

Response to an issue raised in a Croscombe Parish Council (CPC) meeting

Background

In September's CPC meeting, a member of the public raised a question concerning secrecy and disquiet in the parish regarding Croscombe's community orchard, and uncertainty about what was 'allowed' and what was not 'allowed', and why. The CPC committed to the individual to respond within a month; the following is the response.

Early History

In the early 1990s, Croscombe's cemetery was reported to be nearing capacity, leading to a decision to seek and purchase some land for a new cemetery. Dinder Estates (DE) offered to sell some land just outside the village, off Thrupe Lane, specifically for a burial ground. Conditions were set in the Title Deed (for the sale of the land to the CPC) to ensure that the land is used only for the burying of human remains and for animal grazing.

Other conditions included: the planting of trees around the edges of the land; siting of a small shed; a car park; and the requirement for DE's prior written permission for any planting of ornamental trees.

The conveyance also contained other restrictions, including the following:

Not to carry on any trade or business on the Property or any part thereof but to use the same as a burial ground for deceased human beings or grazing land for no other purpose whatsoever.

Not to plant any other trees on the Property without the written consent of the Vendor which shall not be unreasonably delayed or withheld on the basis that such additional trees shall in any event be an ornamental species and shall not in any event be planted within forty feet of the gas pipe line passing under the Property or within forty feet of overhead power cables.

DE's intent is clear - ensure the land is used only as a burial ground and for no other purpose, and thus only the two activities were permitted – burying human remains and animal grazing. Following a generous grant to the CPC, the sale of the land by DE to the CPC was completed in 1992 and Croscombe's cemetery needs were considered safe for decades to come.

Croscombe's new Cemetery

Work continued through the 1990s to establish the cemetery, making provisions for a series of future extensions to enable cemetery growth. An estimate of 70 years was communicated to the parish, and this did not reflect that the entire land was designated as the burial ground, so given the rate of the cemetery population increases, Croscombe's cemetery needs would be met for well beyond a century, and possibly even two centuries. By 2020, 70 years of extension areas for the cemetery had been prepared, leaving a large part of the 'burial ground' land not in

use and it was leased to a local farmer for animal grazing. A contractor was engaged by the CPC to regularly cut the grass and the hedges in and around the cemetery.

A Community Orchard

In 2021, a group of parishioners conceived the idea of establishing a Croscombe community orchard, like that of the village of Pilton. The CPC tasked the group to further develop the idea and to then undertake a survey of the parish to determine the level of support for an orchard on the land adjacent to the cemetery, known to some as the cemetery field, and to others as South Field.

A survey was developed to ask one question – “in principle do you like the idea of planting a community orchard?” and it also sought comments. Copies were distributed to some of the parish in 2021 and 108¹ responses were received – 58 online and 50 on paper. Analyses of the returns were recorded incorrectly in the minutes of a CPC meeting by reporting a 66% majority in favour of the orchard². Scrutiny of the data in 2024 revealed a miscalculation - the Yes total had not been adjusted to reflect those who voted ‘Yes’ in principle but were against the proposed location - clearly it is irrelevant if one agreed in principle to an orchard if one did not agree to the only location on offer, off Thrupe Lane. The corrected figures were 56 in favour of an orchard next to the cemetery, and 52 against an orchard at the proposed location, thus, the majority was considerably less than the 66% reported. Significant opposition was raised in the survey, principally about the location – see annex A. Nevertheless, whilst the majority was very small, the majority of those who voted, voted in favour of the orchard next to the cemetery, so the CPC in 2022 approved the proposal to establish a community orchard next to the cemetery.

An orchard working group (OWG) circular in 2022 informed the parish of the plan for an orchard on the cemetery field off Thrupe Lane, committing to plant no more than 30 trees, and for the trees to be ‘sponsored’ by members of the public and maintained by the OWG. The trees were first to be purchased by the OWG. An event, approved by the CPC, took place to plant the trees. Several successful events, approved by the CPC and managed by the OWG, took place during the following years, including a celebration of Queen Elizabeth II’s jubilee; each event was attended and enjoyed by many parishioners.

Successful fund-raising by the OWG continued and by 2024 reports of increased demand led the OWG to propose that the orchard be extended. The CPC became aware that more³ trees had been planted than the agreed maximum of 30 trees committed to the parish in 2022; each without CPC and DE permission, and all planted in the area assigned for only 30 trees.

¹Two reports were issued at that time, one stated 108 responses were received, the other reported 84. Using the 108 figure, then approximately 20% of the parish participated in the 2021 survey. It was later reported that only 70% of the parish had been invited to participate in the survey.

² Refer CPC minutes 10/6/21 (section 07ii).

³ Various figures have been cited around the village. A count carried out by the author in October 2025 confirmed the trees planted to total 39.

Given the unauthorised over-planting, and some concern raised about the spacing between some of the orchard trees (cf. the orchards of Pilton or Dinder) and as the vote majority of the 2021 survey had been over-stated, the CPC in 2024 opted to consult the parish again to determine the level of support for the orchard and its expansion. Another survey of the parish was conducted in late 2024⁴; many more parishioners participated in this survey, and a significant majority of those who voted, favoured expanding the orchard⁵.

The CPC reviewed the OWG's proposal again and in July 2025 approved orchard expansion subject to two conditions:

1. as some of the trees may have been planted too close together, reassurance be provided to the CPC that the orchard design and layout (existing and proposed) were sound and if applicable, ways implemented to improve them.
2. written permission from DE was secured for the orchard expansion⁶.

After unsuccessful attempts to secure design assurance, a local landscape contractor (who maintained the cemetery grass and hedges) offered verbal advice to the OWG that in the main the orchard tree spacing would not cause a problem in the future, but he refused to provide that advice in writing. As formal design assurance from a professional tree specialist would likely prove very expensive, the CPC accepted the verbal advice reported by the OWG and decided that it satisfied the first condition (see 1 above) regarding the spacing of the trees.

During the preparation and review of material required to secure CPC and DE permission, the CPC learned that written DE permission for the orchard had never been secured. Searches of parish records failed to find any record of written DE permission, thus confirming an account from the OWG that written response had never been requested nor received from DE. It was reported that in a telephone conversation between a DE trustee and the CPC Chair, DE support for the orchard had been given. Further CPC review concluded that verbal permission from a DE trustee did not fulfil the requirement set in the 1992 Title Deed, and the absence of written permission from DE could invalidate CPC insurance cover for orchard events⁷. The CPC reluctantly decided in March 2025 to stop all further orchard events until the required DE written permission had been secured. Numerous interactions with DE's managing agent followed in March through to August as the agent first secured agreement from DE's solicitor and then from the DE trustees. DE permission was received in September 2025⁸, providing:

⁴ Refer to Croscombe Community Orchard Parish Survey 2024 report on parish council website

⁵ 167 questionnaires from the 530 distributed were returned by parishioners, 32% of those entitled to participate. 63% voted in favour of the orchard and 34% were not in favour; thus 20% of the parish voted in support of the orchard.

⁶ Written DE permission is an explicit requirement in the 1992 Title Deed for the purchase of the land.

⁷ All events in the parish organised by the CPC or any of its working groups and involving members of the public, must have risk assessment and insurance cover for accidents, and as applicable, licenses for the sale of food and drink. If our presence was considered illegal (due to the lack of written permission) then our insurance cover could be compromised.

- retrospective DE permission for the Croscombe Community Orchard,
- DE permission for the proposed expansion of the orchard area by 50%,
- DE permission for fund-raising events to be held in the orchard.

On the 16th of September 2025 the CPC concluded that the conditions stipulated in July 2025 had been sufficiently satisfied to allow orchard expansion by up to 50% to proceed. As the CPC was then on a legal footing with DE, the OWG could present proposals to the CPC for further fund-raising events and planting in the orchard.

One issue remains: ownership and responsibility for the trees in the community orchard. The OWG was instructed by the CPC to develop proper additions to parish records to make it clear that trees purchased by the OWG became the property of the CPC, accompanied by responsibility for their maintenance. A pro forma has been developed by the OWG to make this explicit and to provide a formal record for future sponsorship transactions. Current sponsors are to be advised by the OWG of this responsibility emphasizing that responsibility for tree maintenance has been delegated by the CPC to the OWG as originally committed in the flyer issued to the parish in 2022.⁹

This account explains the delays, activities and issues encountered in the establishment and development of Croscombe's Community Orchard; it dispels any suggestion of secrecy - all the information contained within this document are available in the parish council records. Improvements have been made by the CPC to strengthen the way it governs its working groups. The OWG is more aware of its responsibilities as a working group of the CPC. If required, please contact Croscombe's parish clerk for any further information¹⁰.

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05/10/25

Annex A

Issues raised in the 2021 parish survey

⁸ The request for DE's permission to extend the orchard was first made by the CPC in August 2024 whereupon DE requested details of the individual trees to be planted in the extension area. The OWG and the CPC prepared the material by January 2025 assuming that written permission for the orchard had already been secured in 2022. When it became known that written DE permission had never been requested nor received, all orchard events stopped and the OWG was directed to establish the full information set (including the layout and details of the existing trees); this was drafted by May 2025. DE responded that it would first need to consult its solicitors before agreeing to the retrospective permission for the orchard and to grant permissions for expansion and for fund-raising events.

⁹ Tree maintenance activities are not events and so do not require specific CPC or DE permission.

¹⁰ clerk@croscombeparishcouncil.co.uk

1. The view that the burial ground should be used only for what it was purchased and not be a place for an orchard or celebration and 'partying'; and related to this some were disappointed to find that it did not become the memorial garden that was one of the considerations communicated early on. Some mistakenly thought that the field was consecrated ground - clearly it isn't, never was, and post survey reporting made that clear.
2. Location was considered a major issue (and still is to some) - access up the hill on Thrupe Lane was considered unsafe, too steep for many to climb, not central to the village, too far for visits on foot by those on the west of the parish, and it was seen by some to favour only those on the east of the parish.
3. The lack of toilet facilities.
4. The area for the orchard itself being on a slope and uneven.
5. Some considered Croscombe to already be well served with fruit trees and saw no need for more.
6. 20% of the parish participated in the 2021 survey, and 30% of the parish did not receive the survey form and so were excluded from the survey.
7. Given the apparent requirement for the orchard to be established on council owned land, some saw it as a 'fait accomplis' and that it would proceed anyway irrespective of parishioners' views. It is unclear who insisted on the orchard being only on land owned by the CPC.
8. Some later asked that given the level of opposition, the decision be deferred until a better solution could be found that would not be so contentious. That this request was ignored, may have added more fuel to the fire.