

WORKS TO TREES WITHIN A CONSERVATION AREA: WORKS ALLOWED

Applicant:

Mr Paul Suter
1 Mortimer Meadow
Kingsland
Leominster
HR6 9TE

Agent:

Mr Owen Weatherall
Hopbine Cottage
Monkland
Leominster
HR6 9DB

Application code: 241109

Grid ref: 344232 261676

Date of receipt of application: 24 April 2024

SITE:

1 Mortimer Meadow, Kingsland, Leominster, Herefordshire, HR6 9TE

DESCRIPTION:

Large Copper Beech - fell to ground level, the Beech was applied under initial planning to be felled and accepted, but was not felled at the time of building. Subsequently the garages have been built around the tree. within close proximity to the footings and is now encroaching on the house in front. The tree normally would take well to reduction but in this case I think the reduction would create a tree in poor form with the volume that needs to come off to stop encroachment.

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 Herefordshire Council fully endorse the planting of replacement trees of native species to maintain and improve green infrastructure in the locality and contribute to maintaining the county's biodiversity.

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

Decision Date: 6th June 2024

Signed:



Fran Lancaster
Principal Natural Environment Officer
Built and Natural Environment

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