

# Protecting your yew tree



Our ancient and veteran yew trees (*Taxus baccata*) are gaining wide recognition as monuments of national heritage.

With the support of the Conservation Foundation and the Tree Register of the British Isles, the Ancient Yew Group (AYG) have compiled the most comprehensive record of veteran (over 500 years old) and ancient (over 800) yews to date.

By looking on the AYG web site it is possible to see if your area has an ancient, veteran or notable yew(s) growing in it and take steps to protect it for future generations.

## ***Why the need for protection?***

On a world stage, the most significant and now vital refuge for ancient and veteran yew trees is in churchyards. In fact, over 80% of our ancient yews are to be found here. This space has provided a sanctuary for our yews for hundreds of years. However ancient churchyard and other yews are under constant pressure, sharing a limited space with the public and this pressure comes in many guises:

- Development works to existing church buildings or new annexes
- Building maintenance works
- Destructive lopping and topping tree works: misguided management
- Spurious building subsidence insurance claims
- Health and Safety fears
- Poor risk management decisions
- Change of 'ownership' (effectively parish priest stewardship)
- Competing space in grave yards
- Root loss due to revised/expanded car parking spaces

All the above have resulted in the loss or mutilation of ancient yews across the UK, including in churchyards.

## ***Church Faculties: why they do not always safeguard ancient yews***

It could be argued that, if these yews are so huge and presumably well known within the community, how could they be mismanaged when a church Faculty is required for the removal of any tree or where major tree works are required. Problems begin, however, when professional arborist guidance is not sought by the incumbent, church warden or PCC secretary when applying for Faculties and are compounded by the fact that within a diocese there is frequently no arboricultural expertise to advise on management of ancient or veteran yews.

Of course the majority of veteran and ancient yews grow undisturbed in their churchyards but unfortunately new pressures of development and anxiety over health and safety leave these trees very vulnerable and organisations including the Church of England now recognise this as a fact. It is a matter of great wonder to international dendrologists – some of whom come to the UK specifically to visit these ancient trees, that there is no formal protection other than the incumbent's goodwill towards their oldest inhabitant.

## ***Establishing the need for formal protection***

Placing a Tree Preservation Order (TPO) on these veteran and ancient yews will protect them both as historic monuments and as fragile organisms whose preservation is our common responsibility. There are some stark examples of where some of the UK's oldest trees have been treated in a very cavalier and reckless fashion. A TPO would protect them in perpetuity while at the same time offer the incumbent of the parish and the parish council sound advice on management and care.

## ***TPO's and what is involved***

TPOs are administered by Local Planning Authorities (LPA) (e.g. a borough, district or unitary council or a national park authority) and are made to protect trees that bring significant amenity benefit to the local area. An ancient or veteran yew would fit this description. A TPO can protect anything from a single tree to all trees within a defined area or woodland.

A TPO is a written order, which in general, makes it a criminal offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree protected by that order, or to cause or permit such actions, without the authority's permission. Anyone found guilty of such an offence is liable. In serious cases the case may be dealt with in the Crown Court where an unlimited fine can be imposed.

To make an application to carry out tree works an application form would need to be submitted to the LPA. The form can either be submitted through the [Planning Portal](#) or directly to the LPA. You can find out more about TPOs in the Department for Communities and Local Government guide titled [\*Protected trees: A guide to tree preservation procedures\*](#). You might also find it helpful to seek the advice of a tree surgeon prior to making an application.

## ***Conservation Areas***

Some churchyards are a designated Conservation Area. Normal TPO procedures apply if a tree in a conservation area is already protected by a TPO. But if a tree in a conservation area is not covered by a TPO, you have to give written notice to the LPA (by letter, email or on the LPA's form) of any proposed work, describing what you want to do, at least six weeks before the work starts. This is called a 'section 211 notice' and it gives the LPA an opportunity to consider protecting the tree with a TPO.

You can find out more about trees in Conservation Areas in the Department for Communities and Local Government guide titled *Protected trees: A guide to tree preservation procedures*.



## ***Helpful links***

### **Protected trees: A guide to tree preservation procedures**

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/244528/2127793.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244528/2127793.pdf)

### **Planning Portal**

[www.planningportal.gov.uk/](http://www.planningportal.gov.uk/)

### **Tree Preservation Orders and trees in conservation areas**

<http://planningguidance.planningportal.gov.uk/blog/guidance/tree-preservation-orders/>

### **Arboricultural Association**

[www.trees.org.uk](http://www.trees.org.uk)

### **Consulting Arborist Society**

[www.tree-expert-finder.co.uk](http://www.tree-expert-finder.co.uk)

### **Ancient Yew Group**

[www.ancient-yew.org](http://www.ancient-yew.org)

