

Leicester City Council

Burial Space Strategy



Consultation Draft

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1.0 Introduction

1.1 Purpose and scope of the Burial Space Strategy

The objective of the Burial Space Strategy is to set out the city council's vision as to how it can continue to provide long term sustainable solutions to the decreasing availability of burial space, and increasing costs of burial in the city

Key issues identified include:

- The finite amount of burial land remaining in the city
- Faith provision
- Mortality rates in Leicester
- The reuse of graves
- Burial finances

2.0 The Strategic Environment

2.1 National Legislation

Cemeteries

Leicester City Council is a burial authority by virtue of the Local Government Act 1972 s.214:

s.214-(1). The following authorities, that is to say, the councils of districts, London boroughs, parishes and communities, the Common Council and the parish meetings of parishes having no parish council, whether separate of common, shall be burial authorities for the purposes of, and have the functions given to them by, the following provisions of this section and Schedule 26 to this Act.'

The city council manages its cemeteries under the provisions of the Local Authorities' Cemeteries Order 1977 (LACO 1977) as amended in 1986.

The city council is under no statutory duty to provide a cemetery, but it is required to maintain its existing cemeteries. Article 4 of LACO 1977 states:

4-(1). 'A burial authority may enclose, lay out and embellish a cemetery in such a manner as they think fit, and from time to time improve it, and shall keep the cemetery in good order and repair, together with all buildings, walls and fences thereon and other buildings provided for use therewith.'

The LACO 1977 gives the Council wide ranging powers of management of its cemeteries:

3-(1). 'Subject to the provisions of this order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.'

Crematoria

Leicester City Council is a cremation authority by virtue of the Cremation Act 1902 s.4:

s.4. 'The powers of a burial authority to provide and maintain burial grounds or cemeteries, or anything essential, ancillary, or incidental thereto, shall be deemed to extend to and include the provision and maintenance or crematoria.'

The city council's management of Gilroes Crematorium is governed specifically by:

- The Cremation Acts 1902 and 1952
- The Cremation Regulations 2008
- The Environmental Protection Act 1990
- The Secretary of State's Guidance – Crematoria PG5/2 (1995)

Public Health

In addition to its powers and duties as a burial and cremation authority, the Council is also required to make funeral arrangements under the Public Health (Control of Disease) Act 1984:

s.46-(1). 'It shall be the duty of a local authority to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.'

The city council as an employer and landowner is also bound by other general legislation, such as the Health and Safety at Work Act 1974 etc.

2.2 Leicester City Council Strategic Influences

Local Development Framework - Core Strategy

Leicester City Council's Core Strategy was formally adopted on the 25th November 2010 by Cabinet as council policy. This replaced a large part of the City of Leicester Local Plan 2006. The Core Strategy and saved Local Plan policies together comprise the development for Leicester.

Relevant Core Strategy Policies

Core Strategy Policy 16 makes specific reference to cemeteries:

We will work with our partners to develop culture and leisure facilities and opportunities which provide quality and choice and which increase participation among all our diverse communities. We consider that new developments should create an environment for culture and creativity to flourish by:

Creating or retaining cultural facilities and opportunities, including places of worship, cemeteries and crematoria that help people who live here to develop a sense of belonging, to value the cultural diversity and heritage of our City and become more confident and proud of Leicester, seeing it as a good place to live

Core Strategy Policy 13 Green Network and Core Strategy Policy 17 Biodiversity are both relevant to cemeteries. They provide direction on future developments on green space and Green Wedges and support the saved policies of the City of Leicester Local Plan 2006.

Cemeteries and churchyards provide an important part of the green network that links green spaces across the City.

Site Allocations

A new Development Plan Document is being prepared to replace the saved policies of the City of Leicester Local Plan 2006. It will include site allocations and will guide development decisions on a wide range of land uses which may include:

- Residential /Affordable Housing
- Development areas such as regeneration sites and mixed use areas
- Industrial
- Retail
- Commercial
- Community facilities
- Sports/Leisure
- Green and Open Space
- Nature conservation/biodiversity
- Transport

The document is to be submitted to the Secretary of State in 2013 with adoption by the council expected in 2013/14. Only sites where there is a reasonable chance that the site will become available for development or redevelopment in the period up to 2026 will be included.

Development land in Leicester is becoming harder to find, and as discussed later in this document, potential land for future burial space is being utilised for other developments. To ensure that Leicester can meet its burial needs in the

future it is appropriate to identify and allocate sites for future cemeteries as part of this development process.

Other strategies

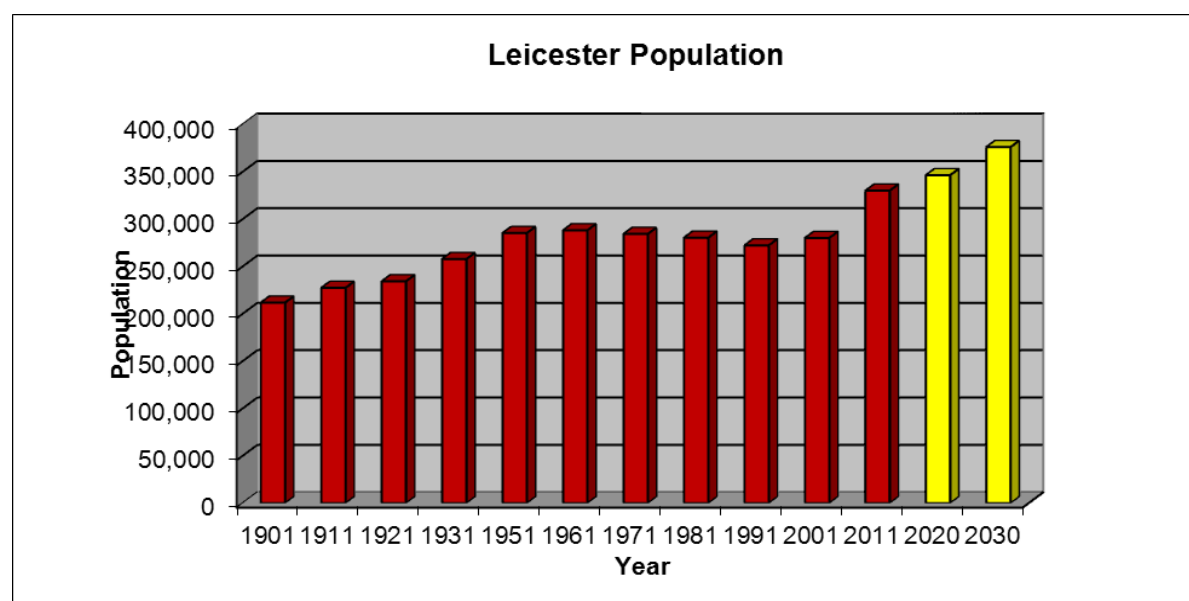
A wide range of council strategies influence the provision of the cemeteries in Leicester. These have all been developed to align the city council and the service with Government direction. More detailed information can be found in the strategies themselves:

- The Corporate Plan
- Leicester's Community Plan
- Partnership and Cultural Strategy
- Community Cohesion Strategy
- Older Person's Strategy
- Choosing Health
- Crime and Disorder Strategy
- Leicester Environment Strategy
- Corporate Equality Strategy and Action Plan
- Green Spaces Strategy
- Biodiversity Action Plan
- Environmental policy

2.3 Trends in population, burial and cremation

When developing a strategy that looks at future burial space needs it is important to recognise the underlying trends that will affect it. With regards to the Burial Space Strategy it is vital to understand how Leicester's population has grown and is expected to grow, how mortality rates are changing and how disposal of the deceased has changed over time.

The following chart shows Leicester's population growth, as taken from Census statistics and population predictions.

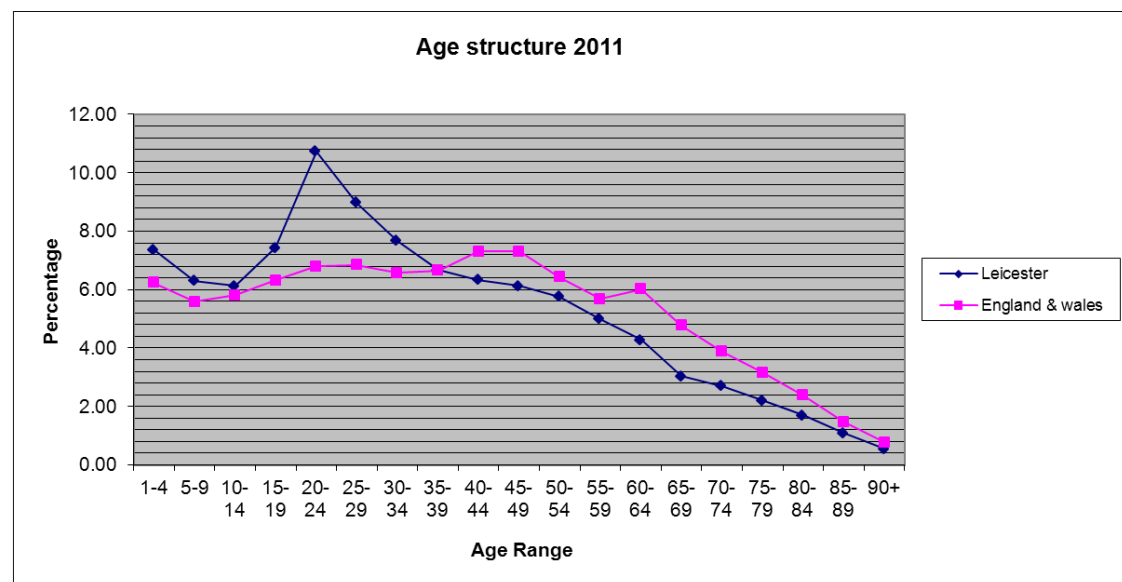


The increase in population will be partially accommodated by the planned development of 3,000 new homes at Ashton Green. In addition to this major development within the city boundary there are plans for an additional 4,250 new homes at Lubbethorpe to the west of the City. These two developments alone will be able to accommodate nearly 20,000 residents to the north and west of the City. The location of these developments is worth considering as they are most likely to increase pressure on Gilroes Cemetery for the provision of burial space.

There were 7.95 recorded deaths per 1,000 of population in Leicester and Leicestershire during 2011. At this level these two developments could potentially increase the number of deaths by 160 each year when fully occupied.

If the forecasted population figure for 2030 proves accurate then there may be an additional 370 deaths among the city population each year. However, these figures do not reflect that nationally death rates have been falling as people live longer and healthier lives. Though death rates in Leicester still remain higher than the average they are falling but at a slower rate than the national average.

Life expectancy for a male in Leicester is 75.4 years while a female can expect to live until 80.1 years of age, both significantly below the national average.



Leicester has a comparatively young population, due to a large number of university students and under-five's, with 46% of the population being under 30 years of age. The number of people aged over 60 years in Leicester is significantly below the national average.

Many older people move to the neighbouring county but upon death will be buried or cremated in Leicester where they have close family ties.

Statistically, the ethnic mix of a community also affects the proportions of people in different age bands. The 2011 Census shows that Leicester's ethnic mix is generally more pronounced than in England with the city widely recognised as being one of the most multi-culturally diverse in the UK.

Ethnic Origin	Leicester Population	Leicester %	England %
White: British	148,629	45.06	79.75
White: Irish	2,524	0.77	0.98
White: Other White	15,483	4.69	4.69
Mixed: White and Black Caribbean	4,691	1.42	0.78
Mixed: White and Black African	1,161	0.35	0.30
Mixed: White and Asian	3,388	1.03	0.63
Mixed: Other Mixed	2,340	0.71	0.53
Asian or Asian British: Indian	93,335	28.30	2.63
Asian or Asian British: Pakistani	8,067	2.45	2.10
Asian or Asian British: Bangladeshi	3,642	1.10	0.82
Asian or Asian British: Other Asian	13,181	4.00	1.55
Black or Black British: Caribbean	4,790	1.45	1.11
Black or Black British: African	12,480	3.78	1.84
Black or Black British: Other Black	3,315	1.01	0.52
Chinese	4,245	1.29	0.72
Other Ethnic Groups	8,568	2.60	1.03

These figures published by the Office for National Statistics from the 2011 Census, show that the percentage of people describing themselves as of Asian origin is 35.8% in Leicester.

The figures relating to religion also show that Leicester has far higher numbers of persons of non-Christian religions than the national average.

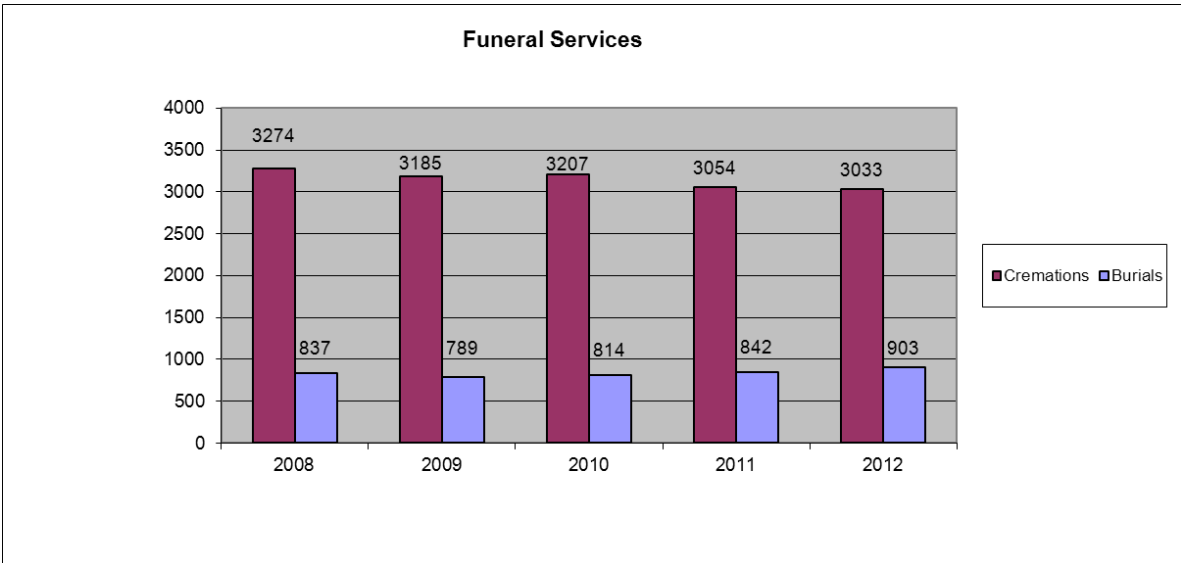
Religion	Leicester Population	Leicester %	England %
Christian	106,872	32.40	59.38
Buddhist	1,224	0.37	0.45
Hindu	50,087	15.19	1.52
Jewish	295	0.09	0.49
Muslim	61,440	18.63	5.02
Sikh	14,457	4.38	0.79
Other religions	1,839	0.56	0.43
No religion	75,280	22.82	24.74
Religion not stated	18,345	5.56	7.18

Religious beliefs have a profound affect on the need for burial space. In addition to the Christian community there is a demand for burial space from Muslim and Jewish communities and for cremation facilities from the Hindu, Sikh, Jain and Buddhist communities. The statistics suggest that these groups will continue to grow and represent a higher proportion of the Leicester population.

Since the Second World War there has been a dramatic change in the disposal of the deceased in the UK. There has been a large increase in people choosing cremation as their preferred means of disposal, with a subsequent fall in the number of burials. This has helped to extend the life of the existing cemeteries beyond their originally planned lifespan.

Both locally and nationally the ratio of cremations to burials appears to have stabilised at approximately 70% and 30% respectively. This obviously reduces the pressure for new burial space as many people choose to scatter cremated remains. However, as some faith communities prefer to bury the deceased there will always be a need for new burial space.

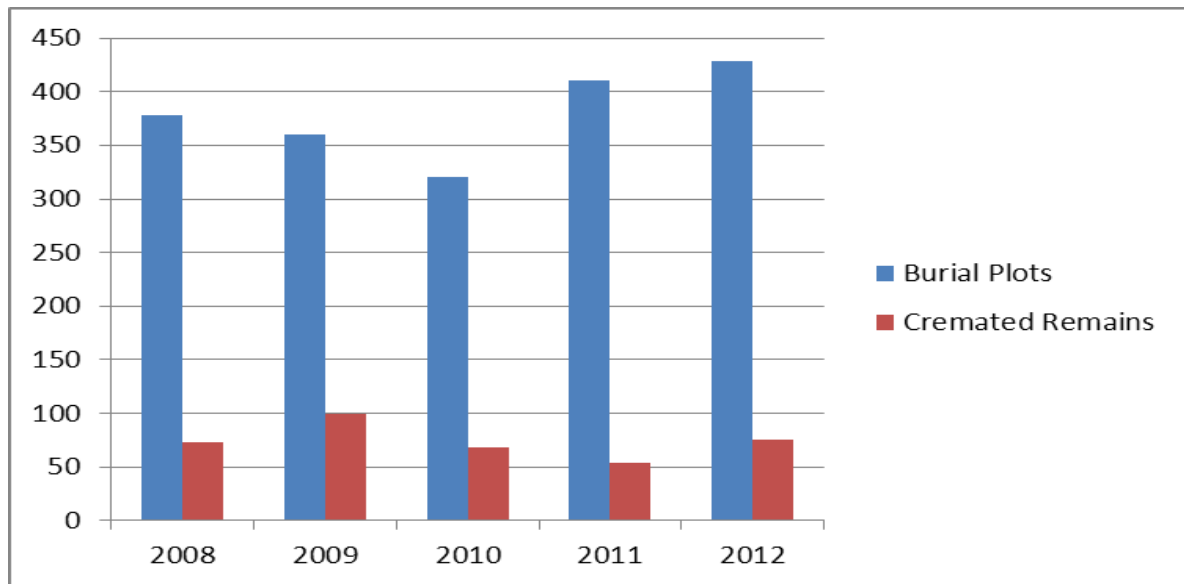
The following chart illustrates the difference in popularity between burials and cremations in Leicester in the last five years.



The numbers of deaths each year appears to be fairly consistent. The council’s Bereavement Service is one of the busiest in the country and it is important to note that the city council provides bereavement services to residents of the city and the county.

Many of the burials that take place in the current cemeteries involve the re-opening of existing graves for the interment of additional remains, either full body or cremated remains. This reduces the pressure on providing additional land for new graves.

The following chart shows the requirement for new burial space in the last five years.



On average there is an annual requirement for 380 new plots for full burial and 75 new plots for cremated remains. Muslim and Jewish graves generally will contain only one interment (burial) per plot while other graves may be re-opened and contain several interments per plot.

This equates to a land requirement of 1,200m² of new burial space each year plus additional land for supporting infrastructure (paths, roadways etc.), approximately one third of a hectare per year.

Burial plots are sold with a 99 year Exclusive Right of Burial. Effectively, the Right of Burial is a lease on the grave plot as the land remains in the freehold ownership of the council, and allows the deed holder to choose who may be buried in a plot and erect a memorial.

The Right of Burial has an impact on the availability of burial space as the council loses control of the number of burials that can be interred in to a grave plot. Families can purchase burial rights for a grave that could accommodate multiple burials but only use it for one, effectively losing burial spaces and increasing pressure on the supply of new burial land.

The crematorium at Gilroes is the 7th busiest in the country and conducts more than 3000 cremations annually. An extensive programme of improvements to the crematorium was carried out in 2012/13. This included the provision of four new cremators, Mercury abatement equipment, enlargement of the East Chapel, new visitor facilities and the relocation of Bereavement Services staff from the city centre.

The crematorium now has sufficient capacity to meet the needs of any additional cremations as a result of the projected increase in population and subsequent increase in deaths in the city. The new cremators will perform at their maximum efficiency for about 20 years after which they will need replacing.

A review of Bereavement Services highlighted that on occasions, the chapels at Gilroes Crematorium, had insufficient space to accommodate large funeral services. Consideration will be given to establishing a new modern crematorium, in conjunction with a new cemetery, to provide additional chapel capacity for larger funeral services.

3.0 The Cemetery Service

3.1 The Cemeteries

Leicester City Council currently operates 4 cemeteries:

Cemetery	Opened	Acres	Hectares	New Graves Available
Welford Road	1849	29	11.74	No
Belgrave	1881	5	2.02	No
Gilroes	1902	64	25.91	Yes
Saffron Hill	1931	32	12.96	Yes

In addition to these cemeteries the city council also maintains 11 closed churchyards that contain older graves.

The council's Bereavement Services is one of the busiest in the country and provides services to residents of the city and the county. As is common practice nationally, non-city residents are required to pay double fees for some services.

There are no new burial plots available at either Welford Road Cemetery or Belgrave Cemetery, although a small number of re-openings (about 10 per annum) are carried out for the interment of remains in family or reserved plots. This essentially means that the City is operating with only two functioning burial grounds.

There are various types of burial that take place:

Full burial

- New Grave (Standard size 8'x4' allows for up to 3 burials per grave)
- New Grave (Muslim section 8'x5' allows for single burial)
- Re-opened grave (Additional burial in an existing grave)
- Traditional grave (Headstone, kerbs, fences and surrounds permitted)
- Lawned grave (Headstone only, **NO** fences, kerbs or surrounds)

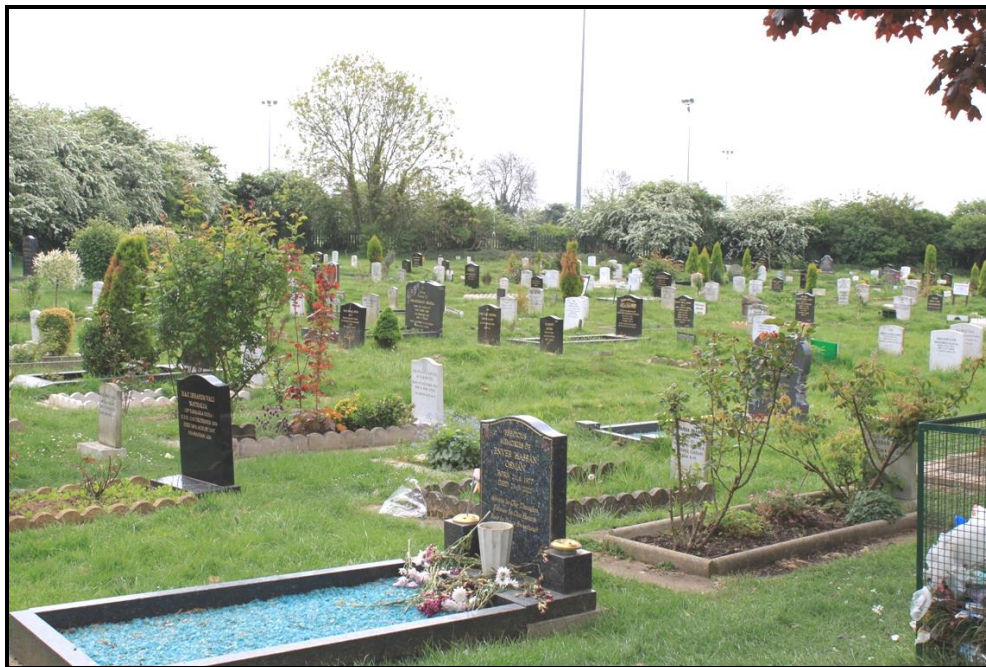
Cremated Remains

- New cremated remains plot (Standard size 3'x2' for 5 interments per plot)
- Re-opened Cremation plot (Additional burial in existing cremation plot)
- Re-opened full size grave (Additional burial in existing full grave)

In addition to the space required to accommodate a grave plot in a cemetery, an allowance of up to 30% of available cemetery space must be made for land that is not occupied by graves, such as roads, paths, trees and buildings. Up to another 30% of space may also be required as the space between graves, due to the way they are laid out, with every third row being left clear to allow access for visitors and grave digging equipment.

The total number of burials does not provide an accurate figure for calculating future burial space needs, and consideration needs to be given to the allocation of space to different groups and types of burial. This would include Church of England, other Christian denominations, Muslim and Jewish groups and the use of space for children's graves and cremated remains plots.

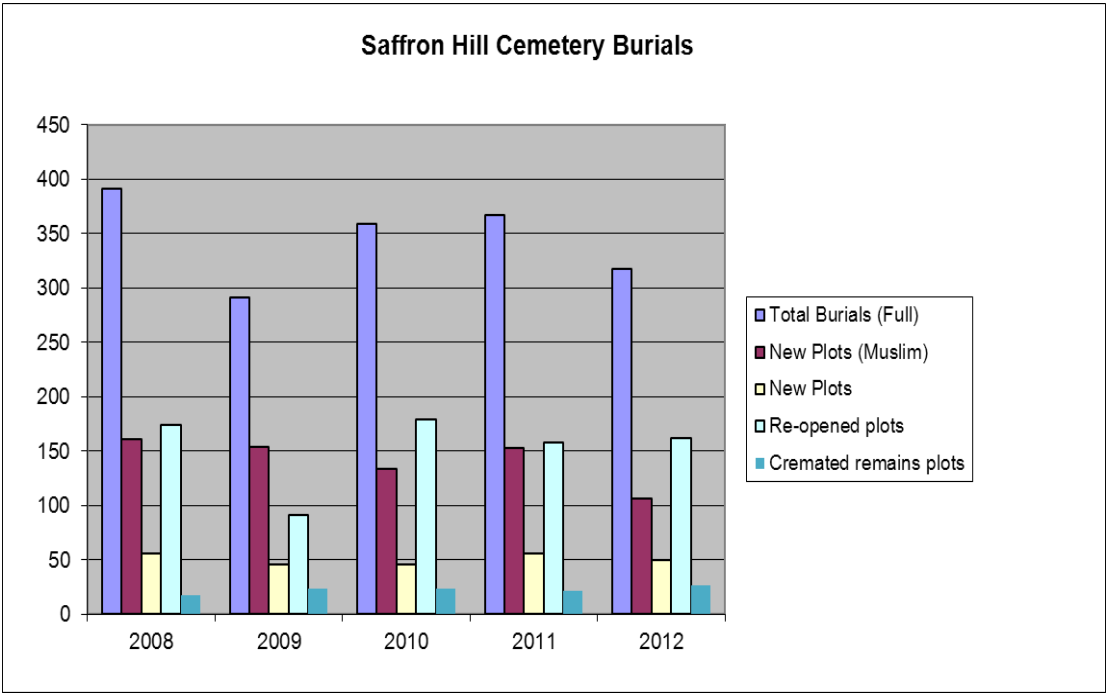
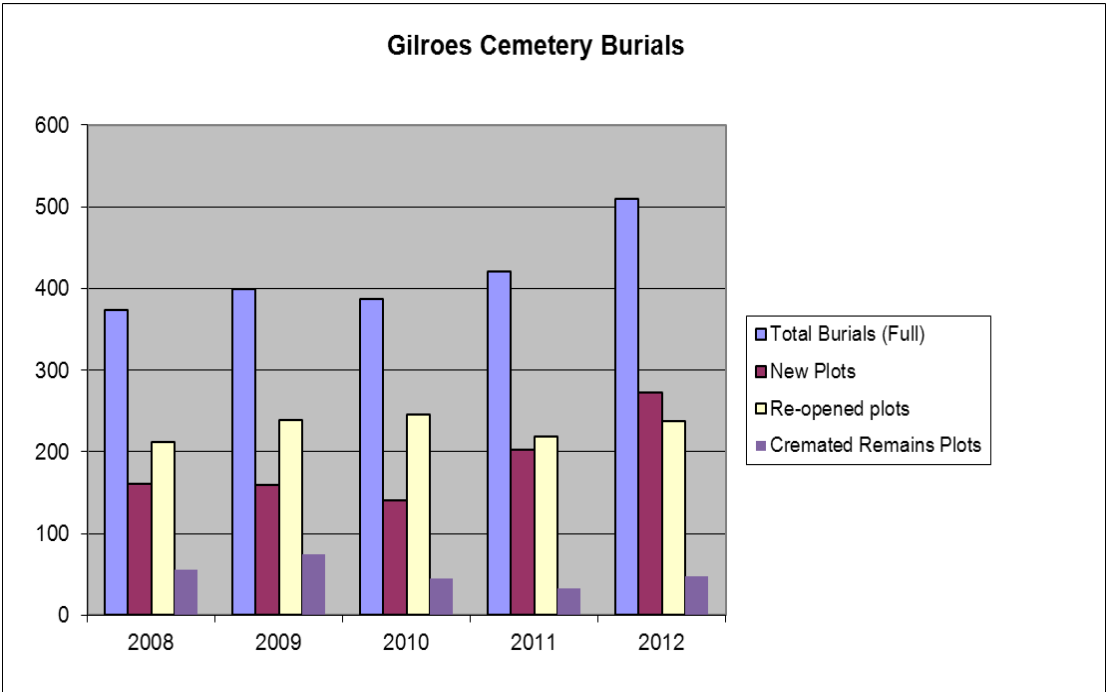
While it is not unusual for Christian burials to take place in family plots, with graves being re-opened to inter family members, Muslim and Jewish communities generally require a new grave for each interment and do not normally have family graves which are re-opened for additional burials.



There is a need to take account of the reservation of grave spaces in advance. When a burial takes place, bereaved families may wish to ensure that other family members may be buried close to the deceased at some future point, resulting in plots being sold without a burial. This means that a potential grave may not be utilised for many years, and many burial authorities are now removing this option and allowing graves only to be purchased at the time of bereavement.

In the short term this policy may free up some graves but longer term the burial authority is still faced with the same need for burial space.

The following two charts illustrate the total number of burials at Gilroes Cemetery and Saffron Hill Cemetery and the requirement for new burial space in the past five years.



As can be seen from the charts the requirement for new burial space is fairly consistent each year.

3.2 Gilroes Cemetery and Crematorium

Main Cemetery

Gilroes Cemetery and Crematorium was opened in 1902.



On average the cemetery will deal with 479 burials per year, which includes 234 re-openings, 181 new burial plots and 64 cremated remains plots.

At Gilroes the memorials are located back-to-back in borders, leaving a clear space between graves to allow access for the public and for excavation equipment.

Lawn sections are generally easier to maintain than Traditional sections but the presence of unauthorised kerb sets on some lawn graves has led to the need to leave larger than necessary space between plots for maintenance purposes.

Cemetery extension

Gilroes Cemetery was extended to the east of the main cemetery, alongside Anstey Lane, in 2012.

The cemetery extension is approximately 8.5 acres / 3.44 hectares in size. The topography of the site meant that the site had to be terraced to accommodate graves, reducing the amount of available burial space.

The burial capacity of this cemetery extension is:

	Acres	Hectares	Graves	Years
Gilroes extension	8.5	3.44	2,276	14.3

Jewish burials

There is a separate Jewish section at Gilroes Cemetery complete with a Tahara Prayer House. On average seven burials take place each year and there is sufficient space available to accommodate burials for the next 30 to 35 years.

The Jewish section of the cemetery was pre-purchased by the Leicester Hebrew Congregation in 1902 as part of the development of the cemetery.

3.3 Saffron Hill Cemetery

Main cemetery

Saffron Hill Cemetery was opened in 1931.



The cemetery was extended in 2008, providing an additional 3.05 acres / 1.23 hectares of cemetery space to accommodate 550 traditional burials and 448 lawn burials, sufficient for another 18 years of use.

Cremated remains plots are available on the main driveway and at the current rate of use will last another 20-25 years.

Cemetery extension

A new cemetery extension will be opened at Saffron Hill Cemetery in 2013/14.

This new extension will be created on land to the south of the cemetery, which is being vacated in summer 2013. The football clubhouse on the site has been subject to a planning application to alter use to a medical facility with associated car parking and will be excluded from the cemetery extension.

The cost to develop the extension in 2013/14 is estimated at £450K and funding is included in the council's Capital Investment Programme.

The burial capacity of this cemetery extension is:

	Acres	Hectares	Graves	Years
Extension A	8.77	3.55	3,686	24.0
Extension B	1.63	0.66	650	11.8

Extension A is located immediately adjacent to the Muslim burial section and will be used to provide additional Muslim burial space at the cemetery. This would be a logical extension as the cemetery already has roads, Janazgah (Muslim prayer house), toilets and security measures in place.

Extension B would accommodate non-denominational burials. This should be sufficient to provide new burial space for an additional 12 years.

Muslim burials

Muslim graves will generally only include one interment per plot, although the Muslim Council of Britain is known to have been considering the possibility of providing family plots.

The existing Muslim section has less than 500 burial spaces available. At the average rate of 153 burials per year this section will be full in less than 3 years.

Extension A would be able to accommodate 3,686 Muslim burials which at the current rate of burials would provide 24 years of space.

The rate of burials for Muslims has risen over the years as the population has expanded and aged. When the 2003 Cemeteries and Crematorium Strategy was developed, the Muslim burial rate was averaging 135 graves per year and the existing Muslim section was predicted to have sufficient space for 24 years. The increase in burial rates has significantly reduced this time frame.

4.0 Burial Space Options

4.1 Cemetery extensions

The Gilroes Cemetery extension in 2012 will provide sufficient burial space until 2026.

The extension of Saffron Hill Cemetery will start in 2013/14. This is particularly important with regards to Muslim burials as current provision is predicted to become exhausted in a few years.

Once extended Saffron Hill Cemetery will have reached the limits of its potential land space and will reach its capacity of new graves by 2038.

At Belgrave Cemetery there is 2.5 acres/1 hectare of adjacent land to its eastern boundary that was identified in the City of Leicester Local Plan 2006 as a potential cemetery extension.



Adjacent to this is another 5.98 acres/2.42 hectares of land. This site was originally allotments that were consolidated in the past due to a lack of demand in allotment gardening.

In recent years allotment gardening has becoming much more popular. The authority has a statutory duty to provide sufficient allotments for residents and the site is now being considered for re-commissioning as active allotments.

The identified cemetery extension site is very overgrown and relatively low lying compared to Belgrave cemetery. Much of this site has been designated as a Local Wildlife Site and together with the presence of a nearby watercourse suggests that the site is likely to be unsuitable for a cemetery development.

Considering the above, it is not intended to proceed with this as a viable option.

4.2 New cemetery provision

Land is a valuable and finite resource and land for new cemeteries and burial space has to compete with the need to use land for many other purposes such as housing, employment, industrial and food production.

It is more than 80 years since the last cemetery, Saffron Hill, was opened in Leicester and a solution to a shortage of burial space is to open a new cemetery.

As burial space runs out there will be a need to open a new cemetery as both Gilroes Cemetery and Saffron Hill Cemetery begin to reach capacity.

With availability of land in the city becoming severely limited, there is a need to set aside and hold land for potential new cemetery and crematorium sites in the future, failing to do this may mean there will be no appropriate land for a new cemetery when needed.

Leicester City Council owns parcels of land both within and outside the city boundary and historically most cemeteries have always been developed on the outskirts of towns and cities.

When considering the location of where to possibly site a new cemetery it is essential to consider the following:

- Ease of access from city
- Access to public transport
- Size and ability to provide sections for different faith communities
- Potential for future extensions
- Alternative uses for land
- Planning policies & designation (eg Green Wedge)
- Flooding category
- Biodiversity concerns and function within the green network

- Heritage issues (eg archaeological finds)
- Adjacent uses
- Pedestrian and Vehicular access
- Landscaping and screening
- Estimated cost of development

Suggestions for suitable sites will be sought as part of the Strategy consultation process.

When Gilroes Cemetery was developed, the then Leicester Corporation sold an area within the cemetery to the Jewish community for their exclusive use. It is likely that some faith communities will be interested in a similar agreement if a new cemetery is created. This may offer the opportunity for the city council to share some of the costs involved in developing and managing a new cemetery.

The rate of burials at a new cemetery would be dependent on when it opened. If the cemetery opened before Gilroes Cemetery and Saffron Hill Cemetery reached capacity it would provide the city with an additional cemetery, therefore absorbing some of the burials that would take place at the other cemeteries. If it came in to use as the two existing cemeteries reached capacity it would leave the city with only one burial site with new graves and would have to provide facilities for all burials and all communities within Leicester.

Additionally, if a new cemetery opened while the current cemeteries were still active, then the lifespan of this site would not only be increased, but it would also offer additional burial choices and extend the life of the current cemeteries.

It is important that any new cemetery design takes account of the site location, on-going maintenance, long term potential as a landscape and provides for all faiths and types of burial as well as incorporating aspects of nature.

4.3 Use of unused space in current cemeteries

In the newer sections at Gilroes and Saffron Hill Cemeteries every third row of graves is used as a pathway. This is principally due to the Lawn Grave Regulations to allow access to graves to the public and cemetery staff.

Whereas this provides a pleasant open character to these sections it is clearly a waste of potential burial space in the longer term. Over time, less people tend to visit graves as the passage of time lessens the pain of bereavement, although there may be further burials as graves are re-opened for family members with a renewed level of visitation by the bereaved.

The city council could in time utilise the access rows as grave spaces, along with additional unused land on the end of rows or by removing planted features to provide burial space when no new grave space is available. It

would be necessary to allow a period of time to elapse after burials in an area before utilising the space.



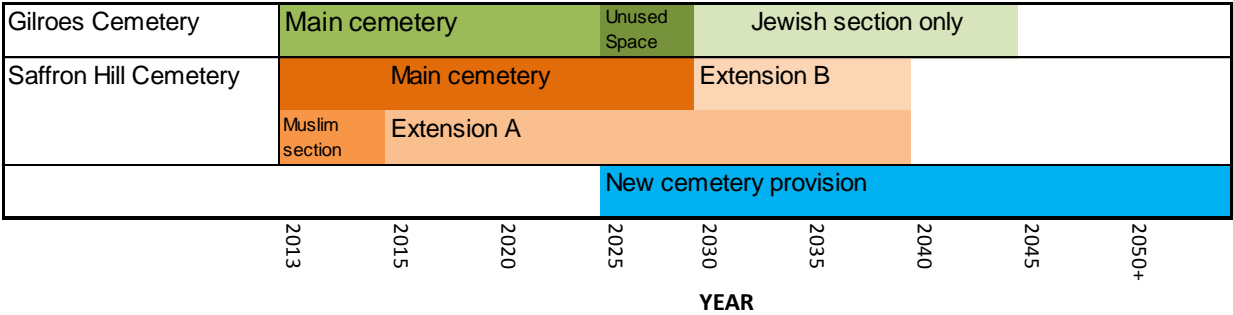
The use of cemetery space in this way is perfectly lawful and is within the council’s general powers of management. However, it would need to be managed sensitively to avoid unnecessary distress to the bereaved.

Many urban cemeteries, particularly in London, now have graves excavated in every available space as space for new burials runs out. The current layouts at Gilroes and Saffron Hill are sufficiently straight and wide enough to present an orderly layout of new graves.

The current layout leaves approximately 600 grave spaces unused per hectare. At current rates of use at Gilroes, this would equate to an additional 5 years worth of grave space in existing grave sections. At current rates of use at Saffron Hill, this would equate to an additional 10 years worth of grave space in existing grave sections. This potential space is a valuable resource as the cemeteries utilise all existing planned extension land.

4.4 Cemetery capacity

The following illustration shows a timeline at which the cemeteries will reach full capacity.



4.5 The reuse of graves

Land is a valuable and finite resource and land for new cemeteries and burial space has to compete with the need to use land for many other purposes such as housing, employment, industrial and food production.

When cemeteries reach their capacity they become a long term maintenance liability for burial authorities, producing little income to meet their ongoing maintenance requirements.

Realistically, the only long term sustainable solution to a shortage of burial space is to 'recycle' existing cemeteries by reusing graves. This would mean that old graves could be reused indefinitely and that new income could then be attracted to help pay for ongoing maintenance of established cemeteries.

There are two categories of reuse:

- Reuse of old graves without any remaining burial space
- Reuse of old graves with remaining burial space

In this instance reuse refers to the disturbance of human remains and re-interment at a greater depth within the same grave, and should not be confused with the reuse of graves whereby only the remaining depth in graves is used. Many graves are already re-opened to allow for additional burials to take place in existing graves where space remains.

There has been a great deal of interest in recent years in the concept of the reuse of graves. Reuse of graves is already common in many European countries and Australia. In Germany it is common for graves to be reused after just 25 years.

In limited circumstances, London burial authorities can already reclaim and reuse old graves under Section 9 of the Greater London Council (General Powers) Act 1976. Additionally, under the London Local Authorities Act 2007, borough councils have the power to disturb graves older than 75 years.

In June 2007, the Ministry of Justice published 'Burial Law and Policy in the 21st Century The Way Forward' as its response to a consultation paper published in January 2004 'Burial Law and Policy in the 21st Century: the need for a sensitive and substantial approach.'

The consultation paper covered a number of issues relating to burial law including the issue of 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.

More recently in April 2009, Lord Bach, then Parliamentary Under-Secretary of State at the Ministry of Justice, stated that the case for reusing old graves

had been accepted in principle but that the matter was being kept under review.

Despite the above policy and the increasing urgency of the matter as cemeteries fill up, the Government has shelved plans for a national scheme to reuse graves.

The Institute for Cemetery and Crematorium Management has published a policy on the reuse of graves (see Appendix A) which is likely to form the basis of any future national policy.

Reuse of graves is a complex and sensitive issue and until a clearer national policy is established it would not prove practical to consider this option further.

There may however be space remaining in old graves for new burials to take place without disturbing existing burials.

The use of unused burial space in graves where Exclusive Rights to Burial have expired should be explored.

4.6 Rights of Burial

Exclusive Rights of Burial is a term that applies to both the burial and to the memorial. The council acting as burial authority grants an individual the exclusive rights to decide who should be buried in a grave and to place and maintain a memorial on the grave for a specified period of time.

In Leicester, Exclusive Rights of Burial are sold on a 99 year lease. The 99 year term was set to reflect legislation that prevents rights from being issued for more than 100 years. Many burial authorities now recognise this as being too long a period as:

- It ties up burial space for too long
- It is inevitable that contact with the rights owner can be lost
- A memorial is likely to become unstable over such a long period.

Periods for exclusive rights vary across the country but 50 years and 75 years are becoming increasingly common. Based on returns from 256 authorities in the CIPFA actuals 2002, the variation in rights were:

Period of exclusive rights	Authorities	Percentage
1 to 50 years	83	32%
51 to 75 years	55	21%
76 to 100 years	115	45%

Rights are in effect a lease on the grave as the land ownership remains with the council. The effect of this policy is that a grave which could accommodate three burial spaces or more may only contain one burial. There is currently no

differential in pricing to reflect this with the grave cost being the same for one, two or three burials.

In other parts of the country, such as Nottingham and Sheffield, exclusive rights of burial are offered on a more flexible scheme where families have a choice of different rights periods. Discussions with both of these authorities indicate that where flexible length rights are offered the vast majority are purchased for shorter terms. This could be related to the corresponding lower costs.

There are a range of benefits associated with introducing a flexible rights structure:

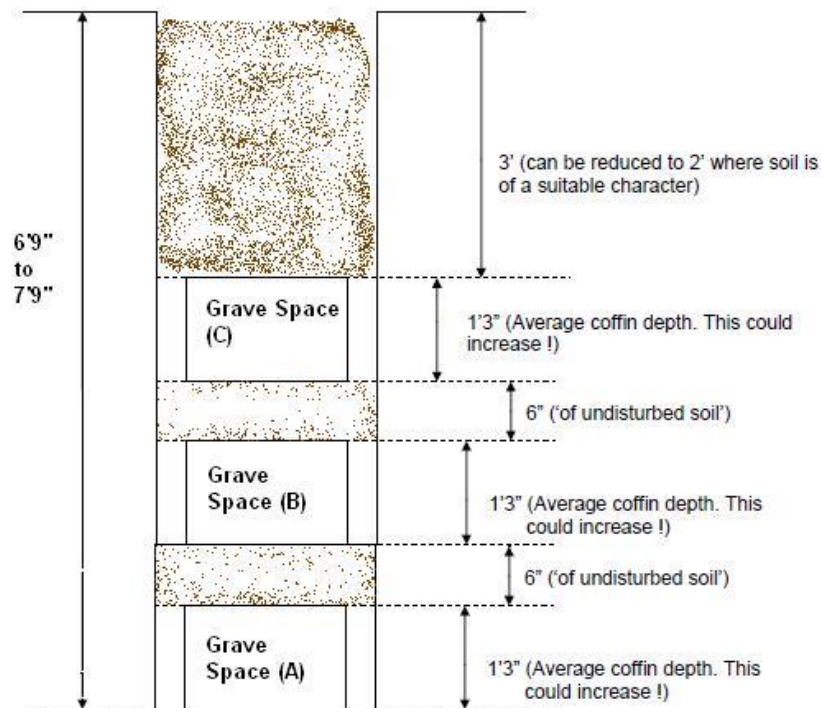
- Shorter rights period
- Improved burial choices
- Fairer and potentially lower burial costs
- Improved contact with families of bereaved
- Releases unused burial space earlier

Following the expiration of the period of exclusivity any remaining unused burial spaces in a grave can be used to accommodate additional burials. This would increase the availability of burial space and reduce the pressure for the provision of additional land. Families of the bereaved already buried would be offered the option of extending their exclusive rights.

This is a sensitive issue which has a more profound affect for some faith communities and further consultation with faith communities is needed. The Muslim and Jewish communities' preference is for single interment graves, although it is understood that the Muslim Council of Britain have been looking at this issue as burial space in other authorities runs out. A flexible rights structure will allow families to secure a grave for a single burial by taking advantage of longer rights periods and further extensions to these rights.

When the period of exclusive rights has expired careful consideration will be given to further burials in a plot where a memorial exists, although the council's powers of management do allow for the removal of memorials where no rights exist. Not all graves will be suitable for additional burials.

To achieve the maximum burial capacity of a grave it would need to be dug to a deeper depth (dependant on ground conditions) on the first burial, allowing for the use of several grave spaces in each plot.



The above example illustrates the **MINIMUM** depth that must be achieved for burials. It should be noted that the average coffin depth used in the above example could be greater in some instances, especially where casket burial takes place.

The city council will develop new procedures to reflect this approach and to manage the reuse of graves. This would include keeping a photographic record of all graves to be reused, contacting the last registered rights holder or family to offer extension periods, a standstill period between expiration of exclusive rights and reuse date, informing all purchasers of rights that additional grave space will be reused following expiration of rights and notifying future rights purchasers of any existing burials in a grave

A flexible rights structure will also benefit bereaved families by offering greater burial choices and fairer and potentially lower costs. At present the only option is to purchase a whole plot for 99 years even if there are no surviving family members and need for a single burial only.

Current legislation allows the burial authority to petition the Secretary of State to extinguish rights that have not been exercised for a period of 75 years. It is therefore recommended to not issue rights for longer than 75 years in the first instance to save on the complexities of instigating this procedure.

4.7 Natural Burial Space

The interest and demand for natural burials has grown in recent years as an alternative option for people concerned about the potential environmental impacts of modern funerals.

Natural burial is a term used to describe the burial of human remains where the burial area creates habitat for wildlife or preserves existing habitats (woodland, species rich meadows, orchards, etc).

Establishing a natural burial option has a number of benefits:

- Provides additional burial space
- Satisfies a growing demand for environmentally friendly funerals
- Enhances biodiversity value and creates habitats for wildlife.
- Provides new amenity green space for the community.

Currently no natural burial space is provided in the city council's cemeteries, but there would be an opportunity for inclusion in any new cemetery or as a separate natural burial ground within the city.



Scraptoft Natural Burial Ground

It should be noted that near Leicester there are natural burial grounds at Scraptoft, Prestwold near Loughborough and at South Croxton.

The Institute of Cemetery and Crematorium Management 'Charter for the Bereaved' states:

'Charter members should expand grave choice to enable the bereaved to obtain individuality and some element of choice. The standard should include a minimum of three graves types, e.g. lawn, traditional and a natural option, such as woodland burial.'

'Charter members should consider the provision of a natural burial choice such as woodland burial. This should be designed and used in a manner that offers environmental benefits, including habitats for wildlife. Long term, the area may form community woodland, a country park or similar. The long-term economic and environmental benefits of well-managed schemes are considerable.'

In a traditional cemetery it is comparatively easy to identify a grave by its position in a burial grid or plan. In many natural burial grounds this is not

possible as the grave locations may not conform to any pre-defined burial plan and the natural setting with trees and shrubs will change over time. Headstones are not permitted and graves are often marked with the planting of a native tree.

Woodland graves generally only allow for a single burial as graves can not be re-opened to protect the trees from any damage during grave digging. This would easily be overcome by offering graves to double or triple depth with a temporary grave marker with the memorial tree only being planted when the grave was full.

Natural burials in meadows can offer more than one burial in a grave as following re-opening the grave could be seeded over or planted with new wildflowers. The long term maintenance costs for this type of burial space would be lower than in traditional cemeteries.

5.0 Burial costs

A factor that is fundamental to understanding cemeteries, but which is often overlooked, is that the income received for exclusive rights needs to be seen in the context of the maintenance requirement of the grave over the whole period of the grant together with the value of the land which the grave occupies.

This is a difficult figure to evaluate as land prices vary considerably; alternative uses for land effect price, maintenance regimes change, costs increase, inflation and the period of exclusive rights all factor into what the real cost of the rights should be.

Traditional grave plots where kerb sets, fences or surrounds are allowed are more expensive to maintain and this is reflected in the fees and charges.

While a standard grave plot measures 3.24m² including beam for memorial mounting, a grave also needs to have space and paths around it for access which also need maintaining.

The annual maintenance cost to maintain a lawn grave is just £2.53 per year, which includes cutting the grass and strimming around memorials.

This relatively low price is achieved through economy of scale, lots of grass being cut to the same specification at the same time, and having a maintenance team based at the cemetery, which may not be feasible at a new cemetery until it becomes established.

Using simple arithmetic this would equate to £250.47 over the 99 year rights period. However, this figure makes no allowance for inflation or the initial cost of the land or laying out of the cemetery.

If an annual 2.5% increase for inflation is factored in, then the true maintenance cost over 99 years would be £1091.82. This is higher than the

current fees charged and could also be considered unfair to those that simply wish to purchase a burial space without such a long term commitment.

As a result of the fees not reflecting the true cost of provision it is often the quality of the cemetery and grave maintenance that suffers accordingly.

If the cost of providing the land is added to the burial space then the current charges are significantly below where they should be.

The Valuation Office Agency (VOA), Property Market Report 2011, provides estimated land values for Leicester and Leicestershire as at 1st January 2011.

The VOA estimates land values as:

- Arable £20,995 per hectare
- Residential £1,580,000 per hectare
- Industrial £400,000 per hectare

From a land value perspective, cemeteries could be considered to effectively be commercial premises as places where burial rights, grave space, memorials and funeral services are bought and sold by the bereaved and burial authority respectively. Of course this does not reflect the emotional attachment that bereaved families will have with cemeteries.

Using the principle of land use explained earlier in this strategy, a single hectare of cemetery land could be expected to provide sufficient burial space for 1235 graves.

If this is applied to the VOA valuation of industrial/commercial land, the land value of a grave plot would be £323.89. This does not include any costs associated with laying out the cemetery and providing the necessary infrastructure.

These costs when taken together, maintenance and land value, equate to £1415.71 to provide and maintain a grave for 99 years, significantly higher than the current fee of £1,050 for a lawned adult grave. If a plot is considered to contain 3 grave spaces the land value element could be shared among the 3 burial spaces.

Leicester's burial fees have already risen considerably in the last few years, and although passing on these costs would make burials more expensive they would better reflect the full long term cost of the grave. An effect of increasing fees to this level could be that fewer people choose to be buried and instead opt for cremation.

As mentioned in Section 4.5 it is recommended that introducing a more flexible rights structure will provide the maximum burial space by utilising the full depth of a grave and better reflect the long term costs of burial.

The table below is an illustration of how this flexible rights structure would work (see page 24 for grave space definition). The table reflects the current fees charged for an adult lawn grave and provide 3 options for cheaper burials, 3 options at the current fee and 3 options at a higher fee that better account for the value of the grave space and cost of long term maintenance.

Exclusive Rights	30 years	50 years	75 years
Single Burial (Grave Space A)	750	900	1050
Double Burial (Grave Space A+B)	900	1050	1200
Triple Burial (Grave Space A+B+C)	1050	1200	1350
10 year extension	175	175	175

These charges reflect that a grave plot should be valued by its burial capacity and will benefit bereaved families by offering greater burial choice and fairer and potentially lower costs.

Introducing an option to extend rights will provide additional burial choice and flexibility for bereaved families, introduce an additional income stream to Bereavement Services for maintenance and improve long term contact between bereaved families and Bereavement Services.

While it will cost more to inter all burials to a deeper depth, i.e. the costs of digging, preparing and backfilling the grave, this cost would be compensated by selling the additional burial space in each plot. This will also ensure that the maximum number of burials can take place in each grave reducing the pressure on providing additional land for new burial space.

The interment fee to bereaved families will remain as a single price. The current interment fees are considered to be appropriate and are in line with other burial authorities.

The following table illustrates burial fees from selected authorities.

Authority	Exclusive Rights Period (Yrs)	Right of burial (Adult Resident)	Right of burial (Child Resident)	Internment (Adult)	Internment (Child)	Cremated remains	Cremated remains (Internment)
Birmingham	75	1,885	1,036	572	128	590	150
Bradford	100	1,025	620	680	375	480	165
Bolton	99	670	150	466	85	370	138
Bristol	50	1,149	766	681	272		138
Coventry	75	949	226	631	190	869	203
Derby	50	932	64	561	141	153	90
Leeds	50	1,089	544	842	271	544	215
Leicester	99	1,050	278	605	198	572	210
Loughborough	100	553	147	368	0	153	76
Luton	100	695	160	520	140	555	133
Nottingham	30/50/75/99	929	929	480	62		119
Sandwell	99	1,554	743	802	319	1,005	248
Sheffield	30/50/90	1,035	1,035	645	180	637	190
Average	81.55	1,040	515	604	182	539	160

Fees for Exclusive Rights and interments are doubled for non-city residents.

6.0 Summary and action plan

6.1 Strategy aims and recommendations

The aims of the Burial Space Strategy can be summarised as:

1. Extending the operational life of existing cemeteries
2. Providing a new cemetery in the city
3. Introduction of new Rights of Burial and fee structures for graves
4. Reuse of grave plots that have unused burial space

Burial space in Leicester is a finite resource and there is an increasing need to implement sustainable solutions to ensure adequate long term supply.

The city council conducts more than 800 burials every year, while no new cemeteries have been developed in the city since 1931.

The Gilroes Cemetery extension has extended the cemetery's operational life by nearly 15 years to 2028.

Extensions to Saffron Hill Cemetery to provide additional burial space will begin in 2013/14. This will extend the cemetery's operational life by a further 24 years to 2038.

Priority will be given to extending the capacity of the existing cemeteries, and this will be achieved by using other unused space, for example between rows or by removing flower beds, when no new grave plots are available.

Before the current cemeteries reach capacity, there will be a need to develop a new cemetery to provide longer term burial space. Potential sites within the city boundary are in short supply and land needs to be secured to prevent it being used for other developments.

Opening a new cemetery before Gilroes Cemetery and Saffron Hill Cemetery reach capacity will extend the operational life of these facilities.

Further consultation is needed with Leicester's faith communities regarding future partnerships in establishing new cemetery provision.

The Government has decided not to proceed on introducing a national policy on the re-use of graves, although this may change in the future as burial space runs out. It is considered to be impractical to pursue this option until further guidance is provided by the Government.

The current practice of only offering exclusive rights for a period of 99 years is not suitable for future burial space needs as it restricts the reuse of graves with unused burial space.

A new flexible rights structure will be implemented to provide additional burial choices to the bereaved, offering fairer and potentially lower burial costs and better reflecting the long term costs of providing burial space. Shorter burial rights periods would release additional burial space and reduce pressure on finite land resources.

To increase the burial capacity of our cemeteries, all graves will be dug to allow multiple burials. Graves for single interments will still be provided and accommodated within the flexible rights structure.

Further consultation is needed with faith communities regarding using graves for family burials.

Leicester's fees for burials are broadly in line with other urban authorities although a number of comparable authorities charge significantly more.

6.2 Action Plan

The action plan draws on all the issues and recommendations highlighted in the Burial Space Strategy to meet the overall strategic objective to enable the long term sustainable provision of burial space in Leicester

The proposals reflect current legislation and best practice from across the UK in planning future burial space.

Key Action	Outcomes	Year	Capital cost implications
Open final extension to Saffron Hill Cemetery	Provide new burial space	2014	£450K
Introduce a policy to dig all graves to a deeper depth	Increased number of burial spaces per grave plot	2014	None
Introduce a new Rights of Burial scheme	New scheme offering additional bereavement choices	2014	None
Introduce a new fee structure	New scheme offering wider bereavement choices and fairer pricing	2014	None
Identify site(s) for new cemetery	Site for future cemetery secured	2014	None
Begin use of unused space at Gilroes Cemetery for new graves	Provide additional burial space to extend life of cemetery	2028	None
Open a new cemetery	Provide new burial space for the long term	2025-2030	£3M
Begin use of unused space at Saffron Hill Cemetery for new graves	Provide additional burial space to extend life of cemetery	2038	None
Reuse grave plots without Rights of Burial for additional burials where space allows.	New burials in old graves will increase useable burial space in cemeteries	2044*	None

*Date to reflect introduction of new Rights of Burial scheme

Appendix A



Institute of Cemetery & Crematorium Management



POLICY - Reuse of Graves

1 Introduction

- 1.1 The Institute recognises the sensitivity of the proposal to change the law to permit the selective reuse of graves. Reuse in the context of this policy refers to the disturbance of human remains and re-interment at a greater depth within the same grave, and should not be confused with the reuse of graves whereby only the remaining depth in graves is reused.
- 1.2 **Should reuse of graves become a lawful option** for the creation of vitally needed new burial space the Institute will provide the training and educational programmes required to ensure that this practice is carried out with due attention to reverence respect and dignity to those deceased persons whose remains are affected.
- 1.3 The Institute recognises the rights of registered owners of exclusive rights of burial and that full consultation should take place with such owners prior to any action being taken in respect of individual graves for which rights exist.
- 1.4 The Institute strongly believes that reuse should not be permitted without consideration being given to environmental impact. Authorities wishing to reuse graves should be in possession of a comprehensive conservation management plan designed to protect heritage, biodiversity, landscape and fabric of the cemetery.
- 1.5 Established burial sections containing memorials of architectural and historic importance should only be reused where the conservation management plan requires the reuse and refurbishment of such memorials.
- 1.6 Existing burial sections containing memorials of a lesser importance or in fact no memorials (such as public grave areas) may be set aside for the establishment of new burial sections where new memorials will be permitted without undermining the conservation of the historic cemetery landscape.
- 1.7 Graves should only be reused where the full history of previous use exists within the cemetery records and registers.
- 1.8 Only graves in which the last interment took place over 75 years ago should be selected for reuse.



Institute of Cemetery & Crematorium Management



2 Staff and Expertise

- 2.1 The Institute recommends that only ICCM trained and qualified staff should be engaged in the practice of reuse of graves and that qualification is a required condition of any licence/permit to carry out the reuse of graves.

3 Methodology

- 3.1 All graves subjected to reuse should be excavated in accordance with the ICCM Code of Safe Working Practice for Cemeteries. Precautions as detailed in the HSE guidance on exhumation should be adopted.
- 3.2 Excavation down to the last interment should take place with due care so as to ensure that all remains present may be collected and placed within a new container. Should multiple interments have taken place further excavations should take place to reveal, collect and re-containerise remains individually.
- 3.3 Once all remains have been removed and re-containerised additional depth should be excavated and the containers placed back within the grave. The new depth and position of each container so replaced within the grave should be entered in the cemetery records and registers.