



Guidance to parochial church councils on the planting, felling, lopping and topping of trees in churchyards. *This guidance is given by the Church Buildings Council to all Parochial Church Councils (PCC) under section 6(3) of the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.*

From 1st January 2016, it is possible to carry out a range of works to trees in a churchyard without a faculty: see List A and List B in [Schedule 1 to the Faculty Jurisdiction Rules 2015](#). It is a condition of carrying out any works to trees under List A or List B that regard is had to the guidance presented here. Additionally, in the case of all List B works, the approval of the archdeacon must be obtained before they are carried out.

The felling of a tree which is not dying and has not become dangerous requires a faculty

Secular law also applies to churchyard trees and the Local Planning Authority (LPA) should

be consulted before any significant tree works are carried out. LPAs have to produce a Local Development Plan (LDP). The role of trees in the environment – their contribution to the quality of life for people, flora and fauna – may be described in such a Plan. Accordingly, the LPA may be able to draw on the LDP and give advice as to the significance or safety of a tree or trees in a churchyard and the type of maintenance work required / allowed. This applies even if the churchyard has been closed and responsibility for its care has been transferred from the PCC to the Parish or District

Council; the trees remain under faculty and the PCC has some residual responsibilities, e.g. over safety. If the PCC remains responsible, it may sell the timber or dispose of it in some other way. The net proceeds of any sale must be used for the maintenance of the church or churchyard. Ensure, however, that any diseased timber is destroyed quickly and safely.

No tree works should be undertaken without appropriate advice, if:

- the tree is subject to a Tree Preservation Order (TPO) or the churchyard is in a Conservation Area (CA);





- the churchyard forms part of a registered park or garden;
- the trees in the curtilage form part of the setting of the listed building or are associated with a Scheduled Ancient Monument;
- some or all of the churchyard is designated as a Site of Special Scientific Interest (SSSI) or contains protected species such as nesting birds or bats;
- the tree (or shrub) forms part of a hedge that is more than 30 years old;
- the tree is in the Gazetteer of Ancient Yews or is listed on the Ancient Tree Inventory.

<http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/>
<http://historicengland.org.uk/listing/what-is-designation/>
<https://designatedsites.naturalengland.org.uk/>
<https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>
<http://www.ancient-yew.org/gazetteer.php>
<http://www.ancient-tree-hunt.org.uk/>
<http://www.ancienttreeforum.co.uk/>

Recording: how special

are your churchyard trees?

Statements of Significance (SoS) attached to your church are required by the faculty system. They are also an invaluable tool in the day-to-day management of your building and its setting, highlighting what makes it special for the parish. Important trees and hedges in your churchyard should be incorporated into the Statements of Significance. They play a key role in beautifying the churchyard, improving the environment and bearing witness to the history and design of the churchyard, including the symbolic role of trees in our faith.

List the main features of the trees, recording their species and size, measuring the circumference at 1.5m above ground to find the diameter at breast height (DBH) (to obtain diameter, divide centimetres girth by 3.14159 {pi}, or use arboriculturists' diameter / girth tape).

Include trees already identified as important, e.g. any of those covered under the designations noted above, from TPOs to the Gazetteer of Ancient Yews and the Ancient Tree Inventory. Discuss with local people what they appreciate about their trees. Are there iconic natives, such

as oaks, ashes or Scots pines? Are there rare examples of a particular species or cultivar, are they particularly attractive in leaf, flower or fruit? Find out what you can of the history of the churchyard, perhaps from old maps or photographs; your LPA, record office or library may be able to help you with this. Consider the role trees play in views of the church, comparing old images with photographs taken today. Often churchyard trees are among the oldest trees in the area and provide homes for animals, birds and rare insects. Britain has the largest concentration of ancient trees in Northern Europe. Many of these are yews and c.80% of Britain's ancient and veteran yews are to be found in our churchyards. These trees can be valued for their age, their poetic and natural interest; they may even be older than the church beside them. Groups of trees planted in the 17th or 18th might have some symbolic significance (for example, 12 trees = the 12 Apostles). Planting from the 19th century may include a range of evergreens, including hollies and yews of different colour or habit, and conifers which arrived from elsewhere during this great period of plant introduction. A local wildlife group may help you



identify the biodiversity value of all your trees, including their bat roost potential.

It is extremely useful to keep a plan of the churchyard indicating the species, size and approximate age of trees and hedges present, in relation to the church and gravestones, so that any benefits, problems, inspections or programmes of work can be easily recorded. An excellent website, 'Managing Churchyards and Burial Grounds', produced by Caring for God's Acre, provides useful advice about recording, valuing and managing the churchyard and its trees

<http://www.caringforgodsacre.org.uk/>
<http://www.caringforgodsacre.org.uk/images/uploads/new-action-pack/english/SECTION%20A%204.pdf>

Looking after trees

Mature and ancient trees can be hurt by human thoughtlessness. You can prolong the safe and useful life of trees by avoiding: driving or parking over roots; having spoil and compost heaps under trees or bonfires nearby; weed-killing on adjacent paths; attaching things to trees or knocking them with trimmers and mowers; introducing new trees, new structures, new

circulation patterns and burials close to trees.

Pests and diseases are a growing menace and every effort should be made to protect the structural integrity and health of our mature, aged and veteran trees, to avoid losing these in the future (as we have lost so many elms). Accordingly, you might wish to improve conditions for significant trees, including aerating, fertilising and mulching beneath the tree's canopy. The Forestry Commission is currently researching and monitoring pests and diseases. Its website provides useful information about how to spot problems, whether they are notifiable and, where possible, whether there are any remedial treatments.

<http://www.forestry.gov.uk/>
<http://www.forestry.gov.uk/pestsanddiseases>

Good tree management, including pruning for form or structural integrity, is essential to the health of many trees. Inappropriate work to such trees may undermine their structural integrity, spoil their distinctive habit and make them vulnerable to disease. For example, many churchyard trees (limes, for example) have been pollarded in the past and, once started, this must be repeated to keep the tree safe. If pollarding has

been neglected for many years, the tree can become hazardous.

Conversely, if an old tree – such as a yew – is hard-pruned, all at once, there is a real risk of losing the specimen altogether. Ancient trees are often best left alone (unless they are ancient pollards which need special treatment) but, if beneficial pruning is recommended by your arboriculturist, a process of cautious and staged reductions of old trees is least likely to kill them. A useful text, offering advice about how to manage old and valuable trees, comes from the Ancient Tree Forum, *Ancient and other veteran trees: further guidance on management*, edited by David Lonsdale, 2013.

<http://www.vetree.eu/en/page/94/Training+products>

Depending on the extent of any proposed work, you may need a report from a professional arboriculturist, explaining what is proposed and why. This should assist you in obtaining any necessary permissions. Constraints may apply to any of your trees, especially those highlighted in your SoS. You may be advised to plan for the long term continuity of the significant trees, including by considering planting for the



future, or you may have to under-take the required work only at certain times of the year. If the tree you wish to manage has nesting birds, bat roosts or badger setts at its base, you will need a professional survey and may have to apply to Natural England for a licence before you can do the work.

Professional arboriculturists should be able to offer initial advice about what processes may be necessary, as it is in their interest to ensure that they do not infringe the pertinent legislation (which makes it a potentially *criminal act* to disturb, damage or destroy a number of protected species and their habitats).

The bird nesting season officially extends from February until August. If you are dealing with a mature tree, with cavities, you will require a bat survey, before you start (see advice in BS 8596:2015 *Surveying for bats in trees and woodland*). Contact the Bat Conservation Trust, to see if they can recommend a specialist ecologist, who can undertake an initial bat survey. At this stage, the survey may be free, or the charge modest. They may find that a more detailed survey, leading to a licence, is required. Badger setts can also be found near the roots of a mature tree; in this context,

for most operations undertaken by hand, you probably will not need a licence; but it would be wise to check.

<https://historicengland.org.uk/advice/planning/consents/tree/>

<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

<https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences>

<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

<https://www.gov.uk/guidance/badgers-protection-surveys-and-licences>

http://www.bats.org.uk/pages/local_bat_groups.html

<http://www.trees.org.uk/Help-for-Arborists/Treeworks-and-nesting-birds>

Using an arboriculturist

Undertaking any work on trees can be a dangerous activity. It is essential that parishes always use a professional arboriculturist for significant work on churchyard trees. Where a lot of tree work is proposed, it is in a PCC's interest to obtain a priced schedule of work from more than one company, for comparison.

Directories of approved Arboricultural Consultants and Contractors are

maintained by the Arboricultural Association. The International Society of Arboriculture maintains a list of certified arborists based in the UK and (though the focus is on the USA) offers much useful advice on its forum 'Trees are Good'. Lots of valuable advice can also be found on the website of 'tree-care.info'.

<http://www.trees.org.uk>

<http://www.isa-arbor.com/>

<http://www.treesaregood.com/>

<http://www.tree-care.info>

It is essential that any contractor is carrying out work in accordance with best practice guidance found in BS 3998:2010, *Tree Work, Recommendations* (or as updated). In all cases, the PCC, in its own interests, should require contractors to provide evidence of their Public, Employers, and Professional Indemnity insurances, effective process of Risk Assessment, and a considered method statement; this will take particular account of such issues as the protection of adjacent trees and structures, potential for archaeological finds, public access etc. You must also ascertain how the contractor will manage any diseased trees or arisings.



The PCC has a statutory duty of care as the employer. The scale of this responsibility will reflect the scale of the contract. It is always important to notify the contractors of any known churchyard hazards – including any underground services – and work closely with them to ensure safety on site. The contract or agreement should cover safety provisions and the PCC should keep an eye on work to make sure these are being followed. If in doubt, you can contact the LPA officer responsible for enforcing the Health and Safety at Work Act in respect of religious organisations.

List A allows, ‘the lopping or topping of any tree that is dying or dead or has become dangerous’ without consultation.

List B allows, ‘the felling of a tree that is dying or dead or has become dangerous’ without a faculty but subject to consultation.

When does a tree count as ‘dying’ ‘dead’ or ‘dangerous’?

Health and Safety always comes first. It is very important, however, to recognise that these

permissions do not apply to any mature or old trees that may have a reduced leafy crown.

- A ‘dying’ tree is one that is rapid decline and is expected to be dead within one or two years. In these circumstances, the tree may well be suffering from pests or disease. An old tree, in slow decline, is not a ‘dying’ tree under the *Rules*. Indeed, ancient or veteran trees can be more beautiful, more historically significant and more biodiverse than a young or middle-aged tree. With care, they can continue living for decades. The archdeacon should be consulted before any work is undertaken on these significant trees and expert arboricultural advice obtained.
- A ‘dead’ tree has no life in it. Even if defoliated, however, it may not be dead; take time to monitor and ascertain the state of the tree.
- A ‘dangerous’ tree poses an immediate and serious danger, which may mean that there is not the time to go through the full faculty process before dealing with any threat.

A tree may suddenly pose an immediate and substantial risk of harm to people or property, for example, after a storm. Whenever possible, the archdeacon and, where relevant, the LPA should be contacted before any work is done. Where there is concern about hazards from significant trees, the balance of risks and benefits should be assessed and various mitigation strategies considered. For instance, having secured safety, investigate the options for the future management of the tree, which could range from felling to partial retention, with more frequent inspections and fencing. The advice below should be followed only in an emergency, when authorisation cannot be obtained in advance.

- From a safe distance, compile evidence (photographs) of the risk of harm posed by the tree before any work is done. Do whatever is judged to be the minimum necessary to make the tree and its immediate setting safe. Often, the best answer is to fence off the area.
- Seek professional advice. An experienced and qualified arboriculturist will be able to advise on best practice. Dealing



with a Health and Safety threat is an absolute priority. But, it is not *carte blanche* to go ahead with tree surgery without necessary consent. Felling a safe tree, or a tree which would be safe if a fallen branch were removed or other remedial work were to be undertaken, without the necessary consent, may be unlawful.

- Do not clear away on-the-spot evidence of the risk of harm posed by the tree (or failure, if after an event), such as rotten parts of the tree, but – if appropriate – leave this safely on site until the relevant people have had a chance to examine the material.
- Notify your local authority and apply for retrospective permission, if required. The archdeacon may direct that a confirmatory faculty is needed.

Keeping people safe; managing risk

Trees or branches can fall and kill people (and damage property). About six people die each year in this way and the courts treat each case very seriously. PCC members, as trustees, and the incumbent and churchwardens in particular, may be held personally liable. After an

accident, courts generally ask: was the tree inspected at an appropriate interval and competence? Was a risk of failure reasonably obvious and spotted? Was timely and appropriate action taken? If the answer to any of these questions is 'no', then there may have been negligence. Among sources of advice is the *Practice Guide, Hazards from Trees*, by the Forestry Commission and the website of the [National Tree Safety Group](http://www.forestry.gov.uk/national-tree-safety), co-ordinated by the Forestry Commission.

<http://www.forestry.gov.uk/forestry/infd-7t6bpp>
[http://www.forestry.gov.uk/pdf/fcpg13.pdf/\\$file/fcpg13.pdf](http://www.forestry.gov.uk/pdf/fcpg13.pdf/$file/fcpg13.pdf)

Regular inspection and the undertaking of standard remedial work, such as the removal of split and hanging limbs and deadwood, will help prevent accidents and may be carried out as advised by an arboriculturist. Even a completely dead tree may be full of life – supporting a range of flora and fauna – and can sometimes be made safe and retained as a standing 'monolith'.

A PCC should record its approach to trees in its general Risk Management Policy. This should include an assessment of the public's frequency of proximity to trees. For example, people are more exposed to trees on a

highway or public footpath than to those at the back of a churchyard. A PCC should also check that its own insurance for public liability and for legal cover is adequate.

Quinquennial Inspections of the churches should include a report on any TPO trees and this may be a good opportunity to arrange an inspection of all the trees by an arboriculturist, especially designated, ancient and veteran specimens and any others highlighted in your SoS, so the tree report can be annexed to the quinquennial report. Thus, the status of the protected trees can be monitored. For some trees, more frequent surveying might be recommended. In between formal inspections, the PCC and members of the congregation need to keep an eye out for any deterioration in the trees or other problems developing, especially after storms. If there are concerns, an arboriculturist needs to be consulted.

Do keep records. These should include maps, photographs and sketches, and should provide proof of reasonable tree management. In particular, keep notes of any arboriculturist's inspection and a record of any works arising as a consequence. It is wise to employ a *proforma*, listing



every tree in the church-yard, learn the basics of how to spot signs which might suggest a problem (for example, die-back in the crown, fungal growths on or around a tree, or 'bleeding' from a trunk) and keep a very simple record of what you see. Thus, the PCC can be assured that it can demonstrate that it has met a key component of its duty of care.

If the churchyard trees are maintained by a Local Authority, much of this responsibility falls thereon. Nevertheless, the PCC – the 'occupier' – retains a responsibility for reporting any concerns about the health and safety of the trees (particularly after storms) and for avoiding any actions that might compromise tree safety.

Other works to trees permitted under List A – not requiring consultation

Trees with a diameter which does not exceed 75mm DBH and which are not afforded legal protection by any of the designations identified above – *may be* lopped, topped or felled without consultation, as part of the proper maintenance of a churchyard.

Self-sown trees will find their way into a churchyard. Sometimes they are in the

right place to retain and nurture. Often they will be growing close to walls or monuments or be inappropriate for other reasons. It is wise to remove them promptly as part of the regular maintenance of a church-yard.

The PCC may also remove dead branches from a living tree without consultation. It is important, however, to remember that the wildlife associated with dead or dying branches can be very diverse and the law over nesting birds and bat roosts must still be observed. If dead-wood has to be removed because it is posing a threat to people or built fabric, consider stacking some of the timber, in a safe pile, not far away from its parent tree, in order to sustain the biodiversity. There will be areas of the churchyard where this would be visually intrusive or potentially unstable or dangerous, and so would not be appropriate. As always, make sure that no diseased timber is retained.

Other works to trees permitted under List B – requiring consultation

List B makes it clear that any work to trees larger than those with a 75mm DBH, except felling, *may be* undertaken without a faculty, but will require consultation. In all cases the DAC Secretary

and archdeacon should be contacted before works are carried out. They will advise you if you need to apply for a faculty.

Felling of healthy trees: requiring a faculty

If 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 must be obtained. One common scenario is where an extension is planned to the building. The impact of the extension on existing trees should be assessed and reference to your SoS, and the values and protections attached to your trees, should help to guide you here, in terms of deciding priorities.

If you wish to retain a tree which is very close to proposed works, techniques can be employed to afford some protection; for example, carefully detailing the design (e.g. foundation methods) and the contract (e.g. Root Protection Areas). These techniques are outlined in BS 5837:2012, *Trees in Relation to Design, Demolition and Construction* (or as updated). Bear two points in mind, however: this BS guidance does not fully recognise the range of significances which are associated with trees on any historic site, including churchyards (so you should



draw on your SoS as well); such techniques are unlikely to be wholly successful. The more mature and significant the tree, the more long-term damage will be inflicted on it by building in its vicinity, altering surrounding levels, promoting car parking or increasing footfall over its roots. Bear in mind that the most important feeding roots of a tree are close to the surface and will spread at least as far as the natural canopy (i.e., if you reduce the canopy of a tree, the roots will not shrink in tandem!).

Where there is concern that trees are threatening the fabric of the church, expert evidence should be provided for this. There is a tendency to presume trees are the cause when several other sources can be involved, e.g. leaking drains. In subsidence cases, expert advice will be required (reflecting the Joint Mitigation Protocol, an agreed method of subsidence claims management applying to secular cases see: http://www.ltoa.org.uk/documents/doc_view/130-joint-mitigation-protocol).

Rather than felling trees, it may be possible to retain them with, for example, a careful programme of reduction, or with the use of root barriers. Removing a mature tree which has long been growing close to a

building can cause more problems than if the tree were to be retained. Much will depend on soil conditions, so it is important to take proper advice.

Do not forget the constraints which apply with regard to working on trees which may accommodate nesting birds, bats or any other protected species.

If you are thinking of applying to fell an old tree, or one that appears to be dying – and even if you have ascertained that there will be no threats to protected wildlife – be sure that you know what you would be losing. Once again, do not forget that an old tree may decline very slowly and that an ancient or veteran tree is historically significant and more biodiverse than a young or middle-aged tree.

Appropriate arbori-cultural management can considerably extend the life of an ancient tree. If a tree is dying because it has certain diseases (for e.g., ash die-back or larch disease), its prompt removal is essential. Otherwise, it is very important to distinguish ‘dying’ trees from ancient or veteran ones.

Planting new trees; requiring permission from the archdeacon

Before undertaking any planting, consult your

churchyard plan (as advised above) on which the church and associated structures, the position and girth of each tree and the span of its branches, can be plotted. This will help you plan for the future. As opportunities arise, new trees can be planted according to this design. Such a design may benefit from the advice of a suitable land-scape architect, sensitive to the history of churchyard design, as well as from the DAC, before getting archdeacon’s approval. It will also help the parish to manage requests from bereaved families who wish to plant trees, steering them away from planting on graves (which is never appropriate).

Consider carefully before adding more trees to the churchyard. You will probably need to retain room for future burials and, maybe, a church extension. Growing trees can shade out rare lichens on tombs and flower-rich grassland; they can also damage archaeological evidence and seriously threaten the survival of a mature, veteran or ancient tree in the vicinity. Obviously a new tree should be kept well away from the church and neighbours’ buildings, the highway and overhead or underground services and well away from existing trees. Obviously, too, you should be certain that you have got the



resources to ensure that good planting practice and after-care will be followed. This should include not only the usual staking (and the prompt removal thereof, before damage is inflicted on the tree), protecting, watering, feeding etc., but also formative pruning, to secure a healthy and beautiful mature tree. Both the RHS and the Forestry Commission offer some useful straightforward advice.

[http://www.forestry.gov.uk/pdf/eng-treecare-guide.pdf/\\$FILE/eng-treecare-guide.pdf](http://www.forestry.gov.uk/pdf/eng-treecare-guide.pdf/$FILE/eng-treecare-guide.pdf)

<https://www.rhs.org/advice/profile?PID=237>

Most important of all – enjoy and celebrate your trees!