



**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE
SERVICES COMMITTEE ON 4 DECEMBER 2018.**

SUBJECT: FUTURE CEMETERY PROVISION STRATEGY

**BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT,
PLANNING & INFRASTRUCTURE)**

1. REASON FOR REPORT

- 1.1 This report asks the Committee to approve the Moray Council Cemetery Strategy.
- 1.2 This report is submitted to Committee in terms of Section III (F) (14) of the Council's Scheme of Administration relating to the provision and maintenance of all burial ground services.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee agree to;**
 - (i) **approve the Cemetery Provision Strategy as detailed in sections 5 of report and appendices 2 and 3 subject to budget being identified;**
 - (ii) **policy of booking lairs as per sections 4.12 to 4.14 and;**
 - (iii) **investigating new sites as contained in section 5 Table 1.**

3. BACKGROUND

- 3.1 Although the primary purpose of burial grounds is the burial of the dead and quiet contemplation, cemetery assets have considerable wider benefits including heritage, cultural, wildlife and landscape. As the custodians of these important assets it is therefore important that the Council manage them in a safe, pro-active, sensitive and respectful way in compliance with legislation for the benefit of current and future generations.
- 3.2 The 63 cemeteries and churchyards currently managed by Moray Council are highlighted in **APPENDIX 1**. The original cemeteries /churchyards were located in Church Parishes to serve the local community and were the responsibility of Parishes until they were transferred to local authorities through legislation. The Council has maintained these over the years and systematically built new cemeteries or extended existing cemeteries within

these Parishes based on location as opposed to long term need based on changing centres of population.

- 3.3 Cemeteries that have limited remaining new lair space available have to either be extended or new sites identified and developed. A number of cemeteries in Moray have no new lair space available. In such cases, they are still accessible to the public for visiting and for burials where there is space in existing lairs.
- 3.4 Currently, the average annual lair usage in Moray over the past five financial years is 242 for new lairs, 337 lair re-openings for second or third interments and 97 cremated remains. **APPENDIX 2** identifies the remaining lair capacity in years based on average lair sales per cemetery over recent years and a proposed long term strategy for Moray Council's cemetery assets.
- 3.5 Bearing in mind the costs associated with purchasing ground and building new cemeteries and the increasing SEPA requirements for ground to be used for burials, continuing with this model of delivery is unlikely to be a sustainable option. To ensure an adequate supply of burial space, a Cemetery Strategy is required to guide the future planning and management of cemeteries within Moray in a co-ordinated, pro-active and sustainable way.
- 3.6 Each local authority must provide one burial ground within the area of the local authority, and may provide a burial ground that is situated wholly or partly out with the area of the authority. Given the councils challenging financial position, the option of stepping back from providing new cemeteries is a consideration. In Burghead a privately managed cemetery is being developed by a local undertaker. However, this is a very unusual situation as traditional cemeteries are expensive to develop, maintain and manage. In heavily populated areas of the country, there might be a market for the private sector.

4. ALTERNATIVE OPTIONS THAT MAY IMPACT ON CEMETERY CAPACITY

Cremation

- 4.1 In Scotland in 2016 approximately 68% of the total number of deaths were cremated, this compares with nearly 80% in England & Wales and 23% in Northern Ireland. The cremation rate in England & Wales has been steadily increasing, rising from approximately nearly 36% in 1960 to nearly 80% in 2016. In Scotland cremation rates were just over 25% in 1960 and nearly 68% in 2016.
- 4.2 In Moray in 2016, approximately 51% of the total numbers of deaths were cremated. Discussion with various stakeholders indicates that the variation in Moray from the national trend is primarily due to a large fishing and agricultural population who traditionally prefer burial and, depending where you live, the distance to a crematorium.
- 4.3 There are currently three crematoria in and around Moray:
 1. Moray Crematorium, near Buckie (privately owned)

2. Inverness Crematorium, on the western outskirts of the city centre.
(owned by Highland Council)
 3. Aberdeen Crematorium, Hazlehead (owned by Aberdeen City Council)
 4. Burghead – planning approval for a crematorium at Burghead has been granted.
- 4.4 Should there be a significant shift in Moray from traditional burial to cremation then this will extend the lifespan of existing cemeteries and give longer lead times for the development of new sites. The spreadsheet at **APPENDIX 2** will therefore be reviewed and updated on an annual basis to monitor any changes in trends.

Natural Burial

- 4.5 Natural Burial (sometimes referred to as green or woodland burial) has been defined as the burial of human remains where the burial area creates, preserves or improves habitats which are rich in wildlife. Natural Burial areas may comprise woodland, species rich meadow, orchards, aquatic sustainably managed farmland or a combination of these.
- 4.6 There are currently four privately owned facilities available for natural burial in and around Moray:
1. Wilkies Wood, Findhorn, Moray.
 2. Cothiemuir Hill, Castle Forbes, Alford, Aberdeenshire.
 3. Delliefure, near Grantown-On-Spey, Highland.
 4. Cloverly Woods of Rest, Fyvie, Turriff, Aberdeenshire.
- 4.7 Demand for natural burial appears to be on the increase but is still not anywhere as popular as traditional burial and cremation. There is capacity for natural burial at the privately managed sites for a significant number of years.

New developments by private sector

- 4.8 A traditional cemetery and chapel are currently being developed at Burghead. The new facility is scheduled to open during 2019. A subsequent planning application for a crematorium building on the site of the chapel has been approved subject to planning conditions.

Restoration to use of lair

- 4.9 Different parts of the Burial and Cremation Act (Scotland) Act 2016 and related work are being commenced at different times. The sections on lair reuse or restoration to use of lair as it is referred to in the 2016 Act is currently scheduled to be introduced in 2019 onwards. It sets out the detailed process that must be followed by a burial authority to restore burial lairs to use. The lair can either be completely empty or partially used.
- 4.10 The criterion that must be met to enable the burial authority to begin the restoration process is:
- it appears to the burial authority that the lair is in a poor state of maintenance and repair;

- that there is no one taking an interest in the lair (no one can be identified as the owner of the right to use the lair, or the owner agrees that the lair can be reused);
- that there has not been a burial in the lair during the last 100 years where the lair contains human remains or 50 years where the lair does not contain human remains;
- that it might be practicable for the burial authority to restore the lair to use but no burial authority is obliged to reuse lairs. It is entirely optional.

4.11 The impact that restoration to use may have on the remaining capacity of cemeteries is unknown at this time. However, based on the information available, the impression is that the restoration to use of lairs where there are no human remains are the most likely to result in the re-use of lairs. The Burial and Cremation Team in the Scottish Government will work with the Burial Regulations Working Group to develop the procedure for regulating reuse of lairs. The working group is made up of burial authorities and other interested groups.

Policy on lair sales

- 4.12 The Council's current unwritten policy is to allow the advance purchase of lairs in all cemeteries with the exception of cemeteries with limited space available and no advanced plans to either extend the cemetery or provide a replacement e.g. the advance sale of lairs at Elgin Cemetery is currently prohibited.
- 4.13 Advance sale of lairs can significantly accelerate the requirement for new / extended cemetery provision with many lairs within a cemetery remaining unused at the point when lair records identify the need for an extended or new cemetery.
- 4.14 With regard to future arrangements, it is proposed that in cemeteries where the availability of new ground equates to less than ten years in remaining capacity, or where there are less than ten lairs available for sale, the Council will reserve the right to sell lairs for immediate use only. **APPENDIX 2** includes the cemeteries with less than ten years life expectancy as of 1st April 2018. **APPENDIX 4** includes the cemeteries with less than ten lairs available for sale. The cemetery life expectancy is directly influenced by the sale of lairs and the position therefore fluctuates. However, once a cemetery triggers the no pre-sale policy no pre-sales are allowed. The position is reviewed on an annual basis.

Use of paths within cemeteries

- 4.15 The filling in of non-strategic paths could extend the projected life expectancy of certain cemeteries. However, there is a capital cost associated to this option and in the more modern cemeteries such as Elgin; it would mean that the headstones would be orientated in a different direction from the existing headstones. Apart from the financial implication this option would be a variance from the original design concept and would not be aesthetically pleasing and may lead to complaints. It is therefore suggested that this option

should only be used where the layout is less regular and formal e.g. the more traditional cemeteries and churchyards in Moray.

5. CEMETERY STRATEGY - NEW SITES / EXTENSIONS NEEDED

5.1 There are significant costs associated with extending or providing new cemeteries. Suitable ground needs to be found, purchased, and developed in compliance with SEPA's stringent requirements and new access roads boundaries; concrete plinths and associated soft landscaping works are required. The process of developing a cemetery can take a minimum of four years from the start of the process to the opening of the cemetery.

5.2 Bearing in mind the challenges of identifying suitable sites, the costs of providing cemeteries and the time it takes to provide an extension or a new cemetery, the Council needs to reconsider the current approach to cemetery provision. There is no distance (accessibility) standard for cemetery provision and it is recognised that individuals can subject to available capacity choose which cemetery that they wish purchase a lair. The proposed strategy for Moray aims to achieve a delicate balance on both sustainability and accessibility; it is based around centres of population, projected increases in population growth and the provision of larger cemeteries in more suitable locations. **APPENDIX 2** highlights in green the 11 cemeteries that are proposed for replacement or extension and the approximate distances from community settlements.

To tie in with future growth and demographics **APPENDIX 3** highlights the long term strategy using Local Housing Market Areas to identify geographical areas which are based around what are considered to be primary and secondary centres in land use planning terms and Tomintoul.

The strategy proposes that a hierarchy of cemeteries with new lair provision will be available within the Local Housing Market Areas, with main cemeteries in the primary and secondary towns of Elgin, Forres, Buckie, Lossiemouth and Keith supported by additional smaller cemeteries in Cullen, Aberlour, Dufftown, Tomintoul, Rothes and Lhanbryde.

5.3 The strategy identifies three cemeteries that require either a replacement or extension in the next ten years. The sites that are included in the ten year plan are: Broomhill, Keith and Lossiemouth where extensions are required and Elgin where a new cemetery is necessary. Apart from £11,000 in the 2018/19 capital programme for ground investigations in Elgin, there is no capital provision for cemetery development. Estimated costs are based on previously completed cemetery projects and advice from a specialist cemetery development company. The adoption of the cemetery strategy to include development of cemeteries in order to meet a minimum of 75 years demand for the sites identified in the ten year plan would cost an estimated £735,000 less capital expenditure and a further £29,700 on-going annual expenditure on grounds maintenance than the option of continuing with the current unwritten policy of building new cemeteries or extending existing within Parishes, thus significantly reducing the budget pressure arising from the need to extend cemetery provision and maintain the new facilities.

Table 1– estimated cost differential between the continuation of the current policy and the adoption of the 3 sites in the 10 year cemetery plan (not all 11 sites in the complete cemetery strategy).

Continue With Current Policy	Estimated Capital Cost	Estimated Annual Revenue Cost
Birnie	£165,000	£11,000
Boharm	£165,000	£2,000
Botriphnie	£165,000	£2,700
Duffus	£240,000	£14,000
Elgin	£1,800,000	£104,000
Keith	£450,000	£35,000
Lossiemouth	£630,000	£40,000
Totals	£3,615,000	£208,700
Adoption of 10 Year Plan as part of cemetery strategy		
Elgin	£1,800,000	£104,000
Broomhill, Keith	£450,000	£35,000
Lossiemouth	£630,000	£40,000
Totals	£2,880,000	£179,000
Estimated reduction in expenditure if 10 Year Plan Adopted	£735,000	£29,700

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The development and implementation of a cemetery strategy would contribute to the Corporate Plan 2018-2023 by working towards a financially stable council that provides valued services to our communities. The delivery of a cemetery strategy is an action in Direct Service Plan – Improvement Actions and Service Development for 2018/19.

(b) Policy and Legal

Legislation and policy for burial, cremation and death certification matters are fully devolved to the Scottish Government. Cemetery matters are covered in the Burial and Cremation (Scotland) Act 2016 which is being implemented in stages. Sections of the Act that have been implemented and relate to the provision of burial grounds require burial authorities to provide at least one burial ground within the area of the local authority. Any two local authorities may make arrangements to provide jointly a burial ground within the area of one or more authorities.

Scottish Environment Protection Agency requirements for siting a new cemetery are significantly more stringent than they used to be. The current criterion now includes set distances from watercourses, field

drains, wetlands and springs and there is a need to ensure that the ground conditions are suitable.

The upkeep of Church of Scotland burial grounds was transferred to local authorities under the Church of Scotland (Property and Endowments) Act 1925 and Amendment 1933.

(c) Financial implications

The only financial allocation for cemeteries in the current capital plan is £11,000 in the 2018/19 capital programme for ground investigations in Elgin. If approved, further capital and revenue funding for the cemeteries strategy would have to be sought through the council's financial planning process. Consequently this report includes the additional expenditure warning given to the Moray Council meeting of the 28 June 2018 (Para 5 of the minute refers). Significant additional capital funding for new cemeteries and extensions would be required – estimates of £2,880,000 are included in paragraph 5.3. However, the cost of developing a cemetery depends on a number of variables, such as the size of the cemetery, ground conditions, car parking, headstone foundations, footpaths, headstone foundations, and if there are any ecological and archaeological issues that require to be addressed. The costs set out at paragraph 5.3 of this report should therefore be considered to be high-level indicative costs only.

(d) Risk Implications

The availability, affordability and suitability of land to allow the development of cemeteries are the most significant risks. Any rationalisation and 'closure' of local facilities are likely to be of concern to the local communities and may have a reputational and political risk.

(e) Staffing Implications

The Cemetery Strategy can be managed utilising existing resources. Input from the Council's, Planning and Development and Housing and Property Sections will be required when developing the strategy for the provision of extended or new cemeteries

(f) Property

The Cemetery Strategy is required to enable the council to efficiently and effectively focus its resources to meet the needs of bereaved people and the wider community in an inclusive, sustainable and cost effective manner.

(g) Equalities/Socio Economic Impact

New cemeteries would be assessed on their accessibility. The Equal Opportunities Officer has confirmed that a Socio Economic Impact Assessment is not required.

(h) Consultations

P Connor, Principal Accountant, Head of Development Services, Democratic Services Manager, G Templeton, Principal Planning Officer (Development Planning & Facilitation), L Rowan, Committee Services Officer, Legal Services Manager (Property and Contracts), Ken Kennedy, Land and Parks Officer, Equal Opportunities Officer and Moray MacLeod, Principal Architect, members of Asset Management Working Group, Scottish Burial and Cremation Team, have been consulted and any comments are included in the report.

7. CONCLUSIONS

- 7.1 The draft Cemetery Strategy has been prepared to provide a strategic vision for the more sustainable provision, development, efficient management and maintenance of cemeteries.**
- 7.2 In cemeteries where the availability of new ground equates to less than ten years of remaining capacity, the Council will reserve the right to sell lairs for immediate use only.**
- 7.3 There are three cemeteries that require either a replacement or extension and inclusion in a ten year cemetery development plan.**

Author of Report: Colin Bell, Environmental Protection Manager

Background Papers:

Ref: