

**CEMETERY ASSET – UPDATE REPORT OUTLINING PROCEDURES IN PLACE  
TO PROTECT REMAINING LAIR SPACE IN CEMETERIES**

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**1.0 EXECUTIVE SUMMARY**

1.1 Argyll and Bute Council has a total of 131 Cemetery Locations with 68 cemeteries considered as “closed”, where all available land for burial lairs has been allocated. Re-opening of lairs for burials and ashes interments are however still possible. The remaining 63 “active” cemeteries are those where land is still available for the purchase of the right of burial, and a lair space can be allocated to the applicant.

1.2 This report advises of the current procedures in place to further protect our cemeteries in more rural and island locations which are difficult to extend or purchase new land and should be read in conjunction with the annual report submitted in November 2023 to the Environment, Development and Infrastructure (EDI) Committee (see below link).

[EDI Nov 2023 \(See Agenda Item 8\)](#)

1.3 There are currently 9,506 lairs available for sale throughout the cemetery inventory, sufficient to sustain the burial service overall, for the next 30 years. However, the number of lairs available varies from over 1,000 in larger cemeteries to 10 or less depending on the location. These figures are used to prioritise the cemetery development programme of existing extensions or new sites.

1.4 The report also provides, in Appendix 1, a list of Cemeteries where measures have been introduced to allow no pre-sale of lairs, local burials only, in 20 locations across Argyll and Bute.

**RECOMMENDATION**

The Environment, Development and Infrastructure Committee are asked to consider this report and agree that listed measures in Appendix 1 be endorsed to further protect the sale of lairs in cemeteries which have a rural/island location, as well as having limited scope for extension and or a new site locally to build on.

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**2.0 INTRODUCTION**

- 2.1 This report outlines the approach to protect the sale of lairs on some islands, in more rural areas and locations where officers are finding it difficult to extend the cemetery site or purchase new land.
- 2.2 Argyll and Bute Council, along with other Local Authorities across Scotland, are experiencing budget cuts and reduced resources as well as increasing pressure on burial land within its area. The Council is responsible for managing and maintaining burial grounds within the Council area. There are 131 cemeteries ranging from small churchyard cemeteries to large ‘municipal’ cemeteries.
- 2.3 At the March 2023 EDI Committee a Cemetery Rule change was agreed:-
- ‘Remaining lair space in any operational cemetery will be considered critical, when the current rate of unrestricted lair sales indicates less than 10 years until all lairs are sold. In such cases sale of lairs will be restricted to “at point of requirement” for a first interment. There will be no resumption of “pre-purchase” of lairs, until such time, as additional lair space has been developed and made available.’
- 2.4 Further to this, there have been historical local agreements agreed at Area Committee level. These further restricted the sale of lairs to local residents or Parish members only. An example of this is Luss Church Yard Cemetery which is very popular and had many requests for the purchase of lairs from non-residents of Argyll and Bute, and which would have a detrimental effect on local residents looking to be buried there. In the absence of the further restrictions on lair sales, it is very likely that the lair availability in Luss would have reached or nearly reached capacity.
- 2.5 Officers have monitored this over the last 10 months and note that whilst the stop on the pre-sale of lairs has been helpful in allowing time to look at extending cemeteries or purchasing land, there is a further issue in that islands and some very localised cemeteries have limited availability. To further support the EDI Cemetery Rule change from March 2023, officers recommend that where there are issues with land acquisition or extension in island and outlying cemeteries with

limited choice for burials nearby, that the local arrangements are sanctioned on top of the stop on pre-sale of lairs to include sale for local residents/islanders only.

### 3.0 RECOMMENDATION

- 3.1 The Environment, Development and Infrastructure Committee are asked to consider this report and agree that listed measures in Appendix 1 be endorsed to further protect the sale of lairs in cemeteries which have a rural/island location, as well as having limited scope for extension and or a new site locally to build on.

### 4.0 DETAIL

- 4.1 There are many requirements which need to be considered when creating a new cemetery, these include but are not limited to:-
- 1m clear, below lair depth, to rock or water table (approx. 2.6m below surface);
  - At least 50m from any open body of water or watercourse;
  - At least 250m from any well, borehole or intake for drinking water;
  - No coarse sand or gravel at lair depth.
- 4.2 Officers previously carried out a survey on cemeteries and lair availability in 2020 where it was clear from the responses that our communities wanted to be able to bury family locally. A recurring response theme was, that of families wanting to have somewhere to go to visit loved ones locally and be able to attend a funeral. This was particularly evident in the island responses where the community did not want buried on the mainland.
- 4.3 Out of the remaining 63 Cemeteries which are available for lair sales, a total of 20 have been identified as '**Special**' sites (see Appendix 1) where officers believe that the no pre-sale of lairs with less than 10 years availability is further supported by the 'Local Residents/Islanders' restriction on the sale of lairs. Effectively each of the sites has limited capacity for expansion or new site availability is limited or cost prohibitive.
- 4.4 The construction of Tobermory (Beadoun) cemetery phase 2 was concluded in August 2023. This provided a further 210 lair spaces for the town and immediate area. This site cannot be expanded further due to land tenure and other constraints. Suitable land in the vicinity of the town is not readily available and consideration is being given to further cemetery provision in Tobermory. This is an example of a cemetery which has limited capacity, even after being extended, where it is necessary to maintain the restrictions on the pre-sale of lairs.
- 4.5 A pre-application enquiry to SEPA for a potential phase 3 extension to Lismore Cemetery concluded that this would not be supported due to groundwater requirements and private water supplies in the vicinity. Plans are now being developed to maximise the use of the existing burial ground, by excavating

shallow rock and re-filling with imported suitable material. Officers are working with Lismore Community Council on offers of locally won material from various landowners on the island. In parallel, discussions are in progress with the Church of Scotland Estates regarding wayleave access to the rear of the cemetery.

- 4.6 This would further support the survey responses which clearly identified that island residents did not want to be buried on the mainland and local residents wanted to be able to be buried near their family or near their home.

## **5.0 CONCLUSION**

- 5.1 The cemetery estate has sufficient overall capacity for the next 30 years operation but locally, restrictions are in place to preserve remaining lair space. These restrictions however can better support our island communities and more rural communities if a 'Local Residents/Islanders' restriction on the sale of lairs was sanctioned to support this.

## **6.0 IMPLICATIONS**

- 6.1 Policy – The Management Rules for Burials revised policy 2023, provides a process where lair sales can be restricted when cemeteries have less than 10 years remaining capacity the introduction of the local residents/Islanders restriction would enhance this. The historical local agreements further protect our rural sites and islands.
- 6.2 Financial – Cemetery extensions and new developments require additional Capital funding, to provide “ready to use” infrastructure to sustain the burial service at local levels.
- 6.3 Legal – The Council, as Burial Authority, is legally bound to provide at least one cemetery.
- 6.4 HR – None known
- 6.5 Fairer Scotland Duty: This would support our duty to provide a fair and equitable cemetery provision for local islands and rural areas.
- 6.5.1 Equalities - protected characteristics – None known
- 6.5.2 Socio-economic Duty – Provision of the burial service at local level sustains the business models of both the Council and private providers and reduces the overall cost to customers.
- 6.5.3 Islands – The programme of cemetery development locations, highlights the desire for the retention of a local burial service, this would support our duty to provide a fair and equitable cemetery provision for local islands and rural areas.

- 6.6 Climate Change – due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise. Future consideration should be given to a Council policy position on encouraging cremations over burials, given the land requirements and increasingly challenging prospects of being able to further develop cemeteries.
- 6.7 Risk – Land suitability, availability and development costs, may affect the viability of retaining a local burial service.
- 6.8 Customer Service – Cemetery development programme aims to provide and maintain the burial service at local level where ever practicable.
- 6.9 Rights of the Child (UNCRC) – None arising from this report.

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March 2024

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**APPENDICES:**

Appendix 1 – Restricted Sale of Lairds to Local (Parish) Residents