

## **Report**

### **Churchyard – Ongoing Mole Activity**

**Agenda Item:** FG25-28

**Prepared by:** Parish Clerk

**Date:** 5<sup>th</sup> January 2026

#### **Background**

The Parish Council is responsible for the maintenance of the closed churchyard following its closure by Order in Council. This responsibility includes general grounds maintenance and ensuring, so far as is reasonably practicable, that the land is safe for visitors, contractors, and others who may access the site.

Over recent months there has been persistent and increasing mole activity within the closed churchyard, resulting in significant disturbance to the ground surface and complaints.

#### **Current Issues Identified**

##### **a) Health and Safety Risks to the Public**

The ongoing mole activity has created:

- Large molehills and uneven ground
- Increased risk of trips, slips and falls, particularly for:
  - Elderly visitors
  - Those with mobility impairments
  - Visitors attending graves or undertaking routine maintenance

These risks are foreseeable and recurring, and complaints have now been received drawing the Council's attention to the issue.

##### **b) Health and Safety Risks to Contractors**

The Council's grass-cutting contractors have reported:

- Increased difficulty operating machinery on uneven surfaces
- Risk of machinery instability due to raised and sunken areas
- Flying debris from disturbed soil and stones
- Damage to mower blades and equipment, incurred costs
- Additional time required to make areas safe before cutting

This exposes contractors to avoidable risk and may increase the Council's exposure under health and safety and liability principles.

If left unmanaged, these impacts are likely to continue or worsen.

#### **Legal and Insurance Considerations**

As the body responsible for maintenance, the Parish Council is considered to be in control of the land and therefore owes a duty of care under general occupiers' liability and negligence principles.

While the Council is not required to eliminate all natural hazards, it is expected to take reasonable and proportionate steps to manage known and ongoing risks once they have been identified.

Failure to take action, particularly following complaints and contractor feedback, may increase the Council's exposure to:

- Public liability claims
- Contractor claims
- Insurance concerns in the event of an incident

### **Biodiversity and Wildlife Considerations**

It is acknowledged that:

- Moles are a natural part of the local ecosystem
- The churchyard may have biodiversity value

However:

- Mole activity is not a protected species issue in itself
- Reasonable control measures are permitted where there is a clear health and safety justification

Any action taken should:

- Be proportionate and targeted
- Avoid unnecessary harm
- Focus on risk reduction, not eradication

### **Humane and Responsible Control Options**

Options the Council may wish to consider include:

- Engaging a professional, qualified pest control contractor
- Use of recognised humane control methods in accordance with best practice
- Avoidance of inappropriate or unregulated measures
- Recording actions taken as part of the Council's risk management approach

Advice can be sought from contractors experienced in working within sensitive or public-access environments.

### **Recommendation**

It is recommended that the Parish Council:

1. Formally acknowledges the ongoing mole activity as a health and safety and operational issue.
2. Agrees in principle that some form of intervention is necessary to manage risk.
3. Authorises the Clerk to:
  - Obtain quotations or advice from suitable contractors, liaising with the Church

- Explore proportionate and humane control measures
4. Records the decision as part of the Council's duty of care and risk management responsibilities

### *Legislation*

#### **Legal Topic Note 65 – Closed Churchyards**

Key points reflected in NALC guidance:

- Once a churchyard is closed by Order in Council and maintenance has passed to the parish council, the council is responsible for general maintenance of the land.
- This includes maintaining the churchyard in a safe and decent condition, but does not include responsibility for repairing monuments.
- The council's duty is one of maintenance and safety, not enhancement.

This supports the view that addressing ongoing ground hazards (such as mole damage) falls within the council's remit.

#### **Legal Topic Note 22 – Health and Safety**

Key principles:

- Parish councils have duties under general health and safety law to protect:
  - Members of the public
  - Contractors and employees
- Risk assessments should be recorded and reviewed
- Councils are expected to act where risks are reasonably foreseeable and controllable

The impact on grass-cutting contractors is directly relevant under this note.

#### **Legal Topic Note 61 – Biodiversity and the Natural Environment**

NALC recognises that:

- Councils should balance biodiversity with practical land management
- Health and safety considerations may justify intervention
- Wildlife management should be proportionate and responsible

This supports limited, humane mole control where safety is affected.