

P-05-1441: Oak tree at the Gate of the Dead should be given statutory protection by Cadw, as an ancient tree

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Reference: SR24/8813-8

Petition Number: P-05-1441

Petition title: Oak tree at the Gate of the Dead, should be given statutory protection by Cadw, as an ancient tree

Text of petition: Over a thousand years old this ancient Tree, is now very vulnerable after several trees recently have been targeted by criminals. The tree holds an important place associated with the Battle of Crogen in 1165. The tree should be placed under the protection of CADW. The tree is in a very vulnerable position near Offa's Dyke, in the county of Wrexham near Chirk.

1. Background

The Oak tree at the Gate of the Dead (Derwen Adwy'r Meirwon) is an ancient tree in Wrexham County Borough. It is located in the park of Chirk Castle near to Offa's Dyke and the site of the 1165 Battle of Crogen. The tree is said to be over 1000 years old and is named for a supposed burial site connected to the battle to which it bore witness.



In 2014 the Oak tree at the Gate of the Dead came ninth in a European-wide 'tree of the year' competition. It was entered into the competition by Woodland Trust Wales.

While Cadw has no powers to protect specific trees, the Oak tree at the Gate of the Dead sits within the park of Chirk Castle, which has been included in the statutory register of historic parks and gardens maintained by the Welsh Ministers.

The Historic Environment (Wales) Act 2016 amended the Ancient Monuments and Archaeological Areas Act 1979 to place a duty on the Welsh Ministers to compile and maintain a register of sites of special historic interest in Wales, including parks and gardens.

As such, the statutory register came into force on 1 February 2022, replacing a previous non-statutory register. The statutory register does not impose any new legal restrictions on Wales' historic parks and gardens or introduce a new consent regime. Registered sites continue to receive the current level of protection through the planning system

The tree is also subject to a Tree Preservation Order (TPO). A TPO prohibits the cutting down, uprooting, topping, lopping, wilful damage or wilful destruction of a tree without the consent of the Local Planning Authority. The Agriculture (Wales) Act 2023 amended the Forestry Act 1967 to impose an unlimited fine for illegal tree felling

2. Welsh Government action

The then Cabinet Secretary for Culture and Social Justice, Lesley Griffiths MS, wrote to the Committee setting out the existing protections for the tree. The letter noted that Welsh national planning policy, Planning Policy Wales, had been updated to strengthen protection for all trees, including ancient woodland and individual ancient, veteran and heritage trees.

The letter stated that a TPO, to which the tree is subject, is currently the most effective protection for a tree.

The Cabinet Secretary emphasised the Welsh Government is "firmly committed" to protecting ancient trees and woodlands. She said the Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS, is currently considering the approach to strengthening protections for ancient woodlands.

3. Welsh Parliament action

A previous petition, [P-06-1306 More protection for ancient & veteran trees in Wales. Old Trees can be relocated. Stop The Chop](#), called for greater protection for ancient and veteran trees in the planning system. This petition was considered complete by the Petitions Committee at its meeting on 3 July 2023, noting that the Agriculture (Wales) Bill had passed stage 4 of the legislative process.

Greater protection for ancient woodland and veteran trees was discussed during passage of the Agriculture (Wales) Bill through the Senedd. The Economy, Trade and Rural Affairs Committee [recommended at stage 1](#) that the then Minister for Rural Affairs and North Wales, and Trefnydd, Lesley Griffiths MS, should set out how greater protections for ancient woodland and veteran trees would be addressed.

[The Minister responded](#) stating the need to take a holistic approach. She noted amendments the Bill would make to the *Forestry Act 1967* to provide the ability to add site specific or bespoke conditions to felling licences where appropriate. She also noted changes to planning policy (see above), and work ongoing to develop the National Forest for Wales and the Sustainable Farming Scheme.

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