



Agreement between Medstead Parish Council and St Andrew's Parochial Church Council for Maintenance of St Andrew's, Medstead Closed Churchyard

1. Introduction

This Agreement should be read in conjunction with the National Association of Local Councils (NALC) legal topic note LTN 65 "Closed Churchyards and Disused Burial Grounds" and the current Medstead Parish Council "Maintenance Contract for Cemetery and Churchyard".

2. Background

Section 215 of the Local Government Act 1972 (the Act), permits a Parochial Church Council (PCC) to request the local authority (Parish Council) to assume responsibility of the maintenance of a closed churchyard, or specific parts of a churchyard which are deemed to be closed.

A churchyard is closed if one of the following conditions is met:

- The churchyard is full.
- The continuing use of the churchyard for burials may constitute either a risk to public health or be contrary to decency.
- The discontinuance of burials may prevent or mitigate nuisance.

St Andrew's Churchyard ceased being used for burials at the end of the 19th century but continued to be maintained by the PCC. Although not formally requested to do so, Medstead Parish Council has, since the early part of the current century and in recognition of the Act, taken an increasing responsibility for the maintenance and upkeep of the closed Churchyard.

3. Purpose and Policy

This document clarifies the approach that Medstead Parish Council will take to the maintenance of St Andrew's closed churchyard and recognises the agreement of St Andrew's PCC.

Any churchyard to be transferred to Medstead Parish Council must be in good order and repair and have been maintained to the satisfaction of the Parish Council at the point of transfer.

Any churchyard where the maintenance responsibility is transferred to Medstead Parish Council will be maintained at the minimum standard specified below, unless additional funding to cover any enhancements to this level of service is provided by the PCC or other body to cover the additional costs incurred. Specific details of work performed are contained within the Parish Council's current maintenance contract for the cemetery and churchyard.

Medstead Parish Council will not be responsible for the removal of detritus, including for example, grass cuttings, pruning, lopped branches etc. resulting from the work of non-parish council employees or contractors.

Medstead Parish Council will maintain adopted churchyards to a greater standard than the minimum, but only be when resources are available and additional expenditure is justified, or where alternative funding is made available.

Medstead Parish Council will not be responsible for obtaining any Faculties that may be required for agreed additional works and improvements within the churchyard.

Medstead Parish Council will not be responsible for the maintenance of any additional pathways, trees etc. that are installed after the transfer and without the prior agreement of the Parish Council.

Any deviation from the maintenance schedule below will be at the discretion of Medstead Parish Council, wherever possible in liaison with the PCC.

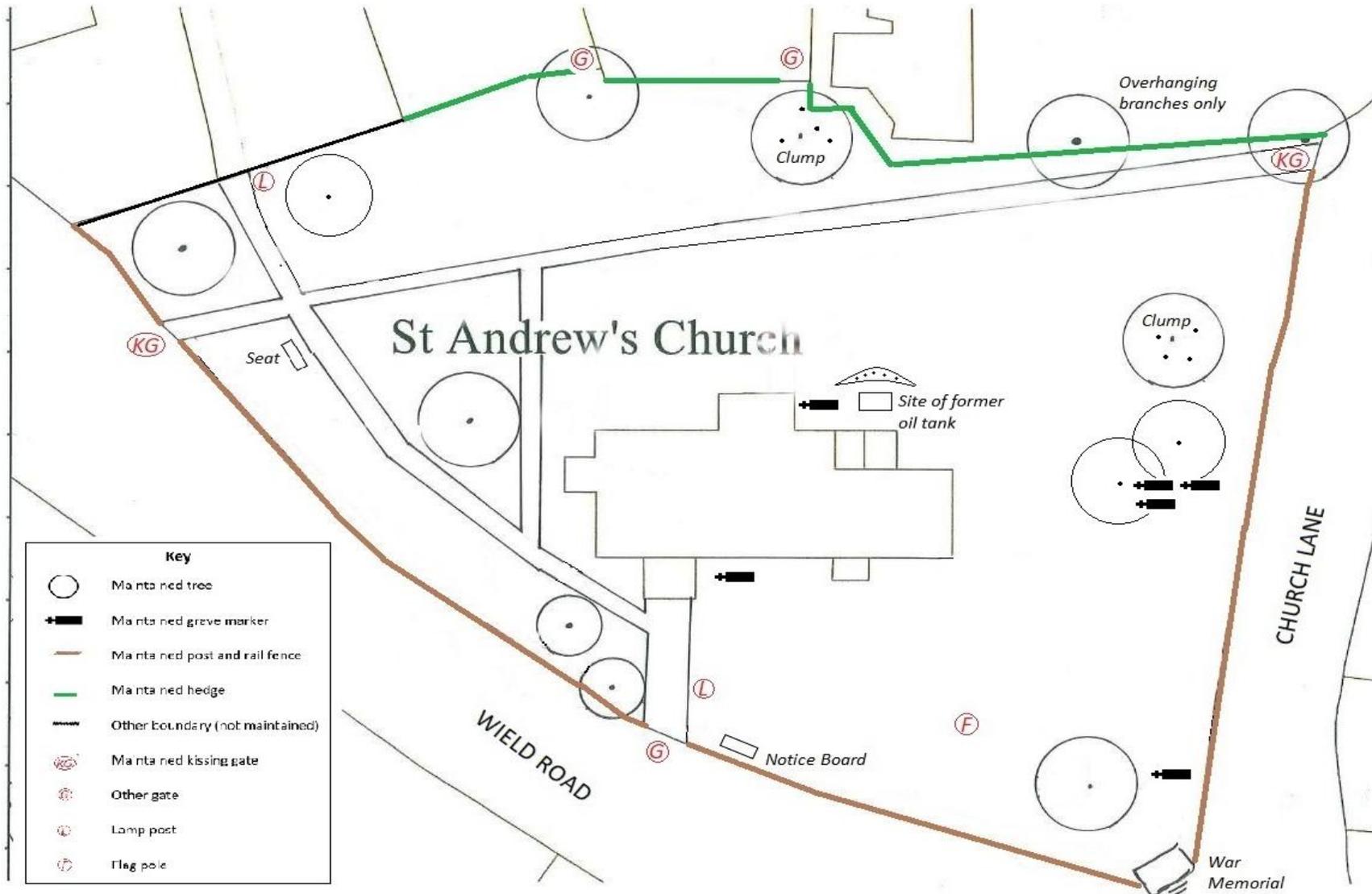
Area of Maintenance		Standard
1	Grass Cutting and Strimming	Grass cutting and strimming will be carried out from mid-March to end-September according to areas and schedule identified in the Medstead Parish Council Maintenance Contract. All grass cuttings to be removed from site.
2	Hedges and shrubs	Hedges will be cut annually between 1 st September and 1 st March along with any necessary pruning of shrubs, unless there is a legitimate need to undertake further maintenance, such as the intrusion onto a footpath or highway which introduces an unacceptable risk on public safety.
3	Trees	Trees will be maintained to a minimum standard to prevent further decay through disease and/or personal injury to the general public. Only emergency work to take place during the nesting season.
4	Pathways and hard standings	Pathways will be kept weed free and twice a year may be treated with a suitable weed killer. Pathways and other hard standings will be maintained and repaired only where there is determined by the Parish Council to be a risk of personal safety.
5	Headstones and Monuments	Memorial Inspections will be carried out as part of a five year rolling programme, according to the current Medstead Parish Council Memorial Inspection and Policy Procedure. Any found to be dangerous will be cordoned off, secured or laid down. The War Memorial will be subject to the current listed building guidance.
6	Buildings and other structures	Buildings and other structures, such as heating fuel tanks, notice boards, lamp posts or flag poles, will not be transferred as part of the churchyard. Where it is agreed that such a transfer takes place, for example the post and rail fence to the front of St Andrew's Church, the Parish Council will maintain the structure to a standard to ensure public safety is not placed at risk.

7	Fences, kissing gate(s), front gate and benches	Fences, kissing gate(s), front gate and benches will be maintained to ensure that public safety is not put at risk.
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Appendix 1: Boundary map of St Andrew’s Churchyard

Appendix 2: Areas and items maintained by Medstead Parish Council

APPENDIX 1



Medstead Parish Council: Agreement for Maintenance of St Andrew's Closed Churchyard;
 Adopted 14th February 2024, Minute Ref: 24.030

Appendix 2

Areas and Items Maintained by Medstead Parish Council

(With reference to Appendix 1)

All grassed areas within Churchyard.

Existing tarmac and gravelled pathways within Churchyard boundaries.

Wooden post and rail fence on west/ south/ east boundaries.

Kissing gate(s) and front gate.

Benches, seating and associated fixtures and fittings.

Identified trees.

Identified headstones, grave markers and memorials.

Identified hedges on north boundary (clipping to churchyard side only).

Specific Items that will not be maintained by Medstead Parish Council:

Any headstones, memorials or grave markers other than those specifically indicated in Appendix 1.

Any gates (other than front and kissing gates).

Lamps and lamp posts.

Flag Pole.

Notice boards.

Any fencing/ hedges not identified above.

Any other items/ areas not previously identified or lying outside of the designated churchyard.

NB Medstead Parish Council will not be responsible for any land contamination resulting from the siting of the former oil tank(s).