

# WORKS TO TREES WITHIN A CONSERVATION AREA: WORKS ALLOWED

**Applicant:**

Mr Bill Brenner  
2 The Oaklands  
Weobley  
Hereford  
HR4 8QL

**Agent:**

Mr Gareth Higgs  
The Old Cider Mill  
Kingsland  
Leominster  
HR6 9SE

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Application code: 201728  
Date of receipt of application: 4 June 2020

Grid ref: 340540 251072

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**Proposal:**

**SITE:** 2 Oaklands, Weobley To Causeway Cottage Road, Weobley, Herefordshire  
**DESCRIPTION:** Proposed works to Silver birch (T1) - fell as in unsuitable position in garden.  
Poplar (T2) - remove branch which is overhanging shed

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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 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. It is strongly advised that suitably qualified and insured tree surgeons are employed to complete the work. Certified tree surgeons can be found on the Arboricultural Association's website: [www.trees.org.uk](http://www.trees.org.uk)
- 4 There is no requirement to replace the trees. Under the Town & Country Planning Act, this only applies if the reason for removing the tree was because it was dead or dangerous. Notwithstanding, any new planting is welcomed as it will enhance the county's tree cover.

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

**Decision Date:** 14/07/2020

Signed: ...

  
**Elizabeth Duberley**  
**Service Manager**  
**Built and Natural Environment**

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