

---

REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	19 NOVEMBER 2002	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	TONY YOUNG (5745)	DOC:
SUBJECT:	TREE PRESERVATION ORDER NO. 199 – REAR OF 113 WOOD LANE, NEWHALL	REF:
WARD AFFECTED:	NEWHALL	TERMS OF REFERENCE:DC01

---

## 1.0 Recommendations

1.1 That this Tree Preservation Order be confirmed without modification.

## 2.0 Purpose of Report

2.1 To consider confirmation of this Tree Preservation Order.

## 3.0 Detail

3.1 This Tree Preservation Order was made on 31 May 2002 in respect of 16 individual trees, consisting of oak, horsechestnut, ash and poplar and 5 groups of trees consisting of apple, hawthorn and holly. The site is an old orchard and the 53 apple trees are spread more or less evenly across it and the other trees are on the boundary as indicated on the plan attached as Annex 'A'. The Order was made for the following reasons:

G1 and G2

'This publicly visible orchard provides relief in an otherwise built-up area. Being an established feature of the locality it provides an important link to past land use patterns and contributes pleasingly to the character of the area. It also provides habitat for wildlife whose amenity value is enhanced due to its close proximity to a densely populated settlement, which is within the National Forest. Old orchards are an increasingly scarce resource and may contain old fruit varieties that are an important part of local heritage.'

G3, G4 and G5

'This publicly visible dense line of hawthorn boundary trees (previously a hedge) provides relief in an otherwise built up area. The trees contribute pleasingly to the character of the area. They provide important shelter for the orchard and in combination with the orchard and other trees provide habitat for wildlife whose

amenity value is enhanced due to its close proximity to a densely populated settlement.'

T1 – T16

'These publicly visible mature trees provide relief in an otherwise built-up area and contribute pleasingly to the character of the area. In combination with the orchard and hawthorn trees they provide habitat for wildlife whose amenity value is enhanced due to its proximity to a densely populated settlement.'

'A planning application has been submitted to develop the site for housing and therefore in view of the orchard's amenity value, South Derbyshire District Council considers it expedient that the Order be made.'

### **3.2 In opposition to the TPO**

3.3 The owner has commissioned a report, which concludes there is insufficient amenity value to warrant protection of the orchard. The main points are summarised as follows:

- The site is not generally open to view from any public road, footpath or bridle way, nor is it overlooked by any prominent public viewpoint.
- There is no public right of access over the site.
- The apple trees fail the general visibility test as described in Government guidance.
- The apple trees show clear signs of senescence in the form of significant amounts of die back in the crown, in the cavities accompanied by signs of disease, chiefly apple scab, powdery mildew and canker. Some trees are also affected by woolly aphid.
- In normal horticultural practice many of the trees would have been cut down and burned to prevent disease spreading to other trees.
- The apple trees do not have a wider impact on the local surroundings.
- The trees have limited nature conservation value as they are too small in terms of trunk girth for any cavities to be of use for nesting.

### **3.4 In support of the TPO**

3.5 The comments of the Council's tree specialist are summarised as follows:

- Certain of the trees are declining but are not dead, dying or dangerous.
- In addition, to public visibility, trees can have amenity value through scarcity, as is the case with the orchard.
- A declining butterfly species, the 'Speckled Wood' was photographed on the site.
- The site can be seen from public areas and the Council can provide evidence of this.
- Many houses back onto the site.
- There may be rare apple varieties in the orchard.
- Fungal infections such as apple scab and apple canker can be treated with fungicidal sprays and pruning. The orchard has been neglected but could be put right.
- TPO legislation makes provision for the replacement of dead, dying or dangerous trees. The orchard is in decline but not dying.
- Veteran trees and orchards are of importance and this is reflected in the revised Government guidance that non-commercial orchards can now be protected.

- The orchard forms a valuable green, wildlife oasis set in a dense area of urban development.

3.6 The Council has commissioned a fruit specialist to look at the orchard. His comments are summarised as follows:

- In the last thirty years nearly two thirds of Britain's orchards have disappeared, around 150,000 acres and this decline continues.
- This represents a loss in many different ways. Firstly there is the loss of fruit, we continue to import fruit when we should be using locally grown produce. There are still over 2000 varieties of English apples, an important asset which is part of our heritage.
- Secondly old orchards are a valuable piece of green space which can be enjoyed by the local community with attractive blossoms and fruits at different times of the year and they are a haven for wildlife.
- Since 1990 a very effective campaign has been conducted by the charity Common Ground, to stop the loss of orchards and to create interest the heritage of fruit. An important part of this campaign has been the introduction of Apple Day, which celebrates the rich diversity of traditional apples and can be made much more enjoyable by a visit to an old orchard.
- **Orchards in Derbyshire.** Derbyshire is not one of the main fruit growing areas of Britain, however most of the orchards are concentrated in the South of the County where the climate is more favourable and the terrain is more suitable. There are four Derbyshire apple varieties: The Beeley Pippin, the Beledge Pippin, Lambs Seedling and the Newton Wonder. Apart from the Newton Wonder, all these varieties are extremely rare and the only places they are likely to be found is in old orchards.
- **The orchard at Newhall.** This is probably around 80 to 100 years old. It is unusual in that it contains only apple trees, most of them half standard trees with a few full standards near the entrance gate. The site is sheltered and south facing. There is an overgrown hedge, which provides shelter. It is an extremely large orchard for this area, it contains 53 trees and would probably had about another ten which were lost when the drain for the housing estate was put through. The size of the orchard points to commercial use, with the crop probably being sold in Derby.
- There is a high probability that some of the Derbyshire rare varieties are present and may be Nottinghamshire and Leicestershire ones.
- There is some evidence of die back of old limbs but remarkably little disease is visible. It is possible to carry out remedial work by pruning and to bring some of the trees into more productive use. Any of the old trees which are beyond hope can be repropagated on new rootstocks and then replanted in the orchard
- If the grazing regime was controlled or a hay crop was taken, more wildflowers would come in and this in turn would increase the range of insects and butterflies. The old trees provide excellent habitat for birds bats and invertebrates. No artificial chemicals would have been used and this too allows for the development of algae and lichens. The surrounding hedge also provides excellent nesting sites for birds.
- **Conclusion.** The specialist has lived in Derbyshire for 17 years and this is the largest orchard he has found in Derbyshire. The trees are in better than average condition and would probably respond well to remedial pruning.

3.7 In response to the owners specialist report the Councils appointed fruit specialist has submitted the following statement:

'As you know, I recently visited the Orchard at Newhall. I found that there was a very good crop of apples and there are a considerable range of varieties. I have left samples of them to be identified by members of the Marcher Apple Network....'

'I do not agree with the conclusions of Ed Sharkey's report. There is certainly evidence of disease on many of the trees but this is only to be expected in view of their age and despite this, the crop is actually quite clean. There is some evidence of scab but this can be easily reduced or eliminated by spraying with a systemic fungicide'

'However, as this is not a commercial orchard, there is no need for perfect fruit. As I said in my first report this is a very large orchard by Derbyshire standards and it would be a considerable loss if it became a building site.'

- 3.7 The National Forest Company states that it is keen to promote orchards and fruit growing revival in the area. Although the Forest was never a commercial fruit growing area there were traditionally many small orchards on farms, small holdings and in gardens which created local trade. Many of the old pear, plum, apple and damson trees have survived, but countless others have been lost, the Forest hopes to raise awareness of fruit trees and orchards and help in their future protection.

It says that encouraging communities to create new small orchards in towns and villages and to manage and celebrate existing orchards provides a focus for Forest site development at an appropriate scale. Emphasising the value that a small communal area can have for the local community, as a place for meeting or quiet contemplation and for wildlife

Orchards are great places for wildlife, particularly insects and birds, but can also provide us with abundant fruit and, certainly in the case of old orchard trees, attractive landscape features.

The National Forest hopes to

- \* Work with local communities to create new small orchards and encourage management of old orchards linked to Biodiversity Action Plan targets (projects are eligible for Programme Development Funding grant aid)
- \* Celebrate Apple Day (October each year) to promote the value of old orchards and encourage new fruit tree planting
- \* Promote National Forest activity as part of Common Ground's National Orchards Campaign and the Staffordshire Orchard Initiative

There is a variety of funding opportunities for creation/management of small scale orchards. The following sources of funds would all be worth considering

Countryside Stewardship (DEFRA)  
Doorstep Greens (New Opportunities Funding via Countryside Agency)  
Local Heritage Initiatives  
National Forest Site Development or Community Grants  
Barclays SiteSavers (BTCV)

- 3.8 The organisation, Common Ground have provided orchard advice notes with information on the importance of orchards, especially traditional orchards. It says that those containing dead or unproductive trees are actually wonderful wildlife habitats and can be home to rare species so they are just as important if not more

so than productive, new orchards. They may also contain old fruit varieties that are an important part of local heritage.

#### **4.0 Planning Assessment**

4.1 The Government's guidance on making and confirming tree preservation orders says that LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. It goes on to say that trees should normally be visible from a public place although the inclusion of other trees may be justified. The benefit may be present or future. The trees have been identified as having the following amenity value:

- Visual – both from public and private vantage points
- Scarcity – in terms of the orchards size, age, density of trees, location in an urban area and possibility of rare varieties
- Wildlife – likelihood of wildlife interest of which enjoyment is enhanced by close proximity to urban population
- Historical – a remnant from when orchards were more common in the area.

Whilst parts of the orchard are in decline, specialist advice indicates that this is not irreversible under proper management.

#### **5.0 Financial Implications**

5.1 None

#### **6.0 Corporate Implications**

6.1 None

#### **7.0 Community Implications**

7.1 None

#### **8.0 Background Papers**

8.1 Tree Preservation Order

