

## **Rother District Council**

**Report to:** Council

**Date:** Monday 15 September 2025

**Title:** Motion to Council submitted by Councillor McLaren concerning Rights of Rother Trees

**Report of:** Lorna Ford, Chief Executive

**Purpose of Report:** To consider the Motion submitted by Councillor McLaren.

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### **Rights of Rother Trees**

#### **Motion submitted by Councillor McLaren, seconded by Councillor Burton**

##### **Proposed motion:**

- A) This Council supports the growing global movement for rights of nature as a framework for rethinking the relationship between human beings and the natural world.
- B) This Council supports the introduction into law of legislation which would require those taking decisions affecting trees to have regard to the trees' rights to:
1. exist and grow;
  2. have their own mycelium (underground fungi) protected;
  3. access to their adjacent root-wide-web;
  4. have their wellbeing protected for future generations;
  5. not to be wilfully injured or damaged;
  6. not to be killed;
  7. not to be polluted with poisons;
  8. have an articulated voice in the community; and
  9. hold polluters and vandals accountable.
- C) Protection should be prioritised for trees that can be considered as a “heritage and/or cultural asset<sup>1</sup>”, an important example being the Crowhurst 1066 Yew Tree<sup>2</sup> which stands as a living link for our community with our history going back more than 1,300 years. It is an ancient native tree, an iconic landmark and an important local natural monument.
- D) This Council therefore:
1. welcomes the decision of Crowhurst Parish Council to support “personhood status<sup>3</sup>” for the 1066 Yew tree and invites them, together

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<sup>1</sup> Point 34 of [Sentencing Remarks](#) in relation to felling of Hadrian's Wall Sycamore Tree 9 May 2025 refers to the tree as a “heritage and/or cultural asset” and refers to the tree's status as “part of our natural heritage”.

<sup>2</sup> Forestry Journal [Trees of the world: The 1066 Yew | Forestry Journal](#)

<sup>3</sup> The provision of rights to natural assets such as rivers is sometimes referred to as “personhood”. For further information [World Economic Forum on Environmental Personhood](#)

- with the community of Crowhurst, to take on guardianship of the 1066 Yew Tree to protect it for future generations;
2. will consider how to reflect this motion in its revised Rother Local Plan;
  3. will update the Council's Climate Strategy Action Plan to reflect this motion;
  4. will continue to work in partnership with local environmental organisations to utilise this motion to support their work;
  5. will support proposals from community groups and organisations for similar declarations in respect of other Rother trees that can be considered as a "heritage and/or cultural asset"<sup>1</sup>; and
  6. will inform local residents and inform local press/media of this decision.

### **Background information provided by the proposers**

This motion builds upon the Council's Climate Strategy, which recognises that trees and healthy soils are important tools to help us to mitigate and adapt to climate change. The Strategy and Action Plan commit the Council to halt land and marine species decline, and to increase biodiversity and carbon sequestration, through actions such as developing a district-wide tree strategy and specifying that the new Local Plan will have regard to the Local Nature Recovery Strategy in decision-making through policy.

Councils including Wealden District Council and Lewes District Council have passed motions on Rights for Rivers, for example the River Ouse in Lewes. This motion, for the first time in the UK we believe, extends the concept to trees such as the much loved and valued 1066 Yew Tree in St George's Churchyard Crowhurst. It is on the [Woodland Trust Ancient Tree Inventory](#) and is thought to be more than 1,300 years old, pre-dating the Battle of Hastings and the arrival of William the Conqueror. Many notable individuals, including King George V, Rudyard Kipling and the Cambridge Botanical Gardens, have received young yew trees grown from the seeds of this famous tree.

Last year, some trench work was done adjacent to the Churchyard and vegetation between a neighbouring building and the Church land was cleared. This included the veteran tree root protection area and negatively impacted the roots of the tree. The tree was granted a Tree Preservation Order (TPO). The loss of a tree such as the 1066 Yew would be an irreplaceable loss and could not be compensated by new planting. This motion supports the local community in watching over this tree and speaking up for it if it is under threat. In considering how to reflect this motion in our Rother Local Plan, the Council aims to give the tree an influential voice in decisions that affect it.

As we have seen with incidents such as the felling of the Sycamore Gap tree in Northumberland in 2023<sup>1</sup>, even heritage trees are in danger. We also see that even where trees have a TPO in place, their protection can still be weak. The June 2025 [Arboricultural Association report into the effectiveness of TPOs](#) in England found that "the foundation of tree preservation, the governing legislation and the regulations are unsatisfactory". Of the contraventions "determined within 6 months, 9.58% resulted in the Local Planning Authority (LPA) serving a tree replacement notice and 1.46% in the LPA pursuing the contravener to court".

For the 1066 Yew, community support for this motion is evidenced by the decision of Crowhurst Parish Council at its meeting on 21 July 2025: "The Parish Council agreed to support an application for personhood<sup>3</sup> status for the ancient Yew Tree in St

George’s Churchyard” (Minutes of the meeting 15.3). The importance to the local community of preserving and enhancing the natural environment of Crowhurst is evidenced by its Neighbourhood Plan ([CNDP](#)) and biodiversity audit, which includes reference to the importance of the 1066 Yew. Dr John Feltwell is the Chair of the Crowhurst Environment Group (CEG), which has a membership of 80+ people. He confirms CEG’s support, “CEG fully endorses the motion especially for the 1066 Yew tree since it embodies the respect that the tree has in the community and contributes to the well-being of all”.

It is appropriate that this Council, with 83% of its land area forming part of the High Weald National Landscape and with a further 7% having national importance, should take this pioneering step to support the rights of trees. This proposal has the support of the Environmental Law Foundation and has some related international precedent<sup>4</sup>.

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Appendices:	NONE
Relevant Previous Minutes:	NONE
Background Papers:	NONE
Reference Documents:	NONE

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<sup>4</sup> In New Zealand the Te Urewera Act appointed specific guardians to represent the forest in legal and policy areas. [Te Urewera Act 2014 No 51 \(as at 05 April 2025\), Public Act – New Zealand Legislation](#) “Te Urewera has an identity in and of itself, inspiring people to commit to its care.”