



CITY OF YORK
LOCAL PLAN
Burial Ground and Cemeteries Report
September 2017

City of York Council – Independent Burial Ground Capacity Survey Report

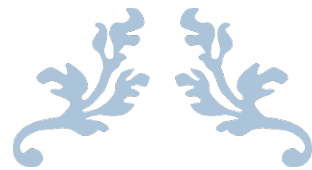
Introduction

This document has been prepared and conducted independently by a local Parish Councillor/ resident on behalf of City of York Council. It has been produced in order to assist the Local Plan process and is as an aid to discussion as to whether there is sufficient burial ground capacity within the City of York Council local authority area during the 'Plan' period.

We wish to recognise the time and effort taken and thank this individual for their considerable commitment in conducting the survey and producing this report on our behalf.

As a direct result of this survey Policy G17: Burial and Memorial Grounds has been drafted and is included within the Pre-Publication draft Local Plan (Regulation 18 Consultation, Sept 2017).

Please note that the identities of individuals involved in producing this report including those providing details that make up the evidence behind it have been removed for data protection and security reasons.













CITY OF YORK LOCAL AUTHORITY INDEPENDENT BURIAL GROUND CAPACITY SURVEY REPORT

Conducted for City of York Council



CITY OF YORK COUNCIL
DIRECTORATE OF ECONOMY AND PLACE
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1.0 BACKGROUND TO REPORT

- 1.1 Having exchanged views on local burial sites over a period of time both at meetings and with a local MP, the writer also became aware of a University project that determined there would be a National shortage of burial space within the next 20 years.
- 1.2 Consequential to obtaining the latter knowledge; when being invited to review Local and Neighbourhood Plans, none had contained a definitive statement with respect to the adequacy of burial arrangements over the period of the Plan.
- 1.3 Further research into any relevant past 'Burial Ground Surveys' led to the discovery of a survey reported by the Ministry of Justice. This survey was initiated in 2005, surveyed in 2006 with a report produced in 2007. A 15 page condensed version of the report is included as [Appendix 1](#) of this report.
- 1.4 The 2006 unique survey questionnaire covered all aspects of burial ground maintenance and management within England and Wales. Although nearly 10,000 responses were returned, the report suggests that this only represented between 35% – 40% of the total. However as no comprehensive list of burial ground locations existed, at the time, there was no reliable way of estimating the true coverage of response.
- 1.5 The results received from the 2006 survey were categorised and combined into geographical regions; the now City of York Local Authority was included in 'Yorkshire and the Humber'. A graph (on page 11 of Appendix 1) documents a 'Meridian' (average), of predicted future periods of burial ground operation for each category within the identified regions.
- 1.6 Given that the survey was conducted 10 years ago, and the reports recognition that no comprehensive list of burial ground locations existed, it is unclear which burial grounds within the City of York Local Authority were included in its findings.
- 1.7 Considering that Yorkshire and the Humber had a combined 'Meridian' of just over 35 years of predicted period of burial ground operation 10 years ago; it then follows that, if no changes had taken place, the 'Meridian' for the region in 2017 would now be down to 25 years or less!

- 1.8 Even If the region's predicted 'Meridian' is down to 25 years, or less, there was no real evidence that the City of York Local Authority's prediction of future burial ground operation is greater or smaller than that of the region's. To eradicate any uncertainty of a predicted figure, a more localised survey needed to be carried out.
- 1.9 Appendix 2 is a 'Letter of Authority', as sent to the writer, to conduct an 'Independent Burial Ground Capacity Survey' on behalf of the City of York Local Authority. Also accompanied is a document with a collation of all Parish and Planners' contact details within the Local Authority.
- 1.10 Appendix 3 is the supporting document identifying the need to carry out the survey as sent to all the supplied addressees, within the City of York Local Authority, to determine their current and predicted future burial ground capacity.
- 1.11 It was important that all Parishes and City of York Council participated in the survey, whether they had a burial ground or not, to ascertain the burial ground capacity availability and needs of the Local Authority over the next 20 years.

2.0 METHOD OF SURVEY

- 2.1 Although it was acknowledged that there are legitimate alternatives to the burial of bodies or ashes, other than within an organised burial ground, the survey concentrated upon the predicted burial ground capacity needs.
- 2.2 The survey took the form of a returnable Questionnaire (Appendix 4) sent via email to all supplied addressees of each Parish within the City of York Local Authority. Additionally, the Questionnaire was also sent for completion to supplied contacts for York Cemetery, York Crematorium and York Dringhouses Cemetery.
- 2.3 As a matter of courtesy and an anticipated vested interest in the subject matter; the Survey, not for completion, was also sent to Local and Neighbourhood Planners.
- 2.4 Experience indicated that less complex surveys with short questions that only required closed answers are likely to get the best percentage return. As the information to be gained from the 'Survey' was designed to be only beneficial to all Parishes, in the long term, then there was no reason not to expect a high percentage return of Questionnaires.
- 2.5 Within the Questionnaire only two answers were likely to need a bit of research. For this reason it was expected that a two Month completion, from receipt, should be a reasonable expectation.
- 2.6 Although the writer was approved by The City of York Council to conduct the survey on their behalf, the writer consulted with the Council to ensure suitability of the survey questions.
- 2.7 The two page 'Questionnaire' was edit protected apart from the insertion of Parish name, answers to the questions and the option for additional comments.

3.0 RESPONSE TO THE QUESTIONNAIRE

- 3.1 Close to 50 Questionnaires were sent to supplied email addresses, of which, 31 was to Parish Councils within the City of York Local Authority plus 1 to Admin at York Cemetery and 1 each to the addressees for York Crematorium and Dringhouses Cemetery.
- 3.2 As some Parish Councils have shared facilities, unless the return of Questionnaires represented all Parish Councils, it is not certain how many returns would represent a 100% completion. However it is reasonable to estimate that a total of 25 completed Questionnaires would represent a 100% return for the whole of the City of York Local Authority.
- 3.3 With Bank Holidays in close proximity to Easter, the completion of the 'Survey' was extended to the end of April 2017. In addition, email reminders for completion were sent to all addressees.
- 3.4 Due to technicalities and for the importance of a more accurate 'Survey', completed Questionnaires remained acceptable until the end of July 2017.
- 3.5 15 email responses were received with 14 attached completed Questionnaires. 10 represented 14 Parishes, 1 a Trust run cemetery, 2 run by the City of York Council. 1 kindly completed but redirected attention to their local church; 1 of the received replies simply made a statement. The completed Questionnaires are collated as Appendix 5.
- 3.6 The 15 responses, from an estimated possible 25, represents a pleasing 60% return. However, as 1 return was a statement only and the other 14 represented just 14 Parishes and 3 City, out of a possible total of 34; this equates to a representation of 50%.
- 3.7 The 50% representation, a better return than the National Survey, is a good return but, more importantly, includes what could be regarded as the major burial ground providers within the City of York Local Authority.
- 3.8 As there was 1 duplication between Parish and Church there remains 13 completed Questionnaires from which statistical information can be utilised. Where it is appropriate to relate to returned answers by percentage or related figures, then the 13 completed Questionnaires represents 12 burial grounds.

4.0 QUESTIONNAIRE COLLATED ANSWERS

4.1 Although the National Survey Report of 2007 quoted 'Meridian' i.e. National Area/County averages, quoting averages for the City of York Local Authority serves very little planning purpose for the City, nor does it for each Parish Council. The following collated answer response to selected questions is just an overall picture but will only have a limited value in overall planning. However, each completed Questionnaire will be summarised within each Parish Council and City Summary Findings in Section 5.0.

4.2 The following are the collated answer response by percentage to appropriately selected questions (reference Appendix 5):

Project	BURIAL GROUND CAPACITY - SURVEY
Participants	Parish Councils and the City of York Council
Parish Council	13 returns representing 14 Parishes and 3 City

Questionnaire PLEASE RETURN BY 30th
APRIL 2017

a) Does your Parish have access to your own burial grounds?	77% YES 7.7% NO 15.3% CHURCH
b) What is the appropriate post code for your burial grounds?	92.3% Supplied 7.7% No Burial Site
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i) See each PC ii) Summary
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i) See each PC ii) Summary
e) Does your Parish have access to more land for future expansion or new site?	30.8% YES 61.5% NO 7.7% N/A
f) If you have made a Local or Neighbourhood Plan,	23% YES

does it make any reference to current and/or future burial ground needs?	38.5% NO 38.5% N/A
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	53.8% YES 23.1% NO 7.7% Self-funded 7.7% By Church 7.7% N/A
h) Does your precept include costs towards the maintenance of your burial grounds?	46.1% YES 30.8% NO 7.7% Set aside 15.4% N/A
i) Are your burial grounds accessible by public transport?	76.9% YES 15.4% NO 7.7% N/A
j) Is interment at your burial grounds available to non-Parish residents?	61.5% YES 30.8% NO 7.7% NO
k) If an application for burial is required by non-residents, what is the average response time to a decision?	See each PC Summary
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	15.4% YES - Shared 7.7% YES - No site 53.8% NO 7.7% Undecided 14.4% N/A
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	7.7% YES 7.7% NO 7.7% Shared 7.7% Undecided 69.2% N/A

ADDED COMMENTS made on any returned Questionnaire will be incorporated within each of the following Summary Findings.

5.0 SUMMARY FINDINGS

5.1 Summary Findings incorporating comments by each Parish Council or Church follows alphabetically:

Bishopthorpe Parish Council - St. Andrews Church - (Independent)

The burial ground is located at Postcode YO23 2QG and is accessible by public transport. Bishopthorpe Parish local burials are provided by St. Andrews Church. At the current rate of 15 annual interments, the Church has a burial ground capacity of 50 years but do not have access to more land for future expansion. Burial is not available to non-residents, although ex-residents would be considered based upon previous strong links. Burial costs are funded from charges as set by Parochial Fees Order 2014 (a SI). The Church regards the Parish Council as setting the Neighbourhood Plan, the Parish Council regard this as N/A.

Elvington Parish Council

Email Statement – ‘The Parish Council although not responsible for local burials is not aware of any issue regarding capacity for the foreseeable future’.

Fulford Parish Council - (Independent)

The burial ground is located at Postcode YO19 4QG and is accessible by public transport. At the current rate of 168 annual interments, the burial ground has a capacity of 50 years also with access to more land for future expansion. Fulford Cemetery is wholly maintained by Parish funding and/or burial charges. The Parish precept also includes costs towards burial ground maintenance. As a significant interment provider, Fulford also accepts applications from non-residents with a same day decision of application. Reference within a Local or Neighbourhood Plan is considered N/A.

Haxby Town Council & Wiggington Parish Council - (Shared)

The burial ground is located at Postcode YO32 2NQ and is accessible by public transport. At the current rate of 60 annual interments, the burial ground has a capacity of just 15 years with no more land for future expansion. The Cemetery is wholly maintained by Parish funding and/or burial charges; there is no Parish precept set towards the cost of site

maintenance. Interment of non-Parish residents is permitted provided that spaces were pre-purchased when they were residents; double costs apply. Provision for non-residents without reserved spaces is possible upon appeal. A Neighbourhood Plan is pending and future burial ground requirements will be included.

Huntington Parish Council, New Earswick & Earswick - (Shared)

The burial ground is located at Postcode YO32 9NA and is accessible by public transport. At the current rate of 82 annual interments, the current designated burial ground has a capacity of 21.75 years but if adjacent land became available for future expansion, this would increase capacity by a further 22 years to about 2060. The shared Parishes set up a self-governing Burial Authority and are wholly funded with maintenance costs set aside by the Parishes. Currently, interment is available for non-Parish residents at a differential cost. A Neighbourhood Plan makes reference to current and/or future burial ground needs. A very helpful aerial photograph of the site has been provided.

Naburn Parish Council – St. Mathews Church, Naburn - (Independent)

The burial ground is located at Postcode YO19 4RU and is accessible by public transport. Naburn Parish local burials are provided by St. Mathews Church. At the current rate of 5 annual interments, the current designated burial ground has a capacity of 10 - 15 years but with no land for future expansion. The burial grounds are wholly funded by Parish funding and/or burial charges and the costs of maintenance are included in the Parish precept. Interment is available to non-Parish residents and burial ground sharing with a neighbouring Parish, along with costs, could be a consideration. A Local or Neighbourhood Plan does make a reference to current and/or future burial ground needs.

Nether Poppleton Parish Council – (St. Everilda’s Parish Church) – (Shared)

The churchyard burial ground is located at Postcode YO26 6LF and although is accessible by public transport includes a 400m walk. St. Everilda’s is the Parish Church of Nether with Upper Poppleton Parish Churches. There is also a graveyard at Upper Poppleton Parish Church which is used by residents and non-residents at the Vicar’s discretion. With an annual Grave interment of 12, some graves are already being re-

used although with an annual Ashes interment of 30 there is capacity for 30 years. However, there is no access to more land for future expansion. The burial grounds are maintained by the church supported by charges from burials. Although there was consideration for additional graveyard space, there was no village support for this to be included in the Neighbourhood Plan.

Rawcliffe Parish Council - (None)

Located in the YO30 5** Postcode area, this was the only returned Parish response that does not have access to its own Parish or Church burial ground. However, the Parish Council have stated that they would be prepared to share burial ground costs with a Neighbouring Parish, if made available to their residents. As there is no burial ground at Rawcliffe, no annual interment figures are available.

Skelton Parish Council - (Independent)

The burial ground is located at Postcode YO30 1XZ but is not conveniently accessible by public transport. At the current rate of 5+ annual interments, the burial ground has a capacity of 80 years but has no more land available for future expansion. The burial grounds are wholly maintained by Parish funding and/or burial charges with precept maintenance support. Internment is not available to non-residents and burial ground share with a neighbouring Parish is also not a consideration. Reference to current and/or future burial ground needs within a Local or Neighbourhood Plan is recorded as N/A.

Strensall with Towthorpe Parish Council - (Shared)

The burial ground is located at Postcode YO32 5TL but is not conveniently accessible by public transport. At the current rate of about 20 annual interments and with access to more land, the burial ground will have a capacity for 100 years. In addition there is current capacity for interment of cremated remains at St. Marys Churchyard. The Parish burial grounds are self-funded but the precept does not contribute to their maintenance. Interment is available to non-residents with an application decision within a week. The Parish Council are undecided whether their burial grounds would be a consideration for sharing, including costs, with another neighbouring Parish. A Local or

Neighbourhood Plan does not reference current and/or future burial ground needs.

Wheldrake Parish Council -

(Independent)

The Parish burial ground is the local churchyard located at Postcode YO19 6AW and is accessible by public transport. The PCC, from time to time, apply for a faculty from the Church authorities to enable them to embark on a scheme of reburial of the land. The last one was done in 2004, this is expected to be done again in 2030. With an annual Grave burial of 6 the Grave capacity is 16 years but with an annual Ashes burial of 7 the burial capacity is 52 years. There is currently no access to more land for expansion of the burial capacity. The burial ground is wholly maintained by Parish funding and/or burial charges, precept costs supports the maintenance. Although interment is unavailable to non-residents any application is responded to by return of post. Sharing the burial ground with a neighbouring Parish would not be a consideration. A Local or Neighbourhood Plan does make a reference to current or future burial ground needs.

York Cemetery Trust Private Burial Ground

(Trust)

The burial ground is located at Postcode YO10 5AJ and is accessible by public transport. The cemetery can be considered as a major provider with burial facilities being available to all York residents. With an average annual interment rate of 50 grave and 40 Ashes, the burial ground capacity is just 10 years for grave and 20 years for the burial of Ashes. As there is no current access to more land for expansion, this site may have to consider reuse (although this survey did not question 'Reuse' of land, Appendix 6 is provided for guidance on the subject matter). There is no Local or Neighbourhood Plan that makes any reference to current or future burial ground needs.

York Crematorium

(City)

The burial ground is located at Postcode YO23 2QD and is accessible by public transport. As the City's provider for cremation, the Crematorium has an average annual interment rate of 166 loosely buried remains. There are no rights of burial and there are no provisions for grave burials. At the current rate of interment more land will be needed in just over 15 years, however, it is stated that more land is available for

expansion or new site. A statement with reference to current or future burial ground needs within a Local or Neighbourhood Plan is not N/A but perhaps this is more appropriate within a City Plan. Maintenance of the Crematorium is funded by a Crematorium income.

York – Dringhouses Cemetery

(City)

The burial ground is located at Postcode YO24 1LW and is accessible by public transport. With an average of just 1 grave interment a year the cemetery is described as closed for this facility, although, with an annual average of 11 Ashes interments the facility has a capacity for 10 years. However, with no access to more land there is no room for expansion. As a closed cemetery for grave burial, this site is already at a 'Reuse' stage (as York Cemetery also ref. Appendix 6). The maintenance costs for this burial ground are off-set by the Crematorium charges. Also, as with the Crematorium, a statement with reference to current or future burial ground needs within a Local or Neighbourhood Plan is not N/A but perhaps this also is more appropriate within a City Plan.

- 5.2 Statistically, the biggest annual interment providers are Fulford (168), York Crematorium (166), York Cemetery (90), Huntington, Earswick & New Earswick (82), Haxby & Wiggington (60) and Nether & Upper Poppleton (42).
- 5.3 Considering that the return of 'Questionnaires' represented at least 50% of the City of York Local Authority and included what can be regarded as some of the major interment providers; the total number of interments is surprisingly unbalanced with respect to the recorded number of deaths. The number of deaths registered in York for 2015/16 was 2462; the total number, albeit an annual average, accounted for by the survey is just 678 (258 graves & 420 ashes). Even accounting for other private arrangements and Ashes scatter, the survey accounts for only 27.5% of human remains disposal of the 2015/16 figure.
- 5.4 With the exceptions of Strensall with Towthorpe, Skelton and Fulford with a burial ground capacity of 50 years or more, only the shared facility of Huntington, Earswick & New Earswick have a capacity of just over 20 years. All other burial grounds that participated in the 'Survey' have significantly less than 20 years for grave burials. This is likewise

for the burial of Ashes but with the additional exceptions of Wheldrake and Bishopthorpe St. Andrew's Church.

- 5.5 Based upon the postcodes provided, the Parishes that have their own burial grounds can be considered as equally divided between the Northern and Southern sides of the City. However, the major burial grounds i.e. York Crematorium, York Cemetery and Fulford are all located to the Southern side of the City.
- 5.6 Parishes of Bishopthorpe, Naburn, Nether & Upper Poppleton, and Wheldrake name churches as their local burial sites, along with Strensall & Towthorpe who have additional access to their local church burial facilities. The 2007 National Report treated England & Wales church sites as a separate entity.
- 5.7 The responses to making a reference to current or future burial ground needs within a Local or Neighbourhood Plan, amounted to 23% Yes with 38.5% as No. For various reasons the other 38.5% responded as N/A.

6.0 CONCLUSIONS

- 6.1 By granting the approval to conduct this 'Survey', the City of York Local Authority has demonstrated that it has a vested interest in the current and future Burial Ground Capacity on behalf of its residents. Based upon the findings of this 'Survey', the City of York Local Authority has been justified in the giving of its approval.
- 6.2 In comparison to many survey expected returns, the 60% of the estimated number of possible 'Questionnaire' returns that represented 50% of the City of York Local Authority, is a creditable response. This response is amplified by the fact that it represents a major part of the City's surrounding Parish Councils and City burial grounds.
- 6.3 Considering the 2007 National report indicated a 'Meridian' burial ground capacity of 35 years for Yorkshire & Humberside; this 'Survey' findings has highlighted that there is a significant local variation to that 'Meridian'.
- 6.4 In some cases there is a vast differential in available burial capacity between body and those of cremated remains. Unless catered for, this could take the local resident by surprise particularly when there is an assumed expectation of availability of choice, as and when their need arises.
- 6.5 As there are areas with no more land for expansion or re-siting, this will need to be considered in all current and future planning. This will have a big impact where there are plans for significant resident expansion.
- 6.6 Areas that have identified appropriate land that would be beneficial for future burial capacity needs, could have this land reserved and, in turn, would benefit plans for local resident expansion.
- 6.7 A near 80% of returns have indicated that their burial grounds are currently accessible by public transport, this should be of important consideration within future transport planning.
- 6.8 With the odd exception and those Councils currently sharing burial grounds, the majority of others cannot or prefer not to share facilities with a neighbouring Parish. Whilst this fact should not deter expansion to current burial grounds i.e. where expansion is possible and needed;

expansion should not automatically be considered as a solution to burial ground needs for those with no existing local site.

- 6.9 Understandably, many Parish burial grounds are historically located that have met expected demand of their time. However, expansive building to some village type areas may not have considered local burial demand of the future.
- 6.10 Although the current major burial grounds i.e. York Crematorium, York Cemetery and Fulford Cemetery are a solution to the burial needs of a City population, their geographical locations favour the Southern side areas of the City. This fact should be borne in mind when planning major residential developments to the Northern areas of the City.
- 6.11 Although the writer identified the need of this local survey, the findings have been surprising and enlightening. In some instances the survey has been educational in becoming aware of the burial grounds that are around our City and Parishes.
- 6.12 Selected Burial Ground Capacity statistics indicating why ‘Meridian’ can distort local planning
- The Yorkshire & Humber ‘Meridian’ in 2006 – 35 years.
 - The ‘Meridian’ of the 12 Burial Grounds within this ‘Survey’:
Graves 25.39
Ashes 39.6
 - The ‘Meridian’ of the Burial Grounds within this ‘Survey’ excluding Strensall & Towthorpe (100 years), Skelton (80 years) & Fulford (50 years):
Graves 8.3 years
Ashes 32.9 years
 - The ‘Meridian’ of those without access to Church Grounds i.e. Bishopthorpe, Upper & Nether Poppleton, Naburn and Wheldrake plus Strensall & Towthorpe, Skelton & Fulford. The remaining 5 Burial Grounds includes the 3 City sites (Crematorium, Cemetery and Dringhouses) and represents 7 City parishes.
Graves 9.35 years
Ashes 16.35 years

7.0 CONSIDERATIONS

- 7.1 The supplied interment figures are obviously related to past and current death rates, whereas, the objective of the 'Survey' concentrated upon projection based upon those rates. However, the projected interment rate should also consider what is politically termed our 'ageing population' and birth rate. As perhaps more people, not all people, post WWII have lived longer than their previous generations, this has probably impacted upon the interment rate of this generation. It could be termed that the interment rate has been delayed and, as such, interment projection needs to anticipate this. There are frequent media reports that populations are on the increase; another reason why projected interment rates needs to anticipate and project this also.
- 7.2 City, Local & Neighbourhood planning is both sensible and looking to the needs of the future, whereas, Emergency Planning must provide for any given and unexpected moment in time. In this consideration, and without it being considered as alarmist, should an Emergency Plan include a land reserve to meet the burial needs of a local disaster?
- 7.3 Expanding the burial ground capacity of one Parish may not satisfy the perceived needs of a neighbouring Parish, if the neighbouring residents are not permitted to use the extended site.
- 7.4 To address the balance for major burial ground access to the expanding Northern located Parishes, should a demand for an increase in burial ground capacity be identified, consideration should be given to a site located along the A1237 corridor.
- 7.5 Although this survey concentrated mainly upon current and future burial ground capacity, a more detailed survey would have also examined the management and maintenance standards of burial sites.
- 7.6 When burial sites are reaching capacity or where there is a shortage of available land, the subject of grave reuse becomes an emotive subject. Over a considerable period of time many of our governments have considered policy change for the reuse of existing burial ground. With the exception of London and Scotland, the conclusion is that there is not a current urgent need to change the policy. A major issue surrounds the ownership by purchase of the rights of burial that are usually for a period of 50 - 100 years. It is only after a period of non-use for a period

of 75 years can the site management consider reuse. Alternatives have been considered such as following the process to deepen existing graves to 3.0m. The latest Briefing Paper on the subject matter has been issued during the carrying out of this 'Survey' and is attached as Appendix 6.

8.0 RECOMMENDATIONS

1. The City of York Local Authority accept this report and the findings gained from the 'Survey'.
2. The contents of this report should be shared with all contributors to the 'Survey'.
3. As the findings from the 60% of an estimated return to the 'Survey' have proved enlightening; any future burial ground capacity plan should require a contribution from the other 40%. This will of course provide a more accurate burial ground capacity status for the whole of the City of York Local Authority.
4. All burial grounds, utilising supplied postcodes, are mapped as an aide to local and city planning. Additionally as an aide to burial ground enquiries and public transport planning.
5. A statement of burial ground capacity both current and future to be a requirement/recommendation within all City, Local and Neighbourhood Planning.
6. Burial ground capacity both current and projected to be recorded every 10 years thus keeping abreast of need and trends.
7. When a responsible Authority identifies that it cannot cater for a projected burial ground capacity period of 20 years they need to:
 - a) plan for an increase in available land
 - b) plan for re-siting
 - c) if the burial ground is to close, then a plan needs to be implemented to notify residents at an appropriate time.
8. When a request for available City of York Local Authority owned land is needed to increase or re-site a current burial ground, a timely decision should be made to allow the requester to maintain, at least, a projected 20 year burial ground capacity.
9. All major new housing plans whether as a brown field site or as a new area, to consider the possible impact upon the future internment needs of the local area.
10. All public transport plans to take into consideration access to burial ground sites along the public transport routes.

9.0 ACKNOWLEDGEMENTS

The writer acknowledges with thanks the permission, approval and the assistance given in the completing of this 'Survey', to the following:

- ❖ City of York Local Authority
- ❖ Officers within the Planning and Environmental Management Team, City of York Council
- ❖ Bishopthorpe Parish Council
- ❖ St. Andrews Church, Bishopthorpe
- ❖ Elvington Parish Council
- ❖ Fulford Parish Council
- ❖ Haxby Town Council & Wiggington Parish Council
- ❖ Huntington, New Earswick & Earswick Parish Councils
- ❖ Naburn Parish Council
- ❖ St. Mathews Church, Naburn
- ❖ Nether Poppleton Parish Council
- ❖ St. Everilda's Parish Church of Nether and Upper Poppleton Parish Churches
- ❖ Rawcliffe Parish Council
- ❖ Skelton Parish Council
- ❖ Strensall & Towthorpe Parish Council
- ❖ Wheldrake Parish Council
- ❖ York Cemetery Trust Private Burial Ground
- ❖ York Crematorium – City of York Council
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Briefing Paper
Number 04060, 6 June 2017
Reuse of graves

APPENDIX 1

Ministry of Justice

Burial Grounds

The results of a survey of burial grounds

In

England and Wales



Ministry of
JUSTICE

Burial Grounds

The results of a survey of burial grounds
in England and Wales

June 2007

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Introduction

In 2001, the Environment Sub-Committee of the Environment, Transport and Regional Affairs Select Committee identified in its eighth report¹ long-term problems with the provision and maintenance of burial space. The report further identified that there was little or no information readily available about the number, condition and operational status of the country's burial grounds, cemeteries and churchyards. In its response² to the Committee's report, the Government undertook to carry out a survey of burial grounds, and to conduct research into their management, in order to attempt to fill this information gap.

The Home Office, which at that time was the government department responsible for burial policy, commissioned research into the management of burial grounds, including training, planning and maintenance standards. This report³ was published in 2004.

In 2005, following a pilot exercise, the Home Office launched a survey with the objective of gathering information on every piece of land in England and Wales which is, or ever has been, used as a burial ground, and which is not now being used for any other purpose. The survey aimed to capture information on all burial grounds of any nature, ranging from fully-functioning modern cemeteries to centuries-old churchyards. Its purpose was to establish the identity, nature, location, operational status, capacity and management arrangements of every burial ground in England and Wales. This is the first time a survey of this type and scale has been undertaken.

Since that time, responsibility for burials policy passed from the Home Office to the Department for Constitutional Affairs and now lies with the Ministry of Justice. Information on some 9,700 burial grounds has been returned in response to the survey. This report presents the survey results. Statistics are shown for England and Wales as a whole, along with separate data for Wales and the nine Government Office Regions of England.

¹ HC 91-I Cemeteries.

² HC 91 Cemeteries – The Government's Reply to the Eighth Report from the Environment, Transport and Regional Affairs Committee, cm 5281.

³ Wilson B and Robson J, Cemeteries and their management, Home Office online report 1/04, see <http://www.homeoffice.gov.uk/rds/pdfs2/rdsolr0104.pdf>.

Executive summary

A total of 9,747 burial grounds, cemeteries and churchyards in England and Wales responded to the survey. Of these, 21 per cent were identified as having a first- or second-tier local authority as the burial authority, 70 per cent operated under the Church of England or, in Wales, the Church in Wales, while the remaining 9 per cent includes those owned or managed by other faiths or charitable trusts, woodland cemeteries, and those where the burial authority could not be identified. [see *Table 1*]

Nearly three quarters of local authority burial grounds were open for burials in new graves, with 11 per cent completely closed to new burials and 12 per cent open only for new burials in existing graves. A lesser proportion (64 per cent) of Church of England⁴ burial grounds were open for new burials, while a little under 20 per cent were closed to new burials. Approximately two-thirds of local authority burial grounds located in predominantly major urban areas were open for new burials. [see *Tables 4, 5 and 6*]

For both Church of England and local authority burial grounds it was reported that, overall, approximately 80 per cent of land available for burials was already occupied by graves, with 20 per cent still unused. Twenty per cent of local authority burial land was occupied by graves over one hundred years old, compared to 36 per cent of Church of England burial land. [see *Tables 7 and 8*]

The median predicted time for unused burial land to be filled by new interments was, for those burial grounds that were still open to new burials, 30 years for local authority sites and 25 years for Church of England / Church in Wales locations. In England, burial grounds in mainly urban districts had a slightly lower median predicted period of time until unused land was expected to be filled by new burials than those in principally rural areas. These are aggregate results for England and Wales as a whole, so do not reflect the range of pressures on burial space at more local levels. [see *Tables 7, 8 and 9*]

⁴ Throughout this report, all references to "Church of England" include the Church in Wales unless specifically stated otherwise.

Methodology, coverage and data quality

Survey methodology

The aim of the survey was to identify and obtain information about any area of land that has been specifically set aside for interments. Since there were no central data on the locations of burial grounds in England and Wales, it was decided to post survey questionnaire forms to all Chief Executives of second-tier and unitary authorities in England and Wales, in other words district councils, London boroughs, other metropolitan boroughs and unitary authorities. These were all potentially burial authorities in their own right, and could be expected to be aware of other burial grounds in their area. The forms were then to be forwarded on to officials of first-tier and other authorities known to have responsibility for the management of burial grounds, cemeteries and any non-Church of England churchyards in their area. Following the initial distribution of forms, a further exercise was undertaken to confirm their receipt, and, where appropriate, their onward transmission. There was also some further spot-checking of the receipt and return of the forms. Forms were separately distributed to all clergy in the Church of England through their diocesan network. Separate arrangements were made by the Welsh Assembly for distribution of the questionnaires in Wales.

When the forms were returned, data cleansing was undertaken in order to, for example, correct any obvious response errors, data entry errors occurring when transferring the data into electronic format, and any duplicate returns. Geographical coding of addresses and other location information provided on the survey forms was carried out with support from officials at Communities and Local Government (CLG). MOJ would like to thank CLG colleagues for their assistance and guidance in this work.

Coverage and data quality

In total, over 9,700 unique survey questionnaire responses were received. However, as there is no comprehensive list of burial ground locations to compare the set of returned survey forms against, there is no reliable way of estimating the degree of coverage that has been achieved. The Wilson report (see footnote on page 3) estimated that there are between 16,000 and 18,000 Church of England burial grounds and nearly 2,000 Church in Wales burial grounds. Just under 7,000 survey returns were received from Church of England or Church in Wales sites, suggesting that coverage of these burial grounds could be approximately 35 to 40 per cent of the total.

The degree of coverage is less clear for those burial grounds where the burial authority is some tier of local authority. In London, about 120 survey forms were returned from cemeteries, whereas a report by the London Planning Advisory Committee in the mid-1990s⁵ suggested that, at the time, there were 147 cemeteries in the capital. That would suggest that the survey's coverage in that part of the country is high – although responses were not received from several boroughs and it is known that some responses have not been received for some sites. Elsewhere in England and Wales the coverage picture is less clear. Since either or both first- and second-tier local authorities may provide burial grounds in their areas, but neither are under an obligation to do so, the number

⁵ London Planning Advisory Committee, *Burial Space Needs in London*, 1997.

of local authority burial grounds cannot readily be predicted. However, a total of 1,900 survey forms were returned from areas (other than London) where the burial authority was a local authority.

Another possible indicator of coverage can be derived from the total number of burials taking place. Responses to the survey reported a total of close to 90,000 burials taking place in the financial year 2003/04. There are just over half a million deaths per year in England and Wales, with approximately 30 per cent of them resulting in burial⁶. This suggests that the number of burials in any given 12-month period is roughly 150,000. These figures suggest that the survey has covered somewhere in the region of 60 per cent of overall burial capacity – though not necessarily the same proportion of individual burial sites.

The survey has thus not been able to obtain data from every burial location in England and Wales, as originally intended. Although a significant amount of response chasing was undertaken, the outcome suggests that near-full coverage would only be likely to be achieved if provision of the data were a statutory obligation supported by a well-resourced communications effort including highly pro-active response chasing. Since coverage was not complete, the survey has a number of limitations and biases which should be borne in mind when interpreting the results. It seems probable that responses are more likely to have been received from burial grounds that are still open and actively managed, and that it is those that have been closed and not maintained for many years which will be more poorly represented among the respondents.

Nevertheless, with nearly 10,000 questionnaire responses received in total, the survey results form a significant repository of detailed data covering a large number of burial grounds across the England and Wales. The results appear to provide a good illustration of the wide range of types and size of burial grounds, their operational status, the pressures on burial space, and the different burial authority arrangements, at both a national and regional level.

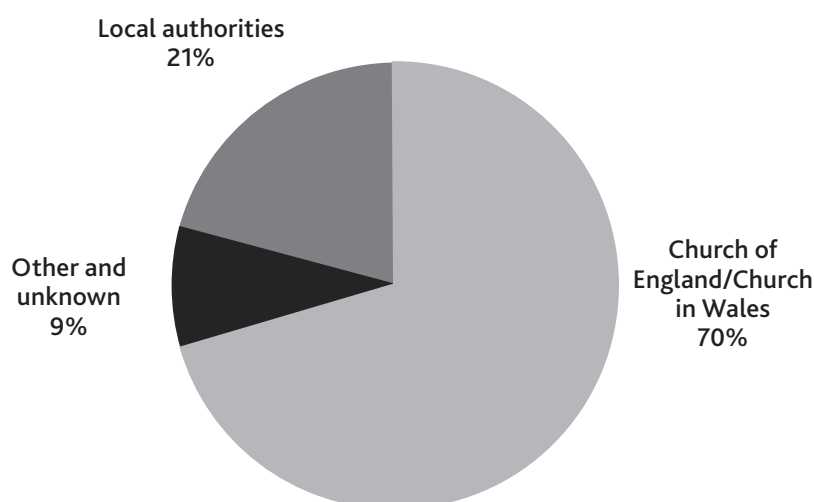
⁶ HC 902-I Constitutional Affairs Select Committee Eighth Report, 2006.

Commentary

Location, type and burial authorities [Table 1, Table 2 and Figure A]

Responses to the survey were received from a total of 9,747 burial grounds, cemeteries and churchyards in England and Wales. Of these, 2,031 (21 per cent) were identified as having a first- or second-tier local authority as the burial authority, be it parish, community or town councils, district councils, unitary authorities or, in London, borough councils. A further 6,840 (70 per cent) operated under the Church of England (or, in Wales, the Church in Wales). The remaining 876 (9 per cent) includes those owned or managed by other faiths or charitable trusts, natural burial grounds, commercial concerns, and those where ownership was not specified or clearly identifiable from the questionnaire response.

Figure A: Number of burial grounds by type of burial authority



Detailed geographic coding was undertaken, with the help of officials at Communities and Local Government, to provide accurate information on the location of burial grounds responding to the survey. For the ten regions of England and Wales, the total number of survey responses ranged from 1,522 in the South West to 330 in London. As has already been noted, it is difficult to know whether, or by how much, the different regional level of survey responses is a reflection of the true picture of the number of burial grounds across the country or rather the result of varying rates of survey coverage.

At a national level, churchyards were the most common type of burial ground, accounting for 7,316, or 75 per cent, of the total. A further 1,819 sites (19 per cent) were identified as cemeteries or other forms of burial ground. The remaining 6 per cent did not specify this on their survey form and could not be clearly identified as one or the other from the other information provided. A similar relative proportion of churchyards was also seen in most of the ten regions, although in London, the North East and Wales the proportion of churchyards was much lower at less than 60 per cent. Some 10 per cent of local authority sites were local authority-maintained churchyards.

Rural / urban classification of burial grounds [Table 3]

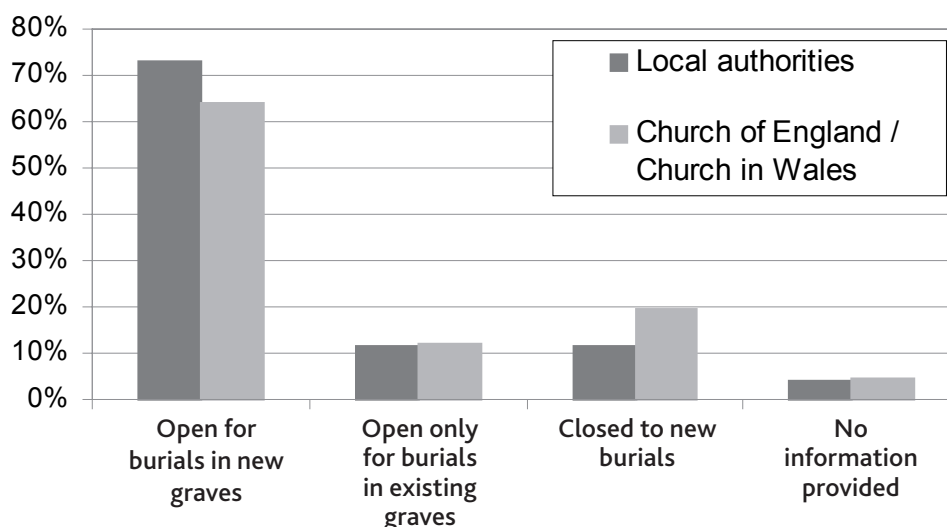
The geo-coded location information was used to estimate a rural / urban breakdown of burial grounds in England. Where possible, each burial ground was assigned one of six classifications of rurality. This was achieved by categorising the rurality of the local or unitary district within which each burial ground was located in accordance with the Department for Environment, Food and Rural Affairs’s (Defra) recommended method. (For more information, see Appendix A or the Defra website: <http://www.defra.gov.uk/rural/ruralstats/rural-definition.htm>).

It should be noted, however, that it was not possible from the geo-coded information to identify a rurality category for over 40 per cent of burial grounds. This includes all burial grounds in Wales, which are not covered by the Defra classification. Of those burial grounds that could be assigned a rurality level, a third (33 per cent) were located within a “Rural-80” local or unitary authority district (that is, where at least 80 per cent of the population lives in rural settlements and larger market towns). Fifteen per cent were situated in a “Major Urban” area, defined as having either 100,000 people or 50 per cent of its population living in an urban area with a population of at least 750,000. Just under 60 per cent of those Church of England burial grounds that could be classified were in “Rural-50” or “Rural-80” areas, compared to 40 per cent of local authority sites.

Operational status [Tables 4 to 6 and Figure B]

Across England and Wales as a whole, nearly a quarter (23 per cent) of local authority burial grounds were either closed completely to new burials (11 per cent) or open only for burials in existing graves (12 per cent). Over 30 per cent of Church of England burial grounds reported that they were closed to burials in new graves (19 per cent) or permitting only burials in existing graves (12 per cent). Just under two-thirds (64 per cent) of Church of England burial grounds were open for new burials, compared to nearly three quarters (73 per cent) of local authority sites. Information on operational status was not provided by about 4 per cent of respondents.

Figure B: Operational status of local authority and Church of England / Church in Wales burial grounds



There was a significant degree of variation between the regions. In London, the survey results indicate that there is already considerable pressure on the existing burial space. Only half (50 per cent) of local authority burial grounds and fewer than a quarter (21 per cent) of Church of England burial grounds were open to burials in new graves. Forty-one per cent of Church of England sites in the capital were “full” and completely closed to new burials. In Wales, however, 73 per cent of Church in Wales burial grounds and 85 per cent of local authority sites reported that they were open to burials in new graves, with only a few per cent of locations completely closed. It should be noted that these figures present summary data for the burial grounds within each region as a whole, so do not indicate where much more acute pressure on burial land is being experienced on a more localised level.

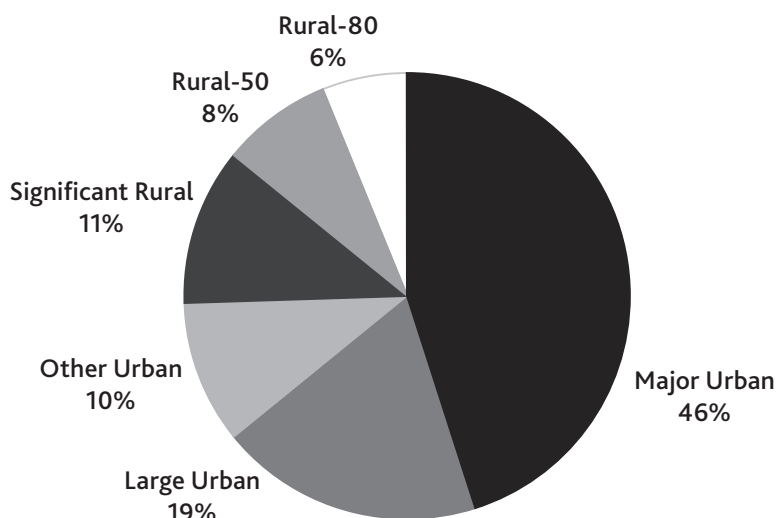
A much smaller proportion of Church of England burial grounds in predominantly urban areas were open to new burials than those in mainly rural districts. Around 40 per cent of Church of England burial grounds in districts classified as urban were open to new burials, while around 30 per cent were closed to new burials. By contrast, approximately 70 per cent of Church of England burial grounds in rural districts were open to new burials with about 17 per cent closed. Sixty-one per cent of local authority burial grounds in “Major Urban” districts were open for new burials, a lower proportion than in the other five rural / urban classifications.

Area usable for burials [Tables 7 to 9, Figure C and Figure D]

Many burial grounds include areas set aside for the interment of cremated remains. The information on the area of burial grounds still available for use for burials presented in this section and the predicted future period of operation of burial grounds in the following section, relates specifically to burial plots and land set aside for burials, not to areas set aside for cremation.

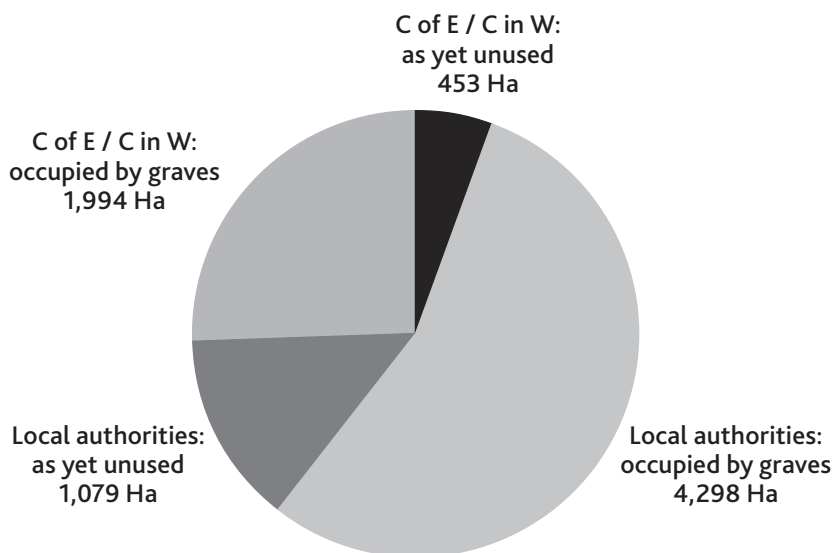
Some 1,757 of the 2,031 local authority burial grounds responding to the survey gave details of the area of burial land at the site. These sites had an estimated total area of 5,378 hectares of land suitable for burials (i.e. excluding land which is part of the burial ground but is unsuitable for burials, for reasons such as being prone to waterlogging, too steep, or set aside for the burial or scattering of cremated remains). Their average size was therefore just over three hectares (seven to eight acres) each. Overall, eighty per cent of the land was occupied by graves with twenty per cent set aside for burials but as yet unused. Of those local authority burial grounds in England that could be assigned a rural / urban classification, sites located in “Major Urban” and “Large Urban” districts accounted for just under two-thirds (64 per cent) of the total area usable for burials.

Figure C: Total area of local authority burial grounds in England usable for burials, by rural / urban classification (where known)



Church of England burial grounds are on average much smaller; their 5,497 sites able to provide area information totalled 2,400 hectares of land suitable for burials, an average of just under half a hectare, or a little over an acre, each. However, the proportion of land already occupied by graves was very similar to that of local authority burial grounds, at 81 per cent.

Figure D: Total area of local authority and Church of England / Church in Wales burial grounds usable for burials, in hectares



Perhaps unsurprisingly, given its high proportion of burial grounds closed to new burials, London overall had the smallest proportion of land available for new burials: just 4 per cent of Church of England and 14 per cent of local authority burial land is available for new burials there. In the South West, a quarter of local authority burial land and a fifth per cent of Church of England burial land was unused at the time of the survey. Burial grounds in predominantly urban areas of England had, overall, a lower proportion of land available for new burials than sites in rural parts of the country.

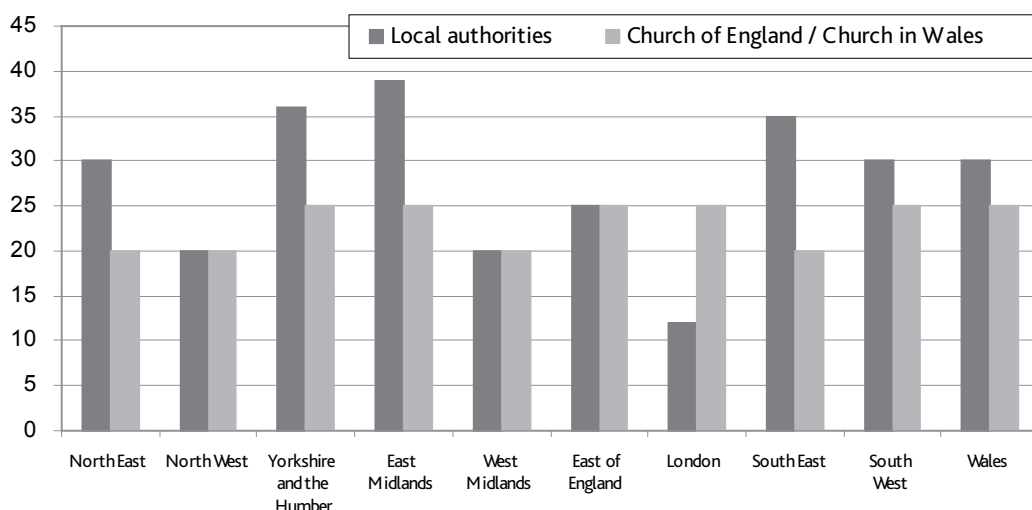
The survey also requested an estimate of the proportion of burial land that was occupied by graves that were greater than one hundred years old. Overall, 20 per cent of all local authority burial land was so utilised, close to the same total area of land as still available for new burials, and amounting to roughly a quarter (26 per cent) of used land. Thirty-six per cent of Church of England burial land in total was occupied by graves greater than one hundred years old, which comprised 46 per cent of the land already in use.

Predicted future period of operation [Tables 7 to 9 and Figure E]

The burial ground survey questionnaire asked for information on the expected number of years remaining before any land that was available for burials in new graves but not yet used would be filled by new interments. The average (mean) predicted remaining period of operation of both local authority burial grounds and Church of England burial grounds surveyed was 45 years. The median predicted remaining lifetime, however, was in both cases much lower, at 30 years and 25 years respectively. These differences between means and medians indicate that the predicted future period of operation data are positively skewed: many burial grounds’ predicted period of operation are lower than the mean, which is pushed upwards by a relatively small number of burial grounds with a comparatively large unused capacity for new interments. All the regions also show this marked positive skew seen at the national level. Note that these figures relate solely to those burial grounds that are still open for burials in new graves and reported a predicted future period of operation. Burial grounds completely closed to new burials or open only for burials in existing graves are excluded.

Church of England burial grounds had a very similar pattern of predicted future periods of operation across the regions. Most regions had a median figure of 20-25 years and a mean figure of a little over 40 years. There appeared to be more variation in the predicted remaining future period of operation between regions for the local authority burial grounds. Those in the East Midlands had a mean predicted remaining period of operation of 52 years and a median of 39 years. By contrast, local authority burial grounds in London had a mean of 37 years and a median of just 12 years.

Figure E: Median predicted future period of operation of local authority and Church of England / Church in Wales burial grounds, by region



Burial grounds in urban districts appeared to have a slightly lower median predicted future period of operation than those in rural areas.

The data presented in this report are aggregate results for England and Wales and their constituent regions, and so do not reflect the range of pressures on burial space at a more local level. Nevertheless, the figures show that across the country there will be heightened pressures on space in burial grounds across all sectors over the next 10 to 20 years.

Number of burials [Table 10]

The large majority of burials in recent years have taken place at local authority burial grounds. In England and Wales as a whole, a total of nearly one million burials took place in the 10 years preceding the survey at local authority or Church of England / Church in Wales burial grounds providing a response. The large majority, accounting for over three-quarters (77 per cent) of the total, were undertaken at local authority burial grounds. The results also show a significant regional variation in the proportion of burials taking place at local authority burial grounds, ranging from 59 per cent in the South West to 95 per cent in London. It is difficult to say, however, if and by how much these differences are the result of varying rates of survey coverage rather than a reflection of genuine regional patterns.

The total number of burials reported as taking place during the financial year April 2003 to March 2004 at burial grounds responding to the survey was approximately 87,000. This is lower than the overall annual average of 98,000 reported during the 10 years preceding the survey. The proportion of those burials occurring in local authority burial grounds was 79 per cent, slightly higher than the overall proportion for the previous decade. It is not possible to deduce from the survey results whether or not the 2003/04 figures indicate a trend towards fewer burials overall and a greater proportion of burials in local authority burial grounds in recent years.

Finance [Table 11]

In general, in the 2003/04 financial year, the most recent complete financial year at the time the survey was launched, a higher proportion of the costs of local authority burial grounds were met by income such as fees or a local authority budget, than in the case of Church of England burial grounds. Just under a half (44 per cent) of local authority burial grounds in England and Wales were reported to have more than 75 per cent of costs met by income, compared with a little under a quarter (24 per cent) for Church of England sites. Many Church of England burial grounds benefited from voluntary financial contributions: 35 per cent were reported to receive income in this form. Only three per cent of local authority burial grounds were reported to receive voluntary financial contributions.

Staffing [Table 12]

A quarter of the survey responses relating to local authority burial grounds reported that no staff were directly employed, either relying on voluntary help or not being actively maintained. More than three-quarters (79 per cent) of the Church of England responses reported that no staff were directly employed, and nearly as many (74 per cent) reported that they received practical help and assistance from volunteers. The figures in respect of burial grounds not directly employing any staff are likely to be an underestimate; an additional 11 per cent of local authority responses and 14

per cent of Church of England responses in the survey did not provide any information in relation to this issue, which in many cases is expected to indicate that no staff are employed.

In some 60 per cent of local authority burial grounds, some, but fewer than five full-time equivalent (FTE), staff were employed. This compares with an equivalent figure of just 7 per cent for Church of England burial grounds. Fewer than 100 burial grounds in total in England and Wales were staffed by five or more FTE staff members, most of which were run by local authorities.

Grounds maintenance [Table 13]

Many burial grounds are actively maintained. This is usually done either by staff employed to do so or by volunteers. The large majority of burial grounds (79 per cent of local authority and 63 per cent of Church of England or Church in Wales) operate a “traditional” maintenance policy – regularly cutting the grass, pruning hedgerows, planting flowers, and so on – across the entire site. A quarter of Church of England burial grounds reported operating a deliberate policy towards allowing plants to grow freely and wildlife to thrive in at least a part of the burial land, including those that operate as part of the Living Churchyards and Cemeteries scheme. Some 11 per cent of local authority burial grounds also operate a deliberate policy towards allowing plants and wildlife to flourish on some or all of the site.

Public access arrangements [Table 14]

The large majority of burial grounds for which survey responses permit public access to the site at any time. This was the case for over 90 per cent of Church of England burial grounds and nearly two-thirds (62 per cent) of local authority sites. In a further 29 per cent of local authority burial grounds, public access is allowed only during the daytime, while in a further 6 per cent of sites access is permitted only by visitors making a prior arrangement. A significantly higher proportion of burial grounds in London were reported to permit access only during the daytime than in other parts of the country.

Criminal activity [Table 15]

The survey also asked whether there had been any incidents of criminal activity that were known to have taken place at each burial ground during the previous twelve months. For many burial grounds (43 per cent of local authority respondents and 57 per cent of Church of England respondents), no criminal activity was reported to have taken place. It is likely that most, if not all, of the further 15 to 16 per cent of burial grounds for which no information on criminal activity was provided also experienced no criminal activity. One third of local authority burial grounds had been the scene of disorderly or anti-social behaviour, such as drinking or drug use, in the year preceding the survey, with a similar number reported to have had at least one incident of theft or other criminal damage. Burial grounds in London were reported to have experienced a higher incidence of violent crime than the other regions. Note that these figures do not indicate the number of criminal incidents that took place at burial grounds, but the different forms of criminal activity known to have occurred.

Safety procedures and plans [Table 16]

For the large majority of local authority burial grounds in England and Wales, safety procedures were reported to be in place. Over three quarters (77 per cent) had safety procedures for memorials, covering the design, installation, foundations and repair. Inspection and audit plans existed for 81 per cent, while 79 per cent had safety plans for plot layouts, grave digging and ground care. Proportionally fewer Church of England burial grounds had such safety procedures in place than at local authority sites; for example, just over half (55 per cent) had safety procedures for memorials.

The large majority of burial grounds had an up to date diagrammatic plan of burial plots at the site. However, approximately one in eight of local authority burial grounds and one-third of Church of England burial grounds had no up to date diagrammatic plan of burial plots, with a further four to five per cent providing no information.

APPENDIX 2

'Letter of Authority'

'Notification of Volunteer'

'Contact details of Parishes & Planners'

[Redacted]

City of York Council | Directorate of City and Environmental Services
West Offices | Station Rise | York | YO1 6GA
www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

From: [Redacted]
Sent: 21 December 2016 18:22
To: [Redacted]
Subject: Re: Burial Ground Capacity - Land Use Planning

We are currently trying to collect as much local evidence of capacities and any planned expansions of burial grounds and cemeteries within the City of York Local Authority area. To assist in this process [Redacted] in his capacity as both as an individual and Parish Councillor with a particular interest in this area has volunteered his services and will be in contact with you in an effort to collate evidence on our behalf that should help us in future land use policy context. The Local Plan when adopted will last for a period of around 15 years, as a result of its adoption a green belt boundary will be set for the next 20 years. Therefore, your assistance in providing any projected future capacity figures for your parish/ward would be most appreciated.

Should you wish to discuss this matter further please do not hesitate to contact me

Yours faithfully,

[Redacted Signature]

CC [Redacted]

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Fax: 01904 551190

Email:
insurance.claims@york.gov.uk
Direct dial: 01904 552210

Notification of Volunteer

Name of Volunteer: [REDACTED]

Start date of volunteering: 20th December 2016

End date (if applicable): N/A

Where will he/she be working?

Directorate: CES

Department: Planning and Environmental Management

Location: Mainly at home address but possibly meeting representatives of Parish Councils/Churches

What will he/she be doing? [REDACTED] will provide a lead role in gathering capacity information relating to cemeteries and burial grounds within the CYC local authority area. Ultimately this will help future policy context for the emerging Local Plan, together with possible reference within Neighbourhood Plans. The majority of information should be gathered as a result of e-mail and telephone contact with parish councils, neighbourhood planning bodies and planning panel representatives.

Notified by: [REDACTED]
Position: [REDACTED]
Date: 19th December 2016

Neighbourhood Planning Bodies, Parish Councils & Planning Panels Contacted in Connection with Survey

Neighbourhood Planning Body
Copmanthorpe
Poppleton
Rufforth and Knapton
Dunnington
Murton
Fulford
Huntington
Strensall and Towthorpe
Earswick
Skelton
Elvington
Heslington
Haxby and Wigginton
Micklegate

Neighbourhood Planning Bodies, Parish Councils & Planning Panels Contacted in Connection with Survey

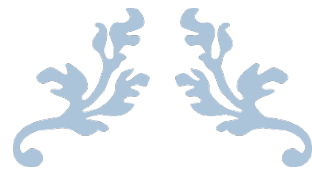
Parish Council
Acaster Malbis Parish Council
Askham Bryan Parish Council
Askham Richard Parish Council
Bishopthorpe Parish Council
Clifton Without Parish Council
Copmanthorpe Parish Council
Deighton Parish Council
Dunnington Parish Council
Earswick Parish Council
Elvington Parish Council
Fulford Parish Council
Haxby Town Council
Hessay Parish Council
Heslington Parish Council
Heworth Without Parish Council
Holtby Parish Council
Huntington Parish Council
Kexby Parish Council
Murton Parish Council
Naburn Parish Council
New Earswick Parish Council
Nether Poppleton Parish Council
Osbalwick Parish Council
Rawcliffe Parish Council
Parish Of Rufforth With Knapton
Skelton Parish Council
Stockton-on-the-Forest Parish Council
Strensall With Towthorpe Parish Council
Upper Poppleton Parish Council
Wheldrake Parish Council
Wigginton Parish Council

Neighbourhood Planning Bodies, Parish Councils & Planning Panels Contacted in Connection with Survey

Planning Panels
Clifton Planning Panel
Dringhouses/Woodthorpe Planning Panel
Fishergate Planning Panel
Guildhall Planning Panel
Heworth Planning Panel
Holgate Planning Panel
Hull Road Planning Panel
Micklegate Planning Panel

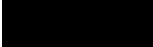
APPENDIX 3

‘Questionnaire supporting document’
explaining reason for the ‘Survey’



INDEPENDENT BURIAL GROUND CAPACITY SURVEY



PRODUCED BY 
FOR CITY OF YORK COUNCIL
To Support Their Work on the Local Plan

1.0 BACKGROUND TO THIS SURVEY

- 1.1 In 2001, the Environment Sub-Committee of the Environment, Transport and Regional Affairs Select Committee identified, in its eighth report, long-term problems with the provision and maintenance of burial space. The report further identified that there was little or no information readily available about the number, condition and operational status of the country's burial grounds, cemeteries and churchyards. In response to this the Government, at the time, undertook to carry out a survey of burial grounds, and to conduct research into their management, in order to attempt to fill that information gap.
- 1.2 In 2005, following a pilot exercise, the Home Office launched a survey with the objective of gathering information on every piece of land in England and Wales which was, or ever had been, used as a burial ground, and which was not being used for any other purpose.
- 1.3 The resultant report, published in 2007, featured a chart titled: **Meridian predicted future period of operation of local authority and Church of England/Church in Wales burial grounds, by region.** Within the report, it defines 'Meridian' as a collation of regions being well provided for and others much less so. The 'Meridian' predicted future of operation for **Yorkshire and the Humber** in the chart was identified as:
- for Local authorities just over 35 years
 - for Church of England/Church in Wales just 25 years
- 1.4 The above is an edited extract from the 2007 report's **Introduction**. The report is available by searching the internet for – uk burial ground survey or [www.gov.uk/.../burial grounds](http://www.gov.uk/.../burial_grounds)

2.0 SUPPORTING THE NEED OF A MORE LOCAL SURVEY

- 2.1 Considering that the 2007 report, and certainly the survey, is now 10 years old; unless substantial changes have occurred within that period, it is reasonable to take the current 'Meridian' for Yorkshire and the Humber as being about 25 years for Local authorities and a mere 15 years for the Church of England/Church in Wales.

- 2.2 Within the 'Meridian' of 25 years, some Local authorities will be higher but of concern, some will be much less. The question is, should our City of York Local Authority have a concern or not?
- 2.3 Between April 1st 2015 and March 31st 2016 there were 3,516 births and 2,462 deaths recorded at the York Register Office. If these annual numbers continue over the next 20 years, about 70,000 births and close to 50,000 deaths will be registered. With the building of more housing estates, it is reasonable to think that the birth numbers will increase and when our so called ageing population succumb to the inevitable, it is reasonable to expect a sudden increase in the death numbers as well? History has also taught us that, occasionally, a crisis occurs requiring increased burial capacity.

3.0 INDEPENDENT SURVEY

- 3.1 As the City of York Council have responsibility for their own burial grounds, an 'Independent Survey' is best suited to gather relevant information to determine the City's Local Authority 'Meridian'.
- 3.2 This Independent Survey sets out to establish the current **prediction for future period of burial ground operation** of all the Parishes, within the City of York Local Authority. The results from this Independent Survey will support work on the City of York Council's 'Local Plan'.
- 3.3 This survey will also, and just as importantly, help to identify the need of land in areas of shortage. At its worst, it will raise the profile for the need to consider 'Burial Ground' impact when planning future major housing sites, required land reserves and land allocation.
- 3.4 The areas that maintain their own burial grounds are likely to know their own current and future burial capacity needs. However, as collective communities, the overall available burial capacity or predicted needs is probably unknown.
- 3.5 Parishes that do not have their own burial grounds, nor land for such, also have an important role in this survey. The writer offers personal experience (which may not be experienced by others) as just one example that perhaps supports why they need to be included. It may also raise awareness that consideration needs to be given to local transportation planning in reaching burial grounds.

When my wife died unexpectedly, I sought local burial for her ashes at a neighbouring Parish's burial ground; it being within about 2 miles of our home. Their site documents indicated provision could be available for non-residents, albeit at a higher rate. Permission for non-resident burial rested with the Parish cemetery representatives/committee. As was/is their prerogative, my request was refused. However, another Parish on the opposite side of the City was able to accept my request. An acceptance for which I am eternally grateful, and, literally so when I join her. Currently, my weekly visit to the Cemetery consists of a 20 mile round trip car journey plus visiting time. When I am unable to drive, it takes a round trip of 4 bus journeys plus visiting time. When undertaking the bus journeys, I need to plan the equivalent of half a working day.

4.0 SURVEY RECIPIENTS

- 4.1 This survey is being sent for the completion by all City of York Parish Councils and for the attention of Neighbourhood Planners and Panel Planners.
- 4.2 Recipient email addresses have been supplied by The Assistant Development Officer, Directorate of Economy and Place.
- 4.3 Where the addressee is the contact for more than one Parish Council or areas within the Parish Council, it would be appreciated if the 'Survey' was answered for each individual Parish, or area, as appropriate.
- 4.4 If you are no longer the appropriate addressee for your Parish Council, would you kindly state so by return email.

5.0 THE SURVEY QUESTIONNAIRE

- 5.1 Only the titles and questions on the Questionnaire are read only.
- 5.2 The form has been created to allow insertion of the name of your Parish, or area, and answers to the questions.
- 5.3 To reduce the need of research, most questions are closed i.e. have been designed to only require a simple Yes/No answer.
- 5.4 It is expected that questions c) & d) will take some research, the accuracy of which will not be questioned by this survey.

- 5.5 The questions that relate to sharing Burial Ground facilities does not place any obligation to do so. Nor will the collated report make any negative comment upon current arrangements.
- 5.6 Please feel free to provide additional information if you consider it useful.
- 5.7 Once the questionnaire has been completed, please save and return to the sending email address [REDACTED]
- 5.8 The closing date for return is **30th April 2017**.

6.0 SURVEY REPORT

- 6.1 Following the return of Questionnaires, by the end of April, the writer will endeavour to complete an Independent Survey Report by the end of May 2017.
- 6.2 A presentation and copies of the report will be agreed with the City of York Council upon its completion.

APPENDIX 4

'Survey Questionnaire'

Project**BURIAL GROUND CAPACITY - SURVEY****Participants****Parish Councils of the City of York****Parish Council****Questionnaire**PLEASE RETURN BY 30th APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES/NO
b) What is the appropriate post code for your burial grounds?	
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i) ii)
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i) ii)
e) Does your Parish have access to more land for future expansion or new site?	YES/NO
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	YES/NO
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	YES/NO
h) Does your precept include costs towards the maintenance of your burial grounds?	YES/NO
i) Are your burial grounds accessible by public transport?	YES/NO
j) Is interment at your burial grounds available to non-Parish residents?	YES/NO
k) If an application for burial is required by non-residents, what is the average response time to a decision?	
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	YES/NO
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	YES/NO

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

APPENDIX 5

'Completed Questionnaires'

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

Parish Council St Andrews Church (Churchyard) Bishopthorpe

Questionnaire PLEASE RETURN BY 30th

APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES
b) What is the appropriate post code for your burial grounds?	YO23 2QG
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i) 5 ii) 10
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i) ii) Plus 50 years
e) Does your Parish have access to more land for future expansion or new site?	NO
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	NO
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	NO
h) Does your precept include costs towards the maintenance of your burial grounds?	NO
i) Are your burial grounds accessible by public transport?	YES
j) Is interment at your burial grounds available to non-Parish residents?	NO
k) If an application for burial is required by non-residents, what is the average response time to a decision?	2 weeks but see note
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	NO
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	YES/NO

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council St Andrews Church Churchyard Bishopthorpe}

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

E) Neighbouring land is owned by the Church Commissioners and recent churchyard expansion was with the transfer of their land to the church. In view of the capacity do not see the need for expansion

F) Neighbourhood plans are set by the Parish Council

G) Charges as set by Parochial Fees Order 2014 (a SI)

H) No monies from the Parish Council

J) Only if there is a strong link to the Parish such as previous residency, close family members already buried there (and the person has died) otherwise an application can be made for a faculty (before death) but with the same reasons if a plot is to be reserved.

K) 2 weeks but a faculty could be plus 3 months.

M) Not applicable

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

Parish Council Bishopthorpe Parish Council

Questionnaire PLEASE RETURN BY 30th APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES
b) What is the appropriate post code for your burial grounds?	YO23
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i? – refer to St Andrew’s Church) li As i))
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i refer to St Andrew’s Church) ii refer to St Andrew’s Church)
e) Does your Parish have access to more land for future expansion or new site?	- refer to St Andrew’s Church
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	n/a
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	- refer to St Andrew’s Church
h) Does your precept include costs towards the maintenance of your burial grounds?	NO
i) Are your burial grounds accessible by public transport?	YES
j) Is interment at your burial grounds available to non-Parish residents?	- refer to St Andrew’s Church
k) If an application for burial is required by non-residents, what is the average response time to a decision?	refer to St Andrew’s Church
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	- refer to St Andrew’s Church
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	- refer to St Andrew’s Church

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council Fulford Parish Council I

Questionnaire PLEASE RETURN BY 30th
APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES
b) What is the appropriate post code for your burial grounds?	YO19 4QG
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i)110 ii)58
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i)50 ii)50
e) Does your Parish have access to more land for future expansion or new site?	YES
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	N/A
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	YES
h) Does your precept include costs towards the maintenance of your burial grounds?	YES
i) Are your burial grounds accessible by public transport?	YES
j) Is interment at your burial grounds available to non-Parish residents?	YES
k) If an application for burial is required by non-residents, what is the average response time to a decision?	Same Day
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	NO
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your	N/A

residents?	
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Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

Parish Council Haxby Town Council & Wigginton Parish Council

Questionnaire PLEASE RETURN BY 30th APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES
b) What is the appropriate post code for your burial grounds?	YO32 2NQ
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i) 28 ii) 32
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i) 15 ii) 15
e) Does your Parish have access to more land for future expansion or new site?	NO
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	YES (NP is pending but future burial ground requirements will be referred to).
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	YES
h) Does your precept include costs towards the maintenance of your burial grounds?	NO
i) Are your burial grounds accessible by public transport?	YES
j) Is interment at your burial grounds available to non-Parish residents?	NO – see comments section
k) If an application for burial is required by non-residents, what is the average response time to a decision?	1 month
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	NO – already shared between two parishes
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	N/A

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

Parish Council Haxby Town Council & Wigginton Parish Council

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

Interment of non-Parish residents is permitted if the grave spaces were pre-purchased when they were residents of either of the 2 villages, however interment costs are doubled. If someone is a non-resident without a reserved space, interment in to Haxby & Wigginton Cemetery is only possible by appeal and after careful consideration by the Cemetery Committee.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

Parish Council Huntington Parish Council

Questionnaire PLEASE RETURN BY 30th
APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES (shared with New Earswick and Earswick)
b) What is the appropriate post code for your burial grounds?	YO32 9NA
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i)28 ii)54
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i) 21.75 ii) 21.75
e) Does your Parish have access to more land for future expansion or new site?	YES
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	YES
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	YES
h) Does your precept include costs towards the maintenance of your burial grounds?	All three parishes have already set aside monies for this purpose
i) Are your burial grounds accessible by public transport?	YES
j) Is interment at your burial grounds available to non-Parish residents?	YES
k) If an application for burial is required by non-residents, what is the average response time to a decision?	At present the there is no difference other than cost, this might change in the future
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	This is already the case
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your	This is already the case

residents?

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

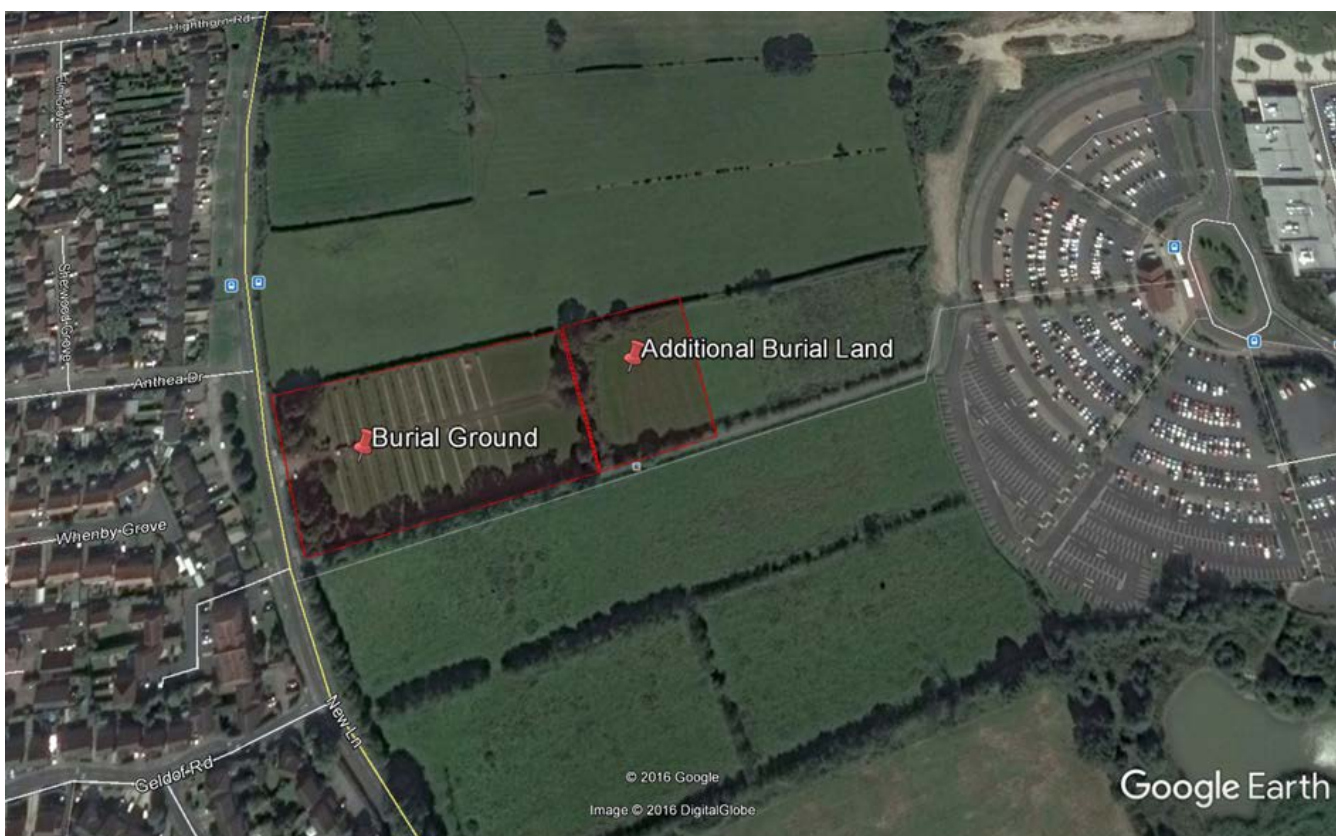
Parish Council Huntington Parish

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

If the land behind that currently designated as additional burial land were to become available this would extend the period of operation by a further 22 years to approximately 2060/61.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Huntington, New Earswick and Earswick, formed a self-governing Burial Authority in 1988, the land was donated which is shown on the attached plan. The additional burial land, is not open at the moment and is only maintained, but not accessible to the public



Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council Naburn Parish Council – St Mathews Church Naburn

Questionnaire PLEASE RETURN BY 30th APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES
b) What is the appropriate post code for your burial grounds?	YO19 4RU
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	2) 3
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	10-15 years) 110-15 years
e) Does your Parish have access to more land for future expansion or new site?	NO
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	YES
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	YES
h) Does your precept include costs towards the maintenance of your burial grounds?	YES
i) Are your burial grounds accessible by public transport?	YES
j) Is interment at your burial grounds available to non-Parish residents?	YES
k) If an application for burial is required by non-residents, what is the average response time to a decision?	-
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	YES
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	NA

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council Nether Poppleton

Questionnaire PLEASE RETURN BY 30th APRIL
2017

a) Does your Parish have access to your own burial grounds?	The ground belongs to the church not the Parish Council.
b) What is the appropriate post code for your burial grounds?	YO26 6LF
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i) 12 ii)30
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i)Some graves are already being reused ii)50 years
e) Does your Parish have access to more land for future expansion or new site?	NO
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	NO
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	Yes the Church charges for the ground for burials and ashes
h) Does your precept include costs towards the maintenance of your burial grounds?	NO
i) Are your burial grounds accessible by public transport?	Yes but a walk to the church yard of about 400 m
j) Is interment at your burial grounds available to non-Parish residents?	YES

k) If an application for burial is required by non-residents, what is the average response time to a decision?	unknown
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	NO
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	Not applicable

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council Nether Poppleton Parish Council

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

The church yard at Nether Poppleton belongs to the church of St Everilda's which in turn is the parish church of Nether with Upper Poppleton Parish churches. In Upper Poppleton there is also a graveyard around the church which is used by residents and non-residents of the villages. It is at the discretion of the Vicar if a non-resident is interred at the graveyard.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

In the Neighbourhood Plan there was no registered recognition in the survey that was undertaken that there would be a requirement for addition graveyard space. One area was considered by the committee working on the plan but as there was no village support it was not pursued by the committee.

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council Rawcliffe Parish Council

Questionnaire PLEASE RETURN BY 30th APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES/ <u>NO</u>
b) What is the appropriate post code for your burial grounds?	
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i) ii)
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i) ii)
e) Does your Parish have access to more land for future expansion or new site?	YES/NO
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	YES/NO
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	YES/NO
h) Does your precept include costs towards the maintenance of your burial grounds?	YES/NO
i) Are your burial grounds accessible by public transport?	YES/NO
j) Is interment at your burial grounds available to non-Parish residents?	YES/NO
k) If an application for burial is required by non-residents, what is the average response time to a decision?	
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	YES/NO
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	<u>YES</u> /NO

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council Rawcliffe Parish Council

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

Parish Council Skelton

Questionnaire PLEASE RETURN BY 30th
APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES
b) What is the appropriate post code for your burial grounds?	YO30 1XZ
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	4) ii)1.25
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	80) ii)80
e) Does your Parish have access to more land for future expansion or new site?	NO
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	n/a
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	YES
h) Does your precept include costs towards the maintenance of your burial grounds?	YES
i) Are your burial grounds accessible by public transport?	NO
j) Is interment at your burial grounds available to non-Parish residents?	NO
k) If an application for burial is required by non-residents, what is the average response time to a decision?	n/a
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	NO
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	n/a

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

Parish Council Strensall with Towthorpe

Questionnaire PLEASE RETURN BY 30th
APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES/
b) What is the appropriate post code for your burial grounds?	YO32
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i)10-15 ii)5-10
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i) 100 + years ii)100+years
e) Does your Parish have access to more land for future expansion or new site?	YES/
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	/NO
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	Self funded
h) Does your precept include costs towards the maintenance of your burial grounds?	NO
i) Are your burial grounds accessible by public transport?	/NO
j) Is interment at your burial grounds available to non-Parish residents?	YES/
k) If an application for burial is required by non-residents, what is the average response time to a decision?	Less than 1 week
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	YES/NO
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	/NO

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council Strensall with Towthorpe

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

There is a burial ground within St Marys Churchyard but is only available for cremated remains at the present time. There is a suggestion now to look at very old graves and think about using the space but no decision has been made by the clergy.

The burial ground on Sheriff Hutton Road has three sections – one opened in 1995 is almost full (including reservations) the other two sections are available and there is room for 300+ in the graves section

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council Wheldrake

Questionnaire PLEASE RETURN BY 30th APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES
b) What is the appropriate post code for your burial grounds?	YO19 6AW
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i)Av over last five years 6 burials) ii)Av over last 5 years 7 ashes
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i)16 years ii)52 years
e) Does your Parish have access to more land for future expansion or new site?	NO
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	NO
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	YES
h) Does your precept include costs towards the maintenance of your burial grounds?	YES
i) Are your burial grounds accessible by public transport?	YES
j) Is interment at your burial grounds available to non-Parish residents?	NO
k) If an application for burial is required by non-residents, what is the average response time to a decision?	By return of post
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	NO
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	N/A

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council Wheldrake

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

Our parish burial ground is the local churchyard. The PCC from time to time apply for a faculty from the Church authorities to enable them to embark on a scheme of reburial of the land. The last one was done in 2004. We would be looking to do this again in 2030

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

Parish Council York Cemetery Trust private burial ground

Questionnaire PLEASE RETURN BY 30th
APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES
b) What is the appropriate post code for your burial grounds?	YO10 5AJ
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i) 50 ii)40
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i)10 ii)20
e) Does your Parish have access to more land for future expansion or new site?	NO
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	NO
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	NO
h) Does your precept include costs towards the maintenance of your burial grounds?	YES
i) Are your burial grounds accessible by public transport?	YES
j) Is interment at your burial grounds available to non-Parish residents?	YES
k) If an application for burial is required by non-residents, what is the average response time to a decision?	N/A
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	NO
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	N/A

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council York Cemetery Trust, private burial ground

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

We are a charitable Trust, not for profit organisation

Survey comments: If you wish to comment upon the survey, then please do so within this section.

No consideration made to reuse public graves made within this survey

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

Parish Council City of York Council –York Crematorium

Questionnaire PLEASE RETURN BY 30th APRIL
2017

a) Does your Parish have access to your own burial grounds?	YES
b) What is the appropriate post code for your burial grounds?	YO23 2QD
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i)not applicable ii)166
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i)not applicable ii)15+
e) Does your Parish have access to more land for future expansion or new site?	Yes
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	Not applicable
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	Crematorium income
h) Does your precept include costs towards the maintenance of your burial grounds?	Not applicable
i) Are your burial grounds accessible by public transport?	YES
j) Is interment at your burial grounds available to non-Parish residents?	YES – cremated remains
k) If an application for burial is required by non-residents, what is the average response time to a decision?	Not applicable
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	Not applicable
m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	Not applicable

Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council City of York Council – York Crematorium

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

The crematorium only carries out cremations there are no burials only cremated remains which are buried loosely and come with no rights of burial.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

Project BURIAL GROUND CAPACITY - SURVEY

Participants Parish Councils of the City of York

Parish Council City of York Council – Dringhouses Cemetery I

Questionnaire PLEASE RETURN BY 30th

APRIL 2017

a) Does your Parish have access to your own burial grounds?	YES
b) What is the appropriate post code for your burial grounds?	YO24 1LW
c) If you answered YES to a). What are your average annual interment numbers for - i) Graves ii) Ashes	i)1 ii)11
d) Based on your average interment numbers, what are your predicted future periods of operation (in years) before you require more land for – i) Graves ii) Ashes	i)Closed cemetery ii)10
e) Does your Parish have access to more land for future expansion or new site?	NO
f) If you have made a Local or Neighbourhood Plan, does it make any reference to current and/or future burial ground needs?	Not applicable
g) Are your burial grounds wholly maintained by Parish funding and/or burial charges?	No – crematorium charges off set cemetery costs
h) Does your precept include costs towards the maintenance of your burial grounds?	YES – minimum maintenance due to cemetery being closed
i) Are your burial grounds accessible by public transport?	YES
j) Is interment at your burial grounds available to non-Parish residents?	YES – re-open only and cremated remains
k) If an application for burial is required by non-residents, what is the average response time to a decision?	hours
l) If shared costs of maintenance were offered by a neighbouring Parish to share your burial grounds, could this be a consideration?	YES

m) If you do not have your own burial grounds; would you consider sharing the costs with a neighbouring Parish, if its grounds were made equally available to your residents?	Not applicable
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Project **BURIAL GROUND CAPACITY - SURVEY**

Participants **Parish Councils of the City of York**

Parish Council City of York Council – Dringhouses Cemetery

Questionnaire comments: If you wish to further expand upon any answer within the Questionnaire then please do so by referencing the appropriate question, or part, within this section.

Survey comments: If you wish to comment upon the survey, then please do so within this section.

APPENDIX 6

House of Commons Library

Briefing Paper

Number 04060, 6 June 2017

Reuse of graves



BRIEFING PAPER

Number 04060, 6 June 2017

Reuse of graves

By Catherine Fairbairn

Contents:

1. Why is reuse of graves being considered?
2. What is the current position on reuse of graves?
3. Government consideration of reuse of graves
4. The position in Scotland



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Summary

England and Wales

Shortage of space for burial

In some areas, land for burial is scarce and some burial grounds have closed because they are full. Many people, including some faith groups for whom burial is a religious requirement, do not wish to consider the option of cremation. The reuse of graves has been under consideration for some time as a means of addressing this problem.

Current position

The general position is that buried human remains may not be disturbed without specific authority. Section 25 of the Burial Act 1857 makes it an offence to remove buried human remains without a licence from the Secretary of State or, in relation to ground consecrated according to the rites of the Church of England, a faculty (permission from the Church).

In limited circumstances, London burial authorities already have power to disturb graves older than 75 years for the purpose of deepening the grave to allow further burials to take place. However, in September 2014, the then Justice Minister, Simon Hughes, indicated that the use of the statutory powers by London burial authorities at that time was “almost non-existent”. He said that it would be necessary to look at why the powers available to London burial authorities were not being used before considering whether similar powers should be made available in other areas. Graves have, however, been reused in London with Church permission.

Labour Government consultation

In 2004, the Labour Government consulted on a number of issues relating to burial law, including the reuse of graves. The method suggested (the “lift and deepen” method) involves the exhumation of remains in an existing grave, digging the grave to a greater depth, re-interring the remains (in a fresh coffin, if necessary), and using the rest of the grave for fresh burials. The proposal to reuse graves had a mixed reception.

In its response to the consultation, the Labour Government initially indicated it was satisfied that it would be right to enable graves to be reused, subject to appropriate safeguards. However, it later said that this issue was being kept under review but was not being taken forward at that time. Successive Governments have similarly kept the issue under review.

Scotland

In Scotland, graves are referred to as “lair”.

New legislation, the Burial and Cremation (Scotland) Act 2016, provides for the reuse of burial lairs in specified circumstances.

The legislation followed a Scottish Government consultation on a proposed Burial and Cremation Bill, which asked questions about alleviating pressure on burial grounds. Most individuals who responded to the consultation opposed the proposal to reuse burial lairs.

The Scottish Government considered that, despite these objections, the fundamental purpose of the proposal remained valid and would be taken forward, and pointed to the safeguards which would be put in place.

1. Why is reuse of graves being considered?

The reuse of graves has been under consideration for some time as a means of addressing the problem of shortage of space for burial.

1.1 Shortage of space for burial – the problem

Provision of burial grounds is a matter for discretion by relevant local authorities, private companies, or various religious organisations, in the light of demand or tradition.¹

In some areas there is now a scarcity of land available for burial and some burial grounds have closed because they are full. Many people, including some faith groups for whom burial is a religious requirement, do not wish to consider the option of cremation.

The position is particularly acute in London. A Labour Government consultation paper, [Burial Law and Policy in the 21st Century](#), published in 2004, specifically referred to this:

Some seven years ago, the London Planning Advisory Committee (LPAC), working in conjunction with relevant burial authorities and their representatives in London, carried out research into the existing capacity for burials in the Greater London area. According to this research, the Inner London Boroughs were then estimated to have, on average, only some 7 years' burial capacity remaining. The Outer London Boroughs were thought to have sufficient capacity to last a further 18 years. These average capacities concealed wide variations: some Boroughs had virtually no capacity for additional burials. It was for this reason that local authorities began to explore the prospects for burial land outside Greater London, or for using land within Greater London which was otherwise providing alternative amenities.²

The problem of shortage of space for burial is particularly acute in some areas of London. There are also regional variations in the amount of space available

In June 2007, Harriet Harman, who was then Minister of State at the Ministry of Justice, announced the publication of a report of a burial ground survey of England and Wales, and spoke of regional variations in the availability of burial space at that time:

The survey results indicate that less than three-quarters of burial grounds now have room to accept new burials, with only about 20 per cent of all designated burial land as yet unused. Burial grounds with unused burial space predict that the median time remaining until their land will be fully occupied by graves is about 25 to 30 years.

There is considerable regional variation in these values, and, while the survey results do not reflect trends and issues at a very local level, they suggest that there is particular pressure on burial space in predominantly urban areas, and that there will generally be increasing pressure over the next 10 to 20 years.

¹ Home Office, [Burial Law and Policy in 21st Century: the need for a sensitive and sustainable approach](#), January 2004, p1

² Ibid p15, footnotes omitted

Our survey has provided us, for the first time, with an essential factual basis on the number, size and usage of burial grounds. This will help inform future policy and operational development.³

The report of an [audit of London burial provision](#), borough by borough, was published in 2011.⁴ It found that provision of burial space remained uneven. A number of boroughs had no supply of burial space at all, some were reliant wholly on created graves,⁵ or had only a limited supply of new grave space, and some had sufficient space for the next twenty years or more.⁶

In September 2013, the BBC reported that it had conducted a survey which suggested that almost half of England's cemeteries could run out of space within the next 20 years.⁷

1.2 Reuse of graves – a possible solution?

The [eighth report](#) of the Select Committee on Environment, Transport and Regional Affairs, published in 2001, argued for legislation to enable reuse (with safeguards):

127. It is the almost universal view of those in the burial industry that reuse is the only long-term solution not only to the lack of burial space, but also to the long-term financial viability of cemeteries. If the public are to continue to have access to affordable, accessible burial in cemeteries fit for the needs of the bereaved, there appears to be no alternative to grave reuse. ... For the reasons stated above, and assuming that the necessary safeguards are included, we are ourselves of the opinion that legislation should be introduced allowing burial to take place in reused graves.⁸

The Labour Government's [2004 consultation paper](#) on burial law and policy set out how the "lift and deepen" method of reusing graves might alleviate the problem of shortage of space:

Although various models might have been considered, the method of re-use recommended by [London Planning Advisory Committee] LPAC was the so-called 'lift and deepen' practice.[⁹] This involves the exhumation of remains in an existing grave, digging the grave to a greater depth, re-interring the remains (in a fresh coffin, if necessary), and using the rest of the grave for fresh burials. Since old remains would occupy less room, and the grave itself would be dug, wherever possible, deeper than has commonly been the practice (perhaps to 3.1 metres, allowing a

³ [HC Deb 5 June 2007 cc11-12WS](#)

⁴ [An Audit of London Burial Provision A report for the Greater London Authority by Julie Rugg and Nicholas Pleace, Cemetery Research Group, University of York](#), 2011

⁵ That is, using space not originally planned for when the cemetery was first laid out, such as areas originally planned as pathways, land between graves and adjacent to paths, and new depth created by adding topsoil, *ibid* pp14 and 34

⁶ *Ibid* p5

⁷ ["Reuse graves in England or run out in 20 years!"](#), *BBC News*, 27 September 2013 [accessed 30 May 2014]

⁸ House of Commons Environment, Transport and Regional Affairs Select Committee, [Cemeteries](#), 2 April 2001, HC 91 2000-01, paragraph 127

⁹ Footnote to text: "Brick or vault graves are unlikely to be appropriate for re-use in this way"

6 Reuse of graves

further three burials above), it was said that, in practice, the grave could be used indefinitely if the cycle were repeated.¹⁰

¹⁰ Home Office, [Burial Law and Policy in 21st Century: the need for a sensitive and sustainable approach](#), January 2004, p15

2. What is the current position on reuse of graves?

2.1 Buried human remains not to be disturbed without specific authority

The general position is that buried human remains may not be disturbed without specific authority. Section 25 of the Burial Act 1857 makes it an offence to remove buried human remains without a licence from the Secretary of State or, in relation to ground consecrated according to the rites of the Church of England, a faculty (permission from the Church).

2.2 Exclusive rights of burial

When a grave is purchased, this generally refers to the “exclusive right of burial” for that grave space and not to the purchase of the actual land. A burial authority¹¹ may grant an exclusive right of burial, usually for a period not exceeding 100 years, or the right to burial in any grave space which is not subject to any exclusive right of burial.¹²

The general effect of purchasing the exclusive right of burial is that no one may be buried in the grave without the owner’s permission.

Rights may sometimes be ended by burial authorities, generally if they have not been exercised for 75 years and the relevant notice has been given.¹³ The [Guide for Burial Ground Managers](#), published by the then Department for Constitutional Affairs¹⁴ in November 2005, confirms the position:

2.29 Where the right to burial or to construct a walled grave or vault has not been exercised for 75 years (i.e. no burial has taken place), the right may be extinguished subject to compliance with due notice procedure. These rights may then be granted to any other person. A shorter period applies in London.¹⁵

2.3 Use of remaining space in grave after exclusive rights of burial have ended

The Labour Government’s [2004 consultation paper](#) on burial law and policy outlined how graves might be “fully used” when an exclusive right of burial has expired, or has been ended:

‘Private’ or ‘family’ graves are those where exclusive rights of burial have been granted, formerly in perpetuity, but now generally for a limited period.[¹⁶] Such graves may also contain a

¹¹ Burial authorities are defined to include district councils, the councils of London Boroughs, and parish councils [Local Government Act 1972 section 214](#)

¹² [Local Authorities’ Cemeteries Order 1977](#), SI 1977/204, Article 10. Grants to the Commonwealth War Graves Commission may still be without limit

¹³ Ibid

¹⁴ Now Ministry of Justice

¹⁵ p12

¹⁶ Footnote to text: “Rights of burial may be granted under Article 10 of the Local Authorities’ Cemeteries Order 1977 for a maximum period of 100 years, except in the case of grants to the Commonwealth War Graves Commission which may still be without limit”

number of sequential burials, but only with the consent of the person holding the right of burial. Burial is usually confined to members of the same family, or to more distant relatives, as determined by the holder of the burial rights. Such graves may also be "reused", or, more accurately, fully used, where the exclusive rights of burial have expired or have been terminated and there is still space for additional burials within the grave. Expiry occurs after the specified number of years for which the rights have been granted, usually between 50 and 100 years. The rights may, however, be terminated by burial authorities in advance in circumstances prescribed in the relevant legislation, normally after 75 years.¹⁷

2.4 Reuse with Church of England permission

Section 25 of the Burial Act 1857 (as amended by [section 2 of the Church of England \(Miscellaneous Provisions\) Measure 2014](#)) allows for the disturbance of remains in churchyards and other consecrated ground, with Church permission. The Cemetery Research Group provides this information about the effect of the 2014 Measure:

The Burial Act, 1857 also allowed for exhumations to take place 'from one consecrated place of burial to another by faculty granted by the ordinary for that purpose' without need of a Ministry licence (S25). Essentially, this meant that where an exhumation is taking place in consecrated ground, with any remains re-interred in consecrated ground, then faculty only is required. Under Church law, it has been possible to re-use churchyards for - in some instances - centuries. Each diocese sets its own 'best practice' guidelines on churchyard management.

The Church of England (Miscellaneous Provisions) Measure, 2014 has subsequently made changes to the Burial Act, 1857. S2 of the Measure made a slight amendment to the wording of S25, which now allows for the disturbance of remains in churchyards and other consecrated ground without need for re-interment in consecrated ground. This change of wording permits a 'lift and deepen' approach to grave re-use in consecrated ground without a Ministry of Justice licence. This aspect of the Measure was enacted from January, 2015.¹⁸

The Diocese of Southwark has published advice that there should be an expectation of reuse of graves after 75 years:

Save where burial rights are granted subject to a particular period of years, there should be an expectation that grave spaces will in due course be reused, and this is necessary to economise on land-use at a time when gravespace is a diminishing resource. This is an increasingly urgent problem which all those responsible for churchyards have to face. Sensitive solutions have to be devised and implemented.

Reuse of graves within a period of less than 75 years is likely to cause distress and offence to the living, as well as appearing disrespectful to the dead. But incumbents should promote and publicise policies for the reuse of graves as soon as 75 years have

¹⁷ Footnote to text: "Article 10 and Schedule 2 to the Local Authorities' Cemeteries Order 1977, as amended. Similar provision has been made in certain private Acts." Home Office, [Burial Law and Policy in 21st Century: the need for a sensitive and sustainable approach](#), January 2004, p14

¹⁸ University of York Cemetery Research Group, [Frequently Asked Questions, "Isn't it illegal to disturb human remains?"](#) [accessed 30 May 2017]

elapsed after the most recent burial therein, not least so that those presently arranging a burial are informed of what is likely to happen in the future.

Rather than planning for re-use on a grave-by-grave basis, there is merit in seeking to bring larger areas into re-use as part of a coherent plan.¹⁹

The Cemeteries Research Group states that the City of London Cemetery in Newham is re-using graves with church permission:

In a consecrated section of the site, the local authority is re-using graves by disinterring any remains, and reintering them in a 'designated' grave, so releasing the grave for use by another family. The last interments in these graves took place eighty years ago.

The local authority is operating according to strict protocols, which preclude the disturbance of any remains more substantial than minor bone or coffin fragments. Any remains are placed in a hessian sack before being re-interred in the designated grave, and in no instance are remains cremated or taken away from the site. Hundreds of graves have been made available for re-use using this process.²⁰

2.5 Reclamation and reuse of graves in London

Legislation

In specified circumstances, burial authorities in London may reclaim a grave and then use the remaining space in it, where the rights of interment have not been exercised for 75 years or more and notice has been published.²¹

London burial authorities also have power to disturb graves older than 75 years for the purpose of deepening the grave to allow further burials to take place.²² The [Explanatory Memorandum](#) published with the [London Local Authorities Act 2007](#) provides information about the additional power this Act confers:

Section 74 enables the disturbance of human remains in certain graves, in cases where a burial authority wishes to deepen the grave to enable more burials to take place. Under the City of London (Various Powers) Act 1969 and the Greater London Council (General Powers) Act 1976, burial authorities are already able, if conditions are met, to carry out burials in existing graves without disturbing human remains. They may only do so in respect of graves in respect of which they have extinguished a registered right of burial. The 1969 and 1976 Acts provide that the burial authority is not entitled to extinguish any rights of burial until at least 75 years after the last burial in the grave, and after having made efforts to notify the holder of the right of burial, and allow objections to be made.

¹⁹ Diocese of Southwark, [Reuse of Graves](#) [accessed 18 May 2017]

²⁰ University of York Cemetery Research Group, [Frequently Asked Questions. "But haven't I heard something about grave re-use in London?"](#) [accessed 30 May 2017]

²¹ City of London (Various Powers) Act 1969 and the Greater London Council (General Powers) Act 1976

²² [London Local Authorities Act 2007 section 74](#)

Section 74 will only apply in relation to a grave where a registered right of burial or interment has been extinguished by the burial authority under either the 1969 Act or the 1976 Act. The burial authority would be able to disturb human remains for the purpose of deepening the grave to allow further burials to take place. No human remains may be disturbed under the Section if they have been interred for a period of less than 75 years. Any remains disturbed must be reinterred in the same grave.²³

Guidance

The London Environmental Directors Network has published [detailed guidance](#) on reuse processes.²⁴

Parliamentary debate

In a Westminster Hall debate on burial grounds in February 2007, Harriet Harman stated that the then Government was supporting London boroughs in the reuse of burial grounds over 75 years old:

On the reuse of old burial grounds, we are moving forward innovatively. In the first instance, we are supporting London boroughs in the reuse, at their discretion, of burial grounds that are more than 75 years old. We must proceed with caution and sensitivity because people have deeply held feelings. We are taking the matter forward, but we are starting by looking at how it works in London. That may show that people are prepared to take what is often considered to be a drastic step.²⁵

In September 2014, in response to an adjournment debate on burial space in London, the then Justice Minister, Simon Hughes, indicated that use of the statutory power by London burial authorities was “almost non-existent”:

My hon. Friend referred to, and other Members may be aware of, the reuse scheme available to London burial authorities by virtue of section 74 of the London Local Authorities Act 2007. That provides powers for burial authorities to extinguish the burial right in graves where—this is the crucial point—no interment has taken place for 75 years, and then to reuse the plots by redigging, lowering the existing burial, capping and putting in new bodies on top. Despite that facility having been available for several years now, take-up is almost non-existent. Although the City of London, one of the 33 local authorities in Greater London, reused just under 900 graves in the four years up to 2013, it did this in nearly every case using the powers not in the 2007 Act but those under ecclesiastical law where, on Christian consecrated land, reuse of graves is permitted if the Church authorities issue what is called a faculty. The York research group report that I mentioned earlier confirmed the limited use of these powers under the 2007 Act. It suggested that the reason for this is partly the difficulties involved in establishing who owns the monuments, and similar issues, and partly the administrative complexity of identifying grave ownership.²⁶

²³ [London Local Authorities Act 2007 Explanatory memorandum](#), p13

²⁴ London Environmental Directors Network, Cemeteries, Crematoria and Burial Provision Sub-Group, [Technical Guidance on the Reuse and Reclamation of Graves in London Local Authority Cemeteries](#), October 2013

²⁵ [HC Deb 27 February 2007 c240WH](#)

²⁶ [HC Deb 5 September 2014 c630](#)

Simon Hughes said that it would be necessary to look at why the powers available to London burial authorities were not being used before considering whether similar powers should be made available in other areas:

A number of those who are calling for something to be done have asked that access to the reuse scheme in the 2007 Act that applies in Greater London be extended to apply to the rest of England and Wales. There must clearly be reasons why London councils are not generally making more use of these powers, and before the Government consider legislation to extend the scheme more widely, we need to make sure that we understand the reasons why they have not been used significantly in London.²⁷

3. Government consideration of reuse of graves

3.1 Labour Government consultation

On 15 January 2004, the Home Office published a consultation paper, [Burial Law and Policy in 21st Century: the need for a sensitive and sustainable approach](#).²⁸ The consultation paper covered a number of issues relating to burial law.

The then Government asked for views on the reuse of graves:

Given the sensitivities on this issue, the Government believes that the arguments in favour of the re-use of graves need to be tested, in particular, so as to gauge public concerns and acceptability, and to determine the practicality and economics of any new approach, having regard to the need for any exceptions and safeguards. Comments are therefore invited on the principle as to whether the disturbance of remains would be justified in the interests of preserving and funding local, viable burial grounds, and reducing demands for new land for burials.²⁹

The Government stated that the “lift and deepen” method was its preferred approach, but invited views on any foreseen disadvantages of this method, or advantages of alternative methods.³⁰

3.2 Labour Government response to consultation

The consultation period ended on 13 July 2004. On 7 April 2006, the Department for Constitutional Affairs³¹ published a [summary of responses](#) to the consultation. This indicated that a range of opinions had been received in relation to the proposal to reuse graves:

Most respondents were in favour of pursuing a re-use option for burial grounds, varying from those who considered the practice should be implemented immediately to those who regarded it as very much a last resort which would need careful presentation and handling, or fuller consideration of the financial, logistical and safety implications. The 'lift and deepen' method was preferred, but additional options were proposed, and there was a degree of support for local decisions on the method to be used. There was, however, a substantial minority entirely averse to re-use, especially from the general public.³²

On 5 June 2007, the Ministry of Justice published its response to the consultation, [Burial Law and Policy in the 21st Century The Way](#)

²⁸ At that time the Home Office was responsible for burial matters. In 2005, responsibility was transferred to the Department for Constitutional Affairs, now the Ministry of Justice.

²⁹ Home Office, [Burial Law and Policy in 21st Century: the need for a sensitive and sustainable approach](#), January 2004, Question 22, p15

³⁰ *Ibid*, Question 26, p16

³¹ As it was then, now Ministry of Justice

³² [Burial law and policy in the 21st century Response to consultation](#), CP (R) DCA/HO 1/05, p9

[Forward](#).³³ Announcing publication in a written Ministerial Statement, Harriet Harman said that the then Government was satisfied that it would be right to enable graves to be reused, subject to appropriate safeguards:

One solution which the Government have been urged to consider is the reuse of burial grounds after a suitable lapse of time. It is a solution which can offer sustainable land use for the future, and the prospects of keeping burial facilities in good order and near to the communities they serve. It is an option which has received wide support.

The Government are now satisfied that it would be right to enable graves to be reused in this way, subject to appropriate safeguards. For example, no grave should normally be reused unless the last burial took place at least 100 years before. And families should have the opportunity to defer reuse of their relatives' graves for at least another generation.

We therefore intend to introduce measures which, using powers available under the Deregulation and Contracting Out Act 1994, will allow local authorities to reuse graves in their cemeteries, if they wish. At the same time, we will develop, in consultation with burial professionals and others, good practice guidance on the reuse of old burial grounds, the provision of burial space generally, and the maintenance of existing burial grounds.³⁴

In March 2008, Bridget Prentice, who was then a junior Justice Minister, said that work was progressing well on the practical details of how proposals to allow local authorities to reuse graves in their cemeteries would operate. At that time, she said that it was expected that an announcement would be made in the near future about how the initiative would be taken forward, including a public consultation exercise.³⁵

However, in April 2009, Lord Bach, who was then a junior Justice Minister, indicated that this issue was still being kept under review but was not being taken forward at that time:

The Lord Bishop of Southwell and Nottingham: ... On 2 April the Parliamentary Under-Secretary of State wrote to the chairman of the Churches Funeral Group explaining that,

“after careful consideration, the Government has concluded that this is not the most appropriate time for taking these matters forward”.

Why, after eight years of discussion, is there a shortage of parliamentary time for legislation, or is there a more fundamental reason?

Lord Bach: My Lords, this remains a sensitive issue; that should not be a surprise to the House. Research indicates that a good proportion of individuals when asked are concerned and doubtful about the issue. I hope that the right reverend Prelate and others

³³ Ministry of Justice, [Burial Law and Policy in the 21st Century The Way Forward](#), Government Response to the Consultation carried out by the Home Office/DCA, June 2007

³⁴ [HC Deb 5 June 2007 cc 11-12 WS](#)

³⁵ [HC Deb 19 March 2008 c1194W](#)

in the House agree that on issues such as this, it is important to take people with you to try to achieve consensus...³⁶

3.3 Reuse of graves kept under review

Coalition Government stance

In July 2012, Jonathan Djanogly, who was then a junior Justice Minister, said that the issue of burial space was “routinely discussed at bi-annual meetings of the Burial and Cremation Advisory Group, which is chaired by the Ministry of Justice”.³⁷ He also stated that, in autumn 2011, he had taken the view that introducing a policy of reusing graves was not critical at that time, but that the then Government had committed to keeping the situation under review.³⁸

On 5 September 2012, there was an adjournment debate on the subject of burial space.³⁹ Helen Grant, then junior Justice Minister, acknowledged the problem of shortage of space for burial in some areas.⁴⁰ However, Ms Grant said that “we have not yet reached the stage where the position is critical or requires Government intervention”, and stated that she did not consider that introducing a policy of reusing graves was critical at that time. The matter, she said, would be kept under review:

Nevertheless, my officials have offered help and advice to burial authorities, and guidance has been issued for burial ground managers so that they can make the best use of their cemeteries. I will, of course, continue to keep the matter under constant and careful review.⁴¹

In September 2014, Simon Hughes confirmed that the issue had continued to be kept under review. He committed to “continue working on and engaging with this issue to make sure that we come to some conclusions on the way forward over the next few weeks and months”.⁴²

Conservative Government

In November 2016, junior Justice Minister, Phillip Lee, said that the Government was considering whether the issue of reuse of graves should be kept under review:

There is already private legislation that, for almost 10 years now, has enabled public burial authorities in London to reuse graves, yet very few have done so. It is therefore not yet clear that pressure on burial space is a national issue requiring central Government intervention. Successive Administrations have kept the situation under review; I and my ministerial colleagues are considering whether that position should continue.⁴³

³⁶ [HL Deb 22 April 2009 cc1497-9](#)

³⁷ [HC Deb 17 July 2012 c638W](#)

³⁸ [HC Deb 16 July 2012 c544W](#)

³⁹ [HC Deb 5 September 2012 cc354-60](#)

⁴⁰ [HC Deb 5 September 2012 cc360](#)

⁴¹ *Ibid*

⁴² [HC Deb 5 September 2014 c632](#)

⁴³ [HC Deb 29 November 2016 c1487](#)

4. The position in Scotland

In Scotland, graves are referred to as “lairs”.

New legislation, the [Burial and Cremation \(Scotland\) Act 2016](#) provides for the reuse of burial lairs.

The legislation followed a Scottish Government [consultation on a Proposed Bill Relating to Burial and Cremation and Other Related Matters in Scotland](#).⁴⁴ Paragraphs 57 to 88 dealt with [Alleviating pressure on burial grounds](#).

The Scottish Government’s [Consultation Analysis Report](#) was published in July 2015. It revealed that there had been a mixed response to the questions relating to [reuse of burial lairs](#) and that most individuals who responded answered only these questions and opposed the proposal:

161 There was clearly considerable concern about the concept of allowing burial lairs to be reused in certain circumstances, and some of the related proposals, particularly from members of the public who responded to the consultation. Given the sensitivity of this topic, this is perhaps unsurprising. The vast majority of individuals who responded to the consultation answered only those questions relating to burial lair reuse, and most of them opposed the proposal, or at least called for more information about the safeguards that would be put in place to govern the process. Most organisations who responded to this issue supported the proposal, although there were a number who did not, including a small number of burial authorities and the National Association of Funeral Directors.

162 As discussed at paragraphs 63 - 65, a variety of reasons were put forward in opposition to the reuse of lairs. A number of people believed that human remains should not be disturbed for any reason. Others were concerned that lairs in which they had an ongoing interest would be reused without the opportunity to object. A number of responses argued that safeguards needed to be set out to detail the process by which lairs would be selected for reuse. Some responses suggested that reusing lairs would harm the heritage and research value of the burial grounds in which they were located.

The Scottish Government considered that, despite these objections, the fundamental purpose of the proposal remained valid and would be taken forward, and pointed to the safeguards which would be put in place:

While remaining a sensitive subject, the benefits of allowing the reuse of burial lairs warrant the proposal being taken forward in legislation, supporting the sustainability of burial grounds and making burial a more affordable and viable option in places where there is severe pressure on burial land. If the policy came into force it would be an option for burial authorities to use in their management of burial grounds; it would not be mandatory.

The Scottish Government will continue to engage with stakeholders to further develop this policy with a view to taking account of the issues raised during the consultation process. This should ensure that the Burial and Cremation (Scotland) Bill

⁴⁴ 26 January 2015

contains provisions which offer a robust process for the reuse of lairs with safeguards built into every stage.⁴⁵

A SPICe [Financial Scrutiny Unit Briefing on the Burial and Cremation \(Scotland\) Bill](#) provides information about the provisions which deal with alleviating pressure on burial grounds:

The Bill enables full, partially full and unused lairs to be restored to use in certain circumstances. The Bill sets out the criteria for burial authorities to identify which lairs may be available for possible restoration. The Bill will be supplemented by regulations which will provide in detail the statutory procedure that must be followed by the burial authority to enable the restoration of lairs.

A lair which contains human remains will be considered potentially suitable for restoration only where the last interment was at least 100 years ago and where the lair appears to be abandoned. A lair which does not contain human remains (i.e., an unused lair) will be considered potentially suitable if 50 years have passed since it was last sold and it appears to the burial authority to be abandoned.

The test of whether a lair is abandoned is not set out in the Bill, but the Scottish Government intends to provide guidance on the restoration process which will set out the factors a burial authority should consider when determining if a lair is abandoned. After a burial authority has identified a suitable lair, it must consult with various organisations to ensure there is no reason why the lair cannot be restored to use.

The burial authority will be required to contact the owner of the lair. In cases where the owner is found and objects to the proposed restoration, the process cannot continue. If the owner cannot be found or no objections are lodged by this stage, the burial authority is required to undertake a public notification exercise.

While the process required is lengthy, it is likely that burial authorities will recover multiple lairs for restoration to use each time, including over numerous burial grounds. Burial authorities will be expected to use this process strategically to identify and recover enough lairs to provide additional capacity for a number of years.⁴⁶

A Scottish Government official has stated, “We are currently working on commencing other parts of the Act at the moment. We estimate that commencement of the reuse provisions will be in 2018”.⁴⁷

⁴⁵ At paragraphs 163-7

⁴⁶ 15/70, 29 October 2015

⁴⁷ Personal communication from SPICe, 6 June 2017

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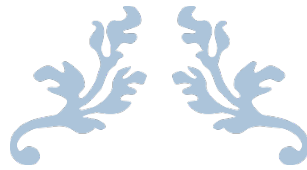
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