

To: City Executive Board

Date: 7th December 2011

Report of: Head of Leisure and Parks & the Head of Corporate Assets

Title of Report: Burial space review, update and progress report.

Summary and Recommendations

Purpose of report: To update the City Executive Board on the findings from phase one of the burial space review and recommend the next steps.

Key decision? Yes

Executive lead member: Councillor Mark Lygo

Legal: Lindsay Cane

Finance: Val Craddock

Policy Framework:

Strong, active communities

An efficient and effective council

Recommendation(s):

- 1) That in principle the Council agrees to the provision of additional burial space and to remain a provider of burial services going forward.
- 2) To agree that more detailed site due diligence is carried out at the site north of Oxford Road in Horspath to assess viability prior to a full business case being developed.

Appendices to report:

1. Site test info
2. Confidential appendix
3. Site maps
4. Risk register
5. Equalities impact assessment

Introduction

- 1.1 Oxford City Council owns and operates four cemeteries, all of which were originally developed in the nineteenth century as part of the Victorian public health revolution. The cemeteries at Headington and Rose Hill are now full, with the only sites available for burials now being Botley and Wolvercote.
- 1.2 While providing cemeteries is not a statutory function, they do provide what is viewed by many to be an essential service.
- 1.3 In Oxford, like many densely populated areas across the country, our cemeteries are beginning to fill up. Based on current demand, cemetery space in Oxford will run out within the next 10 years. Consequently, if we are to continue to offer burial space, it is important that steps are taken now towards developing a new site because of the lead-in time that will be required.
- 1.4 In 2010 specialist consultants, Cemetery Development Services were appointed to help the Council to find a suitable location for future burial space. In or easily accessible from the City. While this work focused on City Council owned land to avoid a costly land acquisition, the review also explored land not in our ownership.
- 1.5 This report updates on the initial findings, details other options that have been explored and recommends further testing on the most suitable site.

Current provision

- 2.1 **Wolvercote Cemetery** has had over 16,000 interments (coffin burials and ashes) and currently caters for 77% (93 last year) of all new burials. Over the last decade the annual total of burials has gradually increased with a substantial spike after Headington reached capacity in 2007. Wolvercote has space remaining until around 2018-2021, although this is far less in certain sections set aside for specific religions. There remains plenty of space available here for the interment of ashes.
- 2.2 **Botley Cemetery** has received over 8,500 interments. On current burial rates Botley would not reach capacity for a further 20 years. As Wolvercote reaches capacity; Botley will become the only operational cemetery and will take on the full burial load for the City which will rapidly reduce its lifespan. Botley is the only cemetery that has sufficient capacity to perform temporary collective burials in the event of a major pandemic.
- 2.3 **Headington Cemetery** has received over 9,300 interments. While it was closed to new grave burials in 2003, graves continue to be re-

opened for coffin burials in existing plots. There are also a small number of new graves being opened for reserved plots. Ashes are still accepted for interment, although remaining space is becoming limited.

- 2.4 **Rose Hill Cemetery** was closed to new grave burials in 1995. This cemetery currently has in excess of 20,700 interments, the vast majority of which have been coffin burials. There continues to be coffin burials in existing family plots. There are still occasional new burials into some graves that have been reserved in advance. We also have a steady flow of cremated remains interments.

Context

- 3.1 Burial and cremation are the only lawful options for the disposal of remains in this country. With national land pressures the previous and the current Government have both looked at updating legislation to permit, in certain circumstances, re-use of existing graves that are in excess of 75 years old. However, there is currently no immediate plan for the law being amended, despite this option being available to London boroughs.
- 3.2 In Oxford, exclusive burial rights for plots are purchased for 50 years, and if these rights are not renewed they expire. After this time, if legislation changes, then graves outside London would also be able to be reused.
- 3.3 Burial rights currently cost £680 for 50 years which equates to £13.60 per year. Our burial costs are now at the higher end when benchmarked against comparative local authorities.
- 3.4 Oxford also has a crematorium which is operated by Dignity Funerals Plc. The national average is that 85% of people are cremated and 15% are buried, which equates to on average 200 burials per year in Oxford.

Methodology

- 4.1 To develop a new cemetery site from commencing the planning process to being ready for the first burial normally takes three to four years. Consequently, other than identifying and reserving the land for a suitable site, the Council does not necessarily need to begin the development process until 2014/15.
- 4.2 Average development costs range between £80,000 - £150,000 per hectare¹ (including infrastructure), dependent upon design and ground conditions. A rough rule of thumb is that based on Oxford's burial rates and population one hectare will provide ten years of burial space.

¹ One hectare (ha) is approximately the size of an international rugby pitch

- 4.3 For new burial space, alongside good access, specific ground conditions are required to meet environment agency requirements e.g. not being close to ground water to avoid pollution.
- 4.4 During the course of last year, Cemetery Development Services, in conjunction with the Council's parks, corporate assets and planning departments conducted an analysis of sites. While there was a focus on City Council owned land, enquiries were also made to Parish Councils, adjoining District Councils, the County Council and privately owned land was also evaluated.
- 4.5 The study was split into two phases; stage one predominantly was a desk top study which was followed by a more in-depth second stage of the sites that had the most potential. The location of these sites is shown in appendix three.
- 4.6 17 sites were identified as having some or all of the necessary qualities for development as a future cemetery and worthy of further investigation. Following more detailed assessment earlier this year, 13 of these sites were eliminated for reasons such as proximity to existing groundwater and poor access.
- 4.7 Site investigations were undertaken at each of the four short listed sites. The findings of these excavations were assessed by specialists who considered issues relating to site topography, surface drainage, soil type and geology. Further detail of the ground condition tests can be found in appendix one.

Summary of the sites

Site	Size & Location	Pros	Cons	Cost estimate	Test summary
Five Mile Drive Recreation Ground	2.7 ha Adjacent to Wolvercote Cemetery	Ability to share services and infrastructure.	Only provides 25 years Limited lifespan Cost far more uncertain due to ground conditions	£350,000- £500,000	Ground water was located and remediation would be needed.
Hill View Farm, Marston	10.3 ha Agricultural site lies between Old Marston and the Northern Bypass	Provide 100 years of burial space	Part of the site is in the flood zone Cost far more uncertain due to ground conditions Access would need to be improved	£1.3M (plus costs for creating access to the site).	Ground water was located and remediation would be needed.
South of Oxford Road, Horspath	15.9 ha Agricultural land off Oxford Road	Provide 150 years of burial space	A lease with plant MINI has now been progressed	n/a	Ground conditions not suitable.
North of Oxford Road, Horspath	7.2 ha Agricultural site located adjacent to Horspath athletics ground	Good access Suitable ground conditions Provides burial space for 70 years	The land is within the Green Belt in an area of Outstanding Natural Beauty.	£1m	Ground conditions are suitable for a cemetery

Summary

- 5.1 While Five Mile Drive provides the lowest cost option due to the economies of scale enabled by the infrastructure already being in place, a traditional cemetery would only offer a limited life span. As there would also be remediation works needed to make the site suitable, coupled with a high level of disruption for these works at this stage this is not a preferred site for further testing. It should be noted that there have been no issues of ground water problems when graves have been dug on the current cemetery site.
- 5.2 As an option to lease the land south of the Oxford Road in Horspath has been granted, this site has now been ruled out. The ground conditions were also unsuitable for a cemetery.
- 5.3 The cost of the mitigation works and road changes to improve access to the Hill View Farm in Marston mean that the site is problematic. At this stage further work is not planned at this site.
- 5.4 While it is possible to develop a cemetery on three of these sites, officers are recommending that at this stage that only the site north of Oxford Road in Horspath is taken forward for borehole testing as it offers an accessible long term solution. If problems are found at this site then further testing would be needed at alternative sites and more extensive searches made of privately owned land.
- 5.5 As such, borehole ground water tests over a six month period covering winter and summer months are now needed to give further certainty as to ground conditions. There are also title restrictions that need to be resolved before the site could be taken forward. Further detail in this respect is set out in the attached not for publication confidential appendix two.

Planning

- 6.1 The sites at Five Mile Drive, Hill View Farm in Marston and south of Oxford Road are all within the City's planning boundary. The site located north of Oxford Road in Horspath is located within the South Oxfordshire District planning jurisdiction.
- 6.2 While a full planning application would be required at any site, cemeteries are an appropriate use within the Green Belt as they are classified as public open space and acknowledged to add to the biodiversity of an area.

Further options

Compulsory purchase

- 7.1 While phase one has shown that one site has very good potential and two others offer further options to be used for a cemetery, there is a further option available to the Council to utilise its compulsory purchase powers. While the initial check was on land that may be available through a straightforward acquisition, the Council may need to use compulsory purchase powers if a suitable site is not found.

Private partnership

- 7.2 Cemetery Development Services have advised that there would be little interest in this project from a private sector partner. This is because Oxford does not generate enough burials per year to make it a viable business proposition for an independent provider of burial services. Cemetery Development Services also concluded that there would be little interest in a combined cemetery/crematorium opportunity because of the proximity of the existing Oxford Crematorium at Barton, operated by Dignity Plc and there is also a new crematorium under consideration by Memoria Ltd, at Garford, near Marcham.

Level of Risk

- 8.1 The overarching risk is that a solution is not found and Oxford runs out of accessible burial space.
- 8.2 A risk register is included as appendix four.

Climate Change and Environmental Impact

- 9.1 Empirical evidence shows that the bereavement process is made easier for relatives by visiting a cemetery that is well kept, well laid out and has a good mix of flora and fauna. The modern cemetery landscape must be a careful compromise balancing maximum burial space with aesthetic and environmental enhancement. The degree of interaction between these two competing requirements will ensure the resultant design focus is achieved.
- 9.2 The phased development of a large cemetery site requires careful design planning. Few cemeteries today are developed in their entirety from the outset. There is little benefit in providing 100 years of burial space and incurring the costs of maintaining it, when a phased programme delivering space providing 15 to 20 years at a time is more financially viable.

Equalities Impact

- 10.1 The design of the cemetery would take into account the needs of users to ensure that there is not discrimination on the grounds of religious belief, race, age, disability, sexual orientation, gender or marital status. To that end any provision of a room for a pre-interment service would cater for multi faith needs. The design of the cemetery itself would need to take into account access for everyone.
- 10.2 Appendix five details the Equalities Impact Assessment which will be developed as the project progresses.

Financial Implications

- 11.1 The Council capital budget includes £1m to develop a new cemetery.
- 11.2 While the project is at an early stage, the pre business case cost estimates indicate that this is a suitable figure for a good quality development if the recommended site proves to be suitable. In accordance with section 8.2, the capital expenditure would also be phased; the detail of this alongside the revenue implication of the new cemetery will be developed in the business case.
- 11.3 Consultants fees to date have been found from an unallocated amount in the cemeteries budget and a bid of £15,000 has been made for further testing works.

Legal Implications

- 12.1 There are no legal requirements for a local authority to provide a burial service to residents. However, once a local authority becomes a burial ground operator the Council has to operate under the Local Authorities Cemeteries Order 1977.

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List of background papers: none

Version number: 3.7

Appendix One - Site Test Info

Five Mile Drive

Test results showed that the site in its current state posed a potentially high risk to controlled waters as assessed under Environment Agency (EA) current guidelines. This was mainly due to the potential for groundwater to be within 1.5 metres of the surface and the high burial numbers which increases the level of pollution. Dewatering the site would be difficult and very expensive, but in theory it could be raised by 1.5 meters by mounding soil to achieve the required distance from the groundwater. This solution does cause disruption while the high volume of soil is transported in and further work would be required to assess its viability. There have been no groundwater issues at the current site.

Hill View Farm, Marston

The site is agricultural land between Old Marston and the Northern Bypass. The test results show that site's western quarter lies just on the margins of the flood risk zone and there is ground water on the site. If the site was to be considered then significant mitigation options would need to be explored.

South of Oxford Road, Horspath

Bedrock was found at a level that, irrespective of the agreement to lease, would make cemetery development immensely difficult and prohibitively costly.

North of Oxford Road, Horspath

Groundwater was found to be at a sufficient depth to be currently viewed by the Environment Agency as a suitable site for a cemetery. Further site testing using boreholes over winter and summer would be necessary.

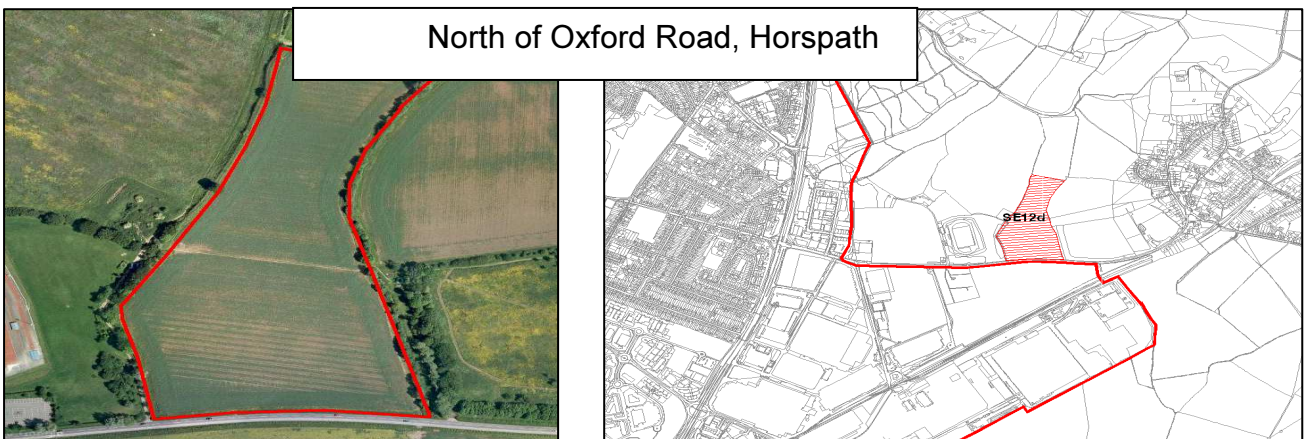
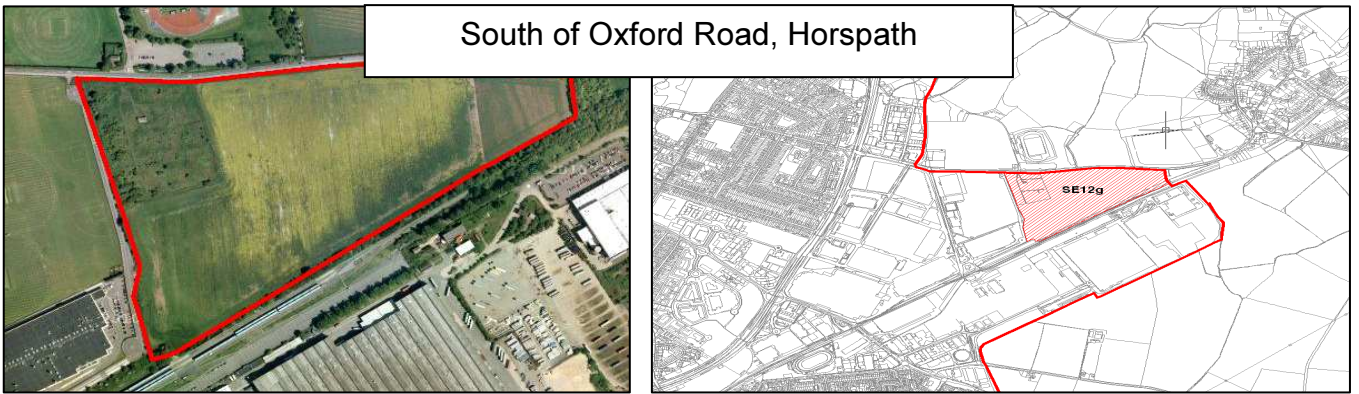
Appendix Two

CONFIDENTIAL APPENDIX NOT FOR PUBLICATION By Virtue of Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972

Legal Implications:

- We believe there is an Oxford Preservation Trust (OPT) covenant on the land (albeit it does not appear to be registered on our interest, however this could be an error by the Land Registry). The covenant would limit the use of the land (inter alia) to public open space etc....the covenant then goes on to impose a limitation on construction of buildings on the site, which may pose an issue for a cemetery development. This covenant will require some legal interpretation, which may or may not impact on our ability to consider the site for a cemetery development. We are currently seeking Counsel opinion on this covenant and its enforceability in relation to the other sites where it is an issue for us.
- We believe that the tenant of the land will have rights under the Agricultural Holding Act. This is unlikely to be an insurmountable obstacle, however there is a formal process to be adopted which would be linked to a valid planning permission etc. The process if contested may end in a tribunal/court process where our grounds for notice to quit would need to be proven.

Appendix Three – Site Maps



Appendix Four - Risk and mitigation register

Risk Register Relating to: Phase one of the burial space. Date: October 2011

No	Risk Description Link to Corporate Obj	Gross Risk		Cause of Risk	Mitigation	Net Risk		Further Management of Risk: Transfer/Accept/Reduce/Avoid	Monitoring Effectiveness					Current Risk	
Risk Score Impact Score: 1 =Insignificant; 2 = Minor; 3 = Moderate; 4 = Major; 5 = Catastrophic Probability Score: 1 = Rare; 2 = Unlikely; 3 = Possible; 4 = Likely; 5 = Almost Certain															
543 1	Land at Horspath North found not to be suitable	3	3	In-depth testing uncovers unforeseen problems Title restrictions prevent the development	Further ground condition tests Further desk top analysis e.g. archaeological and environmental Initial talks with the planning authority	3	2	Action: <i>Reduce.</i> Action Owner: IB Action: Borehole tests December 2011 – July 2012	Outcome required: Site found to be suitable. Milestone Date: Sept 2012	3	3	3	2	3	2
2	The land and Horspath Road north is found to be unsuitable and an alternative option is not found	3	2	A shortage of suitable land in, or accessible to Oxford	If this becomes manifest then a compulsory purchase will be explored	3	2	Action: <i>Reduce.</i> Action Owner: IB Mitigation Control Owner: IB	Outcome required: A suitable alternative is found. Milestone Date: Dec 2012	3	2	3	2	3	2

Appendix Five– Initial Equalities Impact Assessment

1. Which group (s) of people has been identified as being disadvantaged by your proposals? What are the equality impacts?

There are no groups identified at this stage that would be disadvantaged by any of the proposals contained in the Options Analysis. The project is still at a comparatively early stage with the final site choice still to be decided. Consequently there are currently no known equality impacts.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan

No changes are planned at this early stage however some of the areas that will certainly be addressed in the design of a modern cemetery will take into account a number of key principals such as designing the cemetery to:

- Reduce the impact of bereavement on the consumer.
- Ensure access for all
- Take account of different interment choices for the consumer.
- Enhance the local landscape and achieve Green Flag status.
- Increase local biodiversity of the open space.
- Incorporate long term sustainability of the available land.
- Deliver short, medium and long term financial models for sustainable cemetery funding.
- Make the best use of the available land to deliver maximum cemetery services.

- Deliver long term maintenance savings by the choice of materials, products and landscape design.

Consideration will also be given to:

- Alternative methods of burial.
- Methods of access.
- The carbon impact of the cemetery both in its operation and construction.

Another factor that will be considered at the design phase will be to offer the opportunity for a bereaved family and friends to have a relatively small amount of indoor time together for contemplative thought at the cemetery location prior to the committal. The way forward with modern bereavement practice is to provide a building that is designed to be multifunctional. This interior space would be used for visitors to meet before interments and to provide shelter from the elements for all visitors. This design concept provides a multicultural ethnically integrated approach to bereavement for the whole community that also has economic benefits in terms of building design.

Cemeteries information boards would be provided giving guidance to the layout of the site, access information and points of contact to assist users.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Prior to initiation of the design phase Oxford residents would be given the opportunity to provide their views on what needs they have and wish to be taken into account. Such a consultation would involve people from all ethnic backgrounds, abilities, ages and genders.

Once the site has been chosen it is intended to consult the public on cemetery design issues to establish what people would like to have in the new cemetery. These views will be taken into account during the design phase to ensure that they are:

- Morally acceptable.
- Considered aesthetically pleasing.
- Offer choices to meet the aspirations of the whole community.
- Within a price range of options that as a minimum are as affordable as the existing offerings.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

There are no adverse impacts identified at this early stage of the project.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

The needs of cemetery users will be taken into account at the design phase and will be monitored, particularly during the first year of use, to ensure that everyone's needs have been catered for. Users of the new cemetery will be invited to provide their views through online questionnaire and Your Oxford. Any justified complaints by users of the new cemetery would be investigated to ensure that any equality issues can be resolved at an early stage.

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Lead officer responsible for signing off the EqIA: **Ian Brooke**
Role: **Head of Service, Leisure & Parks**
Date: **October 2011**

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