

WORKS TO TREES WITHIN A CONSERVATION AREA: WORKS ALLOWED

Applicant:

Mr M Oliver
Ocle Court
Ocle Pychard
Hereford
HR1 3RD

Agent:

Mr T Wallis
Little Wood Farm
Winforton
Hereford
HR3 6EB

Application code: 181945
Date of receipt of application: 23 May 2018

Grid ref: 359525 246255

Proposal:

SITE: Ocle Court, Ocle Pychard, Hereford, Herefordshire, HR1 3RD
DESCRIPTION: Fell Ash tree.

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 Schedule1 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 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. This is so the decision making process can be more efficient and help to create a record of Herefordshire's protected trees.
- 6 The Faculty Jurisdiction Rules 2015 may also require permission to carry out the requested tree work prior to any work commencement. The applicant is advised to contact the relevant body and clarify if other permission other than that from this Local Planning Authority is required.

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



Decision Date: 26 June 2018

**JULIET WHEATLEY
SERVICE MANAGER
BUILT & NATURAL ENVIRONMENT**

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