

**CEMETERY ASSET REPORT - UPDATE**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides an update on the current Argyll and Bute cemetery provision and details options for reviewing the current Management Rules for Burial Grounds as well as management of the cemetery assets in the context of current needs and future demands in each Administrative Area.
- 1.2 The Burial Service and the provision of Lair Spaces in Cemeteries are linked but are two distinct and separate parts of the Bereavement Service provided by the Council as the Burial Authority. The selling of Lair Certificates at point of request, uses up land in burial grounds in advance of the requirement for the Burial team to open a lair for an interment. There are however differing rates of uptake of lairs at each location and hence a variation in the remaining time before all space is sold. This is separate from the number of interments, as lairs can be used multiple times. The timescales vary from 1 year to over 100 years within the portfolio of active cemeteries.
- 1.3 In order to provide more detail, Area Committee Business Days have been arranged which will allow officers from the Roads and Infrastructure Service to engage with Elected Members and discuss cemetery development and opportunities in each of the areas.

**2.0 RECOMMENDATIONS**

The Environment, Development and Infrastructure Committee are asked to:

- 2.1 Note the Area Committee Business Days arranged.
- 2.2 Note that officers propose to review cemetery numbers annually.
- 2.3 Note the updated Lair availability in each available cemetery with associated updates in regards to works carried out and proposed. (Appendix 1).
- 2.4 Endorse and approve the change in policy for the Management Rules for Burial Grounds which have less than 10 years availability to restrict the pre-sale of lairs to protect the cemetery capacity as well as the other updates detailed in Para 3.2.3.

2.5 Consider the future capital investment required in this asset group.

### 3.0 DETAIL

#### 3.1 Cemetery Development Programme:

3.1.1 There are 131 burial grounds across Argyll and Bute with 63 of these still able to take additional burials, although there are limited lair spaces available in some cemeteries as can be seen in Appendix 1. As a Burial Authority, our legal obligation is to provide a burial facility in the council area. However, given the diverse geography it would be unreasonable to have just one burial ground across Argyll and Bute, Appendix 5 is a map of all Cemeteries within Argyll and Bute with red dots being the cemeteries which have no lair space and therefore closed for the sale of lairs.

3.1.2 Appendix 1 lists every Cemetery within Argyll and Bute Council as well as the Operational Capacity expectancy of each cemetery along with the next nearest cemetery. The appendix is split into one overall cemetery update as well as listing each individual administrative area for ease of reference, and also sets out the updated cemetery development priority list and budget requirement. Previously, expectancy was calculated based on a five year average of lair sales. The new projections are based on last year's lair sale figures as recorded on the Cemetery Record Books only. This has allowed a more accurate forecasting of lair availability. The below lists the number of cemeteries open in each area alongside the number with less than 5 years capacity.

Table 1

<b><u>CEMETERY SITES - SALE OF LAIRS STATUS - February 2023 review</u></b>			
<u>District</u>	<b>"Closed" No Lairs for sale</b>	<b>ACTIVE Lairs available</b>	<b>Less than 5yrs sales remaining</b>
Mid-Argyll	17	6	none
Kintyre	7	7	none
& Islands	9	8	none
Lorn	7	12	none
Mull	15	7	2
Outer Isles	2	4	none
Bute	2	3	none
Cowal	6	9	3
Lomond	3	7	none
	68	63	
	<b>"Closed"</b>	<b>ACTIVE</b>	

3.1.3 Since the Cemetery Capacity report in 2019, work has been carried out at several locations to expand capacity, below are some examples:

- Cemetery in Appin creating 90 additional lairs and 38 years capacity
- Work is underway at Tobermory Cemetery extension creating 190 additional lairs and approximately 49 years capacity
- Adjustment of paths etc to create additional lairs at Kilmun and Strachur:

3.1.4 There was previously issues with capacity at Kilkerran Cemetery reported in the 2019 EDI update paper. Due to revised counting, which is now based on the previous year's lairs sold and the fact that we have introduced a stop on pre-sale of lairs at Kilkerran, we now have capacity of just over 7 years. However, Appendix 2 also details work carried out to try and find a solution to expand or identify another area for a cemetery in Campbeltown. This has proven very challenging and time consuming due to the ground issues as well as identification of other suitable sites. Officers are still progressing with this.

3.1.5 The details within Appendix 2 highlight the issues faced with expanding Appin Cemetery as well as the more difficult issues which have arisen in regards to expanding or finding a new site outwith Kilkerran Cemetery. Location and ground conditions, engagement with other agencies such as SEPA all play a significant part in whether officers can expand or identify a new site for a cemetery which can take several years to work through; therefore the 10 years capacity must be built in to allow proper future planning in line with tight budgets to deliver best value and ensure our burial sites are fit for purpose to support our local communities.

3.1.6 It should be noted that dependent on location, the cost for developing and purchase of a cemetery site varies greatly. Appin Cemetery was built in 2021 at a cost of £45k + a £20k contribution donated by a local benefactor towards purchase of the ground, which provided costs of £720 per lair. This should be compared to the costs of Tobermory expansion which is costing in the region of £800k for an additional 190 lairs which equates to £4165 per lair due to the requirement to import materials to allow sufficient depth to provide a 3 interment lair capacity. This must be planned very carefully and in particular with ground conditions to ensure that the cost of future developments can be justified.

3.1.7 It is therefore vital that appropriate time is available for officers to allow proper preparation and purchase of land which is at least 5 years but preferably 10 years to allow for consultations and land negotiation and purchase.

## **3.2 Management Rules for Burial Grounds**

3.2.1 The current Management Rules for Burial Grounds was last updated in August 2016, officers have updated this policy which is attached at Appendix 3.

3.2.2 Argyll and Bute Council now have a limited number of cemeteries across the whole area and as each cemetery is nearing capacity officers are finding it more difficult to identify and purchase land which is suitable and cost effective for the purpose of burials as well as protecting sites for immediate burial needs. It is proposed for cemeteries reaching capacity of available lairs that a restriction be placed on pre-sale of lairs in cemeteries based on the annual current sale rate where there is less than 10 years of available land remaining. This has been added to the updated Management Rules for Burial Grounds which will allow officers time to prepare and deliver future cost effective cemetery extensions (See Appendix 3). Similar restrictions on the pre-sale of lairs has been imposed when required to protect lair availability in other Local Authority areas such as East Lothian and Highland Councils.

3.2.3 Relevant changes to the 2016 Cemetery Rules (currently on the Council website) are listed below:

- I. Section 1 has been updated to incorporate the Burial and Cremation (Scotland) Act 2016
- II. Section 2 has been updated with the current Area contact details
- III. Section 3 Sale of Rights of Burial has been expanded at Sections 3.4 and 3.5 to include a section covering the provision of the temporary suspension of pre-sale of lairs within certain circumstances only.
- IV. Section 7 Forfeiture has been reduced from 70 years to 25 years.
- V. Section 8.4 has been added to clarify lair depth at first interment.
- VI. Section 8.7 has been amended to include a section placing responsibility on Funeral Directors to provide sufficient bearers from the hearse to the place of burial.
- VII. Section 10 has been updated to include a section clarifying headstones and tributes within the confines of the memorial border.
- VIII. Appendix A and B have been added to support Headstone Fixing and Memorial Border details for Health and Safety reasons

3.2.4 With reference to III above: Whilst recognising that the community wish to have the opportunity to advance purchase lair certificates; where there are cemeteries which have remaining capacity below 10 years, **in order to sustain the burial service at that facility**, officers have the option to suspend pre-sale of lairs until there is increased capacity through expansion or an alternative site is developed.

3.2.5 With reference to IV above: This is in line with current Scottish Government Legislation - Burial and Cremation (Scotland) Act 2016 (section 14). The legislation will allow burial authorities to reclaim that lair, however, Argyll and Bute Council will ensure all attempts are made to contact the lair holder or a representative to establish whether they wish to retain or relinquish the right of lair.

3.2.6 With reference to VI above: This has been updated to clarify the respective roles of the Funeral Director and the Burial Authority to bring in consistency across the Argyll and Bute Area which was temporarily changed during COVID to reduce and mitigate risks.

### **3.3 Funding:**

- 3.3.1 Capital funds will be required in order to either purchase adjacent land, extend current cemeteries, or to provide new cemeteries. There are currently no capital funds allocated to a future cemetery expansion programme. Based on current high level estimates, which are calculated with last year's lair purchase figures, the costs of extending or creating new cemeteries to address the high risk assets is estimated to be £270,000 (Please note that the figure quoted in the budget papers was £310,000 as it included Keills, Islay, however, officers have identified that this is now a closed cemetery. As the costs of development are estimated, Members were advised at the budget meeting on 23 February that £310,000 was still a reasonable budget to set aside as the £270,000 is by no way confirmed costs). To secure the future of all sites on the identified programme at Appendix 1 would likely cost in the region of £1M based on initial high level estimates. This includes the requirement to form a new Right Turning lane on A85 included in the development of the parking area at Pennyfuir cemetery, as part of the improvements in access to the extension of the site.
- 3.3.2 Members will note that some sites identified as at risk in the revised programme do not have obvious solutions in terms of new land. It is recommended that Members consider future capital investment required in this asset group as part of the 23/24 budget process.

### **3.4 Future Demands and Options**

- 3.4.1 Currently Argyll and Bute Council have only 1 Crematorium which is located in Cardross, Helensburgh and Lomond. Consideration was previously given to building a second Crematorium however due to cost constraints this was not progressed. In the absence of an unlimited budget Argyll and Bute as a Burial Authority should look at other methods to burials, previously it has been raised that having one Crematorium in Helensburgh and Lomond was not viable for communities in Oban/Mid Argyll etc. It may well be worthwhile now looking at this and preparing a business case to identify if this would be economically viable and supported by our communities in the West of Argyll and Bute, possible Locations being Oban or Mid Argyll. It should be noted that some initial work was carried out approximately seven years ago and at that time, a viable business case did not stack up. The increased costs of construction are very likely to make any business case even less viable.
- 3.4.2 An alternative could be progressing a plan (over several years) where we could look to reduce the number of active burial grounds in each of our 4 administrative areas with additional burial grounds on each of the main islands. The advantage of this option would be reduced future development costs and reduced operating costs, however, this would have to be carefully balanced against the expectations of our communities for the council to provide a proportionate and reasonable burial ground provision. This was previously looked at in 2020 and the results of the consultation were that local communities wanted their burial grounds keep locally and in particular Island communities did not want to bury their dead on the mainland; this was a large

factor in the decision to expand the Tobermory Cemetery which has proved to be a very costly expansion.

3.4.3 Appendix 4 shows standard details and site set up which will ensure all future cemetery sites are built to a specific standard and conceptual plan thereby ensuring maximum lair space and best value.

3.4.4 Annual monitoring of available lair number will be carried out with updates being provided to Members detailing numbers of lairs and cemetery capacity.

## **4.0 CONCLUSION**

4.1 This report provides an update on the current Argyll and Bute cemetery provision and details options for reviewing the current policy as well as management of the cemetery assets in the context of current needs and future demands in each Administrative Area.

## **5.0 IMPLICATIONS**

5.1 Policy – Amended in line with Legislation and to allow proper management of lairs.

5.2 Financial – Capital funding will be required for the ongoing provision of additional lair capacity.

5.3 Legal – None known.

5.4 HR – None known.

5.5 Fairer Scotland Duty:

5.5.1 Equalities - protected characteristics – None known.

5.5.2 Socio-economic Duty – None known.

5.5.3 Islands – None known.

5.6. Climate Change – None known.

5.7 Risk – Failure to manage burials may result in a breach of legislation as a Burial Authority.

5.8 Customer Service – Development programme and asset management allows Argyll and Bute Council to provide a local and area wide burial service.

**Executive Director with responsibility for Roads and Infrastructure Services,  
Kirsty Flanagan**

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January 2023

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**APPENDICES**

Appendix 1 - Cemetery Development programme

Appendix 2 - Recent Developments

Appendix 3 - Management Rules for Burial Grounds

Appendix 4 - Standard detail for cemetery extension and conceptual plan for new  
Development sites

Appendix 5 – Map of all Argyll and Bute Cemeteries