
NEW BURIAL SPACE – MEMBER BRIEFING NOTE

Reason for the Report

1. A report titled 'New Burial Space' is due to be received by Cabinet at its meeting on the 15 March 2018. It will be submitted 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 number of cremations has increased in 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 verses cremation in Cardiff mirrors that of the national picture, i.e. approximately 70/30 in favour of cremation.
3. Cardiff Bereavement Services currently carry out on average 1,350 burials per year. 800 of these are full size graves and 550 are burials of cremated remains. Of those burials 450 are undertaken in new full size graves and 200 are carried out in new cremated remains graves. In Cardiff new burials require approximately 0.5 acres of virgin land per year.
4. 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.

5. 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 five 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.
6. Having operated since 1953 the site has now approximately two 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. Current estimates are that the existing site at Thornhill will not be able to provide any further new graves after June 2020.
7. Cardiff is still one of the fastest growing Cities in the United Kingdom 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 ten years due to the 'baby boom' generation beginning to die. Taking these pressures into consideration it seems essential that the Council identify and construct a new substantial sized cemetery to cater for the future needs of its residents.
8. 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.
9. 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.
10. 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**.

11. 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.
12. 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.
13. 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 5,500 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 4,000 graves which would last for around another 15 to 20 years.

Issues

14. 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.
15. 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.

16. 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.
17. 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.
18. 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.
19. The proposed site sits within the relatively new Green Belt area around Cardiff North, however restrictions on the siting of cemeteries within Green Belt areas is exempt under current planning legislation and it should be noted that such a development would not have a negative impact on the areas as defined under paragraph 89 of the current National Planning Policy Framework which states:

A local planning authority should regard the construction of new buildings as inappropriate in a Green Belt, exceptions to this are:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for **cemeteries**, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or,*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

20. It should also be noted that the proposal includes around a fifth of the site being developed as a natural/woodland burial area that will be managed to have a positive impact on the local environment and will encourage native plants and wildlife to flourish.

21. 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.

22. 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.

23. 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.
24. The report makes three recommendations that are to be presented to Cabinet at the meeting on the 15 March, these are:
- That Cabinet approve the site situated on the A469 north of the M4 and identified on the attached map as **Appendix 1** is developed as a municipal cemetery for the City of Cardiff subject to the necessary planning consents being granted.
 - That Cabinet approve a planning application be submitted in early 2018 to gain the necessary consent for development of the area as a cemetery.
 - That Cabinet approve officers seeking 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 also to serve the necessary termination notice in respect of the tenancy.
25. The five main reasons for making the three recommendations are set out above are:
- 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.
 - 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.
 - 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.

- 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.
- The development of a new site also ensures that the service continues to generate income through the sale of burial spaces and burial fees.

26. A number of Financial Implications have been provided for this Cabinet report, they are:

- Bereavement Services has operated at a break even financial position for a number of years and has successfully implemented larger capital schemes through careful use of its reserve. This scheme can be delivered along the same lines with no direct impact on the Councils capital position as the service can repay the capital cost over an agreed period.
- The total cost of the scheme is estimated at £3 million which includes all construction costs, design fees and a sum to mitigate a number of currently unknown risks. This will be funded through an Invest to Save scheme. Capital borrowing will be utilised with the service area repaying the cost over a 20 year period through the generation of additional income through increased fees and charges.
- 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.
- 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.

- 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.

27. A number of Legal Implications have been provided for this Cabinet report, they are:

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

Way Forward

28. Members are asked to note the content of this briefing paper.

Legal Implications

29. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural

requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

30. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATION

The Committee is recommended to:

- i. Note the contents of the Member briefing note.

DAVINA FIORE

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28 February 2018