**Making a representation**

*A planning application has been submitted and the planning authority has invited relevant parties to make representations*

This section of the toolkit should be used when making representations to planning authorities emphasising the various credentials of the threatened orchard. Each statement should be checked thoroughly to decide whether or not it is valid, such as exact boundaries of National Parks or the extent of public access to the site. It is preferable for statements about threatened species or fruit varieties to be supported by hard evidence, but if this is not available, then any anecdotal evidence can at least indicate that further investigation is required.

Inspect wildlife and environmental impact surveys, reports and assessments with a deeply critical eye. Check to see if any actual survey work has been conducted more than a ‘walkover’ assessment. Look for ‘wildlife trigger lists’, and check that everything has been answered correctly. Go back to the original planning application form and make sure the questions have been honestly answered. Inconvenient details such as ‘are there any trees on the site?’ are more regularly ‘mis-answered’ than can be accidental.

**Designations**

**On the PTES Traditional Orchards Database.**

This traditional orchard is listed on the Traditional Orchards Inventory curated by People’s Trust for Endangered Species, meaning that it has been identified as a Habitat of Principal Importance as defined in the Natural Environment and Rural Communities (NERC) Act 2006. Traditional orchards were awarded this Priority Habitat status in 2007 for their high biodiversity value, supporting saproxylic (deadwood dependent) species, pollinating insects, a variety of birds as well as mistletoe and fungi. The planning authority is therefore subject to the statutory obligations associated with Priority Habitats which includes showing that other less biodiverse sites have been considered but not found suitable.

**Identified as a component of local Landscape Character Area**

Traditional orchards have been classified as intrinsic features of the local landscape and contribute greatly to the heritage and biodiversity of the local landscape. This site is a fine example of the traditional orchard habitat that has been identified as being worthy of retention to maintain the unique character of the local landscape.

**Not designated as development land in Local Plan**

The Local Plan has not designated this traditional orchard site as an area for potential development. This Local Plan clearly respects the Priority Habitat status of this traditional orchard and its contribution to the local community, landscape and biodiversity. It is unfortunate that that the areas designated by the Local Plan are not being adhered to by developers. The local planning authority should bear this in mind when considering the planning application that threatens this traditional orchard.

**Within Area of Outstanding Natural Beauty (AONB)/National Park**

As a habitat of historic and wildlife importance, this traditional orchard contributes greatly to the landscape of the AONB/National Park, and as such, the planning authority should be very aware of the loss caused by its removal for development.

Online maps usually have AONB borders marked at street level and it is important to check that the orchard is within them. Find more information about individual AONBs here, including whether or not they have any special consideration for traditional orchards: <http://www.landscapesforlife.org.uk/>

**Public visibility**

**From public rights of way (footpath/bridleway/cycle path)**

As well as its public access/despite its lack of public access, this traditional orchard is enjoyed by the general public due to its proximity to a nearby footpath/bridleway/cycle path and its value to the local community and visitors to the area should not be underestimated.

**From roads/railways**

This traditional orchard can be enjoyed by the general public from the adjacent road/railway line. As a declining and much loved landscape feature, traditional orchards such as this are of utmost visual value.

**From nearby housing**

Demonstrating its visual importance to the local community, this traditional orchard contributes to the views enjoyed by [x] number of houses.

**From nearby offices**

Demonstrating its visual importance to the local community, this traditional orchard contributes to the views enjoyed nearby office workers.

**Public amenity**

**Public access**

The local community currently enjoys public access to the traditional orchard. The proposed development threatens this community benefit/will reduce community enjoyment of the remaining orchard and this should be given great consideration by the planning authority.

**Picking of fruit by public**

The fruit produced by the orchard is picked by the local community. This non-commercial use of a nearby resource is a good example of sustainably sourced food, and local people should be allowed to continue to benefit from this positive amenity.

**Community use of orchard**

The local community make good use of the orchard for events, such as Apple Day. The development proposals would deprive local people of a valuable green space and community resource.

**Site characteristics**

**Length of time used as an orchard (if known to be of significant age)**

There has been an orchard present on this site for [x] years, and many of the trees are of a similar age. Long-established orchards have high biodiversity due to their veteran trees and more traditional management methods (past and present). There is also a historic facet to the great age of the orchard as it is a well-established component of the local landscape, with regional heritage fruit varieties may be present.

**Veteran trees**

Arboricultural reports are conducted by arb experts from the perspective of a fait accompli: i.e. the assessment is based on whether the tree could be suitably kept within the proposed development. Trees with veteran features invariably fare poorly in such an assessment, but it is important to be clear that the arb report is *not* a habitat or orchard quality assessment and that arboriculturalists are not qualified to make any such assessment. Trees that fall within the footprint of the proposed buildings are regularly found to be moribund or over-mature and marked as ‘U’ – unsuitable for retention. The consistency of this categorisation is startling.

Veteran trees are critical for biodiversity. Fruit trees reach this stage faster, by an order of magnitude, than other deciduous trees such as ash and oak. After 50 years an apple tree is likely to have rot holes and cavities, which is enough for an arb to cite ‘mechanical failure’. In reality, such trees can live, with pruning and a managed senescence, for many decades more.

The veteran trees in this traditional orchard are of great biodiversity value due the presence of the following features:

Major cavities/hollowing trunk

Water pools

Loose bark/ crevices

Sap runs

Fungal bodies

Epiphytes

Dead and dying wood

Although some of these features may lead an observer to the conclusion that the tree is in poor health, these are typical for mature fruit trees and are important for many species living in the orchard, particularly invertebrate groups. The arboricultural report has condemned the veteran trees as moribund when in reality the tree could continue to provide a crucial habitat for some decades.

**Ideal management**

**Orchard floor is a permanent grass sward and is grazed**

The management of the grass sward beneath the orchard trees is ideal for traditional orchard management. The development proposals would destroy a traditional orchard currently in ideal management for biodiversity/impact severely on a currently well-managed traditional orchard management practices.

**Orchard has standing dead trees and/or limbs**

As standing deadwood is left in this orchard, it provides ideal habitat for many saproxylic (deadwood dependent) species, contributing greatly to the overall biodiversity of the site.

**Orchards has fallen dead trees and/or limbs**

The practice of leaving fallen deadwood in this orchard provides ideal habitat for many saproxylic (deadwood dependent) species, contributing greatly to the overall biodiversity of the site.

**Biodiversity**

**Supports European Protected Species (e.g. dormouse, great crested newt):** [**http://www.legislation.gov.uk/uksi/2010/490/schedule/2/made**](http://www.legislation.gov.uk/uksi/2010/490/schedule/2/made)**)**

This traditional orchard is used by a European Protected Species making the destruction of their breeding or resting places an offence under the Conservation of Habitats and Species Regulations 2010.

The Environmental Statement/habitat assessment states that no suitable dormouse habitat occurs or likelihood of presence is low. Dormice use both hedgerows and tree canopies, and it is negligent to draw conclusions regarding presence or absence of European Protected Species without conducting surveys.

**Supports threatened birds**

There are birds listed as red/amber on the UK list of Birds of Conservation Concern present and breeding in this traditional orchard. Protecting the breeding sites of these birds should be a top priority for local authorities.

**Supports population of noble chafer**

The noble chafer beetle (*Gnorimus nobilis*) is almost exclusively associated with traditional orchards due to the deadwood diet of its larvae, which spend 2-3 years living within the bark. The larvae produce a distinctive frass meaning that their presence in an orchard is easily confirmed. The beetle is listed as vulnerable in the UK, indicating that it is at great risk of extinction in Britain, and any traditional orchard with a population of the beetle indicates its great biodiversity value on a national level.

**Supports populations of other species**

The orchard provides habitat for a number of threatened mammals/reptiles/amphibians/invertebrates/wildflowers/lichens/fungi/other. These should be taken into account by the planning authority as they indicate the biodiversity value of the site.

**Rare varieties**

Some of the fruit varieties found in this traditional orchard are of local heritage value/nationally rare. The genetic diversity of fruit varieties in the remaining traditional orchards of England and Wales is of great value from both a heritage and commercial perspective. Preservation of this genetic diversity can provide food security and resilience to threats from pests, disease and climate change, and is required under the provisions of the International Treaty on Plant Genetic Resources for Food and Agriculture to which the UK is a signatory.