

Report for Resolution

Report to Executive
1 October 2008
Report of Head of Legal and Democratic Services
Subject Future Burial Provision for Norwich City

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Purpose

This report details the options available to the City Council to ensure that the future burial requirements for the city are provided.

Recommendations

The Executive agrees:

- 1 To the proposals in options A, B, & D for the immediate future management of the cemeteries to ensure their use is maximised;
- 2 To option E in relation to the procurement of land for a new cemetery.

Financial Consequences

There are no immediate additional costs to the Council however there would be considerable capital costs in purchasing additional land for cemetery provision.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority "Opportunities for all – communities to be able to access the wide range of services in the city provided by the Council" and the service plan priority.

Executive Member: Councillor Bremner - Community Safety and Community Cohesion and Councillor Brociek-Coulton – Residents and Customer Care

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Background Documents

None

Report

Background

1. The Corporation of Norwich opened Earlham Cemetery in 1855 and the Rosary Cemetery was opened in 1821 as a private venture.
2. An outline of the current legal provisions and the background history to each cemetery is provided in Appendix 1.
3. A report detailing the future options for each cemetery was considered in June 2005 (Appendix 1).

Current Position

Earlham Cemetery

4. Earlham is the primary burial site for Norwich, and there are currently 1469 plots remaining.
5. The demand for interments is on average 300 per annum therefore with careful management and development of overgrown areas, the remaining plots will satisfy current demand for 5 years (2012)

Rosary Cemetery

6. Rosary is no longer considered a primary burial site, with considerable importance now being placed on its historical value and content.
7. The remaining space is minimal, although this has been extended by utilising land not originally designated for burials so that the number of plots now remaining, subject to the land being able to be used, has now been increased from 20 to 99.¹
8. The demand for interments is on average 15 per annum therefore with careful management the remaining plots will satisfy current demand for 6 years (2013).

Burial Provision (Greater Norwich)

9. In the longer term, subject to the outcome of the Local Government Boundary Review there will be a greater call on land to be used as a cemetery.

¹ Area of land is an infill site, which may not allow the full area to be utilised

10. However, a recent survey of the area likely to be incorporated into a greater Norwich unitary authority may include two existing cemeteries, Colney Woodland Burial Park which is privately owned and Sprowston Cemetery which belongs to the parish council. The latter is a 6 acre civil site and the parish council is currently negotiating to purchase a further 6 acres to cope with the current demands.
11. The remainder of the burial provision in these areas is in the form of churchyards.
12. However, an extended boundary will allow land to be purchased away from the more expensive development areas (subject to planning permission).

Planned regeneration, development and growth in Greater Norwich

13. In the Regional Spatial Strategy, the government sets ambitious requirements for new homes in Greater Norwich up to 2026. Within Greater Norwich (the districts of Broadland, Norwich and South Norfolk) the 'Joint Core Strategy' is being prepared to will set the framework for this regeneration, development and growth. As well as homes already allocated or with planning permission, land for a further 26,000 new homes still needs to be found in the Norwich Policy Area (which includes the built up area of urban Norwich and its suburbs, including Wymondham and Long Stratton).
14. The effect of this level of growth on the population of the Norwich Policy Area would see the population rise from the current 230,000 to a projected 280,000 by 2025.
15. The Joint core Strategy relies on a substantial evidence base which includes an assessment of the infrastructure needed to support new and existing communities. A full understanding about what, where, when and the costs of different infrastructure is still evolving. For the purposes of this CMT report, it is suggested that future burial provision should be one of the infrastructure requirements that need to be planned as part of this strategic planning process.
16. Land for burial provision may be allocated through the local development framework and if CMT may decide to pursue this through planning officers working jointly, and may also wish to raise this at strategic director level through the Greater Norwich Development Partnership.

Future Provision for Burial Services

17. The capacity of each cemetery to meet the City's needs has been reviewed each year. In July 2007, the review indicated that Earlham has provision for

approximately the next 5 years and Rosary 6.²

18. In view of the limited number of plots remaining, it is appropriate to again consider the future of each cemetery and the Council's role as a Burial Authority.

19. The options outlined in Appendix 1 are

A Continue existing burial service, utilize spare capacity then manage the closure;

B Proactively redevelop and maintain the burial grounds (see D below); and

C Cease the burial service (close the cemeteries).

and the “pros and cons” detailed for each option are still relevant.

20. In addition to these there are the following further options:

D Redevelopment (reuse) of the existing plots. It is currently the Government's intention to introduce measures (using powers under the Deregulation and Contracting Out Act 1994), which will allow the reuse of burial grounds after a suitable lapse of time. (suggested period is 100 years)

This adoption of this proposal on the information available would be administratively burdensome on the Burial Authority, as we will need to consult with the families of each plot, who will have the right to defer the reuse of their relatives' grave for a further generation if they wish.

However, both cemeteries have a considerable number of graves over 100 years old, therefore we have adequate resources to progress this option.

E Purchase land and provide a new cemetery for the City (through the GNDP).

This option will address the future demand for the City, including the additional demand through unitary status when the catchment area increases. If this option is developed, further consideration will need to be given to purchasing within the existing city boundary and perhaps considering the creation of a woodland burial site or purchasing land in the greater Norwich area, although precisely what may be available will not be known until the boundary review has been completed.

However, either option may involve the cost of purchasing the land as well as the additional running and maintenance costs on top of the existing cemeteries, which although closed will still need to be maintained.

² This is subject to no major incidents taking place, for example Influenza Pandemic.

Current Burial Trends

21. The demand for interments in Norwich over the past 3 years is on average 300 per annum, although the number of interments this year is down on the equivalent period for 2006/07.
22. This slight down turn may be an indication that we are starting to follow the national trend which shows a reduction in the number of interments, with 72% of all funerals now resulting in cremation.

Action Plan

The following actions are proposed in relation to each option:

- A Continue existing burial service, utilize spare capacity then manage the closure

Issues:

1. The Council currently has the exclusive right to burial for a plot to be purchased in reserve i.e. a plot may be bought but may not be used for many years, which effectively reduces the remaining burial capacity for the immediate demand each time a plot is sold.
2. The situation in 1 is further aggravated in that the plot may currently be purchased for a minimum of two interments which again reduces the remaining burial capacity.
3. The plots are currently sold for a period of 50 years, which is renewable for the payment of a further fee.

Recommendations

1. **To maximise the remaining burial space it is proposed that in future a plot is only sold in conjunction with a planned funeral;**
2. **The plot is sold for a minimum of 4 interments; and**
3. **The period for the exclusive right of burial is reduced to 25 years, which will allow any remaining space in the grave to be used for “common graves” if the right is not renewed.**

B&D Proactively redevelop and maintain the burial grounds

Issues:

1. The Government currently intends to introduce measures which will allow the reuse of burial grounds after suitable period; 10 years has been suggested. This proposal is likely to be administratively burdensome on the burial authority, although currently no legislative provisions have been put into place to enable this to be progressed.

Recommendations

1. **Until the legislative provisions are put into place to allow this option to be fully reviewed, the Council maintains the cemeteries using the actions recommended in A above.**

E Purchase land and provide a new cemetery for the City (through the GNDP).

Issues:

1. Until the review of the existing city boundary has been completed, this option cannot be fully explored.

Recommendations

1. **Review this option following the decision on the city boundary review.**

1. Introduction

- The Cemeteries Management Plan (currently under review) will set out the Councils proposals for the future management of Earlham and Rosary Cemeteries.
- In future the hierarchy of use will be specific to each cemetery.

2. Legal position

Prior to current Local Government Act 1972

- Corporation of Norwich established Earlham Cemetery in 1855, after the Public Health Act 1855, made cemetery burial compulsory. In 1856 legislation passed allowing churchyards to be closed.
- Rosary Cemetery opened 1821 and passed to NCC management in 1954.

Local Government Act 1972

- Defined burial authorities, which includes district councils such as Norwich.
- Gave burial/cemetery authorities powers and duties inter alia to:
 - ♦ provide and regulate cemeteries
 - ♦ undertake, if appropriate, the care and disposal of dead bodies
 - ♦ carry out the statutory requirements regarding the registration of burials, and

Local Authorities' Cemeteries Order

- Although no direct requirement to provide a Burial ground, where cemeteries have been established the above sets out very specific, and onerous obligations relating to:
 - Powers of management
 - Maintenance
 - Fees and Charges
 - Duties relating to the keeping of records

Health and Safety at Work etc Act 1974

- As occupier of the cemetery, the Council has duties under the Health and Safety at work Act 1974, to the public and its employees.
- Health and Safety Executive contacted all councils in 2004 urging plans be put into place to inspect memorials following national concern.
- Additionally, the Occupiers' Liability Acts places responsibility on the council for potential liability from a memorial where the owner or person responsible cannot be traced.

3. Future Cemetery Options

- The 3 options for each cemetery are as follows:
 - ♦ Continue existing burial service, utilize spare capacity then manage the closure.
 - ♦ Proactively redevelop and maintain the burial grounds.
 - ♦ Cease the burial service (close the cemetery)

Option 1: Continue existing burial service, utilize spare capacity then manage the closure.

Pros	Cons
<ul style="list-style-type: none">Retains the burial option for Norwich citizens for the immediate future.	<ul style="list-style-type: none">Additional staff resources are required to maintain the burial service. This could be combined with the memorial risk assessment programme.
<ul style="list-style-type: none">No increase in existing maintenance costs - £179K per year income retained.	<ul style="list-style-type: none">Continuing requirement to carryout memorial risk assessment survey and remedial works. Four year programme – at an estimated £40K per year.
<ul style="list-style-type: none">Reduces the national shortage of burial ground.	<ul style="list-style-type: none">Government guidance on the reuse of burial ground is expected in the next few years to address the shortage.
<ul style="list-style-type: none">Addresses the needs of certain race funerals where cremation is not an option.	<ul style="list-style-type: none">The current spare capacity in each burial ground is finite, resulting in their ultimate closure.
<ul style="list-style-type: none">Acceptable option (public and politically)	

Option 2: Proactively redevelop and maintain the burial grounds.

Pros	Cons
<ul style="list-style-type: none">Retain the burial option for Norwich citizens for the long-term future.	<ul style="list-style-type: none">Additional staff resources are required to maintain the burial service. This could be combined with the memorial risk assessment programme.
<ul style="list-style-type: none">No increase in existing maintenance costs - £179K per year income retained.	<ul style="list-style-type: none">Continuing requirement to carryout memorial risk assessment survey and remedial works. Four year programme – at an estimated £40K per year.
<ul style="list-style-type: none">Potential increase in income.	<ul style="list-style-type: none">Redevelopment cost of burial grounds.
<ul style="list-style-type: none">Reduces the national shortage of burial ground.	<ul style="list-style-type: none">Redevelopment of land will raise issue relating to ground clearance, tree pruning and felling, the removal of roads & pathways and the destruction of natural habitats.
<ul style="list-style-type: none">Government guidance on the reuse of burial ground is expected	

in the next few years to address the shortage.	
▪ Addresses the needs of certain race funerals where cremation is not an option.	
▪ Acceptable option for Earlham Cemetery (public and politically)	▪ Unlikely to be an acceptable option for Rosary Cemetery whose main use is now historical interest and educational.

Option 3: Cease the burial service (close the cemetery).

Pros	Cons
▪ Reduce staff resources required to run the service.	
▪ Reduced Comino development cost.	
	▪ Loss of income - £179K per year
	▪ Ongoing maintenance cost - £400K per year
	▪ Continuing requirement to carryout memorial risk assessment survey and remedial works. Four year programme – at an estimated £40K per year.
	▪ Continuing requirement to provide a burial service where there are existing burial rights.
	▪ Equal opportunity issues for certain race funerals where cremation is not an option.
	▪ Unacceptable to close a burial ground with spare capacity where there is already national concern over the shortage of burial ground
	▪ Government guidance on the reuse of burial ground is expected in the next few years to address the shortage.
	▪ Public acceptability- using cemeteries outside Norwich.
	▪ Political acceptability

4. Recommendation

- **Option 1:** The existing burial service is maintained until the current spare capacity is used in each cemetery, when the cemeteries will be closed.