

Report

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Report to:	South Lanarkshire Council (Special)
Date of Meeting:	7 September 2011
Report by:	Executive Director (Community Resources)

Subject:	Designation of Burial Ground – Lanark and Carnwath
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ request approval for the designation of an area of ground adjacent to Springbank Farm, Lanark and also of a site adjacent to the existing Carnwath Cemetery as burial ground to enable the Council to meet its statutory responsibility to ensure that there is suitable cemetery provision for the areas of Lanark and Carnwath.

2. Recommendation(s)

2.1. The Council is asked to approve the following recommendation(s):-

- (1) that the areas of ground at Springbank Farm, Lanark and adjacent to the existing Carnwath Cemetery, as detailed on the plans attached as appendices to the report, be designated as burial ground.
- (2) that the Executive Director (Enterprise Resources) in consultation with the Head of Legal Services, if appropriate, be authorised to conclude all matters on terms which are in the best interests of the Council.

3. Background

3.1. In terms of Section 9 of the Burial Grounds (Scotland) Act 1855, the Chief Executive received a requisition duly signed by 2 elected members to convene a special meeting of the Council for the purpose of determining whether one or more burial grounds shall be provided within the areas of Lanark and Carnwath in the Area of South Lanarkshire.

3.2. Under the 1855 Act, the Council has a statutory responsibility to ensure that there is suitable cemetery capacity in its area. A particular capacity issue exists at Lanark Cemetery where it is estimated that all of the available lairs will be used within 1½ years. A similar situation exists at Carnwath Cemetery where it is estimated that all of the available lairs will be used within one year.

3.3. There are also capacity issues at Strathaven and Larkhall Cemeteries and work is ongoing to identify appropriate ground to allow the Council to meet its statutory responsibility at these locations. Further reports in relation to these two areas will be submitted at the appropriate time.

4. Identification of Sites

4.1. To allow the Council to meet its statutory obligations, an assessment has been made of potential sites within Lanark and Carnwath. With regard to Lanark, an area of ground at Springbank Farm, Lanark, as detailed on the plan attached as Appendix 1

to the report, has been identified as a suitable site. For Carnwath, a site adjacent to the existing Carnwath Cemetery, as detailed on the plan attached as Appendix 2 to the report, has been identified as a suitable site.

- 4.2. Ground and soil tests have been undertaken to confirm the suitability of both sites. SEPA has been consulted on the proposed cemetery at Lanark and their initial response has been favourable. A similar approach will be taken through SEPA for the Carnwath Cemetery.
- 4.3. Principal Heads of Terms have been agreed with the land owner at Carnwath Cemetery regarding the purchase of the ground, subject to obtaining the necessary consent of the Council to designate the area as cemetery ground and all necessary planning consents. The owner's solicitors have been appointed and the transaction will be progressed under delegated powers. With regard to the land at Springbank Farm, Lanark which is held in the Common Good Account, the Finance and Information Technology Resources Committee at its meeting on 29 March 2011 approved the principle of the transfer of the land to Community Resources subject to the necessary consents, including the consent of the Council to designate the land as burial ground, and compensation to the Common Good account equivalent to the market value.
- 4.4. If the proposed areas of land are designated as cemetery ground, it is proposed that the Executive Director (Enterprise Resources), in consultation with the Head of Legal Services, if appropriate, be authorised to conclude all matters on terms which are in the best interests of the Council.

5. Employee Implications

- 5.1. None.

6. Financial Implications

- 6.1. Funding for the purchase of the areas of ground and the cemeteries is included within the Community Resources' General Services Capital Programme.

7. Other Implications

- 7.1. There is a risk that, if sites are not identified, the Council could be seen to be failing in its statutory responsibility to ensure that there is suitable cemetery capacity in its area.
- 7.2. In terms of the legislation, there is a right, subject to certain criteria being met, to complain to the Sheriff on the grounds that burial in any proposed site is "dangerous to health or offensive or contrary to decency". In view of the selected locations, the risk of this being exercised is considered to be minimal.
- 7.3. There are no issues in terms of sustainability implications.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.
- 8.2. Appropriate consultation has been undertaken with Legal and Estates Services regarding the proposals contained within this report.

Norrie Anderson
Executive Director (Community Resources)

24 August 2011

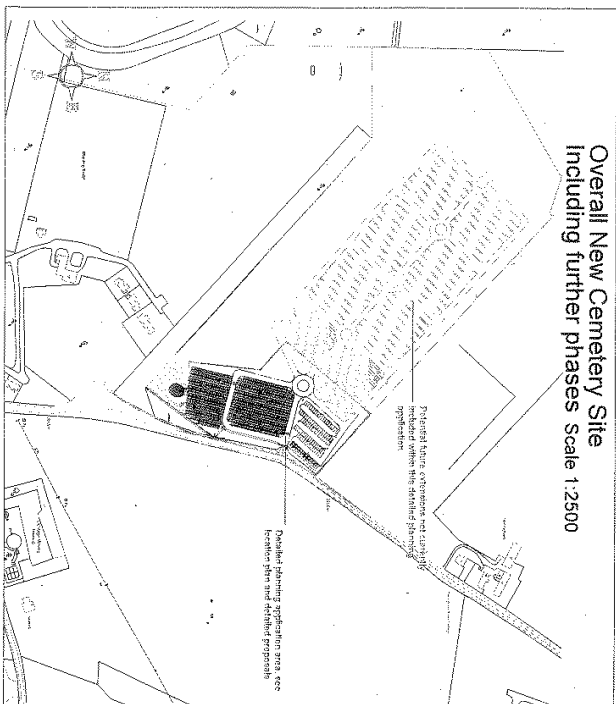
Links to Council Objectives/Improvement Themes/Values
People Focused

Previous References
South Lanarkshire Council (Special) of 28 May 2009

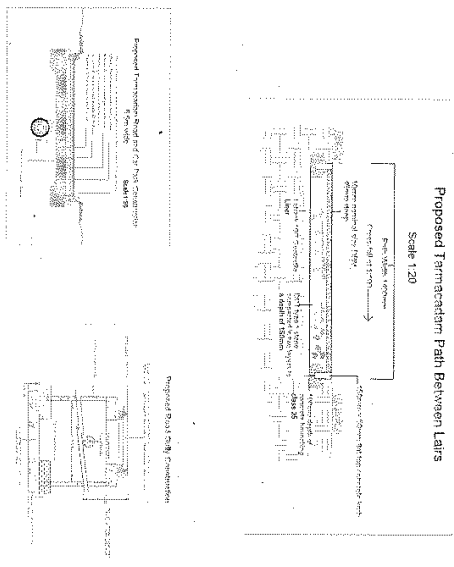
List of Background Papers
None

Contact for Further Information
If you would like to inspect the background papers or want further information, please contact:-
Stephen Kelly, Head of Facilities, Fleet and Grounds Services
Ext: 4705 (Tel: 01698 454705)
E-mail: Stephen.Kelly@southlanarkshire.gov.uk

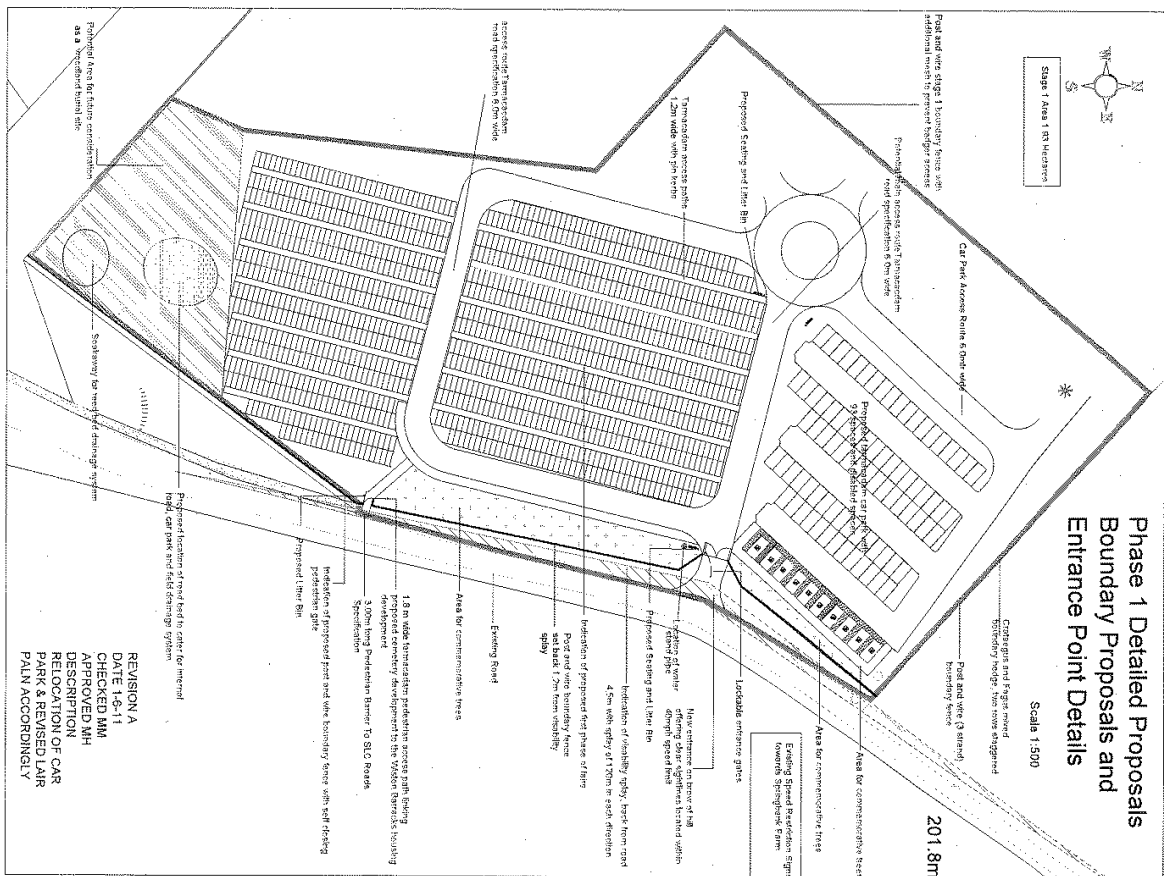
New Cemetery Proposals For Lanark Adjacent To Former Winston Barracks



Overall New Cemetery Site
Including further phases Scale 1:2500



Proposed Tarmacadam Path Between Lairs
Scale 1:20



Phase 1 Detailed Proposals
Boundary Proposals and
Entrance Point Details
Scale 1:500

Notes:

DO NOT SCALE FROM THIS DRAWING
ALL DIMENSIONS IN METRES UNLESS STATED OTHERWISE

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COMMUNITY RESOURCES
Planning and Development Services
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Revision A
DATE 18-11
CHECKED MM
APPROVED MH
DESCRIPTION
RELOCATION OF CAR
PARK & REVERSED LAIR
PARK ACCORDINGLY

Plan/11-12DP revA

Phase 1 Extension Proposals Scale 1:250

Notes:
DO NOT SCALE DIMENSIONS FROM THIS DRAWING.
ALL DIMENSIONS HAVE BEEN VERIFIED ON SITE.

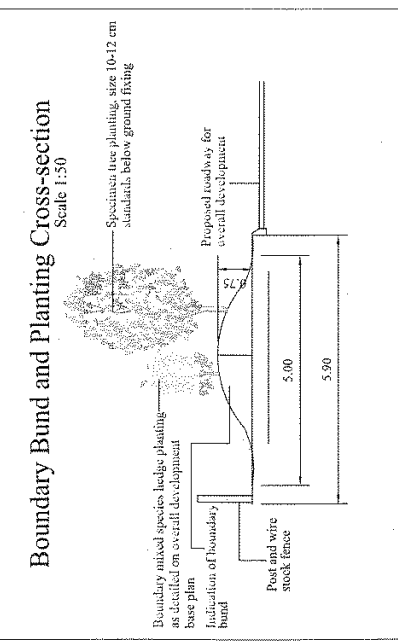
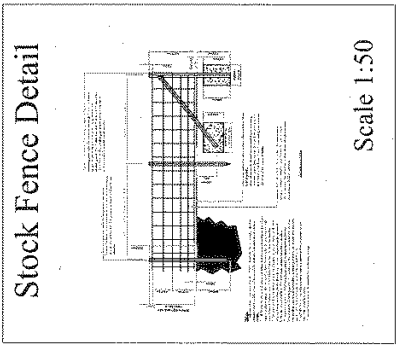
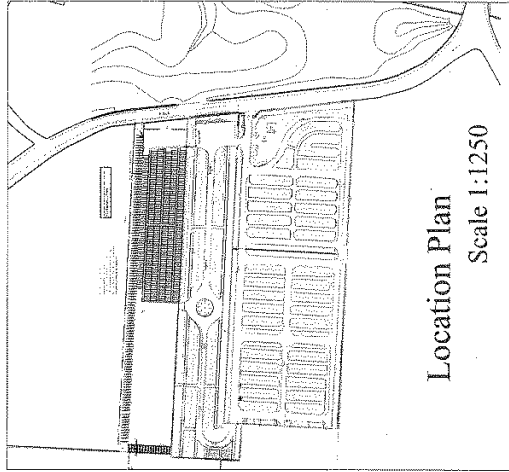
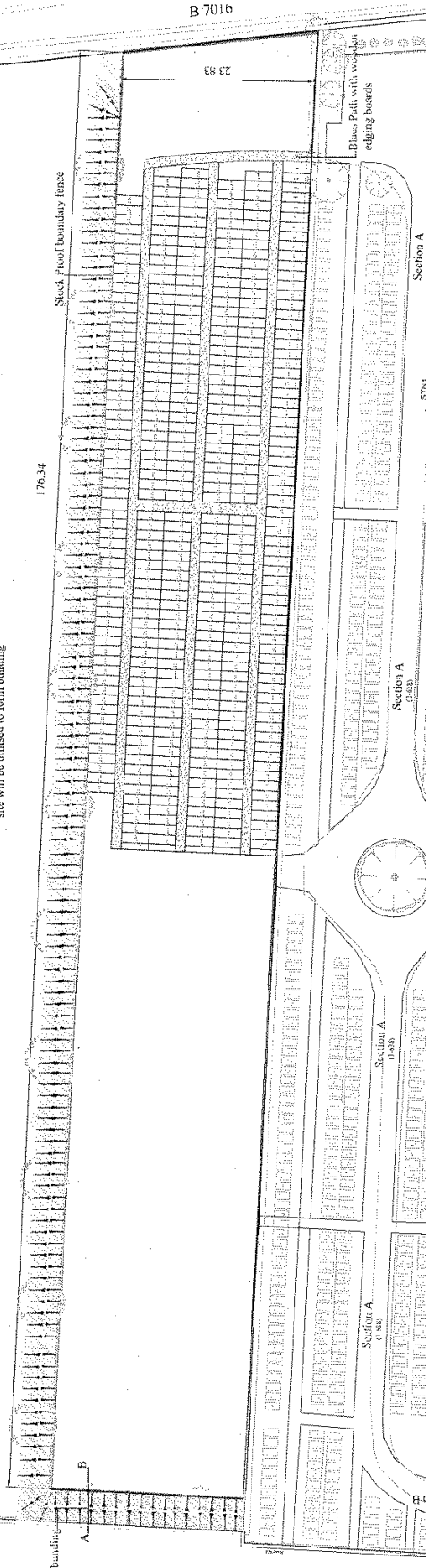
Total area required for extension: 5045 m²
0.505 Hectares, 1.25 acres

Boundary Treatment to be 4.00m wide planting consisting of *Prunus spinosa* with *Ilex x albertensis* and *Ilex pedunculata* 10-12 cm. Area 10m x 12m. All excavations from site will be utilised for form bunding.

176.34

Stock Proof boundary fence

Cross-section for bunding and boundary



SOUTH LANARKSHIRE COMMUNITY RESOURCES
 Facilities and Cultural Services - Landscape Development Section
 Tel: 01262 825472 Fax: 01262 657726
 Project No: 17/12/2017
 Date: 02/02/20
 Author: MRH
 Check: MRH
 Status: N/A
 File: 17/12/2017