

**Norwich City Council**

**SCRUTINY COMMITTEE**

**BRIEFING PAPER for meeting to be held on 9 April 2009**

**Future Burial Provision for Norwich City**

The Committee is asked to consider options for meeting future needs for burial provision in Norwich and make recommendations to the Executive.

Contact Details:-

John Jones, Head of Legal and Democratic Services    Tel: 01603 212440  
Michael Stephenson, Regulatory Services Manager    Tel: 01603 212283

# Future burial provision for Norwich City

## 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.

## Current Position

### Earlham Cemetery

3. Earlham is the primary burial site for Norwich, and there are currently 1469 plots remaining.
4. 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 3-4 years (2012)

### Rosary Cemetery

5. Rosary is no longer considered a primary burial site, with considerable importance now being placed on its historical value and content.
6. 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.<sup>1</sup>
7. The demand for interments is on average 15 per annum therefore with careful management the remaining plots will satisfy current demand for next 4-5 years (2013).

### Burial Provision (Greater Norwich)

8. In the longer term, our boundary may be extended to include land currently in Broadland and South Norfolk Councils' areas.
9. However, a recent survey of the area likely to be incorporated into the unitary authority may include two existing cemeteries, Colney Woodland Burial Park which is privately owned and Sprowston Cemetery which belongs to the parish

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

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.

10. The remainder of the burial provision in these areas is in the form of churchyards.
11. However, the 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

12. 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).
13. 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.
14. 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.
15. 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

16. 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 4 years and Rosary 5.<sup>2</sup>
17. In view of the limited number of plots remaining, it is appropriate to again

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

consider the future of each cemetery and the Council's role as a Burial Authority.

18. Attached Plans A & B (Earlham and Rosary Cemeteries respectively) show current usage and capacity.

19. The options 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).**

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 if the Government uses its power under the Act this would need to be considered further.

**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.

## Current Burial Trends

21. The demand for interments in Norwich over the past 4 years is on average 300 per annum, although this number has been falling each year with 240 interments taking place in 2008.
22. This down turn indicates 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. Appendix 2 gives some comparator figures.

## 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 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.
4. The leasing of the crematorium in 1999 now prevents the Council from interring cremated remains in Earlham cemetery.

## 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.**

4. **There is space in Rosary cemetery to create two areas for the interment of cremated remains and these should be developed for future use.**

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.**

## Law of Burials

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### Prior to current Local Government Act 1972

- It seems that originally the provision of a cemetery was a statutory requirement under the Burial Act of circa 1855 as in the following year there was provision made enabling churchyards to be closed.
- At this time disease would have been a main Public Health issue therefore it is logical that compulsory provision for burial would have been made.
- There were 15 Burial Acts between 1852 and 1906!

### Local Government Act 1972

- Section 214 (1) defines those authorities that **shall** be burial authorities, which includes district councils such as Norwich.
- Section 214 (2) "Burial Authorities **may** provide and maintain cemeteries whether in or outside their area."
- The general powers and duties of burial and cemetery authorities may be summarised as follows:
  - 1 To provide and regulate cemeteries under the Local Governments Act 1972 and the Local Authorities' Cemeteries Order 1977
  - 2 To provide and maintain mortuaries
  - 3 To undertake, if appropriate, the care and disposal of dead bodies
  - 4 To carry out the statutory requirements regarding the registration of burials, and
  - 5 To establish and administer crematoria

### Local Authorities' Cemeteries Order

- Although there is no direct requirement to provide Burial ground, where cemeteries have been established the above order sets out very specific, and quite onerous obligations relating to:
  - Powers of Management - Article 3 empowers to do "all such things as they (the burial authority) consider necessary or desirable for the proper management regulation and control of a cemetery."

- Maintenance - Article 4(1) - “shall keep the cemetery in good order and repair together with all buildings, walls and fences thereon and other buildings provided for use therewith”
- Fees and Charges - Article 15 relates to the setting of fees and conditions relating to them.
- **Duties relating to the keeping of records**

#### **Health and Safety at Work etc Act 1974**

- In addition to the specific duties imposed by the core cemeteries legislation, the council has general duties imposed under the Health and Safety at work Act 1974, as occupier of the land, both to the public and our employees.
- In view of national concerns over memorial safety, the Health and Safety Executive wrote to all Local Authority Chief Executives in 2004 urging that plans be put into place to inspect memorials.



**TREND BETWEEN CREMATIONS AND INTERMENTS**

	<b>CREMATIONS</b>	<b>BURIALS</b>
<b>IPSWICH</b>		
<b>2005</b>	<b>2288</b>	<b>264</b>
<b>2006</b>	<b>2325</b>	<b>232</b>

**GREAT YARMOUTH**

<b>2006</b>	<b>1800</b>	<b>400</b>
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These figures have remained stable over the last 3 - 4 years

**LIVERPOOL**

<b>2005</b>	<b>Anfield</b>	<b>1898</b>	<b>1256</b>
<b>2006</b>	<b>Anfield</b>	<b>1887</b>	<b>1231</b>
<b>2005</b>	<b>Springwood</b>	<b>2209</b>	
<b>2006</b>	<b>Springwood</b>	<b>2262</b>	

**PORTSMOUTH**

they only run Crematorium for that area, but their understanding is it runs along the line of the national average of **72%**

**MILTON KEYNES**

<b>2005</b>	<b>1633</b>	<b>559</b>
<b>2006</b>	<b>1517</b>	<b>545</b>

# PLAN A

## NORWICH CITY CEMETERY.



Crematorium.



Conservation Area.



Jewish Section



Muslim Section



New Catholic Section.



Areas not available for new graves. (FULL) possible common ones over 100 years.



New area available (UNUSED AT PRESENT)

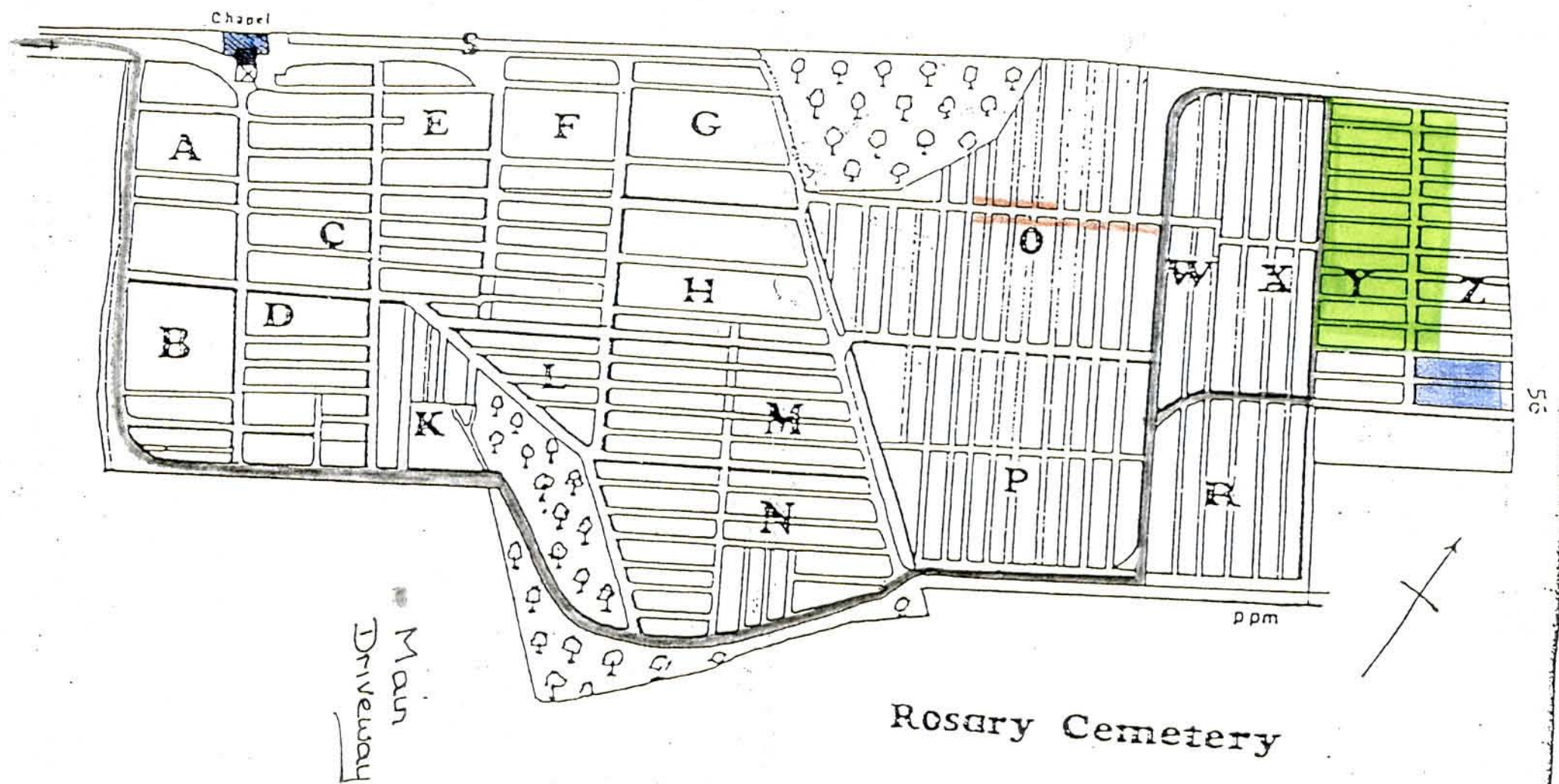


Baby section.

Unshaded areas are all used in part



# PLAN B



CEMETERY IS FULL APART FROM:

- New cremation plots
- Burial plots available
- Possible plots needs investigation