

## DIOCESE OF GUILDFORD

### TREES IN CHURCHYARDS

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

#### 1. GENERAL

- a) Trees are a traditional feature of churchyards. Within the Diocese there are many notable examples of fine churchyard trees. Some are of historic interest - for example, the ancient yews that go back many centuries. Some are of considerable rarity - for example, mature elms that have somehow managed to survive the ravages of disease within the last forty years.
- b) Every Parochial Church Council (PCC) has the responsibility for properly looking after the trees within its churchyard or churchyards. It does not matter whether a churchyard is open or closed to the public. The responsibility covers all aspects, including planting, routine maintenance, lopping, topping and felling. Even if a churchyard is maintained by the local authority, the PCC is not absolved from its primary legal responsibility.
- c) Some modern uses of churchyards can inadvertently cause damage to established trees, for instance, spillage from a heating fuel tank or pipeline can damage roots: a parking area close to trees can damage roots near the ground surface. Conversely, ill-advised tree plating can give rise to damage from roots spreading under a nearby path, tombstone or even the wall of the church itself. Valuable archaeological remains can be affected. Leaves from mature trees planted (in retrospect) too close to a building, can block gutters and drainpipes, thereby causing flooding and consequential damage, leading to expensive repairs.

#### 2. EXPERT ADVICE

- a) In the circumstances, every PCC should appoint one of its members as its Tree Warden. If desired, this position can be filled by one of the churchwardens. Further, every PCC should be prepared to seek and follow expert advice concerning the trees and large shrubs within its churchyard or churchyards.
- b) Many local authorities employ an arboricultural officer, who may well be prepared to give advice with regard to the safety of a tree within a churchyard and what, if any, maintenance or remedial work is necessary.
- c) Alternatively, advice can be obtained from an experienced arboricultural consultant. The Diocesan Advisory Committee (DAC) can assist with regard to names. The Arboricultural Association which is based at Ampfield House, Ampfield, Romsey, SO51 9AP, maintains a Directory of Consultants who meet its criteria in terms of, for instance, adequate insurance cover. Advice can also be obtained from the Royal Horticultural Society at Wisley and from Merrist Wood College of Agriculture and Horticulture at Worplesdon.
- d) It is recognised that obtaining a report from a consultant is not likely to be a cheap exercise. On the other hand, the obtaining of a report does show that a PCC has acted prudently, which is a duty expected of it by the law and, indeed, by insurance companies.
- e) An arboricultural contractor, ie a tree surgeon may have the experience to give adequate recommendations as regard to tree safety as well as the appropriate skills to carry out the work. However, if major work is needed, the engagement of an

arboricultural consultant is strongly indicated and the work should never be entrusted to volunteers, however willing. Remember, such work is not normally covered by church insurance policies. It is vital, therefore, to ensure that any contractor you do employ is adequately insured against public liability, including third party injury, loss or damage.

### 3. INSPECTION

- a) The need for a full and regular inspection of trees increases with their age. If there has not been an inspection of the mature trees in your churchyard or churchyards within the past five years it is recommended that one takes place within the next twelve months. The inspection should be carried out by one of the experts mentioned above. He or she should be asked to categorise the urgency of any work recommended in a report, so that such work can be undertaken in order of priority as and when funds permit.
- b) Thereafter, good practice indicates that there should be a regular inspection of all mature trees in a churchyard approximately every five years. It is recommended that this inspection should, if possible, be part of the Quinquennial Inspection undertaken pursuant to the Inspection of Churches Measure 1955. The Tree Report can be annexed to the Quinquennial Inspection Report. This is, in fact, obligatory in the case of a tree subject to a Tree Preservation Order (TPO) (Schedule 3, Para 3 of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991). If the Quinquennial Tree Report is undertaken by the architect or surveyor inspecting the church, any concern for which he or she expresses with regard to the safety of any particular tree or trees should be referred to an expert (See Paragraph 2 above.)
- c) If the Report reveals the need for emergency works, consult your Archdeacon (see below). If the Report reveals the need for major work, but of a non-urgent nature, the PCC should seek advice from the DAC before any work is undertaken and they should be sent a copy of any specification.

### 4. PLANTING

- a) Before undertaking any planting it may be helpful to prepare a churchyard plan on which can be plotted the church, churchyard buildings and monuments, the position of each tree, the diameter of its trunk and the span of its branches. When considering the planting of any new tree, you should think ahead (and, if necessary, obtain information) about what its growth and spread are likely to be when mature. Bear in mind that currently mature trees will, in time, age and decay. Consider the visual effect any tree planted now is likely to have on the church and its surroundings in years to come. After many years growth it seems a pity to have to remove or prune drastically a beautiful tree simply because it was planted too close to the church and is taking light from the windows, shedding too many leaves or undermining foundations.
- b) In general seek expert advice before deciding to plant any tree in any particular part of a churchyard.
- c) Before any tree or substantial shrub is planted in a churchyard the PCC must obtain the consent of the Archdeacon. Where a major scheme of planting is proposed, the PCC must seek the advice of the DAC and obtain a faculty for the scheme. Remember to submit any expert Report you have obtained.

### 5. LOPPING AND TOPPING

- a) All trees are capable of shedding deadwood, particularly beech, ash and sycamore. Standard remedial work, such as the removal of dead, split or hanging branches, and minor pruning with secateurs, can be undertaken without reference to the Archdeacon.

More serious surgery, such as cable bracing, crown reduction or the removal of main, but live, trunks or branches, however, calls for expert advice and also needs the consent of the Archdeacon who in his discretion may refer the matter to the DAC and/or to the Chancellor. When major tree surgery is contemplated by your expert you should submit his/her written report to the Archdeacon.

- b) If a tree is subject to a TPO, see paragraph 7 below.

## **6. FELLING**

- a) Where the PCC is advised by an expert that a tree or trees should be felled for safety reasons or otherwise because of disease, the consent of the Archdeacon must be obtained before felling commences. Except in cases of extreme urgency when an oral Report will suffice, a written Report must be submitted to the Archdeacon for his consideration. Wherever possible a photograph of the tree or trees in question should be submitted with the Report. A copy of the Report and the photograph should be retained with the PCC records. Where time permits, a PCC Resolution is advisable to demonstrate that the matter has been properly considered.
- b) Where the PCC wishes to fell a tree which is sound but is occupying a space in the churchyard required for some other use, a Faculty from the Chancellor is required. After seeking the advice of the DAC, the Faculty should be applied for in the usual way. A PCC resolution in favour will be necessary. This rule does not apply to small self-seeded saplings which may be removed by the PCC without the need for a Faculty or reference to the Archdeacon.
- c) The principles set out above apply equally to hedges in, or bordering churchyards. Where the PCC wishes to remove a substantial churchyard shrub, whether by reason or disease or otherwise, the prior consent of the Archdeacon must be obtained.

## **7. TREE PRESERVATION ORDERS**

- a) Where any tree is subject of a TPO (Section 193 of the Town and Country Planning Act 1990) or is in a Conservation Area, the consent of the local planning authority must, in general be obtained before any lopping, topping or felling. Small trees below a minimum trunk diameter (75mm measured at 1.5 metres above ground level) are exempt. Nor is the consent needed when the tree is dead, dying or dangerous (Section 198 (6) (a)).
- b) The local planning authority consent is in addition to the Archdeacon's consent/Faculty (as the case may be) referred to earlier in these guidelines.

## **8. SALE OF TIMBER**

Where a tree in a churchyard is felled, topped or lopped, the PCC may sell the timber or dispose of it in some other way. The PCC should apply the proceeds to the maintenance of any church or churchyard which it is liable to maintain Section 6 (2) of the 1991 Measure.

## **9. FACULTIES**

If a faculty is required for works in connection with trees it must be applied for on Form 16 (Faculty Jurisdiction Rules 2000). This form must also be used for applications to the DAC for advice or a recommendation for a faculty. Forms are available from the DAC Secretary.

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