



# A BRIEF GUIDE TO WORKS TO TREES IN CHURCHYARDS

## Introduction

This summary is to be used in conjunction with the full statutory guidance *Works to Trees in Churchyards*, on the planting, felling and lopping of trees in churchyards. **This guidance should always be consulted.**

This summary details works to trees that do not require a faculty under Lists A and B of Schedule 1 of the [Faculty Jurisdiction \(Amendment\) Rules 2019](#).

## The law

There are several areas of secular law on trees that must also be complied with. These include protections afforded if the trees form the setting of a listed building or if the churchyard is included on the *Register of Parks and Gardens of special historic interest in England*. In addition, when carrying out works to any trees, it is necessary to ensure that laws protecting wildlife (for example, bats and nesting birds) are not contravened. These issues are addressed in the full guidance.

### For List A and List B

Before undertaking works to any tree establish if the tree is subject to a Tree Preservation Order (TPO) or in a Conservation Area. Your local planning office will have a register of TPOs, Conservation Areas and other pertinent designations. If these apply, then the necessary notice must be given to the local planning authority and their consent received.

Trees should be considered as part of the statement of significance, and attention drawn to those of particular significance for age, size, history, landscape and biodiversity. Any trees listed in the *Gazetteer of Ancient Yews* or the *Ancient Tree Inventory* should be noted in the statement of significance.

All work to trees should be done by a qualified arboriculturist. A directory of arboricultural consultants and contractors is available at [www.trees.org.uk](http://www.trees.org.uk).

It is not always easy to establish if a tree is dead, dying or dangerous. This is a professional judgement that must be made by a professional and in writing.

## Emergencies

An emergency is when a tree suddenly poses an immediate and substantial risk of harm to people or property. After consultation with a qualified person, do the minimum necessary to make it safe, which may include fencing off the area. The local authority should be contacted before any work is done to the tree but, if an emergency precludes this, contact the local authority and DAC as soon as possible afterwards. Even when carrying out emergency work to trees, the laws protecting wildlife still apply.

Any tree (with a stem diameter of more than 75mm at a height of 1.5m above the ground) that is neither dead nor dying and that has not become dangerous cannot be felled without a faculty. It is not covered by List A or List B.

## In summary

If a tree is not protected by a TPO, is not in a conservation area and is not covered by other pertinent legislation (see the full guidance for further information), the following actions can be undertaken without a faculty.

### List A

This allows parishes to do the following actions without reference to the diocese, so long as the tree does not have a TPO or is in a conservation area (but remember other legislation may also apply) and the full guidance is used:

- Work to saplings under 75mm diameter at 1.5m above the ground
- Surgery to dead, dying or dangerous trees (see note above)
- Removal of dead branches from a living tree

### List B

The archdeacon, after consulting the DAC, can permit parishes to:

- Fell dead, dying or dangerous trees
- Carry out surgery to living trees
- Plant a new tree. This is a long-term commitment that will have an increasing impact.

Always consider it carefully bearing in mind the full guidance.

### Full Faculty

This is needed for the felling of any healthy and safe tree.

