**Countering Potential Pro-Development Arguments**

The statements in this section are a collection of frequently-used arguments by developers or their employed agents, ecologists and arboriculturists to discredit the merits of the traditional orchard on the development site and demonstrate that their proposal will have a negligible environmental impact. The responses provided to each statement may need some adaptation to be relevant to the orchard, habitat or argument as presented..

**It is not an orchard**

*The site is only a collection of fruit trees and does not function as an orchard.*

The site lacks the functionality of an orchard because the trees are not regularly pruned and the fruit is not picked. These criteria are not relevant to the definition of an orchard, but even if they were, both assertions are erroneous in any case: trees in standard or half-standard form are rarely pruned after formation pruning in the early stages of growth. Indeed it is intensively managed orchards which receive yearly pruning. The fact that the fruit is not picked (possibly due to access issues) does not detract from the orchard’s value for wildlife.

*The site is not an orchard as it is so overgrown that it has become a single vegetated mass.*

This assertion does not meet any recognised natural or semi-natural habitat description. The site has clearly lacked management for some time, but it is still a historic orchard and an area of abundant biodiversity potential which would benefit greatly from a period of sympathetic management.

*The Oxford dictionary defines an orchard as ‘a piece of enclosed land planted with fruit trees’. This orchard is not enclosed.*

Definitions such as this do not tally with the recognised JNCC definition, and have no relevance in deciding whether or not the site is an orchard or should be recognised as a traditional orchard (and therefore a Priority Habitat).

**It is not a traditional orchard**

*It was not planted as a traditional orchard*

It is important to recognise that the traditional orchard definition begins and ends as ‘a group of 5 or more fruit trees […] on standards or half-standards’. Any consideration of traditional orchards should consider *a priori* that it is a high biodiversity habitat due to the very fact that it is a Priority Habitat and listed in the Natural Environment and Rural Communities Act (NERC Act) 2006. Failure to recognise this as a biodiversity-rich habitat would be to ignore this and a raft of other statutory instruments and guidance (reference *Legal structures*).

*The trees are not managed as fruit trees.*

The JNCC definition of a traditional orchard does not require trees to be currently managed for fruit, only that they were originally grown and managed for fruit and not for timber production. Trees in standard or half-standard form are rarely pruned after formation pruning in the early stages of growth. Indeed it is intensively managed orchards which receive yearly pruning. The fact that the fruit is not picked (possibly due to access issues) does not detract from the orchard’s value for wildlife.

*It is not a traditional orchard as it is not recorded on the National Habitat Inventory*

The inventory is provisional because it is not realistic to expect a national habitat inventory to be entirely without errors or omissions. If a habitat meets the definition, then it qualifies as Priority Habiat *whether or not* it has been officially recorded as such by Natural England.

*There is no management of grass, and scrub has developed between the trees.*

The JNCC definition of a traditional orchard only describes this as indicating a lack of current management. It does not exclude the site from being a traditional orchard and the scrub is described as having a similar ecological role to the frequent occurrence of scrub in wood pasture.

*The orchard is subject to intensive grazing.*

The JNCC’s use of ‘managed in a low-intensity way’ to define a traditional orchard refers to the absence of chemical fertilisers and pesticides rather than the scale of grazing. A high grazing pressure does not create optimum traditional orchard habitat, but does not exclude the orchard from the definition. A reduction in the stocking density would allow regeneration from the seed bank, natural recruitment from the local area and restoration of the sward to a fully optimal state.

*The orchard is subject to frequent mowing.*

Although a frequent mowing regime may not be optimal, perfect management in this regard is not a prerequisite for traditional orchard habitat to have high biodiversity value. The term ‘low intensity’ refers to the absence of artificial fertilisers, herbicides and pesticides. A few seasons of sensitive management would allow regeneration from the seed bank, natural recruitment from the local area and restoration of the sward to a fully optimal state.

*“Habitat structure rather than vegetation type […] is the defining feature of [a traditional orchard]”. Fruit trees may be present but the habitat structure they create does not completely conform to the definition of a traditional orchard.*

This quote from the JNCC definition of traditional orchards is not applied in the correct context. It is intended as a way of distinguishing modern, intensive orchards grown on dwarfing rootstock from the traditional orchard technique using vigorous rootstock. Both orchard types may contain the same species and even the same varieties, but the rootstocks that they use create very different habitat structures. The quote does not refer to slight variations from the traditional orchard habitat definition, such as an absence of fallen deadwood.

*The orchard habitat on-site is not extensive.*

Around 85-90% of traditional orchard habitat is contained within parcels of less than 0.2 hectares, and so the size of each orchard is not a key criterion in determining whether it is traditional or not.

*Fallen deadwood is removed.*

Even if there is no fallen deadwood, the deadwood found within the trees themselves is critically important. Old fruit trees are biodiversity hot-spots because they develop veteran features at a relatively young age and provide refuge for wildlife within hollowing trunks, cavities, rot-holes, crevices, sap runs, and bark fissures. Dead wood on the orchard floor or within the canopy is a bonus, not a prerequisite.

*The orchard is above/below the tree stocking density used in the traditional orchard description*

Typical tree stocking densities are used as a method of distinguishing traditional orchard planting with vigorous rootstocks from the more modern, intensive orchards using dwarfing rootstock. Discrepancies either side of the densities used to describe traditional orchards do not exclude the orchard in question from being classed as traditional.

**Orchard does not have high biodiversity**

*There is no evidence of high biodiversity in the orchard.*

A full ecological survey is needed to comprehensively assess the biodiversity of the orchard. Traditional orchards are a Priority Habitat because they typically have high biodiversity, and assuming that a current absence of site-specific biodiversity evidence points to poor quality habitat is erroneous. Until a thorough site survey proves otherwise, it should be assumed that the orchard has a high biodiversity value.

*An ecological survey has been carried out, and there is little evidence of high biodiversity in the orchard.*

It is extremely rare for thorough ecological surveys to be conducted as part of a development application.

[1] Although the ecological survey did not record high levels of biodiversity in mammals / birds / reptiles / amphibians / trees / higher plants [delete as appropriate], it did not examine the populations of invertebrates / fungi / lichens / bryophytes (mosses and liverworts) [delete as appropriate]. As it is often these groups that are most suited to the ecological niches provided by a traditional orchard, the conclusions of the ecological survey are not definitive.

[2] Although the ecological survey has shown that the biodiversity value of this traditional orchard is not as high as might be expected in an exemplary traditional orchard, this does not discount the many other qualities of this particular site, such as public visibility / amenity value / long-term community use / benefit to local house prices / presence of rare regional fruit varieties [delete as appropriate]. If management at the site were improved to be more favourable to wildlife, the biodiversity of the site could also be significantly improved.

*The orchard cannot have high diversity as it is not managed in accordance with traditional orchard guidelines.*

Whilst it may be true that management practices such as frequent mowing and removal of deadwood reduce the biodiversity potential, these are practices which can be easily altered, with positive outcomes seen in very little time. Many orchards meeting the modern definition of ‘traditional’ have been exposed to chemical use (pesticides and fertilisers) in the past, but are still of great biodiversity value. The limitations on biodiversity caused by chemical use does not exclude the wildlife of orchards from recovering if the management is improved, although it does mean that they cannot currently be considered as traditional. They are however retained in the inventory at PTES as marginal sites.

*To be a traditional orchard, the site must have high biodiversity.*

Using this yardstick for traditional orchards is an inversion of the definition. Traditional orchards are a Priority Habitat because they typically have high biodiversity; an ecological survey is not a prerequisite to an orchard being described as ‘traditional’.

*The ecologist’s report concludes that development on this site will not have a significant impact on biodiversity.*

[1] At the time of writing the report, the ecologist was not aware of the full extent of the development plans and so could not have made a full judgement on the impact that this proposal will have on the site.

[2] When assessing the conclusions made by the developer’s ecologist, it is worth remembering that they did not do a full survey of mammals / birds / reptiles / amphibians / higher plants / invertebrates / fungi / lichens / bryophytes (mosses and liverworts) [delete as appropriate] and neither have the fruit varieties on site been assessed for heritage value or rarity in accordance with the UK treaty on Plant Genetic Resources.

**Debate about the reliability of the Traditional Orchard Survey**

*The Traditional Orchard Survey is a provisional database.*

The caveat ‘provisional’ is given to every habitat inventory because they are iterative databases. No inventory is a closed book. This in no way implies that the status of a site included within the inventory can be questioned without first approaching PTES or Natural England with evidence that it should be removed as it does not meet the definition of a traditional orchard.

*The Traditional Orchard Survey is not definitive as it contains errors and misidentified orchards.*

It would not be realistic to expect a national habitat inventory to be entirely without errors, however the nature of the errors are due to misinterpretation of aerial imagery rather a misunderstanding over what constitutes a traditional orchard.

*The identification of orchards in the Traditional Orchard Survey is open to question.*

The inventory is not open to question. It does, however, welcome information through the correct channels about changes to the habitat and highlights that there may be omissions or habitat included that has been incorrectly interpreted from aerial imagery.

*The Traditional Orchards Survey is not reliable as it has not been ground-truthed.*

The Traditional Orchard Survey curated by the People’s Trust for Endangered Species (PTES) has identified over 35,000 individual orchards in England, and 4,600 in Wales. Around 20% of these have been surveyed so far. Volunteers across England and Wales visit the sites to record whether they still exist and gather additional information that enables the condition of the orchards to be assessed. The orchards which have not yet been ground-truthed do not mean that the inventory is open to question. If an orchard is no longer present on a site, this should be reported to PTES through the proper channels so that it can be removed from the database.

**Designations of traditional orchards in the relevant county**

*Traditional orchards are not a Priority Habitat in this county.*

This statement refers only to the fact that traditional orchards have not been assigned by the Local Biodiversity Action Plan steering group as an area of priority action in this county. The habitats and species selected by local groups for focused action is uneven across the country and does not reflect the importance or lack thereof of any habitat or species in any area. It is merely a reflection of relativity, perceived urgency, funding availability and individual preference within each County Council. Regardless of Local BAP decisions, traditional orchards are included as a Habitat of Principal Importance (Priority Habitat) in Section 41 of the Natural Environment and Rural Communities Act 2006, and conserving them is a statutory duty of all local authorities.

*Orchards that have not been afforded protection by the local authority via a suitable designation cannot be of biodiversity value.*

To assume that orchards which have not received a designation by the local authority have been deemed to be of no biodiversity value is incorrect. Unless there is a record that this orchard has been not been selected for designation by the local authority following site visits by relevant professionals, then this argument is misleading. Very often, the possible designation of a particular site will not have even been discussed by the local authority. To consider the designation of all sites of a certain habitat type would be expensive, time-consuming and antagonistic to many landowners whilst diminishing the strength and significance of sites already possessing protected status.

**Debate over the status and condition of the trees present on site**

*Trees are unfit for retention.*

In a traditionally managed orchard that is also managed for biodiversity, these ‘elder statesmen’ of the orchard would be retained throughout their senescence to increase biodiversity and continue to contribute to the age structure. There can be several ways to save a veteran fruit tree, such as specialist pruning, fencing off from a public footpath, detouring walkways and using bracing or cables.

It is the veteran features of fruit trees (such as hollowing trunks, sap runs and rot-holes) that make them such an important habitat, particularly for saproxylic (deadwood dependent) species. The lack of regular management of the trees is not unusual for a mature orchard and does not invalidate their biodiversity value.

*Trees are covered in ivy.*

Common ivy has many benefits to wildlife. It provides shelter for nesting birds, as well as a source of food through its berries during the winter months. By flowering in the autumn, it is vital as a nectar source for many late-flying insects, and is a foodplant for the caterpillars of the holly blue butterfly (*Celastrina argiolus*). Contrary to the popularly-held belief, it is not parasitic and does not impair a tree’s growth.

*Trees do not qualify as veteran and therefore have minimal biodiversity value.*

The National Planning Policy Framework defines a veteran tree as: *‘A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.’* A tree does not need to meet all of these criteria to be considered veteran, and whilst fruit trees may not always be significant on a landscape scale due to their smaller stature, there is no doubt that they have exceptional wildlife and cultural value.

**Mitigation will cover any loss of biodiversity**

*The replacement of mature trees with saplings is justified as this will ensure a higher number of ‘tree-years’ remain at the site.*

Calculating the number of replacement trees using tree-years is a horribly flawed assessment technique employed by arboriculturists. By way of exemplifying this, if an 89 year old silver birch was part of that calculation, with a species life-expectancy of around 100 years, it would require replacing with 0.1 sapling trees. Continued application of this method would lead to a massive reduction of habitat in the name of mitigation, not to mention a complete negation of habitat value.

*The developer has offered funding for a previously planned community orchard*

Mitigation measures should be planned by the developer in recognition of the environmental damage caused by the proposed development. Commandeering an existing project which has no relation to the development proposal cannot be described as preventing a net loss in biodiversity.

*New fruit trees will be planted within the new development*

It is the veteran features of fruit trees, such as hollowing trunks, sap runs and rot-holes, that make them such an important habitat, particularly for saproxylic (deadwood dependent) species, and these characteristics will not be present on newly planted trees for a considerable amount of time. A net loss of biodiversity in the intervening period would inevitably ensue.

The developer has proposed planting trees on semi-dwarfing rootstock at a greater density to replace widely spaced standard trees. This in no way mitigates for the loss of habitat.