

# TREES IN CHURCHYARDS: CHANCELLOR'S GUIDANCE

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## **1. General**

- 1.1 Every Parochial Church Council has a responsibility of caring for trees in the churchyard, whether the churchyard is open or closed, unless, in the case of a closed churchyard, the Parochial Church Council has passed on its responsibility for maintenance to the local authority. The responsibility of the PCC extends to the planting of trees as well as every aspect of the maintenance of trees, and, ultimately, their felling.
- 1.2 Trees are a traditional feature of churchyards, and are to be valued for their aesthetic and environmental advantages. Some modern uses of churchyards can inadvertently cause damage to established trees, for example a parking area close to trees can damage roots near the surface of the ground, as can spillage from a fuel heating tank. Conversely, ill-advised tree planting can give rise to damage from roots spreading to a wall of the church, tombstones, a churchyard path, or the nearby highway.
- 1.3 All this points to the need for the Parochial Church Council to seek and follow expert advice as to the planting, felling, lopping and topping of trees in churchyards. The Parochial Church Council would be well advised to appoint one of their members as its Trees Warden.
- 1.4 The Parochial Church Council should produce a scale layout plan of the churchyard indicating trees by name in relation to the church and gravestones.

## **2. Expert Advice**

- 2.1 Many Local Authorities employ an Arboricultural Officer, who should be able to give advice as to the safety of a tree in a churchyard, and as to the type of maintenance work required.
- 2.2 An Arboricultural Consultant is a person with special experience in the management and assessment of trees, able to give advice on what work should be undertaken. A report from such a consultant would be evidence that the Parochial Church Council has acted in a prudent manner, as is expected generally by the law, and by Insurance Companies. A Consultant will, however, charge for this advisory work.
- 2.3 An Arboricultural Contractor is more often known as a Tree Surgeon, and it is he who will undertake work to a specification prepared by a Consultant, or on the basis of his own recommendations.
- 2.4 A Directory of Arboricultural Consultants and Contractors (Tree Surgeons) is maintained by the Arboricultural Association, which is a registered charity concerned with tree care. Listing within the Directory is an assurance that the Consultant or Contractor has been examined and found to have satisfied a number of standards, such as technical knowledge, and provision of insurance cover. The address is: -  
*The Arboricultural Association, Ampfield House, Ampfield, Nr Romsey, Hampshire, SO51 9PA.*

### 3. Inspection of Trees

- 3.1 The need for a full and regular inspection of trees increases with their age. In order to start on the right footing, every churchyard (open or closed) with any trees more than ten years old should be inspected within twelve months from the date of issue of this guidance. The inspection should be carried out by one of the experts mentioned above. The inspecting person should be asked to categorise any work recommended in his report in order of priority, so that it can be undertaken as funds permit.
- 3.2 Thereafter, good practice requires that regular inspections of all mature trees in the churchyard should take place every five years at the time of the quinquennial inspection under the Inspection of Churches Measure 1955, with the tree report annexed to the quinquennial report. This is, in fact, obligatory in the case of a tree which is subject to a tree preservation order (Care of Churches and Ecclesiastical Jurisdiction Measure 1991 Schedule 3 para. 3). Any concern expressed by the inspecting architect or surveyor should be referred to an expert, as identified in paragraph 2 above.

### 4. Town and Country Planning Act 1990

- 4.1 **Where any tree is subject to a tree preservation order** made under Section 198 of this Act, **or is in a conservation area** in respect of which no tree preservation order is for the time being in force, restrictions are imposed by the Act upon cutting down, topping, lopping and other acts to trees in question (see Sections 198 and 211) and the consent of the local planning authority **must be obtained** by the Parochial Church Council before anything is done to the tree together with other authorisations of the appropriate archdeacon/DAC as set out below.

### 5. Felling

- 5.1 In time a tree may have to be restricted in growth or have damaged limbs repaired. Eventually the tree may have to be felled. Local feeling may be inclined to keep an old tree and quite a lot can be done to support and continue the life of the tree by surgery. Churchwardens do have a duty, however, to guard against the possibility of an accident to passers-by or damage to the church or surrounding property.
- 5.2 Initially, if a tree needs surgery or felling, find out if it is subject to a Tree Preservation Order from the Local Planning Department. Consultation will be required with their Tree Officer before any major work is undertaken. They will be able to advise on competent tree surgeons in the area.
- 5.3 **Where the Parochial Church Council is advised by an expert**, as identified in paragraph 2 above, **that a tree, or trees, should be felled because of disease, or for safety reasons relating to either buildings or people, a copy of the written report of such an expert must be supplied to the DAC Secretary, who will seek the authority of the appropriate Archdeacon for the felling of the tree.** A photograph of the churchyard with the tree, or trees, concerned should be taken and retained, together with the expert's advice, with the parish records. (See Note A {page 6} for obtaining approval).

- 5.4 **If the Parochial Church Council wishes to fell a tree which is sound but is occupying a space in the churchyard required for some other use, then a faculty must be obtained. The Parochial Church Council must complete the faculty form for the work (Form No. 16) and send it, together with a specification for the work, to the DAC Secretary for the advice of the DAC and recommendation to the Chancellor for the issue of a faculty.**
- 5.5 Work on trees is best left to a specialist and properly equipped firm. Be sure on employing them that they are covered by adequate insurance against injury to themselves and others, as well as to property. Tree work is certainly not a job for a local volunteer group!
- 5.6 If trees have been felled the stump should be removed. The traditional way of doing this has been a tractor and chain. In churchyards because of restricted space this can lead to monuments and graves being damaged. It is better to ask a tree surgeon to use a portable stump grinding machine to take the bole down below ground level.

## **6. Lopping and Topping**

- 6.1 All trees are capable of shedding deadwood, and can consequently be hazardous to persons using the churchyard. Standard remedial work, such as the removal of split and hanging limbs and major deadwood (more than 50 mm in diameter) may be carried out as advised by an Arboricultural Contractor (tree surgeon) with the prior approval of the Archdeacon, who may in cases of doubt or difficulty refer the matter to the Diocesan Advisory Committee and the Chancellor. (See Note A {page 6} for obtaining approval).
- 6.2 Other works of tree surgery for the purposes of good management, for example cable bracing, crown reduction and removal of major limbs, must be recommended in a written report by an expert as identified in paragraph 2 above. The report must be submitted to the DAC Secretary, who will seek the authority of the appropriate Archdeacon for the work (or part of it) to be undertaken. Any case of doubt or difficulty will be referred to the Diocesan Advisory Committee and the Chancellor. (See Note A {page 6} for obtaining approval).

## **7. Planting**

- 7.1 Trees in churchyards tend to be mature or over mature and therefore it may be necessary to plan, in the long term, for their replacement. A tree must be considered over its lifespan and the visual effect it will have in relation to the church and its surroundings.
- 7.2 Before planting a tree the following points need to be remembered: -
- a) The height and span of a tree in its maturity
  - b) Deciduous trees express the passing of the seasons
  - c) Countryside trees have regenerated naturally in and around churchyards. Why not copy nature and choose local trees?
  - d) If you decide to use your churchyard as a local nature reserve, wildlife prefers to live among deciduous trees and shrubs
  - e) Yew trees have a permanent association with churchyards, but they eventually grow very large. Space needs to be set aside for these trees so they can develop their form. Plan ahead for replacements if you wish to continue a succession.

- f) Flowering specimen trees are sometimes appealing but need to be used sparingly, and may be better suited to a domestic garden.
- 7.3 Before planting any trees, the Parochial Church Council must consult the Arboricultural Officer of the Local Authority, or an Arboricultural Consultant as to the suitability of any proposed species for the churchyard in question, and as to the appropriate location in the churchyard.
- 7.4 Having received such advice the Parochial Church Council **must also**: -
- a) For up to three trees, apply to the DAC Secretary, who will seek the consent of the appropriate Archdeacon, which will be conveyed in writing (See Note A {page 6} for obtaining approval).
  - b) For a scheme of planting more than three trees, complete the faculty form for the work (Form No. 16) and send it, together with detailed plans of the planting scheme to the DAC Secretary for the advice of the DAC, and recommendation to the Chancellor for the issue of a faculty.
- 7.5 Attention needs to be paid to the correct method of planting and protecting young trees. Practical advice on planting is that trees grow stronger with only a small stake, about one metre high and one rubber tie to act as a support. However, if the churchyard is used as a right of way, or has grazing animals, then it should be protected by a substantial tree guard. In the first two years the roots should be given plenty of water during hot summer months, or period of droughts. Container grown trees can be planted all year round. Bare rooted deciduous trees need to be planted in the dormant season, between November and March.

## **8. Closed Churchyards**

- 8.1 The Parochial Church Council's responsibility for trees continues to apply even if the churchyard is closed for burials by Order in Council, unless the Parochial Church Council has passed on its responsibility to maintain the closed churchyard to the local authority.
- 8.2 In the case of closed churchyards the Parochial Church Council must follow the process set out in paragraphs 5, 6 and 7. If the churchyard is maintained by the local authority, the authority must follow this process.

## **9. Emergency situations on the grounds of public safety and high risk of damage to the church or surrounding property**

- 9.1 On very rare occasions, an emergency may arise when urgent action needs to be taken on the grounds of safety. The DAC Secretary or the archdeacon should be consulted immediately **before** any action is taken.

## 10. Note A

### No Faculty required if prior conditions met

1. Work to trees subject to this note may be undertaken without a faculty provided that the conditions and procedure set out below are satisfied: -
2. The applicants should send the completed Works to Trees Form (attached) to the Secretary of the Diocesan Advisory Committee (DAC), 1 Hill Top, Coventry, CV1 5AB
3. This should be accompanied by: -
  - **With every Form:** -
    - A copy of the Resolution of the PCC, or Standing Committee, authorising the work, together with the voting figures
    - A copy of the written report of an arboricultural expert
    - A plan of the churchyard showing the position of the tree(s) in relation to the church, churchyard wall, or any buildings adjoining the churchyard
    - A copy of the written consent of the local planning authority in respect of work(s) to existing tree(s) subject to a Tree Preservation Order (TPO) or in a conservation area
  - **For felling**
    - Photographs of the tree(s) to be felled
4. The applicants **MUST** await written authorisation to proceed. If the Archdeacon/DAC recommend the proposals, a signed copy of the Form will be issued to the PCC
5. If, at any stage, it is considered that the matter should be dealt with by faculty, then the necessary documents will be forwarded to the applicants

### NOTE:

#### Where any work is carried out in accordance with this Works to Trees List: -

- It shall be done in accordance with any guidelines issued by the DAC
- A record of the work shall be entered into the Log Book