

CABINET MEETING: 15 MARCH 2018

NEW BURIAL SPACE

**CLEAN STREETS, RECYCLING AND ENVIRONMENT
(COUNCILLOR MICHAEL MICHAEL)**

AGENDA ITEM: 5

REPORT OF DIRECTOR OF CITY OPERATIONS

Reason for this Report

1. To seek Cabinet approval to develop an area of existing Council owned land North of the M4 on the A469 for new cemetery space subject to planning approvals being granted.

Background

2. Whilst the rise in popularity of cremation has increased over recent years the burial of the dead is still a preferred option for many people due to religious or personal need. The statistics of burial v cremation in Cardiff mirror that of the national figure being around 70/30 in favour of cremation.
3. Cardiff Bereavement Services currently carry out on average 1350 burials per year. 800 of these are full size graves and 550 are burials of cremated remains.
4. Of those burials 450 are undertaken in new full size graves and 200 carried out in new cremated remains graves. This uses approximately 0.5 acres of virgin land per year.
5. The busiest of the sites is Thornhill Cemetery, located on the A469 Thornhill Road. This site itself deals with over 700 burials per year and provides over 200 new graves each year. This site services residents mainly in the north, east and south of the City, with Western cemetery catering for the needs to those residing in West Cardiff.
6. Thornhill Cemetery was first opened in 1952 covering a total of 40 acres including the crematorium facility. The cemetery grounds were extended in 2010 by a total of 5 acres. This was land adjacent to the site already in council ownership that had previously been earmarked for cemetery

space. There are no options for further expansion of the current site due to its borders with residential housing and roads.

7. Having operated since 1953 the site has now approximately 2 years remaining based on current usage before it is full for new burials. It is therefore essential that the Council identify and develop new areas for burial to meet the needs of the City and avoid the embarrassing position of not providing a major burial location in the future. Current estimates are that the existing site at Thornhill will not be able to provide any further new graves after June 2020.
8. Given that Cardiff is still one of the fastest growing Cities in the UK and plans for the future including the recently approved Local Development Plan (LDP) will see it continue to grow at a tremendous rate. Coupled to this is the fact that the death rate is set to increase substantially over the next 10 years due to the 'baby boom' generation beginning to die. It is therefore essential that the Council identify and construct a new substantial sized cemetery to cater for the future needs of its residents.
9. The LDP sets out the provision of over 40,000 new homes in the City which will subsequently have a longer term effect on the death rate in the area and require the City to provide adequate infrastructure through its Bereavement Service to cope with the current and future demand. An increased population ultimately results in an increased death rate.
10. A number of sites have been considered during investigations by officers to identify suitable ground. This has been a challenging exercise in order to try and meet all of the key criteria such as the size of the area required, ground suitability and an accessible location. Work is continuing to consider options for burial land to cover the east of Cardiff and a report to Cabinet will follow with regard to this issue in due course once a suitable area has been identified.
11. The preferred location to continue providing cemetery space in the north of the City has been identified by Bereavement Services in consultation with Strategic Estates and is located on the A469 north of the M4 which is identified in Appendix 1 – Location Plan.
12. This site covers an area of 12.5 acres in total, is less than 650 meters from the existing cemetery at Thornhill, and therefore provides the benefits of being able to be managed from the current site and ensure operational costs are not significantly increased. It also means Capital costs are significantly less, as there will be no need to construct offices, staff facilities and plant and machinery storage.
13. The site is of adequate size to allow for a range of burial options to be provided including traditional graves, lawn graves, cremated remains graves and a dedicated natural burial area.
14. The area totals 12.5 acres; 5 acres however can remain undeveloped at present and would be reserved for use in the future. When fully developed the initial area of the site would provide burial space for

approximately 5500 new graves which would be sufficient at the current rate for approximately the next 25 years, the reserved area could then be developed to provide a further 4000 graves which would last for around another 15 to 20 years.

Issues

15. There are some issues associated with the proposed site namely that it is currently subject to a Farm Business Tenancy lease which still has 18 years to run. The leaseholder operates the site for grazing and it is connected to his business. He feels that losing any area back to the Authority for burial space could have a detrimental impact on his business. The tenant is however open to discussions to find a mutually beneficial outcome.
16. The Authority can amend or terminate the lease subject to serving 12 months' notice on the leaseholder from the anniversary date that the lease was signed (October); however the Authority must also have in place planning consent for an alternative use for the site first. Subject to cabinet approval of this report a planning application will go forward early in 2018 and if granted notice will be served on the leaseholder by October 2018 in order that the site can come back into Council administration from October 2019. During 2018/19 work will continue to tender and appoint a contractor to undertake the necessary infrastructure works.
17. The site identified for the cemetery provision totals 12.5 acres and is identified in Appendix 2, which also highlights a possible phased approach to the works and expansion of the site. This would mean that the current leaseholder could continue to utilise the land identified in phases 3 and 4 if required until the site needed to expand.
18. Informal discussions have taken place with the tenant which to date have been positive and he fully understands the Authority's position. Officers have explained that the new cemetery development could provide fresh business opportunities at Thornhill Farm such as catering for funerals, sales of cut flowers and an increase in visitors to the farm shop and café through cemetery visitors.
19. Strategic estates are currently in discussions with the tenant to negotiate a mutually acceptable position that may allow the tenancy agreement to be terminated earlier than by October 2019, to date no agreement has been reached outside of the statutory notice period that can be served by the Authority.
20. The site also lies outside the Settlement boundary and within the Green Wedge as defined on the Proposals Map of the Adopted Cardiff Local Development Plan (LDP). Given this the proposal will need to be assessed against the following policies:

KP3 (A): GREEN WEDGE

KP3 (B): SETTLEMENT BOUNDARIES

KP16: GREEN INFRASTRUCTURE
EN1: COUNTRYSIDE PROTECTION
EN3: LANDSCAPE PROTECTION

21. Policy KP3 (A): Green Wedge of the adopted LDP identifies land for Green Wedge, whereby development that would prejudice the open nature of this land would not be permitted. Paragraph 4.81 of the LDP states that Planning Policy Wales (PPW) provides specific guidance on the consideration of planning applications within the Green Wedge designation.
22. Paragraphs 4.8.14 to 4.8.18 of Planning Policy Wales (PPW) state that:
 - 4.8.14 when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge.
 - 4.8.15 inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.
23. 4.8.16 The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is for the following purposes:
 - justified rural enterprise needs;
 - essential facilities for outdoor sport and outdoor recreation, **cemeteries**, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
 - limited extension, alteration or replacement of existing dwellings;
 - limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
 - small scale diversification within farm complexes where this is run as part of the farm business.
24. 4.8.18 Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of including land within it.
25. Policy KP3 (B): Settlement boundaries states in all areas outside the defined settlement boundary, otherwise referred to as countryside, there will be a corresponding presumption against inappropriate development.

26. Policy KP16: Green Infrastructure states that natural heritage assets, including the undeveloped countryside are key to Cardiff's character, value, distinctiveness and sense of place and if development results in overall loss of green infrastructure, appropriate compensation will be required.
27. Policy EN1: Countryside Protection states that development beyond the settlement boundaries will only be permitted where the use is appropriate in the countryside, respects the landscape character and quality and biodiversity of the site and surrounding area and where it is appropriate in scale and design. It also states that a landscape assessment and landscaping scheme will be required for significant development proposals.
28. Policy EN3: Landscape Protection states that development that would unacceptably harm the character and quality of the landscape and setting of the city will not be permitted.
29. In the Landscape Study of Cardiff (May 1999) the area is defined as a broad tract of gently rolling countryside located between the foot of the Caerphilly Ridge and the northern edge of Cardiff. Strategically the area forms the lower part of the backdrop of encircling hills and ridges to the north of Cardiff and is therefore an important component of the wider landscape setting of the city.
30. On this basis, in order to be policy compliant, any future planning application submission would need to:
 - Demonstrate the use would maintain the open nature of the Green Wedge and would not conflict with the purpose of including this land within the Green Wedge designation
 - Justify the very exceptional circumstances to provide the proposed land use which outweighs potential harm to the Green Wedge
 - Demonstrates the use is appropriate in this countryside location having regard to LDP policy and National Guidance
 - Include a landscape assessment and landscaping scheme if involving significant development proposals in order to demonstrate acceptability in terms of impact on the landscape character and quality
 - Address any other material considerations
31. It should be noted that this advice is based on the current LDP and National Policies. The policy framework may change over time either through changes to National policy and guidance, potential future Strategic Development Plans or future reviews of the LDP.
32. It should also be noted that the proposal includes around a fifth of the site being developed as a natural/woodland burial area, which will be managed to have a positive impact on the local environment and will encourage native plants and wildlife to flourish.

33. Statutory Tier 1 and 2 tests have been undertaken on the land to establish if the area is suitable for large scale burials and does not hold a high water table. This comprised of dip well testing for a total of 12 months, reports are that the land has a very low water table and would be suitable for burial. Further dip well testing in other areas of the site are currently ongoing as part of the design works and will be submitted for appraisal to the Environment Agency together with the original results as part of the planning application. A Preliminary Ecological Appraisal and tree survey have also been completed.
34. Additional works to be completed as part of the design and planning stage are:
- Obtain CBR values of the bearing strata for the design of new roads, carpark and footpaths;
 - Establish allowable bearing pressure of the ground for the design of suitable building foundations;
 - Soil resource survey to confirm what planting the site will sustain;
 - Check the existing ground for any raised contamination levels
 - Preliminary UXO (unexploded ordnance) survey and ground penetrating ground survey will also form part of the site investigation to satisfy all aspects of the design and planning.
35. Capital borrowing will be required to fund the scheme however the additional revenue required to repay the Capital borrowing will be generated through a phased increase of fees and charges over the next 3 years. This additional income will be ring-fenced in the bereavement reserve to meet the borrowing repayments.
36. A moderate increase of £20 to the main burial and cremation fees which equates to an increase of around 3.5% per year for the next 3 years will provide enough additional revenue to meet the capital repayment costs and still ensure that the other Capital demands on the reserve can still be met.
37. Cardiff's Bereavement Services is well respected throughout the UK for both its quality of service and competitive fees. Benchmarking both with Core Cities and locally shows Cardiff's current fees to be in the mid and lower quartile, it is therefore unlikely that these reasonable increases would have a detrimental effect on residents using the services.

Local Member consultation

38. Consultation has been undertaken with ward members in Rhiwbina, Thornhill and Lisvane. Whilst it is accepted that there is a clear need for additional burial space for the City some concerns were raised however, these relate specifically to the detail, which will be provided as part of the required planning application.

Reasons for Recommendations

39. Cardiff is an expanding City and needs to continue to provide burial facilities for its residents over the short and longer term. The proposed site provides a cost effective solution, which is also operationally efficient as it can be managed using existing resources based at Thornhill cemetery.
40. The site in total is 12.5 acres and will be provide burial space in the north of the City for the next 35 to 40 years meaning a long-term solution to the current burial space shortage is addressed.
41. The area will be managed to the same high standards as existing sites and will provide a number of grave choices, including traditional graves, lawn graves, cremated remains graves in line with what is available at other sites as well as a dedicated natural burial section.
42. As the Capital City of Wales and an expanding City, Cardiff should be ensuring that it can provide suitable facilities to deal with the dead for the long term. Despite cremation being the preferred option for the majority burial as the oldest form of disposal of the dead will always be required by a significant amount of the population.
43. The development of a new site also ensures that the service continues to generate income through the sale of burial spaces and burial fees.

Financial Implications

44. The estimated total cost of the scheme is £3M which includes all construction costs, design fees and a sum to mitigate risks. This is subject to planning and a tender exercise following detailed design and surveys. Expansion of burial provision in the city is included in the Council's Capital Programme approved in February 2018 and is proposed to be funded through an Invest to Save scheme, subject to due diligence and approval of a business case. Any expenditure incurred is to be repaid over a 20 year period through the generation of additional income through increased fees and charges.
45. The additional revenue required to repay the Capital expenditure will be generated through a phased increase of fees and charges over the next 3 years. This additional income will need to be ring-fenced in a bereavement reserve to meet the repayments as well as ensuring other priorities arising from the Bereavement Strategy for 2014-2024 can continue to be met from any retained income. The operating costs of the new facility will need to be met from existing revenue budgets or additional income for the service.

Legal Implications

46. The Council is a burial authority with power to provide cemeteries in accordance with section 214 and Schedule 26 of the Local Government Act 1972. The land is currently held as agricultural land and will no longer

be required for that purpose when the agricultural tenancy is determined. It can be appropriated to cemetery use pursuant to section 122 of the 1972 Act once the agricultural use has expired.

47. The Council has power to determine the current agricultural tenancy on the site in the circumstances described in the body of the report.
48. A full equality impact assessment will be undertaken as part of the planning application process.

HR Implications

49. There are no immediate HR implications. Once the site is operational and established however, some additional staff may be required to undertake grounds maintenance work at the site in future years. This will be funded from within existing service area budgets when required.

RECOMMENDATIONS

Cabinet is recommended to

1. Support the submission of a planning application to seek the necessary consent for development of the site situated on the A469 north of the M4 and identified on the attached map as Appendix 1 as a municipal cemetery.
2. Agree that officers seek to negotiate a surrender of the current tenancy agreement by the leaseholder in order to take back the required land at an earlier date and subsequently serve the necessary termination notice in respect of the tenancy.

ANDREW GREGORY
Director of City Operations
9 March 2018

The following appendices are attached:

Appendix 1: Location Plan
Appendix 2: Site Plan & Phases
Appendix 3: Design Layout Plan

The following background papers have been taken into account

Bereavement & Registration Services Strategy for the Future 2014 - 2024
Cardiff Council Local Development Plan 2016