

NMEMORIAL TREE and BENCH POLICY

1. INTRODUCTION

- 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 Loughton Town Council (LTC) recognises the wish of some residents to request a memorial bench or tree. LTC is happy to consider such a request, but it is important to remember that the public land is enjoyed by a wide range of users and residents.
- 1.3 LTC 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.
- 1.4 When siting memorial trees and benches, LTC will always take into account existing benches, trees, geographical features and soil conditions before accepting a donation. It is also important to note that once donated, the trees and benches become the property of LTC.
- 1.5 This policy sets out how LTC approve memorial benches and trees; who is responsible for their upkeep; what is expected from the donor and LTC; and what happens to the memorial when the bench/tree reaches the end of its life.
- 1.6 This policy is not exhaustive and is subject to change from time to time and will be reviewed on a regular basis by LTC.

2. SCOPE OF POLICY

- 2.1 This policy has been produced with the following guiding principles.
- 2.2 To be respectful and sympathetic to those seeking to install a memorial.
- 2.3 To be clear and easily understood by residents and users of public land.
- 2.4 This policy applies to all land under LTC's ownership or management, regardless of location including its parks, allotments, cemeteries, woodland and open spaces.
- 2.5 Whilst this policy is as comprehensive as possible; it does not cover every situation. Situations that occur outside of this policy's scope will be dealt with on a case-by-case basis at LTC's discretion.
- 2.6 LTC reserve the right to refuse any Memorial application which it deems unsuitable. The decision of LTC will be final.
- 2.7 Memorial trees/ benches and their installation are purchased by way of a monetary donation to LTC.
- 2.8 Memorial trees/benches will not be ordered until the full donation has been received.
- 2.9 LTC is unable to agree to the interment or scattering of ashes at public open spaces within the parish other than LTC cemetery on payment of the appropriate fee.
- 2.10 LTC does not accept applications for memorials for pets.

3. LEGAL FRAMEWORK

- 3.1 There is no legislative requirement for the provision of public or memorial benches or trees although it is accepted that they provide a useful and valued public amenity. The provision and management of all benches/trees on all public open spaces owned or managed by LTC is the responsibility of LTC.
- 3.2 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 LTC. LTC may support applications for benches placed on the

public highway, but permission is required from, but not limited to the local Highways Authority, Essex County Council, Epping Forest District Council and or any other relevant authorities.

- 3.3 Generally speaking, installing trees and benches will not be subject to planning permission, restrictive covenants, or other restrictions. However, there may be cases where LTC is unable to install benches for such reasons.
- 3.4 Under the Crime and Disorder Act 1998, LTC must consider the effect of its decisions on crime and disorder and may deem a location unsuitable, if it may potentially attract anti-social behaviour.
- 3.5 When LTC agrees to install a bench or tree, they are bought by the friends and family and donated to LTC. The tree or bench then becomes the property of LTC, and the donor does not retain the right to determine its future management. LTC will nevertheless endeavour to ensure it is properly maintained and cared for but has no responsibility for any subsequent deterioration.

4. DETERMINING REQUESTS

- 4.1 LTC will endeavour to accommodate any reasonable requests for the planting of memorial trees or installation of memorial benches on LTC 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.
- 4.2 Only trees and benches suitable, in-keeping to the immediate surrounds, and benches of a robust design from an approved supplier will be considered.
- 4.3 The exact location of the tree or bench will be agreed between the donor and LTC staff.
- 4.4 Where an existing bench is in poor condition, LTC and donor may agree to install a memorial bench in its place, the full cost to be met by the donor.
- 4.5 Memorial benches and trees will only be considered from people who can demonstrate a close tie with the person being commemorated. LTC 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.

5. MEMORIAL BENCHES

- 5.1 All applications for a memorial bench should be made in writing (preferably by e-mail) and signed by the applicant to the Town Clerk. The request will be considered on behalf of LTC by the Recreation Committee and/or the Environment & Heritage Committee.
- 5.2 LTC will try to accommodate the wishes of applicants, however only sites which do not already have a sufficient number of benches will be considered.
- 5.3 All inscriptions must be approved by LTC prior to installation. LTC reserves the right to refuse any inscription that is deemed offensive or inappropriate.
- 5.4 Whilst every effort will be made to accommodate the applicants wishes, the final design and bench location are at the discretion of LTC.
- 5.5 LTC promotes the provision of eco-friendly, recycled, durable plastic benches.
- 5.6 LTC does not accept responsibility for any damage or loss that may occur if a memorial is damaged, vandalised or stolen.
- 5.7 LTC reserves the right to remove a memorial bench at any time. If it is within 10 years of installation, LTC will contact the applicant (providing that contact details are up to date) and attempt to relocate the bench to a suitable location.
- 5.8 No additional mementos, e.g. statues, flowers, wreaths, vases, etc will be permitted on or around the bench. LTC reserves the right to remove and dispose of any such items.

- 5.9 Scattering of cremated remains and burial of urns with cremated remains not permitted at any time.
- 5.10 Only maintenance work authorised by LTC will be permitted.
- 5.11 Memorial plaques must not be removed, or inscriptions amended without the written approval of LTC.
- 5.12 LTC will undertake regular assessment of all benches and reserves the right to remove any bench that is no longer considered safe and fit for purpose. In this event, LTC will attempt to contact the named person(s) on the enquiry form. The donor will be asked to collect the inscribed plaque within 6 weeks. If contact cannot be made plaques will also be disposed of within 12 weeks.
- 5.13 LTC will keep a record of donors and their contact details in accordance with the General Data Protection Regulations. It is the responsibility of the donor to provide LTC with updated details in writing. Failure to do so could lead to plaques or benches being removed without notice to the donor.

6. MEMORIAL TREES

- 6.1 All applications for a memorial bench should be made in writing (preferably by e-mail) to the Town Clerk. The request will be considered on behalf of LTC by the Recreation Committee and/or the Environment & Heritage Committee.
- 6.2 LTC will always try to accommodate the wishes of applicants, however as trees are dynamic living organisms, they need specific conditions to thrive and survive, therefore the final planting location will be entirely at LTC's discretion.
- 6.3 Tree species will be selected (where possible) taking into account the wishes of the applicant, existing trees in the area, the tree's final expected size, soil conditions and geography of the area. Wherever possible LTC will offer a choice of species suitable for the location.
- 6.4 Tree species availability and price can vary significantly, therefore the price agreed when the donation is paid will be honoured by LTC unless supplier costs increase significantly between receipt and ordering.
- 6.5 Trees will always be sourced from reputable growers/suppliers and be of a high standard.
- 6.6 Trees will generally be planted between late autumn and early spring, as this is widely recognised as the best time to establish newly planted trees.
- 6.7 Trees will be planted with a suitable sized stake/stakes at the correct depth, and top dressed with a good layer of mulch. A suitable stem guard will be added if the area is prone to deer or rabbits.
- 6.8 Whilst every effort will be made to maintain newly planted trees, LTC cannot be held accountable for trees that do not establish or die.
- 6.9 In most instances, a single memorial plaque on a post may be placed in the ground to the front of the tree, but not on the tree itself. All inscriptions must be approved by LTC prior to installation. LTC reserves the right to refuse any inscription that is deemed offensive or inappropriate.
- 6.10 LTC does not accept responsibility for any damage or loss that may occur if a memorial plaque is damaged, vandalised or stolen. Memorial plaques must be removed, or inscriptions amended without the written approval of LTC.
- 6.11 LTC retains the right to re-site a plaque should this become necessary.
- 6.12 No additional mementos, e.g., statues, flowers, wreaths, vases etc will be permitted on or around the tree. LTC reserves the right to remove and dispose of any such items.
- 6.13 Once a tree has been planted it is expected that it will remain for perpetuity, however, LTC reserves the right to remove the tree for a variety of reasons, including safety, disease, mortality, changing environment, changes to infrastructure and common law nuisance.

- 6.14 The scattering of cremated remains and burial of urns with cremated remains is not permitted at any time.
- 6.15 Memorial trees will be recorded on a register kept by LTC.
- 6.16 LTC will keep a record of donors and their contact details in accordance with the General Data Protection Regulations. It is the responsibility of the donor to provide LTC with updated details in writing. Failure to do so could lead to plaques or trees being removed without notice to the donor.
- 6.17 Trees will normally be planted by LTC or an appointed qualified contractor. However, donors are welcome to be present at the tree planting and carry out a small ceremony, if they wish.

7. COSTS

- 7.1 The cost of the tree or bench will include any plaque/inscription, transportation costs, delivery and planting/installation costs (e.g. fixings, tree guard, paving or concrete base around the bench). All costs will be exclusive of VAT.
- 7.2 Total costs will be agreed on a case by case basis between LTC and the donor.

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