

Crawley Borough Council

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**Report to Overview and Scrutiny Commission
01 December 2014**

**Report to Cabinet
03 December 2014**

NEW CEMETERY, LITTLE TREES, TOLLGATE HILL CRAWLEY

Report of the Director of Community and Partnership Services
Report Number DC&PS/007

1. Purpose:

- 1.1 This report makes recommendations designed to ensure that continuity of the Council's burial service is maintained once the existing cemetery at Snell Hatch is closed for new burials.
- 1.2 A new site known as Little Trees (Pease Pottage Girl Guides) at the top of Tollgate Hill has been identified as the most favorable area to develop a new cemetery site. It is Council owned land, within the Borough boundary and is potentially suitable for the new Borough cemetery. The site is approximately 12 acres (4.8 hectares) and could potentially provide for up to 50 years of burial capacity.

2. Recommendations:

2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report, and consider what comments, if any, it wishes to submit to the Cabinet.

2.2 The Cabinet is asked to recommend the following to the full Council:

- 1) To agree the Little Trees site as the location of the new cemetery site for the Borough of Crawley,**
- 2) That the Little Trees site comprising approximately 12 acres (4.8 hectares) as identified in Appendix A be appropriated under Section 122 of the Local Government Act 1972 for use as a cemetery.**

- 3) **To authorise the Head of Partnership Services to accept the surrender of the Crawley Girl Guides Association's existing lease on the Little Trees site and to enter into a new lease to relocate the Crawley Girl Guides Associations to Hut 23 Tilgate Park, subject to consideration of any responses to a public open space advertisement at a future meeting of the Cabinet**
- 4) **To agree to authorise the Head of Partnership Services to accept the surrender of the Evolutionary Martial Systems' existing lease on Hut 23 Tilgate Park and to enter into a new lease for the provision of a new building within the recreational huts site at Tilgate Park.**
- 5) **To agree to authorise the Head of Partnership Services to invite tenders for the implementation of the Phase 1 works at the new cemetery site, subject to the necessary planning approvals and in consultation with the Portfolio Holder for Environment and the Head of Finance, Revenue and Benefits to accept the most economically advantageous tender and thereafter to enter into a contract for the works with the successful Tenderer.**
- 6) **To agree to approve a supplementary capital estimate of £979,000 to the existing capital budget provision of £721,000 and future revenue implications reflected within the Budget Strategy.**

2.3 Reasons for the Recommendations

- 2.4 In order to ensure service continuity, the Council has for some time been seeking to identify a site for a new cemetery. The site at Little Trees of Tollgate Hill has been identified as the recommended site for a new council cemetery.

3. Introduction

- 3.1 For the past 8 years the Council has been seeking to identify a suitable location for a new cemetery. To date over 40 sites consisting of locations both within and just outside of the borough have been considered by the Council.
- 3.2 Sites have been discounted for a variety of reasons: land scheduled as ancient woodland, land within a designated flood plain and land within the safeguarding zone of Gatwick Airport for instance. Additionally, there has been a range of other factors which have been taken into account; these include the size and configuration of the site, issues relating to access, proximity of public transport and site availability.
- 3.3 Throughout this process a key requirement has been the need to satisfy the Environment Agency that any land under consideration would be suitable for burial purposes.

4. Background

- 4.1 The decision of Cabinet on 13 November 2013, Minute 43 refers, 'New Crawley Cemetery – Provision of Burial Services', formerly rejected the use of Ewhurst Playing Field as a potential site for a new cemetery. As a result officers were authorised to re-evaluate all potential cemetery sites identified through the recent

consultation process and consider suitable sites located outside of the Borough boundary. As Snell Hatch cemetery will soon be full, there is an urgent need to identify, acquire and provide a suitable site for a new cemetery. Approximately 60+ sites have been considered during the winter of 2013/14 including the previously discounted sites.

- 4.2 A Working Group of members and officers was established in September 2014 and the recommendations contained within this report reflects this work. An Officers Project Board has also been established and key officers across a range of services have been involved.
- 4.3 The site known as Little Trees (Pease Pottage Girl Guides) at the top of Tollgate Hill has been identified as the most favorable site (see Appendix A). It is Council owned land, within the Borough boundary and is potentially suitable for the new Borough cemetery. The site is approximately 12 acres (4.8 hectares) and could potentially give up to 50 years of burial provision.
- 4.4 The proposed site at Little Trees meets the majority of the Councils requirements. Where it does not, ie visitor facilities, these can be provided and have been identified within the feasibility design and budget proposal.
- 4.5 Detailed site investigations and surveys are now complete and no significant risks have been highlighted.
- 4.6 Initial contact has been made with the Environment Agency and no undue risk has been identified. There will be a need for a full flood risk assessment as part of the planning application process.
- 4.7 The Local Planning Authority has been consulted and it is considered that although the site offers a number of challenges there are no undue constraints and comments were positive. However, the planning application will be considered on its merits.
- 4.8 Discussions have also been had with WSCC highways in regards to the access and a full Traffic Impact Assessment is underway. The feasibility design and budget reflects the initial highway requirements. The roundabout adjacent to the site already contains an existing spur facilitating construction of a new access direct into the Little Trees site.
- 4.9 The site is currently held by the Council for recreational purposes and leased by the Council to the Crawley Girl Guides Association for a term of 35 years from 29 September 2012. During the past months discussions have been developed to enable the Guides to be relocated to suitable alternative premises.

5 Relocation of Crawley Girl Guides Association:

- 5.1 Alternative accommodation has been negotiated with the Guides consisting of a new recreation hut at Tilgate Park and a fenced area within the adjacent woodland, comprising approximately 0.6 hectares for camping activities. Initial discussions with the Guides' leaders have proved positive and we have jointly developed a Heads of Terms (HoT), which was approved at the Guides AGM on the 10 October 2014.
- 5.2 The alternative accommodation being proposed for the Guides is on the disused site of a previous recreation hut, number 23 at Tilgate Park, which is currently leased by the Council to Evolutionary Martial Systems. Hut 23 has the benefit of planning permission for a new building which has recently been obtained by Evolutionary Martial Systems. Evolutionary Martial Systems will need to be relocated into a new hut that the Council will provide on the site of another

previously demolished hut. A new planning permission will be required for this site. Planning permission and a public open space advertisement will also be required in respect of the fenced woodland area adjacent to Hut 23 to be leased to the Guides.

6 Little Trees Site:

- 6.1 The Little Trees site will be developed over a number of years. Under Phase One the initial infrastructure and set-up costs will take up to 2 years to implement. It is anticipated that, and subject to the relevant approvals, Phase One of the new cemetery will be operational by Autumn 2016. Phase One will be planned and laid out to provide burial capacity sufficient for a period of around 10 years (see Appendix B). The remaining site area will be left generally as is, ie. open woodland, but the site boundaries will have to be established and suitable fencing erected.

7 Financial Position:

Capital

- 7.1 The current budget provision for this project is £721,000.
- 7.2 Current commitment and expenditure on site surveys and investigations is £130,000.00
- 7.3 The Little Trees site is an unserviced, green field and wooded site and will require a supplementary capital estimate of £979,000 to cover the following budget areas.

Total Budget Estimate (Phase 1):	
Fees	£95,000
Site Investigations	£130,000
Guides Relocation (including hut relocations)	£260,000
Cemetery Infrastructure (Phase one construction)	£1,000,000
Other	£15,000
Contingency	£200,000
Total	£1,700,000*

*Note the £1,700,000 total budget estimate includes the current budget allocation of £721,000 which includes the expenditure to date.

- 7.4 Given the current green field nature of the site it is recommended that a contingency provision of £200,000 is contained within the budget to provide for any unforeseen costs associated with the provision of services and access arrangements.
- 7.5 Please note that the headline costs above are estimates and may fluctuate as the scheme develops and when service infrastructure costs are confirmed. This budget will cover financial years 2014/15 to 2024/25 ie 10 years

Revenue

- 7.6 The existing Snell Hatch cemetery will remain operational indefinitely and therefore will require its existing revenue expenditure.
- 7.7 There will be a phased increase in costs as the new cemetery comes on stream. The fully operational effect would require an additional two members of staff together with running costs to include utilities, NNDR and grounds maintenance costs. The income from burial graves and memorials will replace the shortfall in income at the existing cemetery as it reaches full capacity. There will be a phased increase in costs of initially £35,000 per annum rising to £70,000 per annum when fully operational. These costs will need to be fed into the Budget Strategy.

8 Legal Position:

- 8.1 The provision of a burial service is discretionary and not a statutory function of the Council. However, Section 214 of the Local Government Act 1972 designates the Council as a burial authority empowering it to provide this service on behalf of local residents.
- 8.2 The Local Authorities Cemeteries Order 1974 (amended in 1977 and 1986) gives the Council as burial authority general powers of management to do all such things as it considers necessary or desirable for the proper management regulation and control of a cemetery.
- 8.3 Part of the land to be leased to the Crawley Girl Guides Association (the fenced area within the adjacent woodland) comprises public open space. Section 123 of the Local Government Act 1972 provides that before disposing of any land which comprises public open space the Council is required to advertise its intention and to have regard to any representations or objections which are received.
- 8.4 The Council acquires and holds land for various statutory purposes in order to perform its functions. The process of changing that purpose without changing the ownership is described as appropriation. If it decides that it needs to hold land for a different purpose or function to another then it may appropriate the land under Section 122 of the Local Government Act 1972.
- 8.5 Section 122 requires that the land which the Council is seeking to appropriate must no longer be required for the purpose for which it is to be held immediately before the appropriation. The question as to whether or not the land is no longer required for the purpose for which it is held immediately prior to the appropriation is a question of fact solely for the Council to decide upon acting in good faith.

9 Programme (Phase one):

9.1 May to December 2014

- Surveys and site investigations to be undertaken,
- Appointment of a specialist cemetery consultant to assist with the

- preparation of the cemetery design / master plan,
- Negotiations with Girl Guides and completion of the Heads of Terms and associated legal documentation.
- Carry out Phase one consultation,
- Develop the master plan and budget,

9.2 December 2014 to September 2015

- Preparation and submission of an application for full Planning Permission for the Little Trees site, the fenced woodland area adjacent hut 23 Tilgate Park and Evolutionary Martial Systems new site.
- Design and procurement of works required for Guides to move to Tilgate.
- Design and procurement of infrastructure works (phase 1)
- Commence works for Guides

9.3 October 2015 – October 2016

- Site clearance of trees identified as not required including scrub, damaged or in key locations, etc.
- Infrastructure works on site

9.4 October 2016 - New cemetery operational.

10. Public Consultation:

10.1 Public consultation ended on the 11 November 2014

10.2 Out of the 92 people who took part, 72% (66) supported the proposal. Reasons for supporting the development centred on the need to provide this facility for local people, that the site was in a good location, it appeared to have easy access as well as offering peacefulness, tranquillity and natural beauty.

10.3 There were 28% (26) participants who disagreed with the proposal – comments mainly came from nearby residents concerned about the impact the proposal would have on the value their property, and a small number of Guide parents expressed concerns about the safety of the new Guide site at Tilgate.

10.4 When asked about concerns with developing the site, comments focussed on the impact development might have on the environment. Comments made about accessing the site suggested that some people were concerned about the impact the cemetery would have on traffic in and around the area.

10.5 Consultation was extended to a wide range of organisations that may be affected by the proposals. These included funeral directors, faith groups, and other statutory organisations. Response from these groups was low and only 5 questionnaires were returned, all of which supported the development. Comments suggested that they understood the need for a cemetery in the town and generally supported its development.

10.6 Issues were also raised at a number of exhibitions held at K2 Crawley and the Civic Hall. Those directly impacted by the changes were more likely to attend such events which gave them an opportunity to discuss in more detail how their personal situation was likely to be affected by the proposal. Some of those people who had just purchased a new build property adjacent to the proposed cemetery site indicated that they were unaware of the proposal until now.

Comments from those people suggested that if they had been aware of the proposal it may have influenced their decision to buy a property in that location. Some of the more established residents within that community also raised concerns about the use of the current access lane, how their properties would be separated from the site and the impact it would have on some of their gardens. Scout representatives who attended the events generally supported the proposal.

11. Ward Members' Views:

11.1 There is support from Members generally for the development, in particular following the Working Group and briefings with Portfolio Members and the Cabinet. Ward members are aware of the proposals and detailed consultation with ward members will occur during the next stages as the scheme progresses.

12. Staffing Implications:

12.1 In terms of staff, it is anticipated that in-house property, planning and legal staff will be utilised in the main for relevant work.

12.2 An Equality Impact Assessment is not required

13. Environmental Impacts:

13.1 As this is such a large development area of open pasture and woodland land, there are obviously many environmental issues to be addressed. However, these will be dealt with as part of the planning application process and subject to planning permission being granted by appropriate planning conditions. An Environmental Impact Assessment will need to be submitted with the planning application.

14. Background Papers:

NEW CRAWLEY CEMETERY (Part B report)
Report No: AM/043 to Overview and Scrutiny Commission 19 March 2012 and Cabinet 21 March 2012

NEW CRAWLEY CEMETERY - PROVISION OF BURIAL SERVICES
Report number DCS/23 to Overview and Scrutiny Commission 11 November 2012 and Cabinet 13 November 2013.

Heads of Terms between the Council and the Girl Guides Association
(confidential)

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RTB ref: XXX

Scale: 1:2,500

05/11/2014

Land at Pease Pottage:
 Shaded Green -
 leased to Girl Guides
 Shaded Blue -
 occupied under licence
 Edged Red -
 owned by Crawley Borough Council

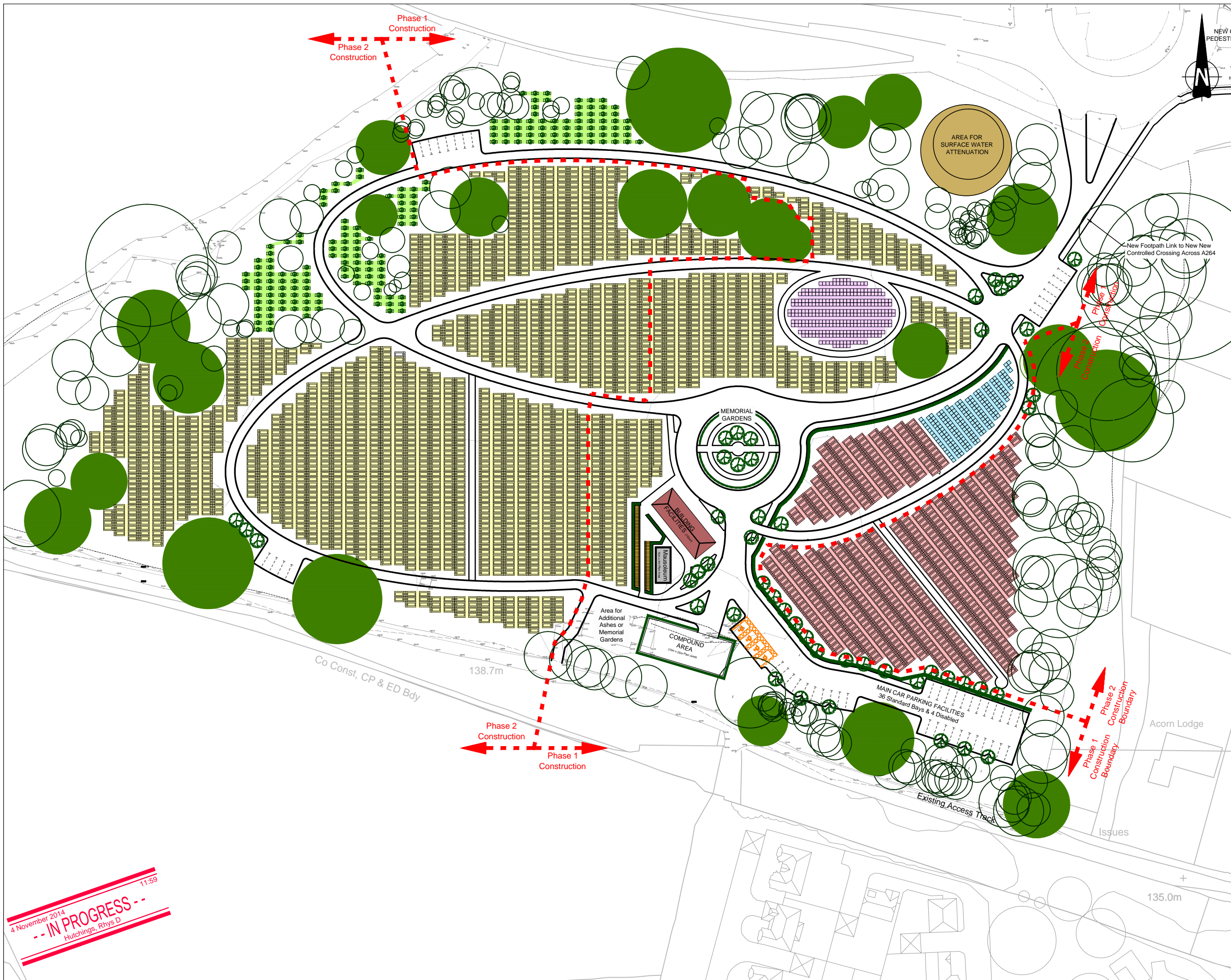
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GENERAL NOTES

Dimensions to be verified on site. This drawing should not be scaled. Any discrepancies should be referred to the Engineer prior to work being put in hand.

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KEY

- TRADITIONAL BURIAL (Provision for 2,328 Plots)
- SECTION FOR MUSLIM BURIAL (Provision for 646 Plots)
- TRADITIONAL CHILD BURIAL (Provision for 312 Plots)
- MUSLIM CHILD BURIAL (Provision for 215 Plots)
- WOODLAND BURIAL (Provision for 183 Plots)
- ASHES BURIAL (Provision for 183 Plots)
- ROOT PROTECTION ZONE Cat A/B tree with trunk $\phi > 600\text{mm}$ to be retained
- ROOT PROTECTION ZONE Tree with trunk $< 600\text{mm}$ to be retained
- PROPOSED TREE

NOTES

Based on Burial Records 2011 to 2013 taken from CBC Cemetery at Snell Hatch the average burial requirements are as follows:

Single Year

- New Traditional Plot Opened = 47 No
- New Muslim Plot Opened = 12 No
- New Traditional Child Plot Opened = 5.3 No
- New Muslim Child Plot Opened = 4.3 No

50 Year

Based on a Proposed Life Span of 50 Years for the new developments desired provision should be as follows (+ 10% Growth Factor):

- New Traditional Plot Opened = 2,585 No
- New Muslim Plot Opened = 678 No
- New Traditional Child Plot Opened = 308 No
- New Muslim Child Plot Opened = 217 No

Phase 1 Construction (Provision for 1st 10 Years)

It is intended that the development will have a Phased Construction with the first phase intending to Provide adequate provision for the first 10 year of the developments opening.

Phase 1 desired provision should be as follows (+ 10% Growth Factor):

- New Traditional Plot Opened = 517 No
- New Muslim Plot Opened = 136 No
- New Traditional Child Plot Opened = 62 No
- New Muslim Child Plot Opened = 43 No

Proposed Phase 1 Provision

- New Traditional Plot Opened = 517 No
- New Muslim Plot Opened = 142 No
- New Traditional Child Plot Opened = 308 No
- New Muslim Child Plot Opened = 215 No

REV	DATE	DESCRIPTION	BY
A05	29:10:14	DESIGN DEVELOPMENTS	RH
A04	13:10:14	DESIGN DEVELOPMENTS	RH
A03	08:10:14	CDS PLAN AND RPZ ADDED	RH

AMENDMENTS

PROJECT:-
LITTLE TREES CEMETERY DEVELOPMENT

TITLE:-
GENERAL ARRANGEMENT

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Drawing Status: **PRELIMINARY**

Scale	Designed	Drawn	Checked	Date
1:500@A1; 1:1000@A3 <small>work to figured dimensions only</small>	RH	RH	GW	17-03-14

Project No	Drawing No	Revision
13325 215 -	100	- A05

4 November 2014
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 Hutchings, Rhys D 11:59