

# Millbrook Parish Council

## Memorial trees and benches

### **1. Scope of the policy**

- 1.1 When loved ones die, their friends and relatives will often want to commemorate them with a lasting memorial. Often this will be in the form of a tree or bench, which not only honours their memory but provides a beautiful and functional improvement to the local environment.
- 1.2 This policy sets out how we approve memorial benches and trees, who is responsible for their upkeep, and what is expected from the donor and the Council.
- 1.3 The Council will always endeavour to be respectful, sympathetic and fair towards those donating trees and benches, to balance the needs of facility users and to maintain the high quality of its open spaces.

### **2. What and who is covered by the policy**

The policy covers any memorial bench, tree, or other lasting item placed on Millbrook Parish Council-owned property and is relevant to anyone who has commissioned or is thinking of commissioning a memorial tree or bench.

### **3. Legal framework**

- 3.1 The planting of trees or installation of benches on land as memorials is a private arrangement between the friends and relatives commissioning the memorial and the landowner. As such, the Parish Council can only approve memorials on Parish Council-owned land. The Council may support applications for benches placed on the public highway, but permission is required from the local highways authority, Cornwall County Council.
- 3.2 Generally speaking, installing trees and benches will not be subject to planning permission, restrictive covenants, or other restrictions. However, there might be cases where the Parish Council is unable to install benches for such reasons.

- 3.3 Under the Crime and Disorder Act 1998, the Council must consider the effect of its decisions on crime and disorder. It may deem a location unsuitable if it might attract antisocial behaviour.
- 3.4 When the Council agrees to install a bench or tree, the council purchases the bench or tree and the friends and family donate a set amount to the Council for the cost of the bench or tree.

#### **4. Policy statement**

##### **Determining requests**

- 4.1 Enquiries for a memorial bench or tree should be made by email or letter to the Clerk at Millbrook Parish Council. Requests will be discussed by the Assets and Open Spaces Advisory Task Group and recommendations made to the Clerk. If the group is not scheduled to meet, the Clerk will work with the Chair of the Assets & Open Spaces Task Group and the decision will be made in consultation with the Chair of the Asset & Open Spaces Task Group and Chair and / or Vice Chair of Millbrook Parish Council. If an agreement is not reached the decision will be made by the Full Council.
- 4.2 The Council will endeavour to accommodate any reasonable requests for the planting of memorial trees or installation of memorial benches on Council-owned property only. Requests may not be able to be fulfilled if the location is unsuitable due to the risk of vandalism, antisocial behaviour, over-population of trees or benches, or any other material factors.
- 4.3 Only trees and benches suitable for and in keeping with the immediate surrounds, and benches of a robust design will be used. The Council will decide on the style and make of bench. The Council will supply a list of suitable trees and the appropriate location, as well as the cost, so that the friends or family can choose the one that meets their preference and budget. The Council will decide the size of the tree according to the location it will be planted in. Any request to plant a tree that has been grown by the applicant(s) will be considered on a case-by-case basis.
- 4.4 The exact location of the tree or bench will be agreed with Parish Council staff or from the master plan. It is the donor's responsibility to ensure that the location is well-communicated to the Council and confirmed in writing, by letter or email, with an accompanying sketch if needed. It will not always be possible to accommodate specific location requests; the Parish Council has the final decision regarding siting.
- 4.5 Where an existing bench is in poor condition, the Council and donor may agree to install a memorial bench in its place, the full cost of which shall be met by the donor as detailed below.

- 4.6 Memorial benches and trees will only be considered from people that can demonstrate a close tie with the person being commemorated. The Council reserves the right to refuse a memorial bench or tree should it have any grounds to believe it would be contrary to the wishes of the commemorated person's next of kin or would cause offence to the wider community. The Council reserves the right to refuse a memorial bench or tree for other reasons. The reasons will be supplied to the applicant if requested.

### **Costs**

- 4.7 The cost will include the tree or bench and any plaques the Council is asked to source, delivery and installation/planting costs (e.g., fixings, tree guard), and the cost of the base for the bench. The donor will be asked to pay for costs exclusive of V.A.T., as the Council is able to reclaim the V.A.T.
- 4.8 The applicant will be informed of any costs on application. This will depend on the bench / tree type and size.

### **Installing / Planting**

- 4.11 The arrangements for ordering and installing the bench or tree will be the responsibility of the Council, once the financial donation has been made.
- 4.12 Tree planting will usually only be permitted between late autumn and early spring, in line with the tree-planting season.
- 4.13 Trees will normally be planted by the Parish Council contractor or staff/volunteers. However, donors are welcome to be present at the tree planting and carry out a small ceremony if they wish.
- 4.14 No scattering of ashes of humans or pets at any site either at the time or a later date will be permitted.

### **Plaques**

- 4.15 Commemorative plaques can be affixed to a memorial bench, or placed next to a memorial tree, subject to agreeing a size, wording, and specification with the Council. This will be included in the cost of the bench or tree. No plaque may be affixed to a tree itself.

### **Maintenance**

- 4.16 The Council will only source high quality / durable benches. The donor is expected to ensure the item is maintained and cared for and kept in good usable condition using environmentally friendly methods."



- 4.17 Donors should also be aware that benches or young trees in public areas may be subject to vandalism, and the Council will not be held responsible for any costs in replacing them.
- 4.18 The Council reserves the right to re-site or remove any tree or bench that it deems to be unsafe or unrepairable, and may also re-site or remove it for other operational reasons.
- 4.19 Placing of flowers or other memorabilia is not encouraged as the bench is in a public place. Any specific requests may be made to the Clerk.

Date	Minute	Notes
20/07/2021	53a	Following recommendation by the Asset & Open Spaces Task Group the policy was approved by the Full Council.
19/07/2022	47d	The Full Council agreed with the recommendations to amend " <i>The donor will be responsible for ensuring the item is maintained and cared for and kept in a good usable condition.</i> " To " <i>The donor is expected to ensure the item is maintained and cared for and kept in good usable condition using environmentally friendly methods.</i> "