

FACILITIES AND EVENTS COMMITTEE

3 NOVEMBER 2021

CHURCHYARDS AND BURIAL GROUND

1.0 INTRODUCTION

The Clerk and Deputy Clerk attended a meeting with St Peters Church and the Diocese representative on 21st October 2021. This report is intended as an update on both the outcomes of that meeting and the progress of Parish Council work.

The report concludes with recommendations for Committee consideration.

2.0 APPLICATION TO FACULTY

The Parish Council has been liaising with the Church who were unhappy at the standard of maintenance of the Churchyard and the unsafe state of a number of memorials. Councillors approved both a seasonal resource to tackle the vegetation as well as funds for commissioning professional push pull testing.

Once the vegetation had been reduced enough to enable inspection the push pull testing was undertaken and memorials that were found to be a high risk of failure were staked and banded. In total 154 memorials have failed the push/pull testing however the majority of failures are unstaked. Two large memorials have been secured with Heras style fencing.

At the end of the push pull testing programme the Clerk was informed by the Church that the Parish Council should not undertake testing until a faculty had been applied for and granted. The Clerk explained that no memorial had been interfered with and that the only work was the push pull and the staking of high risk items.

At the meeting the Diocese emphasised that a faculty was required and that appropriate detail must be provided. The Deputy Clerk is now in the process of writing a retrospective application for faculty that will be submitted by Reverend Gooding.

It is proposed that the application also includes the testing and making safe regime for the next four years. The Diocese would like to see the application broken down into areas with certain areas tested on a rolling programme with specifically identified higher risk memorials tested on a more frequent basis. On reflection this does not appear appropriate for the lower areas that are experiencing what appears to be considerable land movement and risk of 'cave ins due to badger ingress. The deputy clerk has therefore completed an application that reflects the need to ensure Health and Safety and take appropriate action to reduce the risks that arise relating to memorials.

The application is attached as Appendix A to this report.

3.0 NOTIFICATION TO MEMORIAL OWNERS

The Diocese has alerted the Parish Council to memorial works that have been undertaken by grave owners to memorials in the churchyards, without faculty. All changes to memorials

in the churchyards require a faculty application to be made and although this is not the responsibility of the Parish Council we will make sure people are aware of this when they make contact with us regarding memorials requiring repair in the churchyards. The church will contact owners of memorials considered as 'fails' that are based in the churchyards and the Parish Council will make contact with the grave owners on its land. It must be noted that 17% of failed memorials are in St Peters Burial Ground.

It was also agreed with the diocese that it is morally correct to notify all memorial owners of failed memorials that we cannot guarantee the land stability in this location and further repairs might be required in the future. See section 5 for further information on land stability.

The Diocese offered that the Parish Council could submit a faculty application on behalf of a group of memorial owners. This they advised, would reduce costs to the memorial owners and the call on their staff. This would likely be welcomed by the memorial owners however this approach would require considerable resource to co-ordinate with all families regarding their individual wishes and act as a 'go between' to the Diocese. The officers are also concerned that this leaves the council with the liability if any grave owner does not comply with the requirements of the faculty granted.

It is not recommended that this approach is undertaken.

The Church has advised that they have a volunteer who tracks down grave owners and that this has been successful in the past.

4.0 BADGERS

The gating licence has been received and all works by the Badger Conservation Trust and any remedial filling in must be completed by 30 November 2021. Reverend Gooding has been liaising with the family of the deceased and the clerk is seeking confirmation that a faculty has been sought by the family to backfill the badger entrance/exit within the grave. The faculty must be applied for by the grave owner, not the parish council, and the making good is also the responsibility of the grave owner. If faculty has not been secured by the cessation of the licence then the entrance/exit cannot be filled. The Parish Council is awaiting a response from the church regarding whether the timelines are anticipated to be met otherwise there is little benefit in fitting the gate.

There appear to be alternative entrances being excavated by the badgers and these are being monitored. It is anticipated that further gating licences will be required.

The land is also sinking in the area that is assessed to be above the badger sett. This is likely to exacerbate the land and memorial movement in this area and is causing some sizeable dips in the grave plots. These will need to be communicated to the grave owners by the Church.

It is expected that the spoil from the badger sett will include bone fragments from graves that have been excavated by the badgers. The Ivers Parish Council does not have any staff who can spot bone fragments and it is unknown at this time who has the responsibility for dealing with any bones; all excavations are being deposited onto land owned by Bucks Council. If bones are discovered they must be dealt with appropriately.

5.0 STABILITY OF LAND

The impact of the badger sett has been advised in section 4 however the land does not appear to be stable at the lower levels with many of the memorials presenting out of alignment.

The Clerk does not consider stabilisation of the land to be the responsibility of the Parish Council that undertakes maintenance, the land remains in the ownership of the Diocese and Legal Advice has been sought from the NALC solicitor with regard to which organisation is responsible for land stability. It is anticipated that this will be the responsibility of the land owner.

The Diocese is recommending that the vegetation/dead trees be cleared from the slope at the lower end of the Churchyards and that Alder trees be planted to provide increased stability. The land on which the slope and trees reside is in the ownership of Bucks Council.

Clearing and planting trees in this location will be a high resource specialist project. The slope is unstable, and the base of the slope is subject to standing water most of the year and is very boggy. The base of the slope is also very inaccessible due to fallen trees and nettles.

Once legal advice has been received the Parish Council will be able to consider its partnership actions with the Diocese.

6.0 COUNCIL REPAIRS

The council is responsible for maintaining the ambience of the churchyard. This does not require us to present a 'pristine' churchyard however it could be considered an issue where failed memorials are very visibly staked, fenced and/or taped and signed.

It is recommended to undertake the repair of the long term failures, of which the church has been unable to trace surviving family, on a planned schedule of one impactful works per annum. For 2022 – 2023 it is proposed to repair 3 above ground brick/stone tomb memorials outside of the church front door (see images below) using a system of brick wall removal and laying the top to ground level. The anticipated cost of this is £0 for a faculty that can be submitted by the church and £875 for the actual works. Just one faculty application is estimated to require about 2 days of officer time. Follow up reporting to the Diocese is also required.

Repairs to failed memorials will initially rest with the families of the deceased and the grave owners. In cases where responsible persons cannot be traced this Committee will need to consider the next actions.

7.0 SUMMARY OF ISSUES

The situation in The Ivers is complex and consists of:

- Recent failures of memorials
- Long term failures of memorials in the Old Churchyard
- Land that appears to be unstable and contains many uneven surfaces and holes

- A high intensity maintenance schedule is required with limited machinery use possible in the area
- An unstable supporting embankment with inaccessible/higher risk working area
- Badger ingress to embankment and exit/entrance within existing grave with potential disturbance of remains
- Evidence of further badger ingress and the 'sinkage' of land assessed as being above the sett
- The parish council having maintenance responsibilities but not being the owner of the land on which the Old and New Churchyards are situated
- No opportunity for dynamic action to tackle risk with Diocese faculty requiring considerable detail with a 12 week turnaround time
- Health and Safety Risk Management rests with Parish Council
- Parish Council has no member of grounds team trained for push pull testing and risk assessing the memorials

Informal advice provided by a civil engineer has advised us that the increasing rainfall along with excavated burial plots, backfilling, a downhill slope and an unstable embankment results in a higher risk of land 'shear'.

8.0 RECOMMENDATIONS

It is recommended that:

- 8.1 The Council adopts the five year approach to memorial testing with the application for faculty as per Appendix A submitted
- 8.2 The Council to contact all failed memorial grave owners in St Peters Burial Ground to inform them of the nature of the failure. To include advice that we cannot guarantee ground stability. Council to provide detail of failed memorials in churchyards for church to contact grave owners
- 8.3 Council to inform all grave owners who make contact of the need to apply for faculty
- 8.4 Clerk to deal with the badger gating in a manner depending on the response of the Church. Clerk to potentially seek a further gating licence
- 8.5 Bucks Council to be informed of the issue re the embankment and requested to attend for a site visit with council and diocese to discuss options
- 8.6 Committee to consider NALC Legal Advice when it is received
- 8.7 Repair of tomb memorial beside church front door to be undertaken by removing the bricks and laying the lid to the ground at a cost of approximately £875
- 8.8. Push pull training of up to 6 staff is undertaken as soon as possible
- 8.9 Council to implement plan for make safe standard repairs for memorials with no known grave owner
- 8.10 Grounds Maintenance Team to be trained to undertake risk assessment of memorials

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Images of 'tombs' to be repaired

