



Executive Committee

Wednesday, 15th
December, 2021

MINUTES

Present:

Councillor Matthew Dormer (Chair), Councillor Gemma Monaco (Vice-Chair) and Councillors Joanne Beecham, Aled Evans, Peter Fleming, Anthony Lovell, Mike Rouse and Craig Warhurst

Officers:

Michael Birkinshaw, Kevin Dicks, Claire Felton, Sue Hanley and Guy Revans

Democratic Services Officers:

Jess Bayley-Hill and Jo Gresham

46. APOLOGIES

An apology for absence was received on behalf of Councillor Nyear Nazir.

47. DECLARATIONS OF INTEREST

There were no declarations of interest.

48. LEADER'S ANNOUNCEMENTS

The Leader advised that at the meeting of the Overview and Scrutiny Committee held on 13th December 2021, Members pre-scrutinised the New Cemetery Provision report and had agreed three recommendations. This meeting was live streamed and the Leader had watched the proceedings, as had many other members of the Executive Committee. There were a number of members of the public who spoke to the Overview and Scrutiny Committee on the subject of the New Cemetery Provision report and the Leader thanked those members of the public for taking the time to speak to the Committee.

Councillor Wheeler, who chaired the Overview and Scrutiny Committee meeting, had been invited to attend the Executive Committee meeting to outline the findings of the Committee, including key points raised by the public.

Chair

49. MINUTES (TO FOLLOW)

RESOLVED that

the minutes of the meeting of the Executive Committee held on 7th December 2021 be approved as a true and correct record and signed by the Chair.

50. QUESTIONS ON NOTICE

The following Question on Notice was considered in accordance with paragraph 16.3 of the Executive Committee Procedure Rules:

Question from Ms Joni Lovell:

“Please can the site given as 'land off Ipsley church lane' be referred to as 'top Ipsley meadow, part of the Ipsley water meadows, part of Arrow Valley Park South, an integral part of Arrow Valley Country Park, which is Public Open Space with unrestricted access for RECREATION **and** how will the Executive committee be taking into account public comments at the Overview and Scrutiny committee 48 hrs ago and the 800 plus public objection comments on the publics only consultation, which was on a full planning application for this one particular site?”

The Leader provided the following answer to this question:

“The terminology “land off Ipsley Church Lane” was used within the recent change of use planning application and, as such, is recognised by Members and the wider public. It would be counterproductive to change this title at this late stage and might lead to confusion, as the public might think the new title relates to a different site.

The role of the Overview and Scrutiny Committee is to gather evidence and to make recommendations, based on that evidence, to the Executive Committee. This occurred at the meeting of the Overview and Scrutiny Committee held on 13th December 2021. Whilst the minutes of that meeting are not available for our consideration this evening, the meeting was live streamed and I, and other colleagues present this evening, watched the live stream of the meeting and heard the comments from the public. In addition, the recommendations made by the Overview and Scrutiny Committee have been published in a supplementary pack for our consideration. Councillor Jenny Wheeler, who chaired the Overview and Scrutiny Committee meeting, is here this evening to present the Committee’s recommendations for our consideration and I am sure that in doing so she will highlight some of the key points that were raised at the meeting.

The Executive Committee will not be considering matters relating to the consultation on the planning application that was considered in October 2021, as this related to an entirely separate process.”

51. NEW CEMETERY PROVISION

The Portfolio Holder for Environmental Services introduced the New Cemetery Provision report for the Executive Committee’s consideration.

Members were advised that the issue of a reduction in capacity, in terms of new burial provision in the Borough, had been identified and discussed by Members since 2010. Since then, the availability of burial space in the Borough at existing cemeteries had decreased further.

There were two options available to the Council moving forward:

- a) To provide no more new burial sites for the use of residents in the Borough. There was the possibility, though no guarantee, that a private sector provider would provide a burial service in this scenario. The Council would have no influence over the land that a private provider would purchase for a cemetery in this situation nor could the Council control how the service was delivered.
- b) The Council could take action to ensure that new burial provision could be made available to Redditch residents in the future. Should Members prefer this option, consideration needed to be given to the appropriate location for the site of new graves. This could include reusing burial plots at the Plymouth Road Cemetery, although this would potentially be morally questionable, given the Council had access to land that could be used for burial purposes. There was also land at other sites, including at Bordesley Abbey and land off Ipsley Church Lane which could potentially be used for this purpose.

There was approximately 18 months of burial site provision remaining in existing cemeteries managed by the Council. The Portfolio Holder for Environmental Services expressed concerns that if no decision was taken, space for new burial provision would run out, leaving many families without a place in the Borough to bury their loved ones. This would impact on families who did not have access to pre-purchased plots in existing cemeteries, potentially resulting in a two-tier system in the Borough whereby some families would be able to bury loved ones in existing family burial sites whilst others would need to travel outside the Borough. The Executive Committee was asked to note that this could have a particularly significant impact on families from more deprived

backgrounds, who might struggle to travel to alternative sites outside the Borough.

The Portfolio Holder for Environmental Services commented that the Council's preferred option would be to continue to deliver new burial provision in the Borough. The preferred site of the Council was land off Ipsley Church Lane. He concluded by stating that, given the circumstances, it would be a derogation of duty for the Executive Committee not to make decisions on this subject during the meeting.

Following the introduction from the Portfolio Holder for Environmental Services, the Bereavement Services Manager delivered a presentation and in doing so highlighted a number of areas for Members' consideration:

- The Council already operated three cemeteries and four closed church yards.
- Plymouth Road Cemetery was already closed to new burials, whereby a grave was used for the first time by a family. Burials continued to take place in that cemetery for pre-purchased graves, though capacity was limited.
- There remained capacity for new burials at the Abbey Cemetery site for six more months.
- There was capacity for new burials to take place for five more years at the cemetery at Edgioake Lane, subject to the current rate of demand remaining the same. However, once the Abbey Cemetery could no longer accommodate new graves, demand would increase and then there would only be capacity at the Edgioake Lane cemetery for new graves for 12 months.
- A site at Brooklands Lane had been identified in 2010 as a possible location for a new cemetery. However, this option had been rejected because it was found to be unsuitable as it was located on a minor aquifer and therefore failed the initial ground water testing required by the Environment Agency.
- A total of 25 further potential sites had subsequently been investigated since 2014 by the Council as potential locations for a cemetery. Of these sites, 16 had been assessed but found to be unsuitable, five sites were deemed suitable for further investigation, but then discounted, 4 sites were assessed, deemed suitable for further investigation, but not recommended for use and 1 site had been assessed, deemed suitable for further investigation, and then recommended for approval.
- The majority of cemeteries in the country were based on two traditional designs that had been formulated in the Victorian era. The first traditional model had a requirement for tree planting and the second traditional model adopted a garden style design.

- There were other options available to Councils when developing new cemeteries and Westall Park Natural Burial Ground, in Holberrow Green, Worcestershire was cited as an example of this alternative design model.
- Redditch Borough Council had a history of providing innovative Bereavement Services. The crematorium had adopted measures that benefited the environment, with the use of waste heat at the crematorium to reduce energy usage at the Abbey Stadium, which was a green apple award winning scheme. This was still used as an example of best practice nationally and had recently been mentioned in the all-party parliamentary group on funerals and bereavements annual report published in 2021.
- The Council would aim to be equally innovative in terms of the new proposed cemetery that would be introduced in the Borough. The focus would be on introducing a cemetery which was designed to enhance the local ecology and biodiversity.
- There was no statutory requirement for the Council to deliver burial provision in the Borough.
- There were cemeteries in Bromsgrove District and at Westall Park with the capacity to accommodate new graves. However, the challenge of not providing burial space in a cemetery in the Borough was that this would conflict with requirements in the Local Plan. There was limited public transport available to enable Redditch residents to access both Bromsgrove and Westall Park Natural Burial Ground and families would therefore need to use private methods of transport to access those cemeteries.
- Customer demand had been reviewed and in total, 60% of the Council's customers required new graves. It was these customers who would be disadvantaged if the Council decided to take no further action in respect of this matter.
- There were three potential options available to the Council in terms of the provision of new burial space:
 - Reuse of grave sites at Plymouth Road Cemetery. This could only occur subject to legislative change through a private law bill in Parliament. The Council would need to be provided with the powers to extinguish existing rights of burial, to disturb human remains and to move memorials. Should this approach be adopted the Council would be able to secure new graves for approximately 10 years. Experts had advised the Council that it could take up to five years to progress this option further. Members were asked to note that anybody could submit an objection to the reuse of particular sites and this could result in the award of financial compensation by the Council to interested parties. Furthermore, many of the graves were situated in consecrated ground and therefore the Council would also

require approval through a separate legal process involving the Bishop's Faculty.

- Land off Ipsley Church Lane could be used as the site for a new cemetery. The Council had secured outline planning permission to use the site as a cemetery, subject to addressing a number of conditions that had been set by the Planning Committee. This site would involve the shortest implementation time of all the potential sites, of two years, before burial space could be made available. The development of the site as a cemetery would also involve the lowest levels of financial expenditure for the Council, particularly as planning costs and tests on areas such as ground water had already been completed. Should this option be approved, it would result in new grave plots being provided for a further 80 years.
- The Bordesley Abbey site was located close to the existing Abbey Cemetery and could be used as a cemetery. However, this location, comprising three small sections of land, would not in combination meet requirements in the Local Plan. The site was also located in a listed heritage site and scheduled monument consent would therefore be required to utilise the land for a cemetery. Discussions had been held with Worcestershire County Council's Archaeology department, which had advised that the financial costs involved in securing both planning permission and scheduled monument consent would be so significant as to render the site unviable. Members were also asked to note that, should the Council approve this option as the site for a cemetery, there would be a three-year period before burials could commence.
- In comments raised during public consultation and at the Overview and Scrutiny Committee, concerns had been raised about the potential loss of open space used for recreational purposes, should the site off Ipsley Church Lane be approved. However, this land would remain accessible to the public if it was used as a cemetery, with plans in place to retain the existing lines of desire. Furthermore, use of the cemetery would occur in phases and it was likely that parts of the site would not be used for up to 30 years. In addition, public access to the site would remain available.
- Concerns had also been raised about the potential appearance of the cemetery. The Committee was advised that the Council would be aiming to have a ground-breaking cemetery which would appear very different to the traditional Victorian models.
- Questions had been raised during the Overview and Scrutiny Committee meeting regarding the public consultation that would take place in respect of the cemetery design. Members were informed that the Council would aim to consult with the

public on the design and layout of the proposed cemetery before an application was considered at a meeting of the Planning Committee. The architects who would be procured to design the site would also be required to undertake public consultation, including on site.

Following the presentation of the report, Councillor Jenny Wheeler, Vice Chair of the Overview and Scrutiny Committee who chaired the meeting of the Committee held on 13th December 2021, was invited to present the Committee's conclusions in respect of the New Cemetery Provision report. Councillor Wheeler explained that the Committee had received a presentation on the subject of the report and had welcomed contributions from Officers and the Portfolio Holder for Environmental Services on this subject.

The Overview and Scrutiny Committee had endorsed the three recommendations in the report. However, the Executive Committee was asked to note that whilst the first and third recommendations had received unanimous support, the second recommendation had been approved by a majority of Members present without unanimous support.

The Executive Committee was informed that during consideration of the Overview and Scrutiny Committee meeting, members of the public had been invited to speak and a written statement had also been read out on behalf of a resident. Concerns had been raised by the public regarding the public consultation process that had been undertaken in respect of the report. Questions had also been raised about the process that had been followed with respect to revisiting the 26 sites that had been identified, which previously had been announced by the Council. The public had also raised concerns about the potential loss of public open space, should the land off Ipsely Church Lane be used as the site of a cemetery and questions had been raised about how this site had come to be identified as the Council's preferred option. The Executive Committee was asked to consider this feedback both in relation to the New Cemetery Provision report and in order to learn lessons about any future reports that focused on areas of significant interest to the public.

The Executive Committee discussed the outcomes of the Overview and Scrutiny Committee's deliberations in respect of the New Cemetery Provision report and in doing so commented on the following points:

- The organisation of the Overview and Scrutiny Committee meeting and the detailed scrutiny of the report that had been undertaken. Members praised the Overview and Scrutiny

Committee for this work and complimented Councillor Wheeler on her chairing of the meeting.

- The action that had been taken to re-examine each of the 26 sites that had been assessed. The Leader confirmed that he had revisited each site, in consultation with Officers, and had concluded that the most appropriate site had been identified as the Council's preferred option.
- The consultation that had been held with the public in respect of the Council's preferred site. The Leader commented that both he and the Portfolio Holder for Climate Change had met with residents at the preferred site to discuss the proposals.
- The feedback that had been received from the public in respect of the consultation on the planning application that was considered in October 2021 and the focus of this consultation feedback.
- The location of the residents who had responded in this consultation process. Members noted that the majority of respondents had lived in Matchborough and Ipsley.
- The length of time in which the consultation process in respect of the planning application had applied, which had been longer than usual.
- The restrictions in respect of public consultation during the Covid-19 pandemic and the need to keep Council staff, Officers and members of the public safe.
- The suggestion that had been received from the public regarding compulsory purchase by the Council of alternative sites and the difficulties with the compulsory purchase process.
- The public access that would remain available to the site should a cemetery be introduced at land off Ipsley Church Lane. Members commented that this would effectively remain public open space because there would continue to be public access to the site and much of the site would remain undeveloped for many years.
- The extent to which the public were concerned about the introduction of a cemetery based on the Victorian model of cemeteries.

Members subsequently discussed the New Cemetery Provision report in detail and in doing so commented that there had been a significant amount of time spent by the Council in terms of reviewing options for new cemetery provision in the Borough. The reducing capacity at existing cemeteries in the Borough meant that burial provision would run out in respect of new graves in the next 18 months. Unfortunately, for all of the sites that had been identified, this meant that there could be a period of time in which it would not be possible to provide new graves in the Borough. Delaying a decision on this subject would extend the time in which

burial provision would not be available for new grave sites in the Borough even further.

The Council had a duty to deliver services to all residents and whilst burial services were not a statutory function, Members concurred that it was morally appropriate for the authority to continue to operate cemeteries and provide burial space in the Borough. There were many residents who would prefer to be buried, rather than cremated. The decision about options after a person had died was often deeply personal and could be influenced by a range of factors including personal circumstances, faith and family preferences.

Decisions in December 2021 about burial provision would influence arrangements in place for younger and future generations for the following 80 years. Members expressed concerns that younger generations would feel let down if no decisions were taken at this stage in respect of future burial provision.

Reference was made to the funding that had been proposed in the report and clarification was requested with respect to the source of this funding. Officers confirmed that the £320,000 funding that had been requested would be capital expenditure.

The Executive Committee also discussed the extent to which land off Ipsley Church Lane was covered by a covenant in respect of land use. Officers confirmed that there was no covenant in place in relation to the land concerned.

Members noted that concerns had been raised by residents in the public consultation process for the planning application regarding the potential for the land off Ipsley Church Lane to become waterlogged and for there to be problems with the water course. Officers explained that cemeteries were heavily regulated in relation to water tables. Any new cemetery was required by the Environment Agency to provide an annual report on ground water conditions. These requirements were tighter than those in place in relation to historic cemetery sites. Members were also asked to note that technically ground water was different to surface water.

Consideration was given to the alternative sites that had been identified, particularly the potential for a cemetery to be developed at the Bordesley Abbey site. Members commented that this had previously been identified as a potential site for a wildlife park. However, when Historic England had been consulted over this idea, the feedback regarding potential development at the site had been quite critical and it was therefore possible that there would be similar opposition to development of the site for a cemetery for similar reasons.

The need for the new cemetery to be biodiverse was also discussed. Members commented that, subject to appropriate designs, there would be opportunities for the new cemetery to attract new wildlife to the area and this would benefit local habitats. This could also be used as the basis for educating children and young people and Officers confirmed that the Council would work with local schools in respect of educational opportunities.

Members concluded by thanking the Head of Environmental Services and the Bereavement Services Manager for their hard work in respect of the New Cemetery Provision report. Democratic Services were also thanked for their hard work in respect of preparing the Overview and Scrutiny and Executive Committee meetings to consider the report, particularly in light of the changing Government rules in respect of holding the meetings safely during the Covid-19 pandemic.

RESOLVED that

- 1) **Redditch Borough Council continue to provide new burial provision; and**
- 2) **Ipsley Church Lane be progressed as the preferred option to provide new burial provision.**

RECOMMENDED that

- 3) **a sum of £320,000 be budgeted to progress new burial provision.**

The Meeting commenced at 6.30 pm
and closed at 7.54 pm