

Britain has lost nearly 60 per cent of its traditional orchards over the past half-century, but concerns about their fate have slowly brought about changes in the planning system to provide them with better protection. The trouble, say campaigners, is that awareness of these changes has yet to percolate down to local level.

A recent sell-out seminar organised by the International Society of Arboriculture UK & Ireland (ISA), and held at Pershore College, aimed to change this by highlighting the value of orchards, the threats they face and the existing and potential means of safeguarding them.

ISA president David Lloyd-Jones says: "Orchards have increased significance now in the planning system, and there's a need for those involved – landowners, tree officers, tree surgeons, consultants – to engage in the subject. There's also a need to reinvent skills such as simple orchard husbandry – orchards are an unnatural ecosystem."

Lloyd-Jones, who is also chairman of the Consulting Arborist Society (CAS), adds:

**Old orchards are in decline but have more protection than many people in the industry realise. Gavin McEwan reports**

"This is developing into a distinct area of competence for the CAS. Clients – either pressure groups or the developers themselves – want to engage consultants with understanding and expertise. Between five and 10 per cent of calls these days are about orchards."

Mark Hinsley of Mark Hinsley Arboricultural Consultants, a sponsor of the event, adds: "It's filtering down to local authorities and their tree officers that orchards are rising in importance."

While often rich in environmental, historical and cultural value, orchards are usually to be found adjoining villages or farmsteads, making them prime sites for development.

Hinsley's practice has established a niche in orchard-related casework, often at the behest of developers: "The more-established developers contact a consultant at an early stage. It's an opportunity to say, 'don't include that orchard in your calculations'. That way they don't end up paying too much."

"In fact, the vast majority of problems to do with the retention of trees arise because

the site was overvalued in the first place, so the developer's expectations are too high. If the developer has paid a realistic fee for the site and works within that, they may well be happy to retain orchards as open spaces."

Hinsley describes such work as being more about hard finance than conservation. "To protect an orchard, effectively you have to make the land worthless," he says.

His practice demonstrates how arborists can act either as poachers or gamekeepers when orchards are at issue. He also provided consultancy for Debbie Bryce, organiser of the Pershore conference and active campaigner for orchard protection, in her battle with Uttlesford District Council over the fate of an orchard near her home in Essex.

"Local authorities only have to 'take into account' the habitat value of old orchards – which they do – but then they ignore it," she says.

A tree preservation order (TPO) was eventually applied to some trees in the orchard, but not before Bryce brought a complaint against the council in the European Com-

# New hope for orchards



mission. Clearly, the subject can become highly contentious.

Having emerged wiser from the experience, Bryce is now “old-orchard adviser” to ISA. “A consultant on £500 a day has to act in his client’s best interest,” she says. “So he may be obliged to tell a developer to get rid of an orchard.”

Old orchards have been under the spotlight recently as one of 10 designated priority habitats on a draft list for inclusion in the revised UK Biodiversity Action Plan (BAP), currently awaiting ministerial approval.

According to a DEFRA representative: “The list recognises the critical role of several habitats new to the list, including traditional orchards, ponds and open mosaic habitats on previously developed land.”

Achieving BAP status would help to ensure orchards are taken into account in planning decisions, as well as opening the door to lottery funding and other sources of finance, and generally improving their profile among agencies and the public.

But Bryce is sceptical of BAP’s value, saying: “It still offers no protection.” And one consultant describes protected-habitat status as being “about as effective for protecting a tree as tying a yellow ribbon round it”.

However, there are existing mechanisms for protecting orchards that are not always appreciated. Arboricultural consultant and former ISA president Dealga O’Callaghan points out that, contrary to popular belief, TPOs can be applied to fruit trees, either individually or collectively.

The original 1969 TPO regulations sought to avoid tying the hands of commercial fruit growers by exempting fruit trees. O’Callaghan says: “This was ambiguous and often caused problems, particularly where old properties that had orchards were being re-developed.”



**Bryce: consultants must act in the best interests of their clients so may be obliged to tell developers to get rid of orchards**



“No longer is ‘visual amenity’ the sole criterion for giving trees a tree preservation order”

**Dealga O’Callaghan,  
arboricultural consultant**

This ambiguity in the TPO regime was resolved in the 1999 regulations to exclude only “trees cultivated for fruit production in the course of a business or trade”. Thus fruit trees no longer in production can be given a TPO. “It’s often hard to convince tree officers of this, though,” O’Callaghan adds.

A further aid to protecting orchard trees came when the definition of “amenity” was clarified in a government guidance note in 2000. “No longer is ‘visual amenity’ the sole criterion for giving trees a TPO,” O’Callaghan says. Factors such as scarcity and importance as a wildlife habitat now also have to be considered. “I’d say to anyone who wants to protect old orchards: ‘Use what’s there – you’re half-way down the road already’.”

Bryce agrees that better communication would make a difference. “Natural England and CLG should tell local authorities and their tree officers that TPOs can be applied

to fruit trees, that ‘amenity’ does not only mean visual amenity – biodiversity is also a consideration.”

Hinsley says of the changes: “Orchard trees used not to be considered proper trees within the planning system. Local authorities wouldn’t accept fruit trees in planting schemes because they couldn’t TPO them. Now I think they could make a comeback in gardens and public spaces.”

Another possible regulatory approach is suggested by the Hedgerow Regulations 1997, O’Callaghan adds. Part of the Environment Act 1995, these explicitly protect old (defined as over 30 years in age) and “important” hedgerows with landscape, wildlife, historical or archaeological interest. O’Callaghan suggests a similar definition of “importance” could apply to both orchards and individual veteran trees, lending them similar protection. ■