Southwark Council Cemetery Strategy

1940 Consecration Plan – Camberwell New Cemetery
APPENDIX 2

GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1975 SECTION 21

GREATER LONDON GENERAL POWERS ACT 1976 SECTION 9

LONDON LOCAL AUTHORITIES ACT 2007 SECTION 74
Greater London Council (General Powers) Act 1975  Section 21

Power to extinguish rights of interment in burial lands.

21.—(1) Where in respect of any grave in the burial lands which contains sufficient space for not less than one further interment a right of interment has not been exercised for seventy-five years or more from the date of the latest interment in the grave or, if there has been no interment in the grave, from the date of the grant of the right of interment in the grave, the Southwark Council may at any time after the date of possession and in accordance with the provisions of this section, extinguish the right of interment in that grave and use the grave for other interments:

Provided that the Southwark Council shall not extinguish under this section any right of interment which has been granted after the passing of this Act for any period longer than seventy-five years.

(2) The power of the Southwark Council under subsection (1) of this section to extinguish a right of interment in any grave in which there has been an interment shall include power to remove any tombstone in or on the grave.

(3) Before extinguishing a right of interment or removing any tombstone under the powers of this section, the Southwark Council shall—
   (a) publish a notice of their intention to do so once in each of two successive weeks in a newspaper circulating in Greater London with an interval between the dates of publication of not less than six clear days;
   (b) display a like notice in a conspicuous position at each of the principal entrances to the cemetery; and
   (c) serve a notice thereof upon the registered owner of the right of interment and on the registered owner of any tombstone affected at their registered addresses.

(4) Each of the notices referred to in the last foregoing subsection shall—
   (a) contain full particulars of the Southwark Council’s proposals including a specification of the registered number or other description of all graves in respect of which it is proposed that rights of interment should be extinguished and stating whether it is proposed that any tombstones should be removed;
   (b) specify the date on which it is intended that the rights should be extinguished and any tombstones removed, which date shall not be earlier than six months after the date of the later of the two publications, or the date on which notice is first displayed, or the date on which notice is served whichever is the later; and
   (c) state the effect of subsections (5), (6) and (7) of this section.

(5)(a) If notice of objection to the extinction of a right of interment in any grave is given to the Southwark Council before the date specified under paragraph (b) of subsection (4) of this section by the registered owner of the right of interment or by any person who is able to satisfy the Southwark Council that he is the owner of such right, and that objection is not withdrawn the right of interment to which the objection relates shall not be extinguished under this section, and if notice of any other objection to the extinction of any rights of interment or to the removal of any tombstone, and of the ground of any such objection, is given to the Southwark Council before the date so specified and is not withdrawn, any rights or tombstone to which such last-mentioned objection relates shall not be extinguished or removed without the consent of the Secretary of State for the Environment:

Provided that, if there has been no interment in the grave, a notice under this subsection may be given only by the registered owner of a right of interment in that grave or by any person who is able to satisfy the Southwark Council that he is the owner of such right.
(b) If any person giving notice under paragraph (a) of this subsection as the owner of a right of interment fails to satisfy the Southwark Council that he is such owner as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar who shall have power to make an order confirming whether or not the person who has given the notice is the owner of such a right and as to the payment of the costs of the application.

(6) Any tombstone removed by the Southwark Council under this section shall remain the property of the registered owner thereof but, if such owner does not claim it within a period of three months after the date specified under paragraph (b) of subsection (4) of this section, the Southwark Council may put the tombstone to such use as they deem appropriate or they may destroy it.

(7) As compensation for any right of interment extinguished under this section the Southwark Council shall, on a claim being made within six months from the extinguishment of that right pay to the registered owner of the right of interment or any other person who has satisfied the Southwark Council that he is the owner of such right, or who has been determined by the registrar to be such owner, such sum representing the value of that right as may be agreed between the Southwark Council and the registered owner or such other person or, in default of agreement, determined in accordance with the provisions of the Act of 1961.

(8) Where a tombstone is removed by the Southwark Council under this section, they shall at their own expense erect or fix in an appropriate position on the grave in substitution therefor a memorial stone or tablet.

(9) The Southwark Council shall cause a record to be made of each tombstone removed under this section containing—
(a) a copy of any legible inscription on it; and
(b) if it is intended to preserve the tombstone, a statement showing where it has been taken to; and shall deposit a copy of the record with the Registrar General.
Southwark Council Cemetery Strategy

Greater London General Powers Act 1976  Section 9

9 Power to extinguish rights of interment in cemeteries

(1) Where in respect of any grave which contains sufficient space for not less than one further interment and which is situated in any cemetery a right of interment has not been exercised for seventy-five years or more from the date of the latest interment in the grave or, if there has been no interment in the grave, from the date of the grant of the right of interment in the grave, a burial authority may, in accordance with the provisions of this section, extinguish the right of interment in that grave and use the grave for other interments: Provided that no right of interment granted after the passing of this Act for any period longer than seventy-five years shall be extinguished under this section.

(2) The power of a burial authority under subsection (1) of this section to extinguish a right of interment in any grave in which there has been an interment shall include power to remove any tombstone in or on the grave.

(3) Where a right of interment has been granted in a grave in any cemetery before the passing of this Act, any grant of a right to erect or place a tombstone in or on that grave made by a burial authority after the passing of this Act for a period longer than seventy-five years shall be expressed as being subject to the power of the burial authority to remove the tombstone in accordance with the provisions of this section.

(4) Before extinguishing a right of interment in, or removing any tombstone from, any cemetery under the powers of this section a burial authority shall—

(a) publish a notice of their intention to do so once in each of two successive weeks in a newspaper circulating in Greater London with an interval between the dates of publication of not less than six clear days;
(b) display a like notice in a conspicuous position at every entrance to the cemetery; and
(c) serve a notice thereof upon the registered owner of the right of interment and on the registered owner of any tombstone affected at their registered addresses.

(5) Each of the notices referred to in the last foregoing subsection shall—

(a) contain full particulars of the burial authority's proposals including a specification of the registered number or other description of all graves in respect of which it is proposed that rights of interment should be extinguished and stating whether it is proposed that any tombstones should be removed;
(b) specify the date on which it is intended that the rights should be extinguished and any tombstones removed, which date shall not be earlier than six months after the date of the later of the two publications, or the date on which notice is first displayed, or the date on which notice is served, whichever is the later; and
(c) state the effect of subsections (6), (7) and (8) of this section.

(6) (a) If notice of objection to the extinguishment of a right of interment in any grave is given to the burial authority before the date specified under paragraph (b) of subsection (5) of this section by the registered owner of the right of interment or by any person who is able to satisfy the burial authority that he is the owner of such right, and that objection is not withdrawn, the right of interment to which the objection relates shall not be extinguished under this section, and if notice of any other objection to the extinguishment of any rights of interment or to the removal of any tombstone, and of the ground of any such objection, is given to the burial authority before the date so specified and is not withdrawn, any rights or tombstone to which such last-mentioned objection relates shall not be extinguished or removed without the consent of the [Secretary of State for the Environment, Transport and
the Regions]: Provided that, if there has been no interment in the grave, a notice under this subsection may be given only by the registered owner of a right of interment in that grave or by any person who is able to satisfy the burial authority that he is the owner of such right.

(b) If any person giving notice under paragraph (a) of this subsection as the owner of a right of interment fails to satisfy the burial authority that he is such owner as he claims to be, the question shall be determined on the application of either party by the registrar who shall have power to make an order confirming whether or not the person who has given the notice is the owner of such a right and as to the payment of the costs of the application.

(7) Any tombstone removed by the burial authority under this section shall remain the property of the registered owner thereof but, if such owner does not claim and remove it within a period of three months after the date specified under paragraph (b) of subsection (5) of this section, the burial authority may put the tombstone to such use as they deem appropriate or may destroy it.

(8) As compensation for any right of interment extinguished under this section the burial authority shall, on a claim being made with six months from the extinguishment of that right by the registered owner of the right of interment or by any other person who has satisfied the burial authority that he is the owner of such right, or who has been determined by the registrar to be such owner, pay to him such sum representing the value of that right as may be agreed between the burial authority and the registered owner or such other person or, in default of agreement, determined by arbitration.

(9) The burial authority shall cause a record to be made of each tombstone removed under this section containing—

(a) a copy of any legible inscription on it; and

(b) if it is intended to preserve the tombstone, a statement showing where it has been taken to; and shall deposit a copy of the record with the Registrar General.

(10) Where a tombstone is removed by the burial authority under this section, they shall at their own expense erect or fix in an appropriate position on the grave in substitution therefor a memorial stone or tablet.

(11) In this section—“burial authority” means—

(a) a borough council;

(b) a joint committee appointed under section 102 of the Act of 1972 and authorised to exercise powers under section 214 of and Schedule 26 to the Act of 1972, or under any other enactment relating to the provision and maintenance of cemeteries, being a joint committee any member of which is appointed by a borough council; or

(c) a burial or cemetery board established under any enactment and authorised to exercise such powers as aforesaid, being a board of which at least one of the constituent authorities is a borough council;

“cemetery” means a cemetery provided and maintained by a burial authority but does not include the cemeteries in the borough of Southwark known as the Nunhead (All Saints) Cemetery, the Camberwell Old Cemetery and the Camberwell New Cemetery;

“registered owner” in relation to—

(a) any right of interment, means the person at the time in question registered as the owner in the register of grants of rights of interment maintained by the burial authority under the Cemeteries Clauses Act 1847 or otherwise; and (b) any tombstone, means the person at the time in question named in the said register as the person to whom the right to erect or place that tombstone has been granted, or, if no such person is named, the registered owner of the right of interment in the grave in or on which the tombstone is erected or placed;

“registered address” means any address of the registered owner contained in the said register;

“the registrar” means the registrar of the consistory court of the diocese in which the cemetery in question is situated;

and any reference to a right in interment includes a reference to a right of burial.

(12) The powers conferred by this section shall not, except with the agreement of the Commission, be exercised by the burial authority in respect of any grave in which there is a Commonwealth war burial.
Southwark Council Cemetery Strategy

London Local Authorities Act 2007 Section 74

74 Power to disturb human remains

(1) Where a burial authority has extinguished—

(a) a right of burial in a grave space under section 6 (power to extinguish rights of burial in cemetery lands) of the Act of 1969; or

(b) a right of interment in respect of a grave under section 9 of the Act of 1976,

the burial authority may disturb or authorise the disturbance of human remains interred in the grave for the purpose of increasing the space for interments in the grave.

(2) No human remains may be disturbed under this section if they have been interred for a period of less than 75 years.

(3) Any human remains disturbed under subsection (1) above must be reintered in the grave.

(4) Before disturbing any human remains under this section the burial authority shall—

(a) publish a notice of their intention to do so once in each of two successive weeks in a newspaper circulating in Greater London with an interval between the dates of publication of not less than six clear days;

(b) display a like notice in a conspicuous position at every entrance to the cemetery;

(c) serve a notice thereof upon the registered owner of—

(i) the right of burial (if the right has not yet been extinguished),

(ii) the right of interment (if the right has not yet been extinguished);

(iii) any relevant tombstone,

at that owner’s registered address; and

(d) serve a notice thereof on the Commonwealth War Graves Commission.

(5) Each of the notices referred to in subsection (4) above shall—

(a) contain full particulars of the burial authority’s proposals including a specification of the registered number or other description of all graves in which it is proposed that the human remains are to be disturbed;

(b) specify the date after which it is intended that the work should be undertaken, which shall not be earlier than six months after the date of the later of the two publications, the date on which the notice is first displayed, or the date on which the notice is served whichever is the last; and

(c) state the effect of subsection (7) below.

(6) A single notice may be used for the purposes of this section and—

(a) subsection (3) of section 6 of the Act of 1969; or

(b) subsection (4) of section 9 of the Act of 1976,

(which provide for the giving of notice and making of objections in the case of the proposed extinguishment of rights of burial and interment and the proposed removal of tombstones), as the case may be.

(7) If notice of objection to the proposed disturbance of human remains is given to the burial authority before the date specified in paragraph (b) of subsection (5) above by—

(a) the registered owner of the right of burial or interment, as the case may be;

(b) the registered owner of a relevant tombstone;

(c) a relative of the person whose remains are proposed to be disturbed,

and that objection is not withdrawn, the burial authority may not exercise its powers under this section for a period of 25 years, beginning with the date of the publication of the first notice under subsection (4)(a) above.
(8) The burial authority shall comply with any directions given by the Secretary of State with respect to the removal and reinterment of any human remains in any case other than a case falling within subsection (10).

(9) Nothing in this section shall in any way affect the jurisdiction of the consistory court of the diocese over consecrated land which is used, or is available for use, for the interment of human remains.

(10) Where the burial authority proposes to disturb any human remains in consecrated land the burial authority may not exercise its powers under this section without first obtaining a Faculty, with or without conditions attached to it, from the consistory court of the diocese in which the land is situated, and any objection to the proposed disturbance of human remains from consecrated land by any person under subsection (7) above shall be heard and determined by that consistory court.

(11) The provisions of section 25 of the Burial Act 1857 (c. 81) (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the provisions of this section.

(12) In this section—

- “the Act of 1969” means the City of London (Various Powers) Act 1969 (c. xxxix);
- “the Act of 1976” means the Greater London Council (General Powers) Act 1976 (c. xxvi);
- “burial authority” means—
  (a) a borough council;
  (b) the Court of Common Council of the City of London;
  (c) a joint committee appointed under section 102 of the Local Government Act 1972 (c. 70) and authorised to exercise powers under section 214 of and Schedule 26 to that Act, or under any other enactment relating to the provision and maintenance of cemeteries, being a joint committee any member of which is appointed by a borough council; or
  (d) a burial or cemetery board established under any enactment and—
    (i) authorised to exercise such powers as are mentioned in paragraph (c) above; and
    (ii) of which at least one of the constituent authorities is a borough council;
- “civil partner” has the same meaning as in the Civil Partnership Act 2004 (c. 33) and includes former civil partner;
- “registered owner”—
  (a) in relation to any right of burial or interment, means the person at the time in question named in the register of grants of rights of burial or interment, as the case may be, maintained by the burial authority under the Cemeteries Clauses Act 1847 (c. 65) or otherwise;
  (b) in relation to any relevant tombstone means the person at the time in question named in the said register as the person to whom the right to erect or place that tombstone has been granted, or, if no such person is named, the registered owner of the right of interment or burial in the grave in or on which the tombstone is erected or placed;
• “registered address” means any address of the registered owner contained in the said register;
• “relative”, in relation to any person, means any of the following—
  (a) his spouse;
  (b) his civil partner;
  (c) any lineal ancestor, lineal descendant, brother, sister, aunt, uncle, nephew, niece or first cousin of his or his spouse or civil partner;
• “relevant tombstone” means a tombstone erected or placed in or on a grave in respect of which the powers of this section are intended to be exercised, whether or not the tombstone is itself intended to be disturbed;
• “spouse” includes former spouse.
APPENDIX 3
SAMPLE BURIAL DATA CAMBERWELL NEW
% of Public burials in given Square completed pre 1940

(ie older than 75yrs at 2015)
(excluding squares with less than approx 10 burials for "Bs (or approx 100 ordinary burials in total)

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<th>%</th>
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<td>100</td>
</tr>
<tr>
<td>sq.117</td>
<td>100</td>
</tr>
<tr>
<td>sq.24</td>
<td>100</td>
</tr>
<tr>
<td>sq.36</td>
<td>100</td>
</tr>
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</tr>
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<td>sq.15</td>
<td>10</td>
</tr>
<tr>
<td>sq.14</td>
<td>0</td>
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</table>
% of Public burials in given Square completed pre 1950
(ie older than 75yrs at 2025)
(excluding squares with less than approx 10 burials for 'Bs (or approx 100 ordinary burials in total))

- sq.110
- sq.1
- sq.36
- sq.24
- sq.90
- sq.100
- sq.117
- sq.109
- sq.118
- sq.119
- sq.101
- sq.25
- sq.7
- sq.37
- sq.120
- sq.6
- sq.112
- sq.15
- sq.14
% of Public burials in given Square completed pre 1960

(ie older than 75yrs at 2035)

(excluding squares with less than approx 10 burials for 'Bs (or approx 100 ordinary burials in total)
% of Public burials in given Square completed pre 1970

(ie older than 75yrs at 2045)
(excluding squares with less than approx 10 burials for 'Bs (or approx 100 ordinary burials in total)

- sq.119
- sq.118
- sq.109
- sq.117
- sq.120
- sq.101
- sq.100
- sq.103
- sq.90
- sq.24
- sq.36
- sq.1
- sq.102
- sq.110
- sq.14
- sq.25
- sq.15
- sq.7
- sq.93
- sq.6
- sq.112
- sq.37
- sq.94
% of Public burials in given Square completed pre 1980

-ie older than 75yrs at 2055

(excluding squares with less than approx 10 burials for 'Bs (or approx 100 ordinary burials in total)
% of Public burials in given Square completed pre 1990

(ie older than 75yrs at 2065
(excluding squares with less than approx 10 burials for 'Bs (or approx 100 ordinary burials in total)

sq.119
sq.118
sq.109
sq.117
sq.93
sq.94
sq.120
sq.101
sq.14
sq.37
sq.100
sq.112
sq.103
sq.15
sq.90
sq.6
sq.24
sq.36
sq.1
sq.102
sq.89
sq.110
sq.7
sq.25
sq.27

0%  20%  40%  60%  80%  100%  120%
% of Private burials in given Square completed pre 1950
(ie older than 75yrs at 2025)

(excluding squares with less than approx 10 burials for 'Bs (or approx 100 private burials in total)

sq.108
sq.99
sq.109
sq.110
sq.98
sq.116
sq.100
sq.101
sq.53
sq.67
sq.79
sq.38
sq.119
sq.118
sq.80
sq.111
sq.15
sq.89
sq.90
sq.39
sq.40

0% 10% 20% 30% 40% 50% 60% 70% 80% 90%
% of Private burials in given Square completed pre 1960 (i.e. older than 75yrs at 2035)
(excluding squares with less than approx 10 burials for 4Bs (or approx 100 private burials in total)
% of Private burials in given Square completed pre 1970
(ie older than 75yrs at 2045)
(excluding squares with less than approx 10 burials for "Bs (or approx 100 private burials in total))

sq.108
sq.116
sq.109
sq.6
sq.99
sq.98
sq.67
sq.111
sq.100
sq.25
sq.101
sq.80
sq.118
sq.68
sq.110
sq.79
sq.52
sq.69
sq.90
sq.15
sq.26
sq.119
sq.102
sq.91
sq.103
sq.112
sq.38
sq.92
sq.39
sq.55
sq.16
sq.89
sq.65
sq.81
sq.66
sq.40

0%  20%  40%  60%  80%  100%  120%
% of Private burials in given Square completed pre 1980 (ie older than 75yrs at 2055)
(excluding squares with less than approx 10 burials for '80s (or approx 100 private burials in total))

Square:
- sq.116
- sq.108
- sq.25
- sq.101
- sq.109
- sq.98
- sq.99
- sq.111
- sq.100
- sq.118
- sq.67
- sq.112
- sq.6
- sq.80
- sq.26
- sq.68
- sq.110
- sq.53
- sq.90
- sq.69
- sq.102
- sq.79
- sq.37
- sq.38
- sq.103
- sq.15
- sq.39
- sq.91
- sq.119
- sq.92
- sq.83
- sq.84
- sq.16
- sq.52
- sq.81
- sq.82
- sq.66
- sq.89
- sq.27
- sq.55
- sq.65
- sq.54
- sq.40
% of Private burials in given Square completed pre 2000 (ie older than 75yrs at 2075)

(excluding squares with less than approx 18 burials for "b" or approx 100 private burials in total)
APPENDIX 4
SHORT AND MEDIUM TERM BUDGET COST ILLUSTRATION
<table>
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<th>Total Project (including contingency)</th>
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<td>£101,438</td>
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<td>Works</td>
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<td>£427,594</td>
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<td>I1I2, MAUSOLEUM SITES</td>
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TOTAL PROJECT COSTS (INCLUDING PROJECT CONTINGENCY) £4,700,000.00
## APPENDIX 5

**SHORT & MEDIUM TERM OPTIONS – ILLUSTRATIONS**

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Follow any figured dimensions - do not scale. IF IN DOUBT ASK.

KEY
- Route points (20m/50m)
- Existing boundaries to be updated
- "30m" parking limit
- Comprehensive parking
- Existing trees retained
- Building improvements
- Drainage improvements
- Fire breaks
- Proposed tree planting (large/clustered)

D1
220 max plots
Access routes in subject to cancelling exclusive rights and notifications on private graves
Alternative/ additional route in to D1
Public graves requires checking
Access routes re-constructed (generally raised with corners less sharp)

Access routes in subject to notifications on Public graves

Replace railings

30m
Existing woodland retained

Selected trees retained and protected prior to laying out of burial.

Access routes in subject to cancelling exclusive rights and notifications on private graves

Access routes in subject to cancelling exclusive rights and notifications on public graves

Alternative/additional route in to D1

D1 220 max plots

D2 1000 max plots
KEY: ILLUSTRATIVE LAYOUT

Project: Camierwell Old Cemetery
Client: Southwark Council

description:

drawing:
Area #1: ILLUSTRATIVE LAYOUT

scale(s):

date:

drawn by:

checked:

Drawing Number: DAS.DA.24

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Follow any figured dimensions - do not scale. IF IN DOUBT ASK.
APPENDIX 6

CONSULTATION OPTIONS - ILLUSTRATIONS
A) Seek to reclaim/reuse existing space on Public Graves

It is a well established practice to reclaim Council owned (public) graves by:
- use of existing plots for burial where depth is available above original burial
- by topping up soil levels to make space available above existing graves
A method also used elsewhere in London (but not as yet in Southwark) includes:
- the re-use of existing common graves where on consecrated ground with the permission of the Church (a Faculty). Any remains found are re-buried in a consecrated grave nearby.

B) Seek to reclaim/reuse existing burial space on 'Private' graves

Several options are potentially available including to notify owners anc:
- cancel rights and re-claim graves where depth available above existing burial,
- cancel rights, with acquiescence permission, re-use existing consecrated graves (and re-bury any remains found in a consecrated grave nearby)
- cancel right and re-use existing consecrated/unconsecrated graves by deepening the grave and re-burying any remains found at a lower depth in the same grave, (the lift and deepen process ) (subject to legal provision).

C: Maximise Use of Existing Sites Using Alternative Means

- make use of Mausoleums in key/appropriate locations as are used in Italy
- efficient use of land, and potentially re-usable upon cessation of lease
- may be well suited to some cultures but...
- involves cultural re-adjustment for others - is there demand?
- meets local need minimises need to travel - sustainable
- enables ongoing revenue to assist in maintaining existing cemeteries

D: Develop a New Cemetery Site Outside the Borough

- a site would need to be found
- inner or outer London?
- cost of purchase and development?
- residents would need to travel - how sustainable? how convenient?
- how do we then maintain existing cemeteries, what for?
- and at what cost?

E) Share Space Elsewhere or Buy Grave Space from Private Supplier

- private suppliers have already expressed an interest in making provision
- preferential rates may be offered for Southwark residents
- what would those rates be and how would they compare?
- residents would need to travel - how sustainable? how convenient?
- how do we then maintain existing cemeteries, what for?
- and at what cost?

F: Work with Local Authority Partners to Find Land

- many inner London Local Authorities are in similar position to Southwark
- councils could effectively work together to develop and run shared facilities
- would rates be comparable to current rates?
- would be outside borough - residents would need to travel - is it sustainable?
- how convenient would it be for residents?
- how do we then maintain existing cemeteries, what for, and at what cost?

G: Use Al or Some of Honor Oak Park Recreation Ground

- originally bought by the Council in the early part of last century (’901)
- used as a recreation ground whilst burial space was available elsewhere.
- as a whole would provide significant new burial provision (around 30 years)
- but parks could be developed to meet short/mid term burial need
- would ensure continued revenue to help maintain existing cemeteries etc.
- would provide a local facility for local people but...
- would displace all or some existing recreational activities

H: Southwark Council Stop Providing Burial Space

- there is no statutory requirement on the authority to provide burial but...
- the authority must ensure the ‘legal disposal’ of the dead;
- relatives would need to travel - sustainable?...convenient?
- how do we then maintain existing cemeteries, what for and at what cost?
- once burial ceases the income that pays for staff/maintenance cases

STRATEGY: CONSULTATION OPTIONS