

TREES IN CHURCHYARDS

Chancellor's Guidance to all Parochial Church Councils in the Diocese pursuant to s.6(3) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991

1. GENERAL

- 1.1 Every Parochial Church Council has the responsibility of caring for trees in an open churchyard. The responsibility extends to the planting of trees as well as to every aspect of the maintenance of trees and, ultimately their felling.
- 1.2 Section 6 of the 1991 Measure (as amended by the Church of England (Miscellaneous Provisions) Measure 1995) relieves the Parochial Church Council of responsibility in relation to trees in a closed Churchyard which it is not liable to maintain. A separate guidance note has been prepared explaining the Law in relation to trees in closed Churchyards.
- 1.3 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.
- 1.4 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, where circumstances permit, to appoint one of their members as their trees officer.

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 Arboricultural Association, Ampfield House, Ampfield, Nr Romsey, Hants, SO51 9PA. The Diocesan Advisory Committee may well have an Arboricultural Consultant who can assist.

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 10 years old should be inspected within 12 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.
- 3.3 Any specification of work, other than emergency work (which may be authorised by the Archdeacon of the archdeaconry concerned) is to be sent to the Diocesan Advisory Committee for their advice and comments before the work is undertaken. The Archdeacon should notify the Diocesan Advisory Committee of any works authorised by him.

4. PLANTING

Before planting any trees the parochial church council should consult the church architect or an expert identified in paragraph 2 above as to the suitability of any proposed species for the churchyard in question and as to the appropriate location in the churchyard. The parochial church council must also obtain the consent of the Archdeacon. In any case where a major scheme of planting is proposed, the parochial church council must seek the advice of the Diocesan Advisory Committee and a Faculty from the Chancellor.

5. FELLING

- 5.1 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 expert must be supplied to the Archdeacon for the archdeaconry in question, who may authorise the felling. 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.

- 5.2 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 the parochial church council must seek the advice of the Diocesan Advisory Committee and a Faculty from the Chancellor.
- 5.3 Trees less than five years old may be removed without the authority of a Faculty.

6. LOPPING AND TOPPING

- 6.1 All trees are capable of shedding deadwood and can consequently be hazardous to persons using the churchyard. Beech, ash and sycamore are especially prone to this. Standard remedial work such as the removal of split and hanging limbs and major deadwood (more than 50mm in diameter) may be carried out as advised by an arboricultural contractor (tree surgeon) in the Directory of the Arboricultural Association or approved by the Diocesan Advisory Committee.
- 6.2 Other works of tree surgery, 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 Archdeacon in the archdeaconry in question, who may authorise the work or part of it, but in any case of doubt or difficulty the Archdeacon should refer the matter to the Diocesan Advisory Committee and the Chancellor.

7. TOWN AND COUNTRY PLANNING ACT 1990

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). They do not apply where the tree is dying, dead or has become dangerous (Section 198 (6)(a)). In any other case the consent of the local planning authority, as well as any other authorisation mentioned above, will have to be obtained before anything is done to the tree.

T J Briden
Chancellor
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