

*Diocesan Advisory Committee
Guidance Note for Parishes and Applicants*

Works to Trees

The care and maintenance of a churchyard and the trees in it is the responsibility of the Parochial Church Council unless it is closed.

This is a guidance note to support you in the process of applying for works you are looking to undertake on trees within the Churchyard and the information that would be expected in a submission to the DAC. However, this is a general guidance note and will not cover every situation or eventuality, therefore if you would like to discuss the specific works you are proposing to carry out or anything associated with the permission process please do not hesitate to contact us directly:

DAC Secretary – Mr Richard Streatfield on 01962 737308 or
richard.streatfield@winchester.anglican.org

Assistant DAC Secretary – Miss Sarah Feltham on 01962 737306 or
sarah.feltham@winchester.anglican.org

Before any works can commence to trees within the churchyard the correct permissions must be sought. The type of permission required will depend on the works that you are looking to undertake. Under the Faculty Jurisdiction Rules there are three permission types:

- List A
- List B
- Faculty

For more information about the type of permission the works you are looking to undertake will require and the associated specified conditions, please contact the DAC Office Team.

All permissions that fall under the Faculty Jurisdiction Rules are now applied for online through the Online Faculty System website to be found at the following link:

<https://facultyonline.churchofengland.org/home>

Please note, secular law also applies to churchyards. Therefore, we would advise contacting your Local Planning Authority about any works that you are looking to undertake to establish whether you will require a permission from them. If a permission is required, this would be in addition to obtaining the relevant permission from the DAC. If you are in a **conservation area** or if the tree has a **Tree Preservation Order (TPO)** this will have particular interest.

These are two separate processes and requirements, however the works cannot commence until **all** relevant permissions have been obtained. Although these are separate processes the DAC Office Team will likely ask for confirmation that you have consulted your Local Authority or to provide a copy of the approved permission granted by the Local Authority.

There may be occasions where the works to a tree/s are of any emergency nature, for example if they are a danger to people or properties following adverse weather conditions. In this instance, please contact the DAC Office Team or your Archdeacon directly to advise of the next steps. Health and Safety is of paramount importance but please remember that the Faculty Jurisdiction Rules are a legal requirement.

When making an application you should include:

1. A photograph of the tree/s that the proposed works will impact upon
2. Additional contextual photographs
3. An annotated plan of the churchyard identifying the location of the trees in question
4. Details of the species being planted (*if the application is for planting of a tree/s*)
5. A supportive PCC minute
6. A detailed quote/report detailing the proposed works and the condition of the trees. **The inclusion of details about the condition of the trees is especially important when looking to undertake works under List B as confirmation is required from a qualified professional that the tree has been identified as dead, dying or dangerous.**
7. Confirmation that you have consulted your Local Planning Authority or a copy of the approved permission granted by the Local Planning Authority.
8. **In the instances when extensive churchyard works and/or multiple tree felling is proposed consultation with the inspecting architect will be requested, as these works will potentially impact upon the character of the church/churchyard.** In this situation please attach the *Inspecting Architect Consultation form*, completed by yourself and your inspecting architect, to your online application. This form can be found at the following link:
https://cofewinchester.contentfiles.net/media/documents/document/2019/04/Inspecting_Architect_Consultation_Document.pdf
9. Consideration of the proposed mitigation for the loss of any trees and as such loss of biodiversity/habitat. Usually, this would be through replacement planting. Exceptionally, other measures to conserve and enhance biodiversity such as the introduction of nest boxes for bugs, bees, birds and bats, wildflower planting, pollinator planting etc may be acceptable. Additionally, if the parish/PCC has an ongoing management plan for the churchyard this would be very helpful to reference.

Please note if a permission is granted for tree works, in most cases, it will be subject to the following condition:

Special care must be taken not to disturb birds and bats that nest or roost in trees, in line with the Wildlife and Countryside Act 1981 and Habitats and Species Regulations 2017 and the tree surgeon should inspect the trees accordingly prior to undertaking works.

Furthermore, if a permission is granted for the felling of a tree/s there will likely be a condition that a suitable replacement tree is planted in the churchyard e.g. a suitable native species.

Additionally, please see the following link for further advice on Trees and associated works:
<https://www.churchofengland.org/more/church-resources/churchcare/advice-and-guidance-church-buildings/trees>