Trees in Churchyards

Chancellor's Guidelines

Diocesan Advisory Committee for the Care of Churches

2014
The management of churchyards in the Southwell and Nottingham Diocese

TREES IN CHURCHYARDS
Chancellor’s Guidelines

Guidance on planting and care of trees in Churchyards

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Issued by authority of the Chancellor
of the Diocese of Southwell and Nottingham
1 Introduction

Trees are important features in a churchyard and it would be difficult to imagine a particular church in its setting without its familiar trees. We tend to take them for granted, but it is important to realise that they are living organisms with grow, flourish, decay and die and in due course have to be removed. It is the duty of each generation not only to safeguard the trees under their care but also to plan and plant for the future. We do not have to wait for our well-loved trees to be felled because they have become too old and dangerous before planting their successors.

Trees are a traditional feature of churchyards, and are to be valued for their aesthetic and environmental significance.

2 Trees and the PCC – Church Legislation

The parochial church council has the responsibility of caring for trees in the churchyard, whether the churchyard is open or closed. The responsibility extends to the planting of trees as well as to every aspect of the maintenance of trees, and ultimately, their felling. PCCs need to recognise the importance of managing their churchyards carefully to preserve and enhance their churches including the care and protection of trees.

3 The Care of Churches Measure 1991 states:

“The powers, duties and liabilities of a Parochial Church Council with respect to the care and maintenance of churchyards shall extend to trees therein, including those proposed to be planted.

Where a tree in a churchyard maintainable by a PCC is felled, lopped or topped the PCC may sell or otherwise dispose of the timber and the net proceeds of any sale thereof shall be paid to the PCC and applied for the maintenance of any church or churchyard maintainable by the PCC.”

4 In the past, some uncertainty has existed as to how far faculties are needed for works involving trees in churchyards. To help overcome this problem, and to ensure that parochial church councils are given guidance on their responsibility for trees, the Care of Churches Measure 1991 requires the Chancellor, in consultation with the DAC, to provide written guidance. This booklet sets out the Chancellor’s guidelines on trees in churchyards under the 1991 Measure.

5 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 or churchyard, tombstones, a churchyard path or a nearby highway.

6 The PCC could be held liable in the event of any damage being caused to adjoining properties either by roots encroaching or branches which overhang. Even where trees have been in existence before any adjoining properties were built, the liability would still remain on the PCC as “owner”.


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 or someone with knowledge of trees, approved by the PCC, as their Trees Officer to carry out regular inspections, provide reports and to liaise with the local authority and consultants and present proposals for discussion and decision by the PCC. A note of guidance on tree inspections is annexed (Appendix i).

3 Trees and the PCC – Planning Regulations

Where any tree is subject to a Tree Preservation Order made under Section 198 of the Town and Country Planning Act 1990, 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 or lopping and other acts to trees in question (Sections 198-211).

The planning restrictions 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 any work is carried out on the tree/trees.

No work on trees may be carried out in a Conservation Area without giving the local authority six weeks' notice of intention to do so. Where trees are felled in a Conservation Area or where a Tree Preservation Order exists, the local authority may require re-planting to be carried out to their recommendation.

4 Trees: Safety and Maintenance – Expert Advice

Many local authorities employ a Trees and Woodlands Officer who will be able to give advice as to the safety of a tree in a churchyard and the type of maintenance work required.

The parochial church council may need to contact an Arboricultural Consultant who is a person with special experience in the management and assessment of trees and is able to give advice on what work should be undertaken. A report from such a consultant would be evidence that the parochial church council had 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.

An Arboricultural Contractor is more often known as a Tree Surgeon and it is he/she who will undertake work to a specification prepared by a consultant or on the basis of his/her own recommendations.

A Directory of Arboricultural Consultants and Contractors 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, The Malthouse, Stroud Green, Standish, Stonehouse, Glos GL10 3DL Tel 01242 522152 email admin@trees.org.uk
15 PCCs should satisfy themselves that the proposed contractor has adequate insurance cover by asking to see a valid certificate of insurance before commissioning any works.

5 Inspection of Trees

16 The need for a full land regular inspection of trees increases with their age. In order to start on the right footing it is recommended that every churchyard (open or closed) with any trees more than ten years old should be regularly inspected and in the first instance, no more than twelve months following the issue of these guidelines. The inspection will need to be carried out by the Trees and Woodlands Officer of the local authority or by an Arboricultural Contractor or Consultant registered by the Association. The inspecting person should be asked to categorise any work recommended in his/her report in order of priority, so that it can be undertaken as funds permit.

17 Inspection of a tree which is the subject of a Tree Preservation Order will take place at the same time as the quinquennial inspection of the church (para 3 of Schedule 3 Care of Churches and Ecclesiastical Jurisdiction Measure 1991). Whilst the majority of trees are not subject to such orders, they should be inspected at intervals of three to five years after the initial inspection.

18 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 comment before the work is undertaken.

6 Maintenance – Felling

19 Where the parochial church council is advised by an expert, as identified in section 4 above, that a tree or trees should be felled because of disease or of safety reasons relating to either buildings or people, the following information must be supplied to the Archdeacon and DAC Secretary and the Archdeacon may authorise the felling:

- A photograph should be taken of the tree before felling
- Confirmation must be obtained from the local authority that the tree is not subject to a Tree Preservation Order and is not within a Conservation Area
- A recommendation from a tree surgeon or local authority trees and woodlands officer on the condition of the tree and a quotation for the work to be carried out

A copy of the photograph of the churchyard with the tree or trees concerned should be retained, together with a copy of the expert’s advice and letters from the local authority, with the parish records.

20 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, or for some other reason than that covered in the preceding paragraph, then the PCC must submit a special form of application/petition for faculty to the Diocesan Advisory Committee stating clearly their reasons for this action. [The form is available from the DAC Secretary at the address given below.]
7 Maintenance – Lopping and Topping

21 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 minor deadwood (less than 50mm (2”) in diameter) may be carried out as advised by a tree surgeon without formality.

22 Other works of tree surgery, for example cable bracing, crown reduction and removal of major limbs or branches (more than 50mm (2”) in diameter), must be recommended in a written report by an expert as identified in section 4 above. The report must be submitted to the Archdeacon and DAC Secretary and the Archdeacon may authorise all or part of the work.

8 Planting – Consultation and Approval

23 Before planting any trees the parochial church council should consult the woodlands/parks officer of the local authority or an arboricultural consultant as to the suitability of any proposed species for the churchyard in question and an appropriate location in the churchyard. Advice is also available from the DAC Landscape and Planting Adviser (see below). Having received such advice the parochial church council must obtain the consent of the Archdeacon where less than three trees are involved. The Archdeacon in turn may consult the DAC in certain circumstances. A brief guide on the choice of trees for planting is annexed to these guidelines (Appendix II).

24 In any case where a major scheme of planting of trees or shrubs is proposed the parochial church council should submit an Advice Application to the DAC as the first stage in applying for a Faculty from the Chancellor.

9 Archaeology

25 Any work involving excavation in an ancient churchyard may disturb archaeological deposits including the remains of our early forbears lying in shallow unmarked graves.

26 Normally, unless deep holes or trenches are required, there will be little such archaeological disturbance when planting new trees, and most work may be safely carried out without an archaeologist present. The PCC will be informed by the Archdeacon or DAC Secretary after submitting proposals, but in all except the most extreme cases, the most that will be required is a ‘watching brief’, ie an archaeologist on site whilst excavation takes place.

27 Large trees with extensive root systems may disturb archaeological layers, so planting should be kept away from the earthworks and subsidiary historic structures within the churchyard. If in any doubt, the DAC Archaeological Adviser is available to help.

28 When trees are felled, great care should be taken to avoid damaging structures, monuments and earthworks by the use of machinery. Stumps should always be left to rot and not dragged out as this can cause major archaeological disturbance.
29 The growing and planting of trees to beautify our churchyards over the next century depends on the trouble and attention to detail we are prepared to take. The planting and care of trees in churchyards can be a most rewarding activity and one of the positive ways that a contribution can be made to the wide surroundings and to the community.

11 Further Information

30 Any assistance required with these guidelines or any help in specific circumstances can be obtained by contacting the following:

Mr F J R Stephenson  Mr Jonathan Pickett  
DAC Landscape and Planting Adviser  DAC Secretary  
01949 21133  01636 817210  
stephensonfjr@gmail.com  jonathan-dac@southwell.anglican.org  
Jubilee House, Westgate, Southwell, Nottinghamshire NG25 0JH

Churchcare website www.churchcare.co.uk for guidance on all church matters including Trees

Acknowledgement

Appendix I

Guidance on Tree Inspections

1. Trees are best inspected locally in both Summer (when the foliage is a good indicator of health) and in Winter when cavities in the trunk or upper branches can be identified. Fungal fruit bodies should be looked for on both occasions and are most often evident in the Autumn. The tree should also be looked at after severe weather or storms when branches may be broken or the ground loosened by the tree’s root plate.

Identification

2. Ideally the trees should be numbered, identified by species, and the height and girth recorded. An estimate of the age is also useful. A sketch plan of the churchyard would be advisable on which to plot the positions for future reference.

Tree Preservation Orders/Conservation Areas

3. It is important to record whether specific trees in the churchyard are affected by Tree Preservation Orders or are within a Conservation Area as permission from the local authority may be required before pruning or felling.

Condition

4. Trees should have healthy leaves and little daylight should be seen through them from the ground. Note dead or wilted branches – especially the topmost branches of the tree. At the same time look for old wounds where a branch has broken or been removed in the past, checking the trunk for dead bark, slime, fungal bodies, cracks or cavities.

Tree Position

5. Is the tree growing clear of buildings, walls or the highway? Are the branches likely to interfere with overhead cables or the roots likely to interfere with underground services or drains? Are the branches and roots interfering (or likely to interfere) with neighbouring properties? Has there been recent disturbance of the root area by altering the soil level or depositing soil or a compost heap over them?

Action Recommended

6. Where you are concerned that there is a problem, record this and seek professional advice. Certain minor works may be carried out such as clearing hanging broken branches or pruning and shaping young trees.
Appendix II

Advice on the Choice of Trees for Planting in Churchyards

[The following notes are for guidance only and do not replace the need for professional advice.]

Important Questions

1 When considering the replacement of a tree or new planting it is worth bearing in mind the following points:

- Are there enough trees in the churchyard at present? Or are there already too many trees making parts of the churchyard overcast?
- What will existing trees and the proposed new ones look like in 20, 50, 100 years time? Should new trees be planted now, or in the future, to replace existing trees which may disappear?
- How will the tree look when it is fully grown? Will it be too close to the church or the church boundary or adjoining property? Will it harm memorials?
- If the tree needs to be felled, will it be safe to do so? Will the tree provide cover for a would-be thief or vandal?
- What damage/nuisance will the leaves cause? Will the tree prevent light from penetrating to the inside of church?
- Is the tree to be part of the churchyard set aside as a nature conservation area? What are the long term intentions for the churchyard? Possible car parking, church extensions, memorial gardens etc need to be considered.

Planting

2 Care should be taken over the planting of trees and expert advice sought if in any doubt. In general, the following planting instructions should be followed:

- A deep hole is essential and therefore there is an important need to be aware of possible archaeological implications.
- The hole should contain a handful of bonemeal and some compost before the tree is planted.
- A substantial stake should go in first and the tree and the hole gently back-filled with good soil and all stamped down firmly.
- The tree should be tied to the stake which should reach one third of the way up the trunk or 610-760mm (24"-30") from the ground.
- A flexible tie should be used to allow the tree trunk to expand.
- A ‘rabbit guard’ should be fixed to give the tree chance to grow without hindrance.
- Newly planted trees or shrubs should be checked regularly and given adequate water, particularly in the first growing season.

Choosing the Species

3 The churchyard may also be a haven and sanctuary for insects, birds and mammals, plants and trees, lichen and fungi. The survival of many of these is threatened in the surrounding countryside and the churchyard may become an oasis and paradise for wild creatures, as well as a place for quiet reflection for parishioners and visitors.
Care needs to be taken and advice sought when planning and selecting trees and plants in order to protect the delicate balance of maintenance, preservation and presentation of a well cared for churchyard. It is therefore important to select the right tree to blend in with the church and enhance its surroundings by complimenting other trees or features in the churchyard.

To this end it is good to have a mixture of deciduous and evergreen trees, hedges and shrubs. The following list is by no means exhaustive, but may be helpful.

<table>
<thead>
<tr>
<th>Deciduous Trees</th>
<th>Evergreen Trees</th>
<th>Hedging</th>
<th>Plants for Wildlife Preservation</th>
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<tr>
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<td>Beech</td>
<td>Cupressocyparis Leylandii is not recommended for churchyards</td>
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<td>M Quercus ilex</td>
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[Note: Individual tree species have differing requirements of light and shade, soil, moisture or dryness, shelter or exposure to sun and purity of air. The suggested heights of trees listed below are for species grown under average conditions.]

S – small 15-30ft    M – medium 35-50ft    L – large over 60ft