



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
10 July 2018
Agenda Item 16

Key Decision : Yes

Ward(s) Affected: Offington

Durrington Cemetery - Extending Capacity

Report by the Director for Communities

Executive Summary

1. Purpose

- 1.1. Adur and Worthing Councils have always sought to provide excellent services and facilities to our communities and families who experienced bereavement. This report seeks approval for additional funds in order to continue to provide those services in Worthing by proceeding with the planned Durrington Cemetery burial area extension.
- 1.2. The report will outline the significant progress that has been made, since previous reports to Joint Strategic Committee in December 2014 and December 2015 and supports the assessment of the need to provide this extension in order to allow new burials to continue to take place in Worthing.
- 1.3. Finally the report will also outline the proposed solution to be put into place to complete the delivery of the scheme.

2. Recommendations

- 2.1. The Joint Strategic Committee approve that the extension area lay out, is completed fully in one phase, rather than the original plan of a phased approach.
- 2.2. The Joint Strategic Committee **recommends** to Worthing Borough Council to approve additional funds of £640,000, to be funded from additional Prudential Borrowing.
- 2.3. The Joint Strategic Committee delegates to the Director of Communities, in consultation with the Worthing Borough Council Executive Member for Digital and the Environment, the authority to approve the final procurement and award of contract up to a value of £850,000 to be allocated from the capital programme to ensure the restrictive timescales can be realised.

3. Background

- 3.1 Durrington Cemetery has provided burial space and a valuable option to the communities of Worthing since 1927. However, due to the limited amount of space remaining, which is likely to be utilised within 6-9 months if burial rates remain static, there is now a pressing need to proceed with the planned provision of a new burial extension area to Durrington Cemetery.
- 3.2 The extension to Durrington is the last available identified space in Worthing Borough, that has the capacity to provide interment space for an estimated 30-35 years, based on current burial rates. That is, unless the government introduce legislation to reuse graves, presently only in place for London. (London Local Authorities Act 2007, section 74).
- 3.3 Since the opening of Worthing Crematorium in 1968, the number of burials taking place in Worthing has declined, mirroring national trends. Latest national figures (2014) indicate that approximately 25% of the population elect for burial¹. By comparison, in Adur & Worthing the demand for burials is lower. In 2017 only 6% (212) were burials and 94% (3626) for cremation.

¹ <http://www.srgw.info/CremSoc4/Stats/National/2014/StatsNat.html>

It is worth noting the Worthing Crematorium is the UK's third busiest crematorium.

- 3.4 Despite the increase in demand for cremation, some individuals and communities still prefer burial and the Institute of Cemetery and Crematorium Management (ICCM) believe there is an increasing need to provide an emphasis on burial provision. This includes offering more diversity in the choice of graves, including green or natural forms of burial and, more generally a need to widen memorial choice.
- 3.5 In accordance with The ICCM Management Charter for the Bereaved², Durrington Cemetery offers a wide selection of burial options including; communal cremated remains interment plots in the Garden of Remembrance (now closed to new interments), traditional graves, lawn graves, Muslim graves, private cremated remains interment plots and children's graves
- 3.6 The council recognises that some faiths have certain regulations set down as to body disposal, for example, cremation is not permitted in the Muslim faith and burial must take place without delay, usually within 24 hours. Therefore, it is imperative that burial provision is available for those within our communities who have specific needs and who wish to have this choice available to them.
- 3.7 The council has been progressing this project since 2013 when an initial capital bid was approved by members. A detailed outline of all of the elements of the complex project delivery since then is set out in [Appendix A](#).
- 3.8 In summary, given the nature of the project, one of the key features of taking this forward has been to undertake comprehensive and detailed environmental and ground-water impact assessments in addition to ground-water monitoring over an extended period.
- 3.9 A Tier 1 & 2 ground-water risk assessment was completed in July 2014, (following the required 12 months of ground-water monitoring) and categorised the site as 'High Risk' in accordance with guidance produced by the Environment Agency (EA) in their "R&D Technical Report P223 (Pollution Potential of Cemeteries)" and booklet "Assessing the Groundwater Pollution Potential of Cemetery Developments". This led to a further Tier 3 groundwater risk assessment, which was completed in June 2015. The findings of this assessment required that the laying out of burials must be in

² [http://www.iccm-uk.com/iccm/library/ReferenceCharterReviewFinal2014\(1\).doc](http://www.iccm-uk.com/iccm/library/ReferenceCharterReviewFinal2014(1).doc)

an interspersed pattern as opposed to a simple sequential manner, which is the usual/current practices. This requirement is in place to ensure that the risks of contamination into groundwater from burials is reduced to an acceptable level.

- 3.10 The team has worked extensively with both the Environment Agency and Southern Water, which will continue throughout the lifetime of this project. In addition the team has undertaken significant ecological evaluations and worked closely with the Sussex Wildlife Trust as outlined in Appendix A.
- 3.11 As a consequence of completing all of this work satisfactorily, a planning application to move to using the site for burials was approved in May 2018 subject to imposed conditions.

4.0 Issues for consideration

4.1 Need to complete extension area in one phase

- 4.2 The original plan, put forward in 2014/15 was to deliver the Cemetery extension in a phased approach over a number of years, commencing further phases and completing the scheme, only when the available burial space was nearing full capacity. Given the EA condition, included in the planning permission granted in May 2018 to form the whole extension area at one time to accommodate the interspersed burial pattern, this plan has had to be revised.
- 4.3 The revised proposal to deliver the project in one phase will result in the Council being able to continue offering new burials in Durrington Cemetery, as well as satisfying the requirements of the EA.
- 4.4 The possibility of the adjacent A27 being widened and utilising a section of this area of the Cemetery to improve traffic flow, has been taken into account, and the proposed scheme doesn't include the area which may be affected.
- 4.5 Not delivering the extension in one phase will mean that the council cannot meet the requirements set by the EA to use an interspersed burial pattern and the next stage of the project will not be able to commence. The result will be that Worthing Borough Council will not be able to offer traditional burials cease in Durrington Cemetery once the current space is utilised. It is estimated that 6-9 months current capacity at the cemetery will be exhausted.

4.5 Refurbishing the Council depot facility as part of the project

4.6 The existing Cemetery compound area and welfare facilities are also in need of refurbishment to service the remaining 30 years life expectancy of the Cemetery, when laying out the full scheme to accommodate the necessary plant and tools security containers, office and welfare unit and burial materials storage areas required.

4.7 Future groundwater monitoring

4.8 The groundwater will be continuously monitored throughout the remaining time that the cemetery is used for burials and will be reported to the EA and SW in line with the planning application conditions. If the monitoring indicates an adverse effect on the groundwater, either the EA or SW may instruct the Council to cease full burials.

4.9 Should a cessation notice be issued by either party, the Council would be unable to continue to offer full burials in the current traditional format. The Council would then need to consider alternative more expensive new burial options such as the creation of a fully encased interring system i.e. installation of preformed concrete chambers into a section of the cemetery extension to help prevent impacting on the groundwater quality.

5.0 Engagement and Communication

5.1 The council has been working closely with key stakeholders including the Environment Agency, Southern Water and Sussex Wildlife Trust throughout the initial phase of the work to address the concerns raised, amending plans appropriately, in order to reach a stage where the proposed scheme has been granted planning permission.

5.2 There has been the opportunity for public consultation through the planning portal when the planning application was submitted, with no noticeable adverse comments received.

5.3 The council must be mindful to balance the needs of the bereaved in our communities, the needs of the wildlife and be realistic about what can be achieved in terms of ongoing cost of the maintenance and management for the site within council's budget. Consultation with elected members and

bereaved members of our community will be important in helping to shape the best route forward.

- 5.4 The bereaved who are existing users of our site have strong feelings about how the site is managed, grave owners hold the rights over where their loved ones are laid to rest for a significant number of years.
- 5.5 The local Findon Valley Residents' Association are presently exploring whether there is enough interest in starting a Friends of Durrington Cemetery Group, with the support of our partners, The Conservation Volunteers. The first meeting will be held on 23 June 2018, the Bereavement Services Manager will attend this meeting to confirm council supports the establishment of this group.
- 5.6 A communication plan will be developed with our Communications team to ensure the widest reach of appropriate stakeholders are reached. This will incorporate posters being displayed at the cemetery, targeted use of media and social media to elicit feedback.
- 5.7 An Equalities Impact Assessment will be completed to ensure the needs for protected equalities groups are met.

6.0 Financial Implications

6.1 Budget Summary:

Initial Budget for scheme assessment:	£10,000
Virement from the Environment Contingency:	£2,300
Virement approved by the Executive Member:	£37,000
Capital Bid Phase 1 Extension Works:	£300,000
Budget c/f from 2014/15 underspends for land purchase	£20,000
Total Budget:	£369,300
Spend to Date:	£107,124
Budget c/f to 2018/19:	£262,176

- 6.2 The need to extend Durrington Cemetery was recognised in 2012/13 and a budget of £10,000 for the initial assessment of the works and costs was included in the Capital Investment Programme. Due to the complexity of the scheme the budget needed to be increased to fund additional assessment costs.

- 6.3 The works which have had to be undertaken prior to the extension works include:
- i) Consultants to provide initial concept, design and feasibility
 - ii) Groundwater monitoring
 - iii) Ecological, botanical, invertebrate and tree surveys
 - iv) Installation of off-site water monitoring well
 - v) Planning Application Costs.
- 6.4 A capital bid was submitted in 2014/15 for:
- i) 2015/16 Phase 1 extension works £300,000 to provide additional burial space for the next 30-35 years 2015/16.
 - ii) Year 4 (Reserve List) Phase 2 completion of a road network and associated landscaping works £200,000.
- 6.5 The budget for Phase 1 £300,000 was included in the 2015/16 Capital Investment Programme and the budget for Phase 2 £200,000 was added to the Reserve List. In order to meet planning requirements which included the outcomes from the ground water and ecological surveys the full scheme now needs to be constructed at one time. In addition the costs included in the capital bid were estimated in 2014/15 and construction costs have increased year on year by approximately 6% per annum.
- 6.6 The revised construction costs for the delivery of the complete extension in a single phase, including site compound and welfare remodelling is £800,000 plus £27,000 for landscaping and planting. In addition there will be consultants costs for the final design of the scheme and engineers professional fees estimated at £75,500, a shortfall of £640,320.

Remaining Current Budget:	£262,180
Estimated Construction Costs:	£800,000
Estimated landscaping and planting costs:	£27,000
Estimated Consultancy and Engineers Fees:	£75,500
Shortfall in Funding:	£640,320

- 6.7 The additional funding cannot be funded from resources currently in the Capital Investment Programme and will need to be funded from additional Prudential Borrowing. The additional funding will enable the scheme and its infrastructure to be completed in one phase. It will enable the creation of the additional need to provide habitats on the margins of the plot for the local

wildlife species displaced during the construction works ,refurbish and remodel the Cemetery depot facility which was due to take place in a later phase and to also take into account the increased rise in construction costs since the project was first launched.

- 6.8 The additional annual cost of the borrowing is expected to be £32,000 per year based on a 50 year life and a 3% interest rate. This can be accommodated within the Treasury Management budget in 2018/19, although it will add to the cost pressures from 2019/20 onwards. The outline forecast for 2019/20 - 2022/23 has been adjusted for this additional item which can be found in the budget strategy report elsewhere on the agenda.

7.0 Legal Implications

- 7.1 Local Authority duties and powers relating to burials are governed by the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977 as amended.
- 7.2 In tendering for the work a procurement process must be undertaken which accords with Public Contracts Regulations 2015 and other procurement legislation and the Council's internal Contract Standing Orders.
- 7.3 The Council's Contract Standing Orders provide that the award of contracts over £100,000, following a procurement process, must be approved by the Executive or an Executive Member. A specific delegation is therefore sought in this case, to avoid delay when awarding the contract, and enable the Director for Communities, in consultation with the relevant Executive Member, to deal with the procurement and to award the contract.

Background Papers

- [Joint Strategic Committee Report - 02/12/2014](#)
- [Joint Strategic Committee Report - 24/11/2015](#)
- [Joint Strategic Committee Report - 06/12/2016](#)
- [Joint Strategic Committee Report - 05/12/2017](#)
- [ICCM Charter for the Bereaved](#)

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Sustainability & Risk Assessment

- Throughout this process officers have assessed risk and sustainability concerns.
- The project has already commissioned a number of different ecological, environmental, habitat surveys and tree assessments for the site to assess its suitability. The revised cemetery extension plans have been amended to reflect this.
- A groundwater risk assessment has been carried out and mitigating actions have been implemented.

1. Economic

- The Durrington Cemetery Extension is mentioned in planned provision in the Infrastructure Delivery Plan. Increasing housing and a resulting increase in the population coupled with an existing aging population, may increase demand and reduce the level or remaining capacity as a faster rate.

2. Social

2.1 Social Value

- The cemetery extension provides a valuable resource for the community, by providing choice to bereaved communities in how the remains of their loved ones are laid to rest.
- The cemetery is located in a beautiful location at the edge of the South Downs National Park
- It provides burial provision to local people, which means if they want their loved ones laid to rest near to them, they are able to do this.
- The ecology site visits have shown that the area supports and sustains a number of insects and reptiles and is a rich, green space for the local community to use.

2.2 Equality Issues

- Accessibility issues as the site is sloped
- Demand for tailored bereavement services related to burials from different equalities groups
- EIA to be completed asap

2.3 Community Safety Issues (Section 17)

- The councils have in place Rules and Regulations for all Adur & Worthing Cemeteries and Churchyards³.
- It is an offence under the Local Authorities Cemeteries Order 1977 for the following actions:
 - Wilfully create any disturbance in a cemetery

³ <https://www.adur-worthing.gov.uk/media/media,102277,en.pdf>

- Commit any nuisance in a cemetery
- Wilfully interfere with any burial taking place in a cemetery
- Wilfully interfere with any grave or vault, or any tombstone or other memorial, or any flowers or plants on any such matter; or
- Play at any game or sport in a cemetery
- No person not being an officer or servant of the burial authority or another person so authorised by or on behalf of the burial authority shall enter or remain in a cemetery at any hour when it is closed to the public
- Any person contravening any of the above offences shall be liable on summary conviction or a fine not exceeding £100 and in the case of a continuing offence to a fine not exceeding £10 for each day during which the offence continues after conviction thereof.

2.4 Human Rights Issues

- Matter considered and no issues identified.

3. Environmental

- An ecological and management plan was produced by a contractor. The findings are covered in the background/context section of this report.

4. Governance

- Contributes to our two of the five Platforms for our Places two and three
- Our social Economies - Working with and enabling our communities to take innovative action, while still providing a safety net for individuals when required.
- Stewarding our Natural Resources - Managing our natural resources and developing a shared sense of custodianship of our unique environment

Appendix A

The chronology of this project from its conception in 2013 until present

March 2013	<p>Consultants were commissioned to carry out initial concept designs and feasibility for extending the Cemetery. This report highlighted the necessity for a groundwater assessment and the issues with regards to the local groundwater Source Protection Zones (SPZ).</p> <p>Environmental impact assessments for the extension area followed on from the initial concept design to evaluate and provide mitigation measures to avoid or reduce any negative impacts of the cemetery extension on the environment. These include the groundwater monitoring, ecological and tree surveys covered in the following paragraphs.</p>
July 2014	<p>A Tier 1 & 2 groundwater risk assessment was completed, following the required 12 months of groundwater monitoring. The report categorised the site as 'High Risk' in accordance with guidance produce by the Environment Agency (EA) in their "R&D Technical Report P223 (Pollution Potential of Cemeteries)" and booklet "Assessing the Groundwater Pollution Potential of Cemetery Developments".</p>
July 2015	<p>This required a Tier 3 groundwater risk assessment to be carried out and third was completed, following on from the findings of the Tier 1&2 assessments. The reports findings required the laying out of burials to be in an interspersed pattern rather than a simple sequential manner, as current burial practices, to ensure risks of contamination from burials are reduced to an acceptable level.</p>
March 2016	<p>A revised risk assessment based on discussions with the Environment Agency (EA) was completed and presented at a meeting with the EA in the same month.</p>
October 2016	<p>An off-site monitoring well was installed on Council owned land to the southeast of Offington roundabout. The sentinel</p>

	<p>well will provide data for comparison with the on-site monitoring wells for future monitoring.</p> <p>The EA carried out discussions with Southern Water on behalf of the Council during the assessment and reporting period. Both will require continuous groundwater monitoring as a planning application condition throughout the life of the Cemetery extension to obtain their agreement. If nitrate levels in the groundwater are affected by the Cemetery then traditional burials would have to cease on site and an alternative contained burial method considered.</p>
November 2016	A tree survey was carried out and report received in relation to the proposed extension area for inclusion in the planning application.
December 2016	An Ecological consultant was commissioned to undertake a desk study, extended Phase 1 habitat survey, ground level tree assessments for bats, badgers and reptile survey and to provide a report detailing any ecological constraints on the proposed extension area. The report recommended further ecological surveys to determine and assess the current state of the present habitat and its ecological value as the main extension area is classified as Offington Cemetery Local Wildlife Site (LWS).
Sept 2016 to Sept 2017	<p>Further ecological botanical and invertebrate surveys were carried out. The completed report recorded the grassland and woodland to be of limited conservation value and unsupportive of important invertebrate assemblage compared to the existing Cemetery. However, an exceptional population of slow worms, a low population of grass snakes and stag beetle, badger setts, habitats for breeding birds and potential habitats for hedgehogs and roosting bats were recorded.</p> <p>To mitigate against the effects of the extension on the LWS, a number of amendments have been made to the original concept design. An area of the extension site to the east and south has been left to colonise as grassland to sustain the slow worm, grass snake and stag beetle populations.</p>

	<p>Consultation with Sussex Wildlife was undertaken during the consideration of the mitigation measures due to the effect on the LWS and to agree a suitable Ecological Mitigation and Management Plan for the Cemetery extension both during the construction phase and the Cemeteries future.</p> <p>Works to clear trees and scrub land and install ecological protection fencing have been carried out in the short term to ensure that any ecological works are carried out at the correct time prior to the construction phase.</p>
May 2018	<p>A planning application for the Cemetery extension has been submitted and approved, subject to the imposed conditions.</p>