

REPORT TO: Cabinet

DATE: 11 June 2013

BY: Executive Director (Services for Communities)

SUBJECT: Acquisition of Land for the Provision of New Burial and Allotment Ground

1 PURPOSE

- 1.1 To obtain Cabinet approval of the acquisition and development land as new burial space for East Lothian

2 RECOMMENDATIONS

- 2.1 Cabinet is asked to approve the purchase of land and development of that land into burial, allotment and car parking space, on a phased approach, using the budget allocated in the Capital Plan and the income generated from allotment rental and burial lair sales, as a sustainable means for the Council to meet its statutory requirement to provide burial space in East Lothian.

3 BACKGROUND

- 3.1 The Council has a statutory obligation to provide burial space within the county boundary. However, at present the diminishing land resource available in the existing burial grounds requires to be replenished to allow the Council to meet its medium to long-term obligations
- 3.2 Public consultation undertaken in 2010 highlighted the wish of the population to have burial facilities within each discrete community, by way of either extending existing churchyards or providing new cemetery space. Work undertaken during development of the Burial Ground Strategy for East Lothian, currently in draft format, identified that, while central burial provision would be the most efficient way to meet the Council's obligation, discrete community provision where possible, best suited community needs and, failing this, cluster provision should be developed.

- 3.3 In accepting that community or cluster provision should be provided, the existing stock of new lairs needs to be urgently increased for Dunbar, Tranent and Prestonpans, all with less than 2 years space remaining and at East Linton, Gladsmuir, East Saltoun, Gifford, Aberlady and Musselburgh, all with less than 5 years remaining. The minimum lead in period from approval to proceed to completion of construction will be 12 months and likely closer to 18 months, so urgent action is required.
- 3.4 In evaluating options for provision, there are a number of factors that have to be considered, the key points being;
- Is land, suitable for cemetery use, available in the discrete / cluster areas?
 - Are there any archaeological, scheduling, contaminated land, utilities or underground conditions that would prevent development or be cost inhibitive to overcome?
 - Will the site comply with current groundwater contamination conditions? – SEPA Licence now required for all such developments
 - Is cemetery development permitted use under the Local Plan? Land that may permit housing development in future will have restrictive purchase value
 - Will the cost of acquisition, compliance with all the above and development be recoverable through income?
 - Is the site easily accessible to visitors?
 - Will local demand justify the development cost?
 - Can the site accommodate sympathetically aligned facilities that would meet other local needs?
- 3.5 Taking all of the above into account, a summary of the current proposals for all the existing burial grounds is attached as Appendix 1.
- 3.6 In the case of Deerpark (Appendix 2), the Council has worked with Dunbar Golf Club to design the proposed extension within the overall design concept of their proposed development plans, within the land that they own. Negotiation on acquisition of the land has commenced and a planning application is due to be submitted for the cemetery extension, on the basis of the local community and Elected Members being fully aware and supportive of an extension for that site.
- 3.7 With regard to Tranent (Appendix 3), as with Deerpark, the community expectation has always been to extend the existing site. The detailed proposal does though require a part change of use from the zoning within Local Plan, as the extent of the site now takes in the entire field to the west, to accommodate much needed car parking for cemetery and church use. This proposal also takes the opportunity to meet local demand for allotment space in the town, rental for which will generate

income to help offset the capital development costs for the cemetery, create an increased public presence on a slightly remote site and provide a sympathetic buffer between neighbouring housing and the cemetery.

- 3.8 For Gifford there is no current option to extend the existing facility and ground water movements in the surrounding fields suggest it is extremely unlikely that a SEPA Licence would be granted. In the case of Humbie and Bolton, again, no suitable land for development exists within the environs of the villages.
- 3.9 For Musselburgh, there is no available land to extend Inveresk Cemetery so an alternative, out of town site is the only option. Fields to the immediate south and east of the town are either zoned for, or likely to attract housing value which would preclude them from consideration.
- 3.10 In the case of Prestonpans, the adjacent Cemetery Park is a recreational amenity that is valued by the local community, is heavily affected by underground services and shallow mine workings, all of which make it unsuitable for development into a cemetery. Current green-field sites to the east of the town are scheduled through connection with the Battle of Prestonpans and are known to hold fortified and pre-historic remains. Therefore, they too are considered unsuitable for development for cemetery use.
- 3.11 Accordingly, the proposal is to provide a single site solution for Musselburgh and Prestonpans, possibly with a 'soft' split, in the green-field site to the west of Dolphinstone (Appendix 4). This location is considered suitable for development, taking account of wide ranging restrictions and criteria highlighted in 3.4; is supported in principle by Planning; and provides a reasonable solution to the needs of both clusters.
- 3.12 Of the remaining sites, in view of the likely low, agricultural value of the land, it is considered prudent to acquire the land at this stage in order to secure it for future cemetery development.
- 3.13 In the case of Briery Bank in Haddington (Appendix 5) there is high demand for allotment provision in the cluster and development of facilities in this field now, with the option to lease the majority of the field back for agricultural use, would generate income to offset the cost of cemetery provision, with cemetery development following in approximately 25 years.
- 3.14 Additional acquired land for East Saltoun, Gladsmuir, East Linton, Dirleton, Aberlady, Pencaitland and West Byres subject to detailed archaeological and environmental assessment ahead of purchase, will require to be developed to readiness within the next 4-5 years, developing unbound surface car parking facilities where safety concerns have been highlighted. Where proposals to develop these sites fall between now and 2019, the costs are included within the proposed capital expenditure, as detailed on Appendix 6.

4 POLICY IMPLICATIONS

- 4.1 The Council has a statutory obligation to provide burial space in East Lothian. Maintaining the established practice of providing this at individual community level where possible, or cluster level where required will contribute to the Council objective of Growing our Communities by keeping services as local as possible, maximising accessibility, reducing travel and imaginative but appropriate flexible use of the land asset.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An equalities impact assessment will be undertaken at design stage for each site, taking account of the recommendations contained within the Burial Ground Strategy

6 RESOURCE IMPLICATIONS

- 6.1 Financial – At present, the Council recovers income by levying charges for Lair Sales, Interment Fees, Headstone Foundations and other ancillary services. The rates have traditionally been set to match national averages. Within East Lothian, for 2013/14, fees have recently been increased to £588 for both Lair Sales and Interment. It is estimated that the fees charged for Interment do not, as yet, fully recover the costs involved. It is proposed to conduct a Service Review in the near future. Benchmarking with other local authorities suggests that this should have a positive impact on the total cost of service to the Council and improve the quality and accessibility of the service to the public, which will allow a balance between maintaining a reasonable charging structure, reducing subsidisation and providing the revenue required to meet the remaining development requirements.

The Capital Plan approved in February 2013 contains a gross capital expenditure budget for Allotments and Cemetery Extensions of £720,000. The gross expenditure planned as part of this work and detailed at Appendix 6 is £926,800. The difference between these two figures will be funded by the additional income also identified at Appendix 6. The plan to acquire and develop land as new burial space for East Lothian is therefore affordable within the current Capital Plan but will require some minor changes with regard to the phasing and funding.

The proposed capital investment will provide an initial supply of 900 new lairs and the associated infrastructure of boundaries, water supplies, landscaping and the initial vehicle access and turning space between 2014 and 2016. However the acquired land will, in total allow for in excess of 9000 new lairs that will be sufficient to service the clusters for at least 30 years. Following the initial investment and the Service Review it is hoped that the creation of additional lairs involving strip foundations

for headstones and extended roadways will be delivered directly according to need and income, in a sustainable programme.

6.2 Personnel - There are no personnel issues associated with this report

6.3 Other - None

7 BACKGROUND PAPERS

7.1 None

AUTHOR'S NAME	Stuart Pryde
DESIGNATION	Principal Amenity Officer
CONTACT INFO	01620 827430 spryde@eastlothian.gov.uk
DATE	29 May 2013

Cabinet Report
Land Acquisition for Burial Space
Appendix 1

	East Lothian Council					Appendix 1
	Summary of Burial Ground Provision @ April 2013					
Report Section	Site	Remaining Years	Proposed Action to 2016	Proposed Construction Action Commences	Strategy Proposal	Comments
3.6	Deerpark, Dunbar	1	Land purchase and construction	2014	Extend existing site to give 30+ Years	Negotiation on land purchase commenced
3.7	Tranent Cemetery	2	Land purchase and construction	2014	Extend to west acquiring whole field	Allow for car park for cemetery / church use and include allotment space to generate income
3.8	Gifford	4	No Action	n/a	No land available to extend existing	Neighbouring fields have significant water table issues making SEPA Licence unlikely. Use East Saltoun or Haddington
3.8	Humbie	0	No Action	n/a	No land available to extend existing	Use East Saltoun, Haddington or Tranent
3.8	Bolton Church	0	No Action	n/a	No land available to extend	Use Haddington or East Saltoun
3.9	Inveresk, Musselburgh	5	Land purchase, Allotment and Cemetery Construction at Dolphinstone	2015	No land available to extend existing	New site a Dolphinstone
3.9	Prestonpans Cemetery	2	Land purchase, Allotment and Cemetery Construction at Dolphinstone	2015	No option to extend existing and fields to east are Scheduled Ancient Monument	New site a Dolphinstone
3.10	East Saltoun	5	Land purchase, car park & cemetery construction	2016	Extend existing site to give 30+ Years	Negotiation on land purchase commenced to include car park
3.10	Prestonkirk, East Linton	5	Land Purchase subject to Archaeological Approval	TBC	Extend existing site into Glebe Field	Significant archaeological remains likely, possibility of being unable to extend site
3.10	Gladsmuir Church	7	Land Purchase	n/a	Extend to west	
3.10	Aberlady Church	4	Land Purchase subject to Archaeological Approval	TBC	Extend existing to north	Significant archaeological remains likely, possibility of being unable to extend site
3.10	Pencaitland Cemetery	7	Land Purchase	n/a	Only option is to extend east across road	Traffic Calming issues will add to cost
3.10	Whitekirk	10	Progress donation of land	n/a	Only extend existing if Church donate land from manse fields	
3.10	St Martins, Haddington	28	Land Purchase and construct allotments	2015	Acquire new edge of town site - Briery Bank - for future use	Use field meantime for allotment and community garden use to generate income
3.10	Stenton	29	No Action	n/a	No action required	
3.10	West Byres, Ormiston	31	Land Purchase and Car Park Construction	2016	Extend existing to south and create car park	Significant road safety issues with funeral parking
3.10	Dirleton	32	Land Purchase and Car Park Construction	2016	Extend existing to south and create car park	Significant road safety issues with funeral parking
	North Berwick Cemetery	36	No Action	n/a	No action required at present	
	Spott	35	No Action	n/a	No action required at present	
	Oldhamstocks	40	No Action	n/a	No action required at present	
	Thurston	50 +	No Action	n/a	No action required at present	
	Athelstaneford Cemetery	50+	No Action	n/a	No action required at present	
	Morham	50+	No Action	n/a	No action required at present	



Cabinet Report - Land Acquisition for Burial Space Appendix 2.

The Wilderness

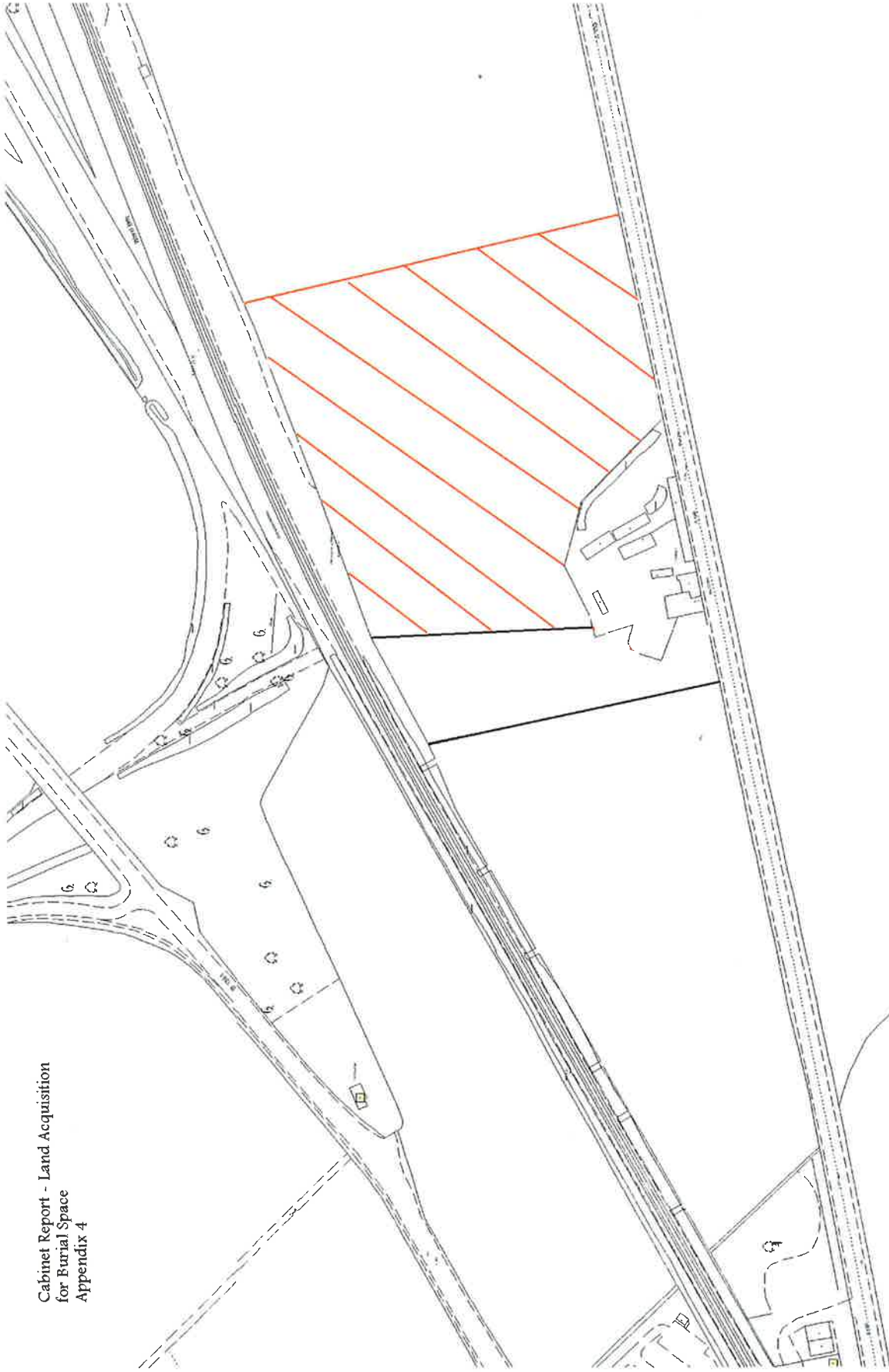
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Right of Access

Cabinet Report - Land Acquisition
for Burial Space
Appendix 5.



Cabinet Report - Land Acquisition
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Appendix 4





Cabinet Report - Land Acquisition for
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Appendix 5