

MANAGEMENT OF CHURCHYARDS

POLICY AND GUIDANCE

This document sets out the policy of the Representative Body in respect of Churchyards together with guidance and help to Parochial Church Councils (PCCs)¹ on the management of churchyards.

A document of this kind cannot hope to cover every situation throughout Wales, but it is hoped it will help to encourage an effective approach to the management of churchyards.

The first section, *Churchyards Policy*, discusses the ownership, regulations and responsibilities relating to Church in Wales' churchyards. The second section, *Guidance on the Responsible Care of Churchyards*, looks at the management and administration of churchyards including suggestions for good practice. The third section, *Guidance Note on Trees in Churchyards*, is intended to offer guidance in the care and management of trees in Churchyards. A final *Resources* section at the end of the document contains information on useful website resources.

¹ The term "Parochial Church Council" is used within this document to describe the local church trustee body responsible for the management of the church, hall and churchyard. These bodies may also be known as the Ministry Area Council, the Local Ministry Area Council, Rectorial Benefice Council, Mission Area Conference, or any other term designated by diocesan policies.

CHURCHYARDS POLICY

Definition

A churchyard refers to the land surrounding a place of worship. Often a churchyard is also a burial ground. In addition, a burial ground can be located away from the church it serves (a detached burial ground). This document uses the term “churchyard” to refer to any of these areas of land.

Background

The Church in Wales holds almost 1226 churchyards, of which 1054 are burial grounds², varying greatly in size and character. Ownership and the overall responsibility for these burial grounds rests with the Representative Body, although they are managed by parishes in accordance with arrangements set out in various parts of the Constitution of the Church in Wales.

In addition to responsibilities arising from the Church’s own regulations (especially Faculty), parishes also need to be aware that:

- tombs, monuments and headstones belong to the families of the deceased who need to be contacted about any works proposed to such memorials;
- some memorials, lychgates and boundary walls are listed and now fall under faculty jurisdiction following *The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018*. This means they no longer require separate listed building consent from the local planning authority, although they may still require planning consent, depending on the nature of the works. If you need advice, consult your DAC Secretary or LPA directly;
- works to any scheduled ancient monuments (e.g. preaching crosses and inscribed stones) require scheduled monument consent from Cadw;
- trees may be within conservation areas or be subject to Tree Preservation Orders, thus requiring consent from local authorities for any works to them.

Where a Church is declared redundant, the Constitution provides for the Churchyard; whether open or closed for burials, to continue to be managed by the PCC unless other arrangements are made. For example, the Representative Body may be able to reach agreement with the lessee or purchaser of the redundant church to take responsibility for the churchyard by way of licence or, exceptionally, by transfer of title.

Policy

It is the policy of the Representative Body to:

- ensure that parishes have good and sufficient guidance on reasonable standards of maintenance and management of churchyards, and that a process of monitoring is in place to ensure that churchyards are being managed in accordance with that guidance;

² Information from the Church in Wales InfoNet database (29th August 2018)

- advise on risk management practices to limit potential hazards and the consequent possibility of public liability insurance claims arising in churchyards;
- offer financial assistance, subject to available funds, for the maintenance of churchyard boundary walls;
- seek improved fee levels and other contributions for addition to parish churchyard accounts to reflect the cost of churchyard maintenance;
- discourage parishes from assuming responsibility for new or extended burial grounds (which should lie with the local burial authority ie. the Community Council, Town Council or Local Authority) unless the Representative Body (in whom such grounds would be vested) is satisfied that adequate financial support is provided for the acquisition and maintenance of the proposed burial grounds or extensions;
- oppose the use of churchyards where no burials currently exist;
- encourage 'wildlife friendly' management of churchyards that respects and cares for the natural flora and fauna without compromising public liability risk management requirements;
- support the development of imaginative design and variety in headstones and other memorials (within the constraints set by the Constitution).

GUIDANCE ON THE RESPONSIBLE CARE OF CHURCHYARDS

Introduction

This guide offers practical guidance to assist PCCs in the management of churchyards. Some high profile cases of incidents in churchyards have highlighted concerns over potential liabilities and this guide seeks to provide advice upon reasonable standards to assist in meeting the duty of care required by insurers and statute. Significant insurance cover is carried by the Church to provide protection to the Representative Body, PCCs and parishioners (though no insurance will cover reckless or fraudulent behaviour).

Faculty Procedure

Procedures for carrying out changes or developments apply equally in churchyards as they do in churches. This means that permission is required in the form of a Faculty to undertake most forms of work except routine maintenance, minor like-for-like repairs and works that have little or no impact on the historic fabric of the church, churchyard and any curtilage structures. It should be noted that this rule applies even if the church itself is redundant or sold or where no church exists.

There are detailed provisions set out in the Constitution for PCC's wishing to carry out significant changes to churchyards. However, emergency works to make churchyards safe can be approved by the Archdeacon in advance. The Representative Body or the Diocesan Registrar can advise on any necessary procedures for retrospective faculty consent. The erection of 'standard' headstones (as detailed in the Constitution) are exempt from faculty consent but do require Incumbent or Archdeacon consent. All other forms of memorial will require faculty consent.

Works in a churchyard which do *not* require a Faculty are listed in Appendix C. These are known as List A items and were previously known as "minor matters". They were introduced in January 2018, along with List B items, as part of a revised and more streamlined faculty process utilising an online system.

List A and B applications can be thought of as a reduced form of Faculty which covers routine maintenance, minor like-for-like repairs and straightforward works that have little or no impact on the historic fabric of the church or churchyard. However, unlike List A items, List B items (Appendix D) need approval from the Diocesan Registrar before they can proceed.

Any works in a churchyard that are not on the A & B Lists are assumed to need a full faculty. The procedure for this is unchanged, although all faculty applications are now submitted online. Please contact your DAC Secretary for advice. Guidance on the operation of the faculty procedure is available in the form of a Frequently Asked Questions (FAQ) document, which can be viewed and downloaded from the Guidance and Policy section of the Property Department webpages. Likewise, for guidance on Minor & Emergency works. You can also contact the property department directly at property@churchinwales.org.uk or 02920 348200.

Erection of Memorials

The Constitution sets out the detailed arrangements for somebody to seek consent for the erection of a memorial. It is important to realise that the erection of a memorial is not a right but is a permission granted by the Church in Wales. An applicant must apply formally to the incumbent/priest in charge (or Area Dean) on the Prescribed Form (Form I) available

from Church in Wales Publications or from the Publications section of the Church in Wales website at: www.churchinwales.org.uk.

Should the incumbent not grant permission, permission may be sought from the Archdeacon. If the Archdeacon refuses consent, it will be necessary to seek a faculty.

Sometimes, parishes seek to establish a particular style or design for memorials in the churchyard. The Constitution sets out maximum dimensions and style guidelines for memorials and thus a Parish is entitled to decide a local policy to require a form smaller than those specified in the regulations. Any such policy should be made by a clear resolution of the PCC after local consultation with the wider community. However, it should be appreciated that applicants will assume the regulations apply, so any local policy should be clearly publicised and made clear when people apply for a memorial.

Cremated Remains (Ashes)

If a PCC wishes to set aside an area for the interment of cremated remains, a faculty must be granted in advance for that area to be established. Detailed requirements for such areas are set out in the Constitution. It is preferable for an area for the burial of ashes to consist of unmarked plots with a single memorial onto which names can be added if required. This approach ensures an easy to manage area without the difficulties associated with personal tributes being laid on small plots.

It is possible to seek a faculty for an area with marked plots but this is not generally to be encouraged given the practical difficulties such areas can represent.

Tributes

Floral tributes are a traditional way for people to honour their deceased loved ones. In recent years, people have increasingly decorated graves with an ever greater array of items (windmills, lanterns, artificial flowers and teddy bears are common). The Constitution is clear in not permitting these items, although few people will have read this provision. It is also a very sensitive matter to ask people to remove items that give them comfort.

Parishes should try to make the rules clear to families to avoid an over proliferation of clutter. Actions might include clear signage or a simple guide issued to applicants. If explained in the context of the good and careful management of the whole churchyard, people will generally understand. A sample guide on the rules applicable in a churchyard in relation to memorials and tributes is included in Appendix A. This can be adapted to suit the particular policy of the parish.

In some cases, excessive tributes have been allowed to proliferate and parishes struggle to get the matter back under control. Naturally, people see what others have done and this creates a precedent and the issues can snowball out of control. A decision to tidy up the churchyard and impose a 'floral tributes only' policy must be taken by the PCC and recorded in the minutes. It must then be followed by a clear and public explanation of the policy and an adequate period for people to remove their items. Prior notice should be clearly given of any intention to remove items and non-perishable items should be kept for collection for a reasonable period. A 'reasonable period' will be a matter of judgment but generally the process should not be rushed and undertaken with patience and understanding combined with a determination to implement the agreed policy.

Parishes will be familiar with the typical points in the year when graves are visited so any change in policy should be advertised during these periods to ensure as many users as possible are made aware of the changes proposed.

Fees

The Constitution requires that fees for burials and for the erection of monuments shall be directed to a Churchyard Maintenance Fund to maintain the churchyard. These fees are set annually with the agreement of the Welsh Government. The Constitution requires that PCCs should have separate Churchyard Maintenance Funds for each burial ground in the parish and that these should not be used for any other purpose (they are Restricted Funds).

Funds and Grants

PCCs should consult with their local Community and County Councils to see if any grants can be provided: the County Council is the trustee of the Welsh Church Act Fund in each area.

In exceptional cases, funding from the Emergency Aid Fund (administered by the Representative Body) may be possible, sometimes by way of a grant and sometimes upon loan where the full criteria are not met. More details can be obtained from the Property Services department.

Insurance Position

The principal insurance cover in place to protect PCCs and PCC members is the Parishguard Policy from the Ecclesiastical Insurance Group. This provides a range of cover for the church and its activities including public liability and employers' liability and full details are shown in the policy document.

PCC members have public liability protection up to the value of £10,000,000 (as at 2015). The cover also provides an indemnity to the incumbent, churchwardens and the volunteers or employees of the PCC. The cover includes protection against legal liability for:

- accidental death or bodily injury to third parties (other than employees)
- accidental loss of, or damage to, third party material property not in the custody or control of the PCC other than hired or rented premises and the property of employees and authorised volunteers

The PCC members have employers' liability cover with a limit of indemnity of £10,000,000 (as at 2015) and this cover provides an indemnity in respect of legal liability for bodily injury or death, illness or disease of employees (including authorised volunteers) in connection with their duties on behalf of the PCC.

The Parishguard policy also includes cover to assist with disputes with contractors such as builders and professional advisors. Please notify the Representative Body of any potential claims of this nature as soon as possible.

Church Halls are covered by a separate policy with the Ecclesiastical Insurance Group called HallGuard.

GOOD PRACTICE

The following sections cover a range of topics associated with the care and management of churchyards and burial grounds. They contain suggestions for good practice that PCCs may find helpful.

I. Management and Administration

- The PCC should put in place a regular system of inspection and monitoring of the Churchyard, and in particular should carry out an annual inspection of the safety of gravestones, tombs and vaults.
- PCC members who will take a special interest in the care of the churchyard should be nominated.
- Keep a churchyard diary to record all inspections and actions taken in a churchyard including routine maintenance.
- Set up a “Faults Book” where people can record problems; let your parishioners help to keep an eye on things.
- Develop a Churchyard Management Policy which sets out:
 - Who does what
 - The maintenance regime
 - The policy for grass cutting
 - A wildlife conservation summary, highlighting any known wildlife interest (eg key habitats and species) and any steps being taken to care for this wildlife
 - The arrangements for inspection and survey
 - Key contacts
 - Reporting of faults

A model policy document is attached in Appendix B.

- Ensure that the above is agreed by the full PCC, recorded in the Minutes and displayed prominently to show that the churchyard is being cared for. This will be the formal record that the churchyard is being managed responsibly.
- Develop a system for management of health and safety based on the identification of potential hazards, the risk of serious harm they present, and the steps to be taken to mitigate these risks (this is called Risk Assessment). The Ecclesiastical Insurance Group can give detailed guidance on health and safety management. It is recommended that all Parishes appoint a volunteer Health and Safety Officer to oversee all health and safety issues.
- If a sexton is employed ensure they have a written contract of employment. The Human Resources Department of the Representative Body can advise on this.

2. Churchyard Maintenance

- The churchyard will often be maintained by volunteer labour. The following considerations should be applied:
 - Inspect and service maintenance machinery and equipment regularly
 - Provide and wear appropriate safety clothing e.g. safety boots, ear defenders, safety goggles, gloves, etc
 - Take special care when clearing litter and rubbish; wear heavy-duty gloves. Watch out for broken glass and discarded hypodermic needles
 - Only use machinery or equipment if you are trained to do so. Some equipment will have a minimum age limit for use
 - Always have two people present when work is undertaken
 - Use of ladders needs careful consideration. Consider hiring specialist access towers or contracting such work to specialists. Always secure ladders appropriately. The Health & Safety Executive (HSE) has a step-by-step guide for working at height, which can be downloaded from their main website: www.hse.gov.uk. Always carry out a risk assessment before prior to using the ladders.
- If possible, it is advantageous to arrange for churchyard maintenance to be undertaken by responsible outside contractors. Such contractors should:
 - Carry public liability insurance
 - Be competent and experienced to undertake the work
 - Satisfy the PCC that they have an appropriate health and safety policy
 - Provide their own machinery

3. Grass Cutting

- Keep grass to a height where kerbs and graves are clearly visible; a major source of injury claims is from people tripping over concealed stones.
- If close mowing of the whole churchyard is impossible, ensure paths and well visited areas are cut as a priority.
- Where an area or a churchyard is to be cut less regularly to benefit wildlife, the area should be demarcated in some way to help visitors understand it is intentionally being managed differently and that it may contain hidden hazards. Demarcation may include mowing edges, clear mown paths through the area, explanatory signs, etc.
- Where an area of churchyard is to be left to grow for conservation purposes under a recognised and planned scheme, consider making this area 'out of bounds' for the duration or mow clear paths through the area for visitors to follow.

4. Gravestones and Tombs

- In recent years, there has been much publicity about issues around the safety of memorials and in particular an often over-zealous approach to managing the risks they represent. The Ministry of Justice has provided advice for dealing with unstable memorials that seeks to find a practical and sensible way to deal with this issue. PCC's should read this useful guidance as a first step. This guidance can be found in the Publications section on their main website: www.gov.uk.
- The guidelines below seek to set out in a simple way how to manage gravestones and tombs in churchyards in an appropriate way reflecting the Ministry of Justice advice.
- The starting point is that gravestones and tombs are the property of the families that erected them. They have primary responsibility for their care.
- However, memorials are located on church land and the church has a duty to manage the risks they present as part of the duty of the PCC to keep the churchyard in good order.
- The following is a recommended management approach which is based on risk and a proportionate response. However, some PCC's may consider that they are unable, for particular reasons, to carry out this recommended management. If so, they should discuss this with their Archdeacon with a view to making alternative arrangements for such management:
 - (i) Inspect all gravestones, tombs and vaults at least annually (this can be done by PCC members and does not require a specialist). You should consider whether some areas of the churchyard which are most heavily visited should be checked more often; it will be in those areas where risk of injury is greatest simply because more people are in the vicinity. Use your local knowledge to focus on those memorials most likely to present the greatest risk.
 - (ii) Each gravestone should be visually inspected for damage or signs that it might be unstable. You should look for:
 - a) Damaged or eroding bonding
 - b) Movement of parts of a memorial from its original position
 - c) Kerb stones breaking apart
 - d) Undermined foundations
 - e) Leaning memorials, particularly recent movement. It should be noted that old monolith memorials may lean but still be very stable, this is because they have a significant length below ground (like an iceberg!)
 - f) Cracks
 - g) Vegetation causing cracks to widen
 - (iii) Undertake a hand test to check for loose mountings, disintegrating mortar or undue spalling caused by age or frost. Record what you see for each stone perhaps by grading according to the risk they present.

- (iv) Identify immediately dangerous stones; such stones should, with the Archdeacon's consent, be repaired or laid flat as soon as possible. It is possible to support a headstone by driving a wooden stake behind the headstone and strapping the stone to the stake. This should be undertaken with care to ensure it is secure. A headstone laid flat is the safest approach.
 - (v) For stones that require repair but do not pose an immediate risk, reasonable steps must be taken to identify family members to carry out repairs to make the stones safe within a timescale appropriate to the degree of risk involved. The family should be advised in writing and informed of the action that will be taken if the timescale is not met (this should be the minimum necessary to make the stones safe and will usually mean laying the stone flat). If no action is taken, a follow up letter should be sent informing the family that the work is to be carried out.
 - (vi) Where the family cannot be traced, the stone should be labelled with the work proposed. Advertising in local papers that work is intended and that interested parties should visit the churchyard to inspect proposals is recommended.
 - (vii) Stones requiring repair should be clearly marked with appropriate signage (use symbols as they are clear to all) and/or tape without delay.
 - (viii) Stones that pose a potential concern should be clearly identified/recorded for ongoing, regular monitoring.
 - (ix) Keep a record of when and who undertook the inspection and any specific action recommended or taken. Report this at the next PCC meeting and record it in the Minutes.
- Only experienced and professional memorial masons are permitted to work in Church in Wales churchyards. The Constitution now requires that any work undertaken to memorials is undertaken in accordance with the British Standard 8415. The simplest way to ensure that this is so is to check that any memorial mason is a member of the National Association of Memorial Masons (and therefore bound to comply with its Code of Working Practice which meets the British Standard).
 - Masons often register with schemes to confirm their competence; the common schemes are BRAMM (British Register of Accredited Memorial Masons) or RQMF (the Register of Qualified Memorial Fixers). Ideally, only contractors with one of these qualifications should be used as it ensures very high standards of work. However, this may not always be possible especially in more remote areas.
 - It is a requirement of Statute and Canon Law that a register of burials is kept by each Parish.
 - Since 2011 the Constitution requires that the location of new graves are recorded as there have been instances where previous burials cannot be traced because headstones have not been erected. The location of graves can be recorded in a variety of ways such as:

- numbering with a permanent marker the number of the grave
- measuring from a clear and fixed reference point
- having an accurate churchyard plan drawn up
- using a GPS device to plot precise coordinates

Locations might be recorded in the burial register or in a separate book alongside the burial register.

It can be useful to have existing grave positions recorded and local history groups may help with surveying and recording existing graves.

5. Walls and Other Structures

- Ensure that your quinquennial architect or surveyor inspects all boundary walls and significant structures in the churchyard e.g. large monuments, so that repairs are identified in good time.
- If any structures are identified as unsafe, action should be taken to remedy them as soon as possible with appropriate safety fencing erected to keep people away from the area until a repair can be undertaken.
- Sometimes, walls and other structures may be separately listed and works may require listed building consent as well as faculty permission.

6. Wildlife and Nature Conservation

- Churchyards are often havens for wildlife supporting habitats and species that were once more widespread. Many churchyards support ancient yew trees (probably the oldest living things in the UK!) and wildflower-rich grassland. Other natural interest includes grassland waxcap fungi, lichens on stonework, amphibians, reptiles, insects, birds and small mammals. Many churchyards are also home to bats. It is possible to care for a churchyard in a way which is attractive to local people, visitors and wildlife.
- Encouraging wildlife is generally to be supported but specialist advice should be sought and an appropriate management plan prepared highlighting the wildlife the churchyard supports, plus a management regime to care for it. It should include any measures to help visitors safely enjoy the wildlife of the churchyard such as explanatory signs, temporary fencing during certain periods and mowing paths through wildlife areas.
- Grassland areas: It is recommended that grassland is left to grow, flower and set seed before cutting **but only** where there is:
 - A diversity of wild plants or an area is to be left for other wildlife reasons (e.g small mammals or insects)
 - There are no visited graves
 - There is interest from local people to help care for the area e.g helping with raking up the cuttings (see next bullet point)

- Diversity of plant life in grassland will support a diverse range of wildlife. Leaving cuttings to rot on the ground will increase the fertility of soil and tend to reduce plant diversity. Management of grassland for wildlife will generally involve removal or raking of cuttings.
- Simply abandoning any management of an area will generally not lead to wildlife diversity. Nature, through a process known as succession, will tend to allow the invasion of a few dominant species such as bramble, birch, etc ('scrub'). Whilst this can support certain other species (and can be a valuable part of a wildlife regime) it will, if allowed to develop, drive out many other species.
- Protected Species: The most familiar protected species are bats. All British bats and their roosts are protected by law. It is illegal to kill injure or disturb a bat even when they are not using the roost. In Wales, Natural Resources Wales (NRW) implements the law and should be contacted for advice relating to bats and other protected species. It is also worth contacting your local Bat Group who can help monitor and advise on your bat population (contact www.bats.org.uk for help in finding your local group). Other common protected species in churchyards are slow worms, all snakes and reptiles, various species of rodent, etc.
- The Key to developing your scheme for wildlife will be to obtain good advice. Well intentioned activity, without expert advice can be more damaging than doing nothing! An excellent starting point is to contact your local Wildlife Trust. There are 46 across the UK, many of which host local Living Churchyard Projects (contact www.wildlifetrusts.org to find your local group). Your local authority ecologist or biodiversity officer may also be able to help.
- Consideration should be given to the long term future of the churchyard in any wildlife scheme as encouragement of wildlife in an area of churchyard which may be needed in the future for a different purpose (new graves, church extension, etc) could complicate that new purpose being achieved.

7. Visitors

- Allowing people to visit churchyards is an important part of the ministry of the church. Whilst the notes below set out some of the legal issues around liability and the duty of care owed to visitors, this should not lead PCCs to feel that visitors should be discouraged. Visitors are potential members of the congregation or may be people willing to support the church in various ways.
- The PCC, together with the Representative Body, owes a duty of care to all persons entering the churchyard (including trespassers). This duty is to take such care as is reasonable in all the circumstances to see that the visitor does not suffer injury on the premises.
- Children need to be carefully considered as they will find the churchyard an exciting place to play in but may not understand signs and other warnings.

- Erect signs at the entrances to the churchyard highlighting the hazards and the precautions in place. Use symbols so that all can understand them.
- Paths should be reasonably level and free from anything which might cause someone to slip or trip.
- Dug graves awaiting burial should always be covered with appropriate boarding.
- Fence off temporarily hazardous areas such as where work is being carried out.
- Erect warning signs (with symbols) at particular hazards.
- Lock crypts and boiler houses, etc.
- Take particular care to check around the most visited areas such as famous graves, seats and benches or memorials. More people go to these places and the likelihood of an injury occurring is greater.
- Consider management of visitors by establishing preferred routes around the churchyard.
- Managing visitors with dogs can be a particular challenge. It is generally appropriate to insist that dogs be kept on leads. This policy should form part of the management policy for the churchyard (see *Management and Administration* above). Clear signage at the entrances to the churchyard should be erected to confirm dogs should be on leads (ideally by use of a symbol). Facilities for disposal of dog waste can be considered where use is more intense and you should contact your Local Authority to enquire about provision.

8. Disturbance of Human Remains

- Within the Church in Wales, a licence from the Ministry of Justice (Coroners Division) is required to authorise the disturbance or removal of *any* human remains including cremated remains, whether this be full skeletal remains or isolated bones. This will be in addition to faculty permission.
- The permission of the heirs-at-law to the deceased (family members) will need to be obtained in most cases before a licence and faculty will be granted. Reasonable attempts should be made to identify the people concerned and adverts in the local press are likely to be necessary.
- Special statutory procedures apply where building work is proposed in a churchyard, for example, extending a church or hall under the Disused Burial Grounds Acts. The Ministry of Justice should be consulted and the Property Services Department can advise on this matter.
- Prior to carrying out any work within a churchyard, the archaeological advisor for the Diocesan Advisory Committee should be consulted and an assessment made whether remains are likely to be present.

- It is possible that an archaeological watching brief may be required to record any findings. Sometimes, the archaeological contractor will obtain the Ministry of Justice licence and it is sensible to have early discussions with the contractor regarding the monitoring procedure. An estimate of the likely cost should be obtained, as this will have to be paid by the PCC.
- If extensive removal of remains is likely, a more extensive brief will be required and the PCC will need to consider re-burial arrangements.
- In cases where remains are discovered unexpectedly, any work should be stopped immediately and the Diocesan Advisory Committee Secretary informed. A Ministry of Justice licence will have to be obtained before any further work can commence. The Police may become involved if the location of remains is unexpected and suspicious.

9. Green Burials

- The term Green or Natural Burials refers to an approach to burials that are deemed 'environmentally friendly'. There are three elements to the approach; the burial site, the type of shroud or coffin and the form of service.
- There are two main types of green burial site; hay meadows and woodlands. The hay meadow type has flowers planted by the site provider or, sometimes, is just a grassed area with no markings. The woodlands type appears to be often managed in conjunction with a woodland trust or the Forestry Commission and generally consists of a tree planted to mark the grave. Permanent manufactured monuments do not feature in a natural or green burial ground.
- Cardboard, reed, willow, paper or other material that is from a sustainable source is used as a shroud or coffin.
- The Constitution of the Church in Wales does not prescribe the exact details of burials and thus it is possible for a PCC to decide to adopt a green burial approach by setting aside part of the burial ground as a green burial site. Generally, the hay meadow type will be more appropriate as memorial trees in a woodland type area are a potential future liability.
- If a PCC wishes to acquire additional land specifically for a Green Burial Ground, the consent of the Representative Body will be required. Similar criteria apply to such a request as for traditional burial grounds as detailed in current policy, particularly the need to ensure proper and permanent support for maintenance. However, it should be appreciated that a green burial ground may impose unacceptable limitations on families wishing to bury their relatives in that particular churchyard. A green burial ground is probably better as an alternative, rather than a substitution, for a traditional burial approach.
- The decision over whether to allow a new area of land for green burials must be made after an assessment of costs and liabilities and the degree of financial support in the long term for the area. The decision of a PCC to adopt a green burial approach would need a PCC resolution setting out their rules and approach to the green burial area.

10. Burial Grounds Surrounding Closed Churches

From time to time, PCC's conclude, in consultation with the Bishop, that they cannot continue with the liability a church represents and it is declared redundant. A thorough process takes place in the run up to redundancy and a guidance note on this issue is available from the Representative Body.

When a church is made redundant, responsibility for the church will pass to the Representative Body although this does not apply to the burial ground surrounding the former church. Responsibility for the management and upkeep of the burial ground remains with the PCC, or the PCC of the newly grouped or merged Parish, Benefice or Ministry Area where the reorganisation takes place.

The Representative Body will try to find new owners for the redundant church (by sale or lease) and sometimes it is possible to enter into an arrangement with the new owner whereby they maintain the burial ground via a licence from the Representative Body or, in exceptional circumstances, by a transfer of the title.

If there are no burials in a churchyard, the whole area will generally be sold with the church as this will enhance the value of the former church. If a burial ground around a former church has an area without burials, this will often be sold to enhance the value of the former church.

11. Involving Your Community

The Church in Wales is required by law to allow the burial of any member of a community, not simply members of the congregation. This means our burial grounds are public cemeteries; the frustration is that for many they are maintained solely at the expense of the congregation with little help from the wider community. It is well worth spending time talking to your community and explaining how the churchyard is managed and financed. The following are some possible ideas:

- Invite your Community Council to visit the churchyard and explain how you are managing the area. Explain the public nature of the burials the church must allow. Seek ideas on how your work can be supported. It is important to emphasise that no public aid is provided to help you and that the fees charged for burials are controlled and set by the Welsh Government.
- Discuss the matter with your local county/district councillors.
- Arrange guided walks for your community around the burial ground looking at significant memorials and the graves of notable local people. This will help to engage your community.
- Prepare a plan and schedule of graves and who is buried where (perhaps with the help of a local history group) this will help people to trace their ancestors.
- Organise a community event e.g. litter clearance, grass cutting, etc.
- Establish a Churchyard Friends Group; contact your community but also any relatives you know of people buried there. A Friends group might enable you to receive regular

donations to assist with the costs of maintenance. The Representative Body can provide advice on how to establish a Friends Group.

- Subject to faculty, erect an information panel about the churchyard (and church) to explain its history and features of interest. This should include suggestions as to how people can help care for the area.

Where a community is particularly supportive of the churchyard it may be possible to transfer responsibility to a Community Trust set up in the community for the purpose. This may be an appropriate solution where a community is uneasy about supporting a particular denomination or where funding can only support community rather than religious groups.

A GUIDANCE NOTE ON TREES IN CHURCHYARDS

Trees are an important feature of Churchyards providing landscape and environmental benefits. They are also a potential liability and should be managed with care. This note is intended to offer guidance in the care and management of trees in Churchyards.

Constitution

The Churchyard Regulations of the Constitution contain the following provisions concerning trees:

- No trees shall be planted in a Churchyard without the written consent of the Archdeacon.
- The PCC may, with the consent of the Incumbent, apply to the Archdeacon for permission to cut down trees in a churchyard and without prejudice to the rights of the Representative Body and subject to any Tree Preservation Order or Conservation Area controls. The Archdeacon shall have the power to grant such permission. Any proceeds from a sale of such timber shall be credited to the appropriate parochial fund.

Management of Trees

Trees should be regularly inspected to ensure they are healthy and do not pose a significant threat to people or property. It is advisable to have a tree condition survey undertaken by a qualified arboriculturalist who can advise on an appropriate frequency of inspection. Between these inspections a member of the PCC should be responsible for checking trees for any obvious signs of ill health or damage. Such signs will include dead or dying foliage, broken branches, prominent roots, weeping of sap, etc. Checks are especially important following adverse weather events such as storms, lightning strikes and flooding.

The consent of the Archdeacon should be sought for any tree work. The details of such work should be submitted in writing, in advance, to the Archdeacon including details of the proposal and who will be undertaking the work. Any work to a tree should only be undertaken by suitably qualified people holding public and professional indemnity insurance for at least £5 million. Instructions for work should be given in writing to a written specification. A risk assessment should be prepared prior to work being carried out which considers the hazards resulting from the work, and appropriate safety measures that will be implemented especially in relation to protection of the public. Whilst it is tempting to allow 'a parishioner with a chainsaw' to carry out works to a tree this is not recommended. *Chainsaw use requires proper certification and tree work is inherently dangerous.* Accurate and skilled work to a tree can prolong its life and improve safety – ill-informed tree surgery can reduce tree life and increase risks.

Churchyards are often home to ancient trees, especially yews, and particular care should be taken in the management of these trees with specialist advice being sought at all times.

Other Consents

Work to trees will often require consent from the Local Authority and will generally be required for surgery, pruning or felling where a tree is located:

- Within the churchyard of a listed building
- Within a conservation area
- When the tree is subject to a Tree Preservation Order

It is advisable to take the advice of the local Council's Tree Officer when significant works to a tree are proposed. Generally, where emergency work is identified (where there is imminent risk of injury to people or property) this can be undertaken without permission, but it is important that it is clear that a genuine emergency exists.

Boundaries

Trees on boundaries present particular issues as they can have an effect on such things as a neighbour's right to light and drainage, etc. Advice should be sought when instigating works to boundary trees.

Retention of trees within churchyards is clearly desirable and, despite the potential liability, they can continue to enhance our Churches in the future through careful and professional management.

Tree Works and Protected Species

Appropriate nature conservation advice should be sought relating to the potential use of trees by Protected Species (bats and/or birds) prior to the commencement of tree works. Works to remove trees (and hedges, scrub or buildings) supporting nesting birds should be undertaken outside of the bird breeding season which falls between March and August for most species.

APPENDIX A

A Sample Guide to the Churchyard Regulations of the Church in Wales for Churchyard Users

Introduction

This brief guide has been prepared to explain the main aspects of the Church in Wales' rules for its churchyards. It is not an extensive list but seeks to highlight key things you may need to know as a user of the Churchyard.

Memorials

Memorials can only be erected by permission of the local priest (or Area Dean if there is no priest). There is a specific form to apply for a memorial which your memorial mason should know about.

Memorials can be up to a maximum size (of 4 feet or 1219 mm high) and of an appropriate design. Any stone should bear a simple and appropriate inscription, motif or cross. Different rules apply for stones marking individual ashes plots if the churchyard includes such an area.

Sometimes, individual churches adopt a particular policy for memorials to ensure consistent standards and this may mean a smaller memorial is appropriate. You should check with your parish priest and memorial mason about any local regulations in advance.

You and your family remain responsible for maintaining the memorial you erect. It is worth ensuring that your memorial mason is properly qualified. Look out for the initials NAMM, BRAMM or RQMF on their literature; these are marks of good standards.

The local church will undertake safety inspections of the churchyard and its memorials. Should they see a problem with your memorial, they will try to contact you to discuss what should be done.

Tributes

Tributes should generally be limited to fresh flowers. The rules discourage artificial wreaths or other ornaments. Whilst the Church understands the desire of some friends and relatives to adorn graves with objects that have an attachment to the deceased, we seek to keep our churchyards as simple, tidy places. Please help us to do this.

Churchyard Management

The Churchyard is managed by volunteer members of the Congregation. All the costs to maintain the area are met by the congregation *not* the Government. The fees you pay in connection with any burial are set by the Welsh Government and are directed to support the maintenance of the churchyard. However, in most cases this income is insufficient to meet the annual costs of maintenance. Do talk to your local parish priest about how the churchyard is managed and how you may be able to help care for it.

APPENDIX B

Model Churchyard Management Policy

Name of Parish/Benefice/Ministry Area:

Name of Churchyard/Burial Ground:

1. Management (who does what)

- *Detail here the people involved in the management of the Churchyard. Who will take the lead on the PCC to monitor the churchyard; who will organise the grass cutting, gravestone checks, tree checks and works, health and safety assessments etc.*
- *Detail any contractors and consultants that will be used.*
- *Detail any delegated authority given by the PCC to any individuals.*

2. The Maintenance Regime

- *Detail the regular tasks that will be undertaken and approximately when. This should include grass cutting, hedge trimming, safety inspections, leaf and litter clearance, ice and snow clearance/gritting, etc. Detail the arrangements for handling waste (especially commemorative flowers debris).*

3. The Policy for Grass Cutting

- *Detail the grass cutting regime including the areas to be cut and how regularly. If areas are to be left with long grass, explain why and any measures taken to prevent injury (fencing off, signage, etc). Detail the grass paths that will be kept mown on a plan.*

4. Wildlife Conservation Policies

- *If part of the churchyard is being managed for wildlife, detail the management plan here. This should include details of the wildlife interests being promoted and the key activities to achieve this, including mowing regimes, etc.*

5. Policies Concerning Monuments and Tributes

- *This should set out any guiding principles adopted by the PCC.*

6. Arrangements for Inspection and Survey

- *Detail how safety inspections will be undertaken and who will carry out this work. The timing and regularity of each inspection must be noted. This section should refer to gravestone safety, tree safety, safe access, boundary checks, etc.*

7. Key contacts

- *Who is who and how they can be contacted.*

8. Reporting of Faults

- *Outline the arrangements for PCC members, parishioners and visitors to report any faults or wants of repair and how these will be dealt with e.g. location of faults book, telephone contact and how this will be promoted.*

APPENDIX C

LIST A ITEMS RELATING TO THE CHURCHYARD AND TREES

Permission is not needed for the following items although it is recommended that parishes log them in the Online Faculty System to create a permanent record of what has been done.

Item	Specified Conditions
A7. Churchyard	
(1) The introduction and maintenance of equipment for the maintenance of the church and churchyard	
(2) The repair of paths and other hard-surfaced areas, including resurfacing in the same materials and colour	Not to include resurfacing except for localized repairs
(3) The routine maintenance of, repairs to, and like for like replacement of fences and gates (but not lychgates, walls or historic railings)	The works do not involve any new disturbance below ground level.
(4) The carrying out of repairs to a notice board and the repainting of a notice board	
(5) Grazing in the churchyard	Provided an appropriate license for grazing is granted by the Representative Body.
A8. Trees	
(1) The felling, lopping or topping of a tree, the diameter of any stem of which does not exceed 75 millimetres (measured over the bark at a height of 1.5 metres above ground level)	That any such works have been approved in advance and in writing by the Archdeacon. The works do not relate to any tree in respect of which a tree preservation order is in force or which is in a conservation area. Regard is had to guidance issued by the Representative Body on the management of trees.
(2) The lopping or topping of any tree: (a) that is dying or dead; or (b) has become dangerous	That any such works have been approved in advance and in writing by the Archdeacon. Regard is had to guidance issued by the Representative Body on the management of trees.

<p>(3) The removal of dead branches from a living tree</p>	<p>That any such works have been approved in advance and in writing by the Archdeacon.</p> <p>Regard is had to guidance issued by the Representative Body on the management of trees.</p>
<p>(4) The planting of trees</p>	<p>That any such works have been approved in advance and in writing by the Archdeacon.</p> <p>Regard is had to guidance issued by the Representative Body on the management of trees.</p>
<p>(5) The felling of a tree: (a) that is dying or dead; or (b) has become dangerous</p>	<p>That any such works have been approved in advance and in writing by the Archdeacon.</p> <p>In the case of any tree in which a tree preservation order is in force or which is in a conservation area, section 206 of the Town and Country Planning Act 1990 (which provides for the planting of replacement trees) is complied with.</p> <p>Regard is had to guidance issued by the Representative Body on the management of trees.</p>
<p>(6) All other works to trees (whether or not prescribed above) except felling</p>	<p>That any such works have been approved in advance and in writing by the Archdeacon.</p> <p>Regard is had to guidance issued by the Representative Body on the management of trees.</p> <p>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.</p>

APPENDIX D

LIST B ITEMS RELATING TO THE CHURCHYARD

Permission is needed from the Diocesan Registrar for the following items and must be applied for via the Online Faculty System.

Item	Specified Conditions
B5. Churchyard	
(1) The introduction of benches in a churchyard	No bench has an inscription on it which would not be permitted on a monument in the churchyard under the applicable churchyard regulations or approved by the chancellor.
(2) The replacement of gas or oil tanks	The replacement tank is of similar dimensions and in substantially the same location. No works of excavation are involved. The local planning authority is notified of the proposal.
(3) The routine maintenance, repair or rebuilding of walls	The works do not relate to any wall which is separately listed to the church or is included in the Schedule maintained for the purposes of the Ancient Monuments and Archaeological Areas Act 1979 The works are identified as routine items of maintenance in the most recent Quinquennial Inspection report commissioned via the Diocese in respect of the church. Details of any materials to be used are submitted to the Registrar, when the Registrar is consulted on the proposal to undertake the matter. The works do not involve any new disturbance below ground level. The parochial church council's insurers are notified if external scaffolding is to be erected.
(4) The routine maintenance or repair of lychgates	The lychgate is not separately listed as a building of special architectural or historic interest under the Planning (Listed Buildings and Conservation Areas) Act 1990.
(5) The re-surfacing of paths in the same materials and colour	

RESOURCES

The following organisations, publications and websites contain useful information relating to the topics discussed earlier in this document.

The Representative Body of the Church in Wales

Contact the Property Services department for information and advice on the management and administration of churchyards at:

Property Services Department
2 Callaghan Square
Cardiff
CF10 5BT

Tel: 029 2034 8200 and email property@churchinwales.org.uk.

Diocesan Registrars and DAC Secretaries

Registrars and DAC Secretaries will be able to advise on faculty procedures and legal aspects of burials and disturbance of graves. Details of diocesan contacts can be found on the main Church in Wales' website at:

www.churchinwales.org.uk

The Ecclesiastical Insurance Group (EIG)

EIG offer guidance on the management of churchyards and can be contacted at:

Beaufort House
Brunswick Road
Gloucester
GL1 1JZ

Tel 0345 777 3322

They also publish some useful guidance in their publication, *Guidance Notes: Church Health & Safety* Download the guide in the Documents section of their main website at: www.ecclesiastical.com.

The Church of England (CofE)

The CofE's ChurchCare website has use some useful information on churchyards including burials, memorials and wildlife. It can be found in the Resources section of their main website at: www.churchofengland.org.

A useful publication produced by CofE Church House Publications (largely with a Church of England focus but still relevant) is *The Churchyards Handbook by Thomas Cocke*. ISBN 9780715143018

The Health and Safety Executive (HSE)

The HSE produce a vast range of guidance on all aspects of health & safety such as working at height, producing a risk assessment, reducing hazards (eg. slips and trips), etc, all of which are worth reviewing when carrying out work in a churchyard or burial ground. Their website can be found at: www.hse.gov.uk.

Green and Natural Burials

Further information green and natural burials can be found at the following websites:

The Natural Death Centre: Natural Burial Grounds

www.naturaldeath.org.uk

Ministry of Justice: Natural burial ground: guidance for operators and Burial grounds: guidance for managers

www.gov.uk

The Natural Death Handbook (Rider Books) 4th Edition

ISBN 978-1844132263

Wildlife & Nature Conservation

Further advice on wildlife and nature conservation can be obtained from the following organisations:

Caring for God's Acre (CFGGA)

Is an independent charity that promotes the conservation of churchyards, cemeteries and burial grounds. The website has a wide range of downloadable materials:

www.caringforgodsacre.org.uk

Natural Resources Wales (NRW)

The NRW offer advice and guidance on a wide range of environmental topics:

www.naturalresources.wales

The Bat Conservation Trust

The Trust has a wide range of information on bats including some specifically dealing with churches.

www.bats.org.uk

The British Lichen Society

The Society has several useful pages and downloads on their website dedicated to lichens in churchyards:

www.britishlichensociety.org.uk

Alex Glanville
Head of Property Services
The Church in Wales

Updated 27th August 2018 (TA)