

Trees in Churchyards

- Q.68 The Parochial Church Council is responsible for the care and maintenance of trees, and this includes the planting of new trees, in any churchyard or burial ground it is liable to maintain.
- Q.69 The PCC is entitled to sell and receive the net proceeds of sale of timber when a tree in a churchyard maintainable by the PCC is felled, lopped or topped. The money has to be applied for the maintenance of any church or churchyard maintainable by the PCC.
- Q.70 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.
- Q.71 Because every PCC is under a legal duty to ensure that trees in the churchyard are well maintained, and may be liable if any person or property is damaged as the result of their failure to identify or to take action in respect of any unsound or badly positioned tree, it will be necessary for the PCC to seek and follow expert advice from time to time. There are various people from whom advice may be sought:-
- (a) Cornwall Council will be able to tell you if the churchyard is in a conservation area or if a tree is subject to a tree preservation order and will be able to give you advice if that applies.
 - (b) If you have a large scheme Cornwall Council may be able to give you advice or supply trees or help you with grants.
 - (c) An arboriculturalist is a person with special experience in the management and assessment of trees who is able to give advice as to what work is required to be undertaken. There will normally be a charge for such advice. It may be possible to obtain advice from the Cornwall Council's arboriculturalist or one that they recommend. Alternatively, names of suitably qualified persons can be obtained from The Arboricultural Association, Ampfield House, Ampfield, Nr Romsey, Hants. S051 9PA. (Tel: 01794 368717) (Fax: 01794 368978)
 - (d) Parish Tree Warden. Some parishes have a warden. He or she may not be professionally qualified but may be able to assist.
 - (e) Independent Tree Surgeon. You should choose a contractor with a proven reputation and/or a person approved by the Arboricultural Association of Ampfield House, Ampfield, Nr Romsey, Hants. S051 9PA. Check to make sure he has appropriate public liability insurance.
 - (f) In case of difficulties consult the Diocesan Advisory Committee.
- Q.72 Just as the PCC has to seek appropriate expert advice and employ competent contractors for work on the church building in order to satisfy the requirements of the church's insurance company, so it will be necessary for the PCC to demonstrate that they have acted in a prudent manner in relation to their duties in respect of trees by seeking advice as specified above, and by employing competent contractors.

When deciding whom to employ, the PCC should:

- (a) Assess the nature of the work to be done. Ideally, this should be assessed by a person mentioned at Q71.
- (b) Assess the level of competence required to undertake the work. For instance, is it all work that can be done from the ground or does it involve work off the ground?
- (c) Decide whether the contractor is competent to do the work required. If the work is straightforward and can be done from the ground, a current certificate of competence or National Competence Award for the type of chainsaw used by the contractors may be

sufficient. For any work off the ground, this would not be sufficient and the contractor would have to be suitably trained and competent. If

you are not sure whether any particular contractor is sufficiently competent, you should take advice from one of those mentioned in Q71.

Any work on trees with chainsaws is hazardous and a PCC should not allow untrained people to undertake this work.

- Q.73 Trees need regular inspection to ensure that they are in a sound condition, not only because of the legal liability placed on the PCC, but also to help maintain their health. A PCC should ensure that all of the trees for which it is responsible are regularly inspected and a written report is made to the PCC at the meeting before the annual PCC meeting.
- Q.74 A faculty is necessary before the planting of any tree save as mentioned below. Petitioners will be expected to have consulted an appropriate expert before presenting a petition or seeking the approval of the Archdeacon. **Where not more than three trees** are involved, the PCC must submit their proposals, together with the advice they have obtained, to the archdeacon of the archdeaconry in question, who may then authorize the planting. **Where four or more trees or a line of hedge** is proposed, the PCC must seek the advice of the DAC and petition for a faculty from the Chancellor in the usual way.
- Q.75 It may be necessary to consult other statutory authorities, e.g. highways, where special regulations apply to planting near classified roads, (i.e. no nearer than 5m from the centre) or major carriageways; or rivers, where permission is required for planting closer than 9m to the bank.
- Q.76 Where the PCC is advised by an expert as identified in paragraph Q.71 above, that a tree or trees should be felled for safety reasons, relating to either buildings or people, a copy of the written report of such expert must be supplied to the Archdeacon of the archdeaconry in question, who may authorize the felling if he is satisfied that the tree is dangerous. A photograph of the churchyard with the tree or trees concerned should be taken and retained, together with expert's advice, with the parish records.
- Q.77 If the PCC wishes to fell a tree that is diseased (but not dangerous), or for any other reason, then the PCC must seek the advice of the Diocesan Advisory Committee and a faculty from the Chancellor.
- Q.78 The PCC should consult the Diocesan Advisory Committee before grubbing out hedges. A faculty will be necessary.
- Q.79 All trees are capable of shedding dead wood and can consequently be hazardous to persons using the churchyard. Standard remedial work such as the removal of split and hanging limbs and dead wood (more than 50mm in diameter) may be carried out as authorized by the Archdeacon on evidence of advice from an expert.
- Q.80 Formative pruning during the first ten years following planting, and crown lifting for access along paths, the removal of split and hanging limbs and dead wood under 50mm in diameter is a normal part of churchyard maintenance and does not require approval.
- Q.81 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 Q.71 above. The report must be submitted to the Archdeacon of the archdeaconry in question, who may authorize 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.
- Q.82 Under the Town and Country Planning Act 1990, where any tree is subject to a tree preservation order made under Section 198 of the 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). In such a case the consent of the local planning authority, as well as any other authorization mentioned above,

will have to be obtained before anything is done to the tree.

- Q.83 These statutory restrictions do not apply where the tree is dying, dead or has become dangerous (Section 198(6)(a)). Except for immediate danger after a storm these conditions do not arise quickly and a PCC should always obtain an expert's written opinion as to whether such a protected tree is dying, dead or has become dangerous and should never act without such advice, nor without first submitting the expert's opinion to the Archdeacon, for him to approve the work proposed.
- Q.84 Under the Wildlife and Countryside Act 1981, if any person intentionally kills, injures or takes any wild bird or takes, damages or destroys the nest of any wild bird while the nest is in use or being built or takes or destroys an egg of any wild bird, an offence is committed. It is a defence to show that the act was the incidental result of a lawful operation and could not reasonably be avoided, or the action was necessary for public health or safety, preventing the spread of disease, or preventing serious damage to livestock.

Conservation Schemes

- Q.85 When contemplating a conservation scheme, the PCC should consider the following:
- (a) **Trees.** Do follow Diocesan guidelines and regulations on the care of trees. Avoid planting where good habitats already exist, i.e. where wild flowers may be shaded out or where natural regeneration is taking place. Do not plant non-native trees (e.g. conifers, sycamore, chestnut, beech) if nature conservation is your priority. Use local seeds or plants when available for planting. Always match species to habitat and surrounding area. Advice is available from many sources. Take care after planting. Mulch and water well, and provide a rabbit guard. Keep the base of the tree free from grass and always avoid mowing or strimming so close to the tree that the bark is damaged. This can cause the premature loss of the tree.
 - (b) **Hedges.** A Cornish hedge (an earth core faced with stone) is more diverse than a planted hedge alone. When trimming a hedge, divide it into 3 lengths and cut on 3-year rotation during the winter months (January – March) to avoid depriving birds of berries in the autumn and nesting sites in the spring. Manage it in such a way as to maintain a diverse (layered) structure with a broad base. The adjoining grass verge is one of the hedgerow's layers. Allow at least a metre wide strip to be wild and cut annually in September. Start a 3-year clipping cycle of new hedges after 4 or 5 years and remove the clippings.
 - (c) **Grass.** Slight changes to the grass cutting regime can make a great difference to the diversity of wildlife attracted to the churchyard. Vary grassland management between compartments, and keep the cutting regime consistent within each compartment, e.g.
 - Flowery lawn – This is best for areas close to the church. Cut only as much as is necessary to maintain tidiness, but with the mower blade at its highest and, if possible, a break in cutting during June.
 - Spring meadow – Cut the grass in late June to allow spring flowers to set seed.
 - Summer meadow – Do not cut the grass between March and September so that butterflies can enjoy the flowers and seeding grasses.
 - Rough grassland - cut and rake once annually in September
 - In all cases, always remove clippings after a few days to prevent soil becoming too rich for wild flowers. Do not use weed killers or fertilisers.
 - (d) **Paths.** Grassy or gravel paths are recommended. The latter should be hand-weeded if possible or treated with a glyphosate-based herbicide. There may be safety implications in some churchyards.
 - (e) **Stonework.** Stones will be colonised by lichens and mosses first, then by ferns and soft-rooted herbs, and finally by woody plants.

Lichens should never need to be removed. If it is necessary in order to read grave inscription, try to phase removal to allow recolonisation. Mosses may need to be controlled on some roofs. Small ferns and soft-rooted herbs cannot break down a wall. Woody plants, such as ivy and bramble, should be removed from church buildings and vulnerable walls, but not from Cornish hedges.

Do not change the orientation of stone surfaces. The lichens will die. Any herbicide inadvertently sprayed onto lichens can destroy decades of growth. To remove ivy from headstones, cut at base and allow to die back so that it can be removed gently. If re-pointing a wall, do so in small stages so that the vegetation can regenerate. Take expert advice especially with old boundary walls where lime mortar has been used. Plants can take much longer to reappear if cement mortar is applied. Avoid over-zealous strimming. The nooks and crannies around stones invariably harbour many small creatures. Contact general Natural England enquiries on tel. no. 0845 600 3078 (local rate) or www.naturalengland.org.uk for further information.

- (f) **Garden area of the churchyard:** Exotic plants, particularly nectar-rich or berrying species, can be useful, but if possible keep the garden area distinct from more natural parts of the churchyard.

Other features to benefit wildlife:

- Ivy provides shelter and food for insects and birds late in season.
 - A nettle patch, bound above and below soil, will encourage many butterflies. Cut the southern half in early July, leaving the stems to rot in case there are butterfly pupae on them. Clear the whole area in the autumn.
- Provide compost bins for rotting wreaths and flowers.
 - Undisturbed grass and brushwood heaps will give shelter to hedgehogs, beetles and other small creatures, as will log and rock piles.

- (g) **Closed Churchyards:** In view of the desirability of enhancing closed Churchyards as areas of natural beauty and havens of wildlife for everyone to enjoy, PCCs are recommended to inform the DAC of any plans for projects, and their ongoing progress. The DAC would encourage a close partnership with local authorities, who may already be responsible for maintenance. Involving the parish council, parishioners and local schools gives the community the opportunity to share ownership for responsibility for the environment and to benefit everyone who visits the churchyard.

Q.86 The book 'Wildlife in Church and Churchyard' by Nigel Cooper, from Church House Publishing, is recommended by the Church Buildings Council and by Truro DAC.

Q.87 For local professional conservation advice consult the Cornwall Wildlife Trust, Five Acres, Allet, Truro, TR4 9DJ. Tel: 01872 273939. For practical advice for PCCs on churchyard management, contact the DAC Secretary at Church House.