

WORKS TO TREES WITHIN A CONSERVATION AREA: WORKS ALLOWED

Applicant:

Ms Nicola Chase
The Market House
Bearwood Lane
Pembridge
Leominster
HR6 9EA

Agent:

Application code: 210772
Date of receipt of application: 24 February 2021

Grid ref: 338998 258081

Proposal:

SITE: The Market House, Bearwood Lane, Pembridge, Leominster, Herefordshire, HR6 9EA
DESCRIPTION: Proposed works to Yew (T1) - fell because of root damage to residential annexe.

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 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: 15/4/2021

Signed: ...



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

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