



2020

SCOTTISH BORDERS COUNCIL CEMETERIES



TECHNICAL NOTE 1

Cemeteries Technical Note

Introduction

This Technical Note considers the background and context of Cemeteries within the Scottish Borders. It also looks at the current policy on the topic and considers the local issues that require to be taken into account in the formulation of any policy on Cemeteries for the Scottish Borders context. Furthermore it provides recommendations on a future Cemeteries policy to be contained in the Local Development Plan (LDP) 2 and how it can be used to guide long term planning within the Council area.

Context

Currently Scottish Borders Council manage and maintain 154 cemeteries and churchyards. Burial grounds fulfil an important role for the public and it is important to ensure that this need can be met in the future. The new Burial and Cremation (Scotland) Act 2016 (which supersedes the Burial Grounds (Scotland) Act 1855), came into place to provide a modern and comprehensive legislative framework for burial and cremation.

The Scottish Planning Policy (SPP) states that the planning system should facilitate the provision and long-term, integrated management of green infrastructure. Green Infrastructure also referred to as Greenspace or open space, can be either formal or informal and can be within or on the edges of a settlement. It can include allotments, parks and gardens, play spaces, burial grounds, or civic spaces such as market squares.

Planning Advice Note 65 (PAN 65): Planning and Open Space sets out the typology for different types of open space and in respect to burial grounds also includes churchyards and cemeteries. In assessing the current and future requirements, PAN 65 states that a demand-led approach is suited to spaces such as cemeteries; this would allow the local authority to consult with relevant user groups or carry out necessary survey work.

The Scottish Environment Protection Agency (SEPA) aims to protect and improve Scotland's environment in a number of ways, and their responsibilities includes regulating activities that may pollute water. In that respect, SEPA's 'Environmental Policy 19: Groundwater protection policy for Scotland', and SEPA's 'Guidance on Assessing the Impacts of Cemeteries on Groundwater' are particularly relevant when planning for new or extensions to burial grounds.

New Cemetery Provision in the Scottish Borders

Currently the Local Development Plan 2016 allocates a number of sites for cemetery use. These sites were first identified within the Finalised Local Plan Amendment 2009 and then first formally allocated within the Consolidated Local Plan 2011, and then carried forward into the Local Development Plan 2016.

These allocated sites were identified a number of years ago by the Council's Cemetery section. However, since that time the processes required to bring forward a new burial ground or an extension to an existing burial ground have altered significantly, namely the Groundwater protection policy for Scotland. In addition to

planning policy, the stringent requirements that now must be met, may render some of the allocated sites as undevelopable for cemetery use.

The Preferred Approach

The Preferred Approach set out in the Main Issues Report (MIR) was to remove the current allocated cemetery sites within the LDP and to replace them with a policy based approach. The new policy would give protection to existing cemetery sites and also lay down criteria to be addressed for applications for new cemetery proposals or extension to existing cemeteries.

Main Issues Report (MIR) Consultation

As a result of the public consultation on the MIR, two consultation responses were received to the potential new policy, the responses received were submitted by Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH).

SEPA stated that they supported the replacement of cemetery allocations with a policy based approach, with the intentions of protecting existing cemetery sites and the application of criteria for new sites or expansions. They also stated that they strongly recommend that the Council engages with them with regard to the proposed wording, particularly with regard to the criteria to ensure that the proposed policy complies with current regulatory standards and future developments do not have any detrimental impacts on the water environment. They also recommended that the Council reviews SEPA's current [Guidance on Assessing the Impacts of Cemeteries on Groundwater](#) with regard to cemetery proposals to ensure the proposed policy draft is cognisant of the application requirements for such developments.

SNH stated that the introduction of a policy-based approach to cemeteries offers an opportunity to develop an approach that is place-based and which integrates these into the wider green network. While the primary role of cemeteries is commemoration of loved ones, SNH welcomed a policy that acknowledges their wider role as important green spaces for towns and villages. They also stated that the policy should encourage proposals for new cemeteries or extensions to existing cemeteries to design in natural features that are beneficial to visitors for their aesthetic properties and to biodiversity for their role in wider green networks.

It is noted from the responses received that there is a clear support from both SEPA and SNH for the removal of the existing cemetery allocations and that going forward, a new policy should be included within LDP2.

Conclusions

It is proposed that the LDP2 will include a new policy which will protect existing cemeteries, and support proposals for new and extensions to existing cemeteries that address an identified need, and where the proposed site incorporates into their design natural features that are beneficial to visitors for their aesthetic properties, and to biodiversity for their role in wider green networks.