promotes good standards of arboriculture and recommends all tree works are undertaken by suitably qualified and insured contractors in accordance with BS3998:2010 Recommendations for Tree Works.
- 5 BS3998:2010 Recommendations for Tree Works regarding reductions states that the proposed amount to be removed should be given in metres rather than percentage, which traditionally has been the norm. Percentage is imprecise, subjective and difficult to judge, whereas meterage is clear and simple for all parties to gauge. Therefore all agents and applicants are requested to provide the specifications for canopy reductions in meterage for all future applications/notifications.
- 6 It is advised that all future applications or notifications to carry out tree work on trees either protected by a Tree Preservation Order or within a Conservation area is accompanied by photographs.

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

Decision Date: 04/12/2018

Signed: ... 
Principal Natural Environment Officer

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