LOCAL AUTHORITY MANAGEMENT OF CONSECRATED BURIAL GROUNDS – Greater London

Background

The 32 boroughs within Greater London all have some level of interaction and responsibility with Church of England consecrated burial grounds and cemeteries. Most will have their own municipal cemeteries, whether in direct management or contacted out, many of which will be consecrated wholly or in part.

In addition, many local authorities have maintenance responsibilities for formally Closed burial grounds in church ownership (as opposed to those still open for burial). These take many shapes and sizes, including traditional churchyards, extensions to churchyards, detached burial grounds or sites formerly occupied by church buildings and bombsites.

These responsibilities may have come in the form of a specific agreement made between the church (*vestry* or later *parochial church council*) and the local authority; many such arrangements were entered into in the years following the Burial Acts of the 1850s. More recently a general provision has been made under the Local Government Act 1972, permitting parochial church councils to serve notice on their local authority to "take over the maintenance of the churchyard".

While the local authority may have taken on maintenance responsibility, in the vast majority of cases the freeholder of these places remains the incumbent of the benefice (the parish priest). All consecrated land remains under the Faculty Jurisdiction of the Chancellor of the relevant Diocese, and proposals for works on these sites requires the consent of the Chancellor.

Categories of works requiring consent

There is no definitive list of the works that require Faculty consent. In the case of **local authority owned and managed cemeteries**, the following works are likely to require faculty consent:

- Works potentially disturbing remains in consecrated ground
- Works affecting a heritage asset
- Works likely to elicit public comment
- Major programmes of work such as banking up or systematic safety testing or removal of memorials

For **church-owned sites under the care of the local authority for maintenance**, all of the above and in addition:

- Licences for occupation or commercial operations

- Works to trees
- All works disturbing the ground below 400mm (including running pipes, cables, digging foundations for permanent equipment)
- Like-for-like repairs to structures in the closed burial ground above the Diocese's minor works limit (this varies from Diocese to Diocese).
- All works of alteration to memorials or other structures in the closed burial ground
- In all cases the relevant parochial church council should give its consent via a formal resolution.

NB The construction of any shed or other structure may contravene the 1884 Disused Burials Grounds Act and requires a special consents procedure – please consult with the relevant DAC secretary.

Dioceses & Contacts

The area now covered by Greater London falls into five different church of England Dioceses, each has a website giving precise details of its geographical area. Diocesan and borough boundaries are not contiguous.

London (www.london.anglican.org) – north of the Thames from Hampton to Bow, boroughs of: City of London, Westminster, Hackney, Islington, Tower Hamlets, Hammersmith & Fulham, Richmond (that part north of the Thames), Hounslow, Royal Borough of Kensington & Chelsea, Barnet (part only), Camden, Enfield, Haringey, Brent, Ealing, Harrow, Hillingdon (Geoffrey Hunter 020 7932 1230)

Southwark (www.southwark.anglican.org) – south of the river from Kingston to Greenwich, boroughs of: Southwark, Lambeth, Croydon, Richmond (that part south of the Thames), Sutton, Wandsworth, Merton, Lewisham, Greenwich, Kingston (Andrew Lane 020 7939 9456)

Chelmsford (www.chelmsford.anglican.org) – East of the river Lee, north of the Thames, boroughs of: Waltham Forest, Redbridge, Newham, Barking & Dagenham, Havering (Sandra Turner 01245 294 423)

Rochester (www.rochester.anglican.org) – south of the Thames, the boroughs of: Bexley & Bromley (Sarah Anderson 01634 560 000)

St Albans (www.stalbans.anglican.org) – that part of the borough of Barnet not within the Diocese of London (Emma Critchley 01727 854 532)

Process

In cases where it is not clear the best starting point to ascertain (a) whether consent is needed, and (b) how to obtain it, is the Secretary of the relevant Diocesan Advisory Committee. In cases where the land is church owned, the relevant freeholder (normally the local vicar) should also be consulted at an early stage.

As part of the faculty process consultation must be carried out with the relevant Diocesan Advisory Committee and also other statutory consultees (as advised by the DAC Secretary). Clear and detailed proposals will be needed for effective consultation. A 28 public notice must be displayed and a formal petition submitted to the Diocesan Registry. The details of this process may vary between the different dioceses; so again, the DAC Secretary is your best first contact.