

FPCR | environment
& design



Town and Country Act 1990 Appeal

INTERESTED PARTY RESPONSE: Mr Alan Henderson - Arboriculture

Appellant

Boningale Developments Limited

Respondent

Shropshire Council

Site

Patshull Road, Albrighton, Shropshire

Date

September 2026

CONTENTS

1.0	INTRODUCTION	1
2.0	INTERESTED PARTY COMMENTS	1

Rev	Issue Status	Prepared/Date	Approved/Date
-	Draft v1	HCK / 17/09/26	SMM / 17/09/26
-	Final	HCK / 18/09/26	SMM / 18/09/26

1.0 INTRODUCTION

- 1.1 This note has been prepared on behalf of the Appellant, by Mrs Helen Kirk (Appellant's Arboricultural Witness) and provides a response to various points raised by Mr Alan Henderson during the public inquiry.
- 1.2 The points raised by Mr Henderson are mainly in relation to the submitted Arboricultural Impact Assessment.
- 1.3 Several of the matters raised have previously been considered in detail within the Arboricultural Proof of Evidence by Mrs Kirk submitted as part of the Appeal. The Proof of Evidence provides further explanation and clarification in relation to the submitted Arboricultural Assessment, including the tree survey methodology adopted, the assessment of tree quality and constraints, and the effects of the proposed development on retained and removed tree features.
- 1.4 Where the matters raised have already been addressed within evidence, the relevant conclusions are reiterated below for completeness. Where Mr Henderson raises additional matters not specifically addressed within evidence of Mrs Kirk, these are considered separately.
- 1.5 The following responses therefore address the arboricultural matters raised by Mr Henderson and should be read alongside the submitted Arboricultural Impact Assessment and Arboricultural Proof of Evidence.
- 1.6 For ease of reference, Mr Henderson's comments are set out below in italics, with the Appellant's response in bold to follow.

2.0 INTERESTED PARTY COMMENTS

- 2.1 *I agree with Martin Suttons County Arboriculturalist Tree Team, Natural & Historic Environment Place Directorate comments made on 14th August 2026.*

Response: The application subject to the Appeal was not refused on arboricultural grounds. At that paragraph 4.9 of the Arboricultural Proof of Evidence, it confirms that a Statement of Common Ground has been agreed and signed between the Council and the Appellant. This confirms that there are no matters of disagreement between the parties in respect of trees and the arboricultural implications of the development proposals.

- 2.2 *A new Rev B tree assessment was submitted in July 2026. No method statement. Is there sufficient information and certainty now to demonstrate that the required roads, paths, drainage, levels and services can be constructed without unacceptable effects on retained trees and hedgerows?*

&

Whether retained trees can genuinely be protected alongside roads, drainage and services?

Response: The revised Arboricultural Impact Assessment (Rev B), submitted in July 2026, provides sufficient information to assess the arboricultural implications of the proposed development at an Outline stage and demonstrates that the development can be delivered whilst retaining the identified arboricultural constraints.

Where potential conflicts with retained trees have been identified, these can be addressed through the detailed design of the relevant infrastructure at the Reserved Matters stage. An Arboricultural Method Statement relates to the detailed construction methodology and tree protection measures and is not typically submitted at this stage to establish the arboricultural feasibility of the proposals.

The Arboricultural Method Statement can be secured by planning condition, requiring its submission to and approval by the Local Planning Authority prior to the commencement of relevant works. This would ensure that the detailed construction of roads, paths, drainage, levels and services is undertaken in accordance with an approved arboricultural methodology. This approach is conventional and appropriate to protect the arboricultural (and hedgerow) interests on site. The agreed and signed Statement of Common Ground (@ paragraph 6.6) accepts that the use of a suitably worded planning condition can ensure that tree protection for all retained trees and hedgerows will be approved by the Council prior to any commencement of construction work on site as requested by the County Arboriculturist.

2.3 *National Planning Policy Framework (August 2026)*

N3 – Trees in new development: appropriate planting, arboricultural advice and long-term maintenance of retained and newly planted trees.

N6(2): proposals involving loss or deterioration of irreplaceable habitats, including ancient or veteran trees, should be refused unless the specified exceptional test is met.

Response: A supplementary note was submitted by the Appellant's Arboricultural Witness as part of the Appeal addressing the arboricultural implications of the revised National Planning Policy Framework (NPPF), published in August 2026. The note identified the relevant changes to policy areas relating to trees, considered their implications for the appeal and the submitted evidence, and concluded that there had been no material change to the policies relevant to the arboricultural matters under consideration and as such the conclusions as set out in the submitted evidence would remain the same.

2.4 *Is there a tree planting and maintenance regime or Landscape Management Plan?*

&

New tree planting any plans and if so what size and number.

Response: The detailed tree planting, establishment and long-term maintenance requirements can be appropriately addressed through the detailed landscape design and secured by a planning condition. This would provide the Local Planning Authority with the opportunity to review and approve the proposed planting and maintenance regime prior to implementation and is a standard condition applied to cover such elements of detailed design.

2.5 *Has a Hedgerows Regulations assessment been completed?*

Which hedgerows qualify as "important"?

How do the ecological, historic and landscape assessments treat H1 and H13?

Where is the replacement hedgerow planting shown and quantified?

Does the latest BNG calculation include all proposed hedgerow losses?

Response: The submitted Arboricultural Assessment identifies and assesses the hedgerows within and adjacent to the site, including H1 and H13, and identifies those proposed for removal or partial removal from an arboricultural perspective in accordance with British Standard (5837) *Trees in Relation to Demolition, Design and Construction*.

A Hedgerows Regulations assessment is outside the scope of the Arboricultural Impact Assessment. Similarly, the ecological, historic and landscape value of individual hedgerows is addressed through other relevant technical assessments.

Replacement hedgerow planting is a matter for the detailed landscape proposals. The Arboricultural Proof of Evidence addresses the principle of replacement planting and confirms that this can be secured through the detailed landscape design and an appropriate planning condition (s) at the Reserved Matters stage.

The BNG calculation and the extent to which proposed hedgerow losses are incorporated within it are outside the scope of an Arboricultural response. A BNG assessment for linear features (including hedgerows) is provided in the relevant Biodiversity Net Gain Assessment produced by the Appellants ecological consultants.

2.6 *TPO's are there any and has this been checked since May 2024 for the revised survey?"*

Response: A check for the presence of any Tree Preservation Orders was undertaken with Shropshire Council's Arboricultural Team on 11 May 2026. Written confirmation was received on the same day confirming that there were no Tree Preservation Orders within the application site.

2.7 *Have the developers had any meetings regarding the trees and hedgerows with Shropshire Council arboricultural officers/highways?*

Response: It would not generally be standard practice for an applicant to hold separate meetings with the Council's Arboricultural Team during the planning application process. Arboricultural matters are normally considered through the formal consultation process, which provides the Council's Arboricultural Team with the opportunity to review the submitted information and provide comments as part of the planning application.

In this case, the submitted Arboricultural Impact Assessment has been subject to consultation with Shropshire Council's Arboricultural Team, and the matters raised through that process have been responded to accordingly.

2.8 *Tree management plan is there one? Is VTI Visual tree inspection to assess the overall condition and safety of all existing trees.*

Response: The submitted Arboricultural Impact Assessment incorporates a visual assessment of the existing tree stock, undertaken in accordance with the relevant arboricultural survey methodology for planning and design purposes following the guidance contained within British Standard (5837) *Trees in Relation to Demolition, Design and Construction*. The survey records the condition, structural characteristics and arboricultural quality of the trees, with recommendations for management where appropriate. The landowner maintains a Duty of Care to inspect trees and ensure that any risk posed by trees to users of the land is appropriately managed.

A separate Tree Management Plan has not been prepared at this stage. Where relevant, the condition of the existing trees can be reassessed as part of subsequent Reserved Matters applications, subject to the scope and detail of the proposals at that stage especially where trees will be retained in managed areas of public open space. Any tree management requirements associated with the development can be addressed through the detailed design stages and, where appropriate, secured by planning condition prior to the implementation of any work to existing trees as part of the Arboricultural Method Statement.

FPCR Environment and Design Ltd
Registered Office: Lockington Hall, Lockington, Derby DE74 2RH
Company No. 07128076. [T] 01509 672772 [E] mail@fpcr.co.uk [W] www.fpcr.co.uk

This report is the property of FPCR Environment and Design Ltd and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without the written consent of FPCR Environment and Design Ltd. Ordnance Survey material is used with permission of The Controller of HMSO, Crown copyright 100019980.