

REUSE OF CHURCHYARDS FOR BURIALS

1 PCC not a burial authority

Parochial Church Councils are not burial authorities for the purposes of local government legislation. They are not obliged to provide a burial ground for parishioners.

2 Closing a churchyard

Churchyard maintenance can be costly. When a churchyard is full, or almost full, there is therefore a financial incentive for a PCC to resist the temptation of either taking on more land for burials or undertaking a scheme to reuse old grave spaces. If neither option is taken up, then a PCC may apply to the Home Office (the Diocesan Registrar will give further advice on this) for a closing order on its churchyard and subsequently request the local authority to take over responsibility for the churchyard's maintenance (the Local Government Act 1972). The latter may not necessarily result, however, in a standard of maintenance acceptable to the congregation. So, with help from the Archdeacon, careful consideration of the pros and cons is needed before making a closure application or subsequent request for churchyard maintenance.

3 Reuse of grave sites

(a) If a churchyard is becoming full, and either:

- (i) the burial authority (i.e. the District or Parish Council) is having genuine difficulty in finding a suitable new burial ground; or
- (ii) independently the PCC feels that parts of the churchyard can and should be reused to enable members of the present or future congregations to be buried in due course within the churchyard

then the PCC may decide to consider the reuse of grave sites.

This reuse of parts of the churchyard should not, however, be offered to burial authorities as an easy solution to their otherwise having to acquire land for burial purposes.

(b) Any proposals to reuse an existing and unclosed churchyard should be widely debated in the parish. All of the options should be considered including the acquisition of additional land. If that is not possible or practicable a carefully prepared plan for reuse is encouraged.

(c) A faculty is required for all schemes in this Diocese proposing the reuse of parts of the churchyard. This is because:

- (i) where a scheme will inevitably lead sooner or later to the disturbance of human remains, it is desirable to have faculty authorisation in advance
- (ii) it is extremely important that any new memorial stones should be in keeping with existing memorial stones (if left in situ), particularly with those stones amounting to attractive and interesting historic monuments in their own right
- (iii) the removal of any existing memorial stone requires a faculty in any event

- (iv) in some cases, reuse of grave sites may involve disturbance to much earlier burials or other remains of archaeological interest. These will not normally prevent reuse, but arrangements for recording may be necessary. The Diocesan Archaeological Adviser can provide guidance.

If, therefore, a PCC contemplates re-using part of its churchyard, it should proceed on the basis that it will be necessary both to seek advice from the DAC and to make a faculty application.

4 **Guidelines for reuse**

When contemplating a scheme to reuse part of a churchyard, a PCC may find the following guidelines helpful:

- (a) No area should be considered for reuse if:
 - (i) it is known that there has been a burial within the area during the last one hundred years;
 - (ii) the area is subject to an existing personal right of burial by means of a faculty to reserve a grave space (in case of doubt, check with the Diocesan Registrar);
 - (iii) the area is subject to any relevant prohibition or restriction imposed by Order in Council (in case of doubt check with the Diocesan Registrar).
- (b) If headstones and memorials are to be removed:
 - (i) Every effort should be made to trace and contact the heirs of those who paid for them and who therefore remain the lawful owner of them.
 - (ii) War graves, graves with a War Graves Commission headstone and those of a special aesthetic, artistic or historic significance, listed monuments or otherwise notable memorials should not be removed.
 - (iii) Careful diagrammatic and photographic records of the churchyard and memorials or headstones to be removed (including transcriptions of any inscriptions) should be made and preserved as part of the church and possibly county records before and after removal.
- (c) It is most unlikely that a faculty will now be granted for the removal of ancient headstones or box tombs, which significantly contribute to the attractive setting of an old churchyard. In general, therefore, any scheme should start from the proposition that such ancient headstones or box tombs are left as they are, and any new memorial stones should be in keeping with them.

To this end, every scheme should incorporate very strict requirements with regard to the design, position, material, dimensions, inscription, finish and colouring of new memorials, so that the latter will not be out of keeping with existing ancient headstones or box tombs. These requirements will be considered as part of the faculty application by the DAC and will become a condition of the eventual faculty granted by the Chancellor of the Diocese.

- (d) Design and position will become particularly important considerations. Whilst not ruling out appropriate upright headstones, the use of flat ledgers (i.e. horizontal memorial stones into the ground) may be a more satisfactory way of lessening the

visual impact of new memorials on existing features and the ambience of the churchyard as a whole.

- (e) It is essential to leave a strip approximately 15 feet (4.5 metres) wide around the walls of buildings. This is to provide access for maintenance and repair and, in particular, space for the erection of scaffolding. It will also help to avoid disturbance of drains and ancient footings. Consideration should also be given to existing pipes and cables laid underground and the possibility of their being laid in the future and potential root damage to trees or hedges.
- (f) Every scheme should have an accurate survey plan of the whole churchyard at scale 1:500 attached to it. The plan must show:
 - (i) Existing features which will not be disturbed.
 - (ii) Areas which are proposed for reuse.
 - (iii) The priority with which such areas are likely to be used.
 - (iv) An indication of the number and location of proposed new grave sites.
 - (v) If it is proposed that any existing memorial stones (other than those in subparagraph (c) above) be removed, the plan should indicate which stones, their present position and where they are to be re-sited. Plans to this scale may be made by carrying out a measured survey or by enlarging an Ordnance Survey map (subject to copyright rules). For more sensitive areas close to buildings the DAC may need a 1:200 plan with additional detail.
- (g) If it is proposed to reuse either:
 - (i) a grave marked by a memorial stone; or
 - (ii) an unmarked grave where the identity of the deceased is recordedevery effort must be made to contact and obtain the written consent of any known relatives of the deceased.
- (h) If any human remains are disturbed in the creation of a new grave, they should be reverently and discreetly re-interred by the incumbent in the deepened grave before any new burial is added.
- (i) Any new grave must be of such a depth that no part of the coffin should be less than 3 feet 3 inches (1 metre) below the level of adjoining ground.