



TREES

A GUIDE TO TREES IN CHURCHYARDS

THE ROLE OF THE DAC

The DAC is an advisory body. Where a PCC submits a List B application for the Archdeacon's permission, or submits a petition for the grant of a faculty by the Chancellor, the DAC will refer to the appropriate policy document when advising the relevant parties. The DAC's intention is that such policies will make it clear to parishes what is likely to gain the committee's immediate support.

Where a PCC submits an application which is not in line with the DAC's policy, the PCC will need to explain why that deviation is necessary, so that the Archdeacon or Chancellor (as appropriate) can consider this when reaching their decision.

INTRODUCTION

Churchyards, particularly those in rural locations, should have the character of a burial ground surrounding a place of worship, peaceful and beautiful (not a municipal park or domestic garden) and trees, a traditional feature of churchyards, should be chosen for both their aesthetic and environmental advantages.

PROCESS

Most minor tree works fall within the provisions of:

List A, requiring no consultation - items A8 (1), (2) or (3); or

List B, requiring the Archdeacon's written approval – items B7 (1), (2) or (3).

List B item B7 (2) only covers the felling of a tree which is dying or dead or which has already become dangerous. If a tree is not yet presenting a danger to person or property, but has been identified as likely to present such a danger, then the Archdeacon can approve the felling as an Additional Diocesan Matter under List B.

If a tree is otherwise healthy, then its felling will require the issue of a Faculty by the Chancellor.

In all cases regard must be had to the guidance issued by the Church Buildings Council as to the planting, felling, lopping and topping of trees in churchyards (see below).

When a List B application is submitted via the online faculty system it should be supported by:

- A plan of the church and churchyard (a sketch plan will suffice), and photographs to show the location and condition of the trees in question
- Any report or advice from an arboriculturalist as to the condition of the trees and their recommended treatment
- Any quotation for the tree works

FACTORS WHICH THE DAC WILL CONSIDER

When presented with a List B application or a Faculty petition for the felling of a tree, the factors which the DAC and the Archdeacon will take into account include the following:

- The justification for felling. In particular, reference should be made to the CBC guidance note 'Works to Trees in Churchyards' and when a tree counts as dying, dead or dangerous.

https://www.churchofengland.org/sites/default/files/2021-10/Works_to_Trees.pdf

- Birds – to avoid the risk of committing a criminal offence, non-urgent major tree work involving tree felling/reduction should not normally be undertaken during the bird nesting/breeding season (from 1st March to 31st August, subject to the species and the season).
- Bats – to avoid the risk of committing a criminal offence, all trees to be felled or reduced should be inspected to ensure that no bat roosts are present (whether or not bats themselves are actually present); if in doubt, consult a qualified bat surveyor
- Tree Preservation Orders and Conservation areas - if applicable, the law relating to the preservation of trees in respect of which a Tree Preservation Order is in force or which are in a conservation area must be complied with.
- The need for replacement planting. To ensure that the parish (and the Diocese as a whole) maintains a healthy, green, environment conducive to sustaining a rich diversity of flora and fauna, the DAC will require that consideration be given to the replacement of all felled trees (whether dead or living). Replacement planting should be of native species suitable to the location (see section 2.2 below). If there is insufficient suitable space within the churchyard then the replacement planting may take place elsewhere within the parish. If replacement planting cannot be undertaken within the churchyard or within the parish, then a contribution should be made to the Woodland Trust for planting to take place elsewhere.

When presented with a List B application for the planting of a tree, the factors which the DAC and the Archdeacon will take into account include the following:

- Location - consider a location away from the church building, boundary walls, footpaths, roadways, and avoid existing graves and any area which might be needed for burial spaces in the future
- Species - native British species are to be preferred because they will be adapted to local climate and conditions and will better support native wildlife; flowering trees are more appropriate to gardens, so should be used sparingly; take into account the mature height, span and root growth of your chosen species.

Here are some native species of trees and shrubs which you might consider:

Alder	Box, Common	Guelder Rose	Oak, English
Alder Buckthorn	Cherry, Wild	Hawthorn	Oak, Sessile
Ash	Cherry, Bird	Hazel	Pine, Scots
Aspen	Crab apple	Holly	Rowan
Beech, Common	Dogwood	Hornbeam	Whitebeam
Birch, Downy	Elder	Juniper	Willow
Birch, Silver	Elm, English	Lime	Yew
Blackthorn	Elm, Wych	Maple, Field	

OTHER GUIDANCE AND RESOURCES

The CBC has issued comprehensive guidance on works to trees in churchyards, including felling, managing, planting, all of which can be found on the Church of England website here:

<https://www.churchofengland.org/resources/churchcare/advice-and-guidance-church-buildings/trees>

The Arboricultural Association maintains a Directory of Arboricultural Consultants and Contractors: www.trees.org.uk

The Woodland Trust has an illustrated guide to trees through the seasons: <https://www.woodlandtrust.org.uk/media/1168/twigged.pdf>

Caring for God's Acre: Action Pack A “Managing churchyards and burial grounds” includes advice on inspecting and caring for trees, and the practical management of trees and shrubs: <https://www.caringforgodsacre.org.uk/resources/action-pack/section-a-managing-churchyards-burial-grounds/>

Ecclesiastical Insurance have produced a useful health and safety toolkit on managing trees: <https://www.ecclesiastical.com/documents/tree-maintenance-guidance.pdf>

CONSISTORY COURT JUDGEMENTS

Re St. James Nunburnholme [2018] ECC Yor 1

A sycamore tree to be felled (and replaced further away from the building) was at least 10m taller than the church tower and 5.3m from the church building, resulting in moss on the church roof, black mould on the nearest church buttress and the blocking of gutters and fall pipes during the autumn. A tree specialist also advised that there was a risk of splitting of the four main boughs. The Chancellor was satisfied that there was a good case for removing the tree and granted a faculty.

Re St. Edmund Fraisthorpe [2019] ECC Yor 1

There was a proposal to fell two sycamore trees in the closed churchyard. Probably due to the very dry summer of 2018, the roots of one of the trees in question had caused ground shrinkage, resulting in the appearance of vertical cracks at the corner of the church building.

CONTACT

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