

15th December 2005

Mr John C Richards
Lower House Farm
Leigh Sinton Road
Malvern
Worcestershire
WR14 1LF

Dear Mr Richards

Tree Removal - North Site, Malvern

Thank you for your letter received electronically 12th December 2005.

I whole-heartedly agree with you that Malvern is no ordinary town and its location in relation to the Malvern Hills Area of Outstanding Natural Beauty makes it very special. The Council's Southern Area Development Control Committee of which I am the Chairman, take the protection of the AONB and its setting very seriously in our consideration of planning applications and this includes the contribution that trees generally make to the character of that area.

I have spoken to Council Officers and I am advised that the current owners of North Site, Malvern, have obtained a felling licence from the Forestry Commission that permits the removal of a number of areas of trees within and on the boundaries of the site. District Council Officers have been in regular contact with the current owner of the site and the Council's Landscape Officer has been consulted on proposed tree retention and removal although none of the trees on the site are subject to any statutory protection under planning legislation. Trees could have been removed at any time in the past without the site owner needing permission from the District Council.

We are advised by the site owner that it has been necessary to remove trees on the site to allow for site investigation works in advance of the demolition of existing buildings. The Council did ask whether the conifers along the Leigh Sinton Road boundary could be retained at a reduced height but this was not compatible with the site investigation works.

I would draw your attention to the Council's Development Brief for North Site. This makes it clear that these boundary trees should be removed to allow for the site to be redeveloped in such a way that it is visually integrated into the surrounding area, to take advantage of the opportunity to plant up the frontage with new "avenue" style tree planting that is a strong feature elsewhere in Malvern.

The current site owner has a duty to keep the site secure and local residents can expect to be protected against statutory nuisance in terms of noise and dust by Environmental Legislation. Complaints related to noise and dust would be investigated by the

Council's Environment Team in advance of any planning permission that might be granted on the site.

In your letter you refer to a family of Tawny Owls having been affected by these works. All nesting birds are afforded protection from wilful or reckless disturbance under the Wildlife and Countryside Act 1981 (as amended) from the point when they start building a nest to a time when all dependent young have left. Although a material consideration in the planning process, any disturbance of nesting birds is a criminal activity that should be brought to the attention of the police. However, in this case I would be grateful if you could also contact the Council's Development Control Team (Duncan Rudge) as soon as possible to confirm where the Tawny Owls were nesting so that we can further investigate this matter. Ecological and biodiversity issues have been and continue to be given the greatest attention at this site; felling of trees has been timed specifically to reduce any possible impact on nesting birds and is in line with all known ecological 'best practice'.

The removal of trees on site is not in breach of any planning legislation and will not affect the Council's future consideration of planning applications to redevelop the site.

I appreciate you and your neighbours will be disappointed that trees have been removed at such an early stage but trust I have been able to explain the circumstances surrounding this matter. Please do not hesitate to contact Duncan Rudge, Area Planning Officer tel 01684 862225 if you would like to discuss the matter further.

Yours sincerely

Councillor John A Tretheway
Chairman of Southern Area Development Control Committee and Wells Ward
Councillor

Cc All members of Southern Area Development Control Committee
The Editor, Malvern Gazette