

East Hertfordshire District Council

Consultation on Private Bill Bishop's Stortford Cemetery

East Hertfordshire District Council (EHDC) is seeking to promote a private Bill on behalf of Bishop's Stortford Town Council (BSTC) in order to ensure the continued provision of burial space within two cemeteries in its area, one either side of Cemetery Road, Bishop's Stortford, Hertfordshire. These cemeteries are the only municipal cemeteries in the civil parish (hereafter referred to as 'the Town').

BSTC has advised that grave space available for new graves is sufficient to last less than a generation at the current rate of purchase, approximately 25 graves per year (a value which has been stable for several years but which may change in light of population growth). The population of the Town is approximately 40,000 and is expected to grow to around 50,000 by 2030. There is therefore an acute concern that grave space will not be sufficient or sustainable for the Town, meaning it will be impossible to provide burial space for residents within the Town.

BSTC previously consulted on the proposals for a Private Bill and has carried out considerable investigation, including searching for further land, using its existing powers as well as considering areas with tree root protection, and has concluded that the only practical way to ensure the continued provision of space for burial within its area is to seek additional powers through a private Act of parliament, similar to those acquired by burial authorities in the London Local Authorities Act 2007, the New Southgate Cemetery Act 2017 and Highgate Cemetery Act 2022.

Under s.239 of the Local Government Act 1972 a District Council can promote a private Bill if it considers it is expedient to do. Following consideration of consultation responses, EHDC will resolve whether the promotion of a Bill to enable burial space re-use in the cemeteries is expedient, at a full council meeting held on 16th November 2022.

The powers under the proposed Private Bill for the cemeteries would in brief comprise of:

- A) The power to extinguish exclusive rights of burial issued in perpetuity or for more than 75 years
- B) The power to disturb human remains and thus to reuse graves (subject to certain conditions)
- C) The power to remove memorials from any grave where the powers above have been exercised

These powers can only be exercised in respect of any particular grave provided that no objection is received from the owner of the grave or relatives of any person whose remains are interred, following a period of advertising.

The Bill, if enacted, would immediately allow space for an estimated 1000+ graves. These additional powers would provide a supply of grave space for at least the next century and quite possibly and with appropriate management, indefinitely. By providing for a sustainable re-use, it would also make it less likely the cemeteries fall into disrepair.

Consultation Comments

EHDC is now seeking comments from residents and other stakeholders on its proposal to seek these additional powers through a Private Bill. Comments received will be duly considered prior to any final decision to proceed with the promotion of the Private Bill. Comments should be sent:

By email to Victoria.Wilders@eastherts.gov.uk with the subject line 'Cemetery Consultation'

or by post to

East Hertfordshire District Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

Comments must be received no later than 10th October 2022.

All comments received will be duly considered prior to any final decision to proceed with the promotion of the private Act.