

# CLOSED CHURCHYARD POLICY

## 1. Overview / Policy Statement

The purpose of this policy is to set out how Closed Churchyards will be maintained by the Council.

A Closed Churchyard is a churchyard which is closed for burials and where maintenance responsibility has passed to the Councils in accordance with the procedures set out in section 215 of the Local Government Act 1972.

As of **April 2025**, the following are closed churchyards within the Council's area:

South Oxfordshire District Council	Vale of White Horse District Council
All Hallows - Wallingford	All Saints - Coleshill
All Saints - Didcot	Holy Trinity - Ardington
St Helen's – Benson	St Andrew's - Shrivenham
St Leonards - Wallingford	St Giles – Great Coxwell
St Mary-Le-More - Wallingford	St Nicholas's - Abingdon
St Mary Magdalene – Crowmarsh Gifford	St Peter & St Paul's - Wantage
St Mary's – Henley-on-Thames	St Lawrence's – South Hinksey
St Mary's – Cholsey	
St Margaret's - Harpsden	
St Nicholas's – Forest Hill	
St Paul's - Culham	
The Old Church – Christmas Common	

For an up-to-date list of closed churchyards maintained by South and Vale District Councils, please visit our websites:

[Closed churchyards - South Oxfordshire District Council](#)

[Closed churchyards - Vale of White Horse District Council](#)

## **1.1 Consents**

Prior to the Council carrying out works in accordance with this policy, consent may be required from third parties which may impact on the timing, viability and manner of the works.

Maintenance works will require permission from the Consistory Court of the Diocese ("Faculty Consent") unless they fall within those works specified in Schedule 1 of The Faculty Jurisdiction Rules 2015. Schedule 1 apportioned some types of maintenance works between List A and List B (attached at Appendix 1). If works fall within List B, they do not require Faculty Consent but instead require consent from Diocesan Advisory Committee. If works fall within List A they do not require either Faculty Consent or consent from the Diocesan Advisory Committee, but they may require other consents.

The consent of neighbouring landowners may also be required if access to their properties is needed to carry out any works.

In cases where a closed churchyard has been designated as a Site of Special Scientific Interest (SSSI) or a Site of Importance to Nature Conservation (SINC), consultation will take place with Natural England to take this into account.

## **2. Objectives**

- To clarify the council's approach towards delivery of its statutory obligations under section 215 of the 1972 Local Government Act
- Provide transparency and consistency of service for the public and officers
- To ascertain the extent of maintenance to be undertaken by the councils

## **3. Employment Contractual Status**

This policy does not form part of South Oxfordshire District Council or the Vale of White Horse District Council's contract of employment.

## **4. Scope of Policy**

The works carried out by the Council will be limited to those required under the maintenance responsibilities transferred by way of s215 Local Government Act 1972 only. Inspections and necessary works will be carried out in accordance with the Council's management of the Closed Churchyards, which shall be determined and subject to

change without notice by the Council, in its absolute discretion.

Where there is imminent danger of injury to people, structural damage or risk to health and safety, the Council reserves the right to carry out the minimum level of emergency works deemed necessary to make an area safe, without obtaining any prior approval or consent. This may include boarding up, fencing off or other steps to prevent access into areas of risk to others. Upon carrying out the emergency works, the Councils will notify the Diocesan Advisory Committee for the area as soon as is practicable.

## **4.1 Inspections**

### 4.1.1 Boundaries and Hardstanding

The Council will carry out periodic inspections of Closed Churchyard boundary walls every two years. The Council will inspect unadopted paths in a Closed Churchyard every two years. It will aim to carry out maintenance works on any defect above 2.5cm in height, or 2.5cm in depth as found at the time of inspection, or when reported in so far as is reasonably practical. This decision on any particular location may be delayed by the budget position, and the Council shall be entitled to carry out prioritisation decisions as to which works are required.

### 4.1.2 Landscaped Areas

The following may be subject to change without notice, if Council policy in this area was to change and should therefore be taken as indicative only.

Weed control will take place approximately 3 times per annum, in March, June and September, subject to weather conditions and resource.

Grass, where it needs cutting in Closed Churchyards and where it is sufficiently accessible to be cut with the Council's equipment, will be maintained to an amenity standard, with no more than 8 visits between March and October each year. Obstacles within the grass will be maintained to retain the rural character and to avoid any damage (where possible) to headstones. Grass cuttings will not be removed, as is consistent with all our rural open spaces. Grass edges will not be routinely cut.

Other vegetation such as saplings, bushes, brambles and weeds will be removed or pruned back on an ad-hoc basis as and when required, at the Council's discretion.

Shrub bed maintenance (where applicable) will take place monthly throughout the year, with one annual prune between November and February. The planting and maintenance of existing or new flowerbeds within the Closed Churchyards, remains the responsibility of the church and is not included in the Council's churchyard maintenance programme.

Hedge cutting will take place annually, between August and October. In the event that a hedge, tree, or shrub needs to be removed due to being dead or dying, the Council

regrets that it is unable to provide or plant a replacement. To ensure consistency and appropriate management of the site, any replacement planting by the church or other groups should only proceed following prior consultation and agreement with the Council.

#### 4.1.3 Trees

The Council will keep a register of all trees situated within the churchyards. All trees on the register will be inspected every five years.

#### 4.1.4 Drainage and Utility Services

Maintenance of drains, channels, service conduits, lighting or electrical lines or equipment in the Closed Churchyard is not part of the maintenance responsibility of the Council.

#### 4.1.5 Headstones and Memorials

A visual inspection and a manual topple test of memorials and headstones to identify any potentially dangerous stones or structures, is to be carried out every two years. It should be noted that this does not apply to war graves maintained by the Commonwealth War Graves Commission, even if they are located in one of the Closed Churchyards covered by this Policy.

Where it is found that a repair is required and the Council considers, in its absolute discretion, that there is no immediate real risk of harm, the Council will report the matter to the Parochial Church Council (PCC), who will be expected to contact the Heirs at Law and advise them of their responsibility to carry out the required repairs within a reasonable timescale. Where all reasonable attempts by the church to trace the Heirs at Law prove unsuccessful, the councils will liaise with the PCC and the Diocesan Advisory Committee (DAC) regarding any precautions or remedial works that should be taken.

Where required, the Church, on behalf of the Councils will publish a general Form of Notice for the period of 28 days (excluding the day it is erected or removed), to advise the public of the council's intention for the memorial and allow for any objections to be lodged with the Diocesan Registry. The church may publish the Form of Notice as a sign next to the memorial, on church noticeboards or by any other media channel that the council deem appropriate. If identified, the Heir can then decide to leave the memorial lying flat/fenced off or can repair it at their cost. If no Heir comes forward upon the expiration of the notice period and no objections are lodged, the council will, at its discretion, pursue the relevant faculty consent to perform the minimum level of repair required or leave the memorial lying flat.

If the Council, in its absolute discretion, considers there is an immediate and real risk of harm the Council will, as soon as reasonably possible, install a warning sign on a post near to or on the memorial, alerting visitors to the potential danger (and by way of additional notice to grave owners) and / or will place a cordon around the affected area.

If a headstone or memorial is found to be unstable and imminently dangerous, the Council

will take the minimum action necessary to make it safe, which may include laying the stone flat with inscriptions showing or fencing off larger memorials with an appropriate cordon to accommodate a fall radius. Any precautions taken will be proportionate to the risk of people suffering harm.

#### 4.1.6 Unforeseen Events

The Council will always endeavour to contact the attached church in relation to hazardous situations. Nevertheless, the Council will, in the interests of public safety, carry out any emergency works that are required for the purposes of health and safety and are within the Council's maintenance responsibility, prior to obtaining any consent.

In the event of any extenuating circumstance including but not limited to; restrictions imposed due to national or worldwide pandemic or epidemic, civil unrest or force majeure, the Council will suspend all routine and non-urgent works to Closed Churchyards, in line with public health and safety guidance. Urgent works will be assessed on a case-by-case basis (where possible) and will be actioned (either fully or temporarily) when safe and practicable to do so.

## **5. Roles and Responsibilities for Delivery**

The councils will be responsible for the delivery, monitoring and planning of all closed churchyard maintenance under its statutory obligation. In particular, the following will apply:

- **Property Operations:**
  - Maintenance and repair of all boundary walls, fences and hedges specified as church boundaries on the land registry and ordinance survey maps
  - The making safe of unstable churchyard memorials and furniture
  - Ensuring Health and Safety is maintained within closed churchyards via a programme of inspection
  
- **Grounds Maintenance & Parks:**
  - Routine cutting of churchyard grass and pruning of shrubs
  - Removal of invasive vegetation from churchyard walls and memorials
  - Maintenance of all churchyard trees maintained on the council's tree register
  
- **Strategic Property:**
  - Closure and legal transfer process of churchyard maintenance liability to the councils

- **Parochial Church Councils:**
  - Maintain ownership of churchyard land and buildings

## 6. Relevant Legislation

- S.215 of 1972 Local Government Act
- 1855 Burials Act
- The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010
- Health & Safety at Work Act 1974

## 7. Relevant Policy and Procedure

Relevant policy and procedure are as follows:

- [Apply to close a churchyard - GOV.UK](#)
- [Guidance & resources - Diocese of Oxford](#)
- [wilder-churches-closure-maintenance.pdf](#)
- [Caring for our churchyards - Diocese of Oxford](#)

## 8. Reporting of Faults

Parishioners and / or visitors to the closed churchyards should report any faults or problems in the first instance to:

1. The Church (where a church is attached to the churchyard)
2. South & Vale DC Facilities Helpdesk (structural issues):  
[Facilities@southandvale.gov.uk](mailto:Facilities@southandvale.gov.uk)
3. South & Vale DC Parks Helpdesk (grounds maintenance issues):  
[Parks@southandvale.gov.uk](mailto:Parks@southandvale.gov.uk)
4. The Diocese of Oxford, c/o the Diocesan Advisory Committee (DAC):  
Church House Oxford, Langford Locks, Kidlington OX5 1GF. Tel: 01865 208200

Members of the Parochial Church Council should report faults or problems via email, to the Council Helpdesk.

## 9. Alternative Formats

Please do not hesitate to contact a member of the Equalities Team if you would like this policy in an alternative format, via: [equalities@southandvale.gov.uk](mailto:equalities@southandvale.gov.uk) or telephone 01235 422422

## 10. Communication and Contact Information

For further information about this policy, please contact the Property team on email: [Property@southandvale.gov.uk](mailto:Property@southandvale.gov.uk) or telephone 01235 422422.

## 11. Change Record

This policy should be reviewed every 4 years, or upon changes to legislation.

Change Record	
<b>Policy title</b>	Closed Churchyard Policy
<b>Version number</b>	V.03 FINAL
<b>Owner(s)</b>	Legal
<b>Author(s)</b>	Nick Bennet
<b>Approved by</b>	Andrew Busby
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