

**WRITTEN MEMORANDUM**  
**NEW SOUTHGATE CEMETERY BILL**

**1 Introduction**

- 1.1 New Southgate Cemetery and Crematorium Ltd as the promoters of the New Southgate Cemetery Bill appeared before the Unopposed Bill Committee on 24 January 2017. In response to questions from the Chair and Mr Hussain, the promoters described the regularly maintained nature of the Cemetery<sup>1</sup>, and confirmed that the Cemetery is not left to grow wild.<sup>2</sup> As part of this, the promoters undertook to carry out studies of wildlife and fauna to make sure that it was protected when the promoters exercised the powers of the Bill.<sup>3</sup> That undertaking was clarified in Mr Richard Evans's letter of February 2 to the Chairman of Ways and Means as follows:

“Before exercising any of the powers conferred by section 4 of the Act, to carry out a nature conservation assessment of the cemetery grounds in accordance with the Technical Guidance on the Re-Use and Reclamation of Grounds in London Local Authority Cemeteries (dated October 2013, or any replacement document).”

- 1.2 The Promoter is submitting this further memorandum in order to provide more detail of the standard of maintenance of the Cemetery, and the controls that will be in place to protect wildlife and fauna, if the Bill is passed.

**2 Maintenance of the Cemetery**

- 2.1 The promoters' descriptions of the Cemetery were made in response to questions from the Chair raising the issue of whether an impact study on wildlife and fauna in the cemetery had been carried out.<sup>4</sup>
- 2.2 In response, the promoters confirmed that the Cemetery benefited from a regular maintenance system,<sup>5</sup> and could not be described as a nature reserve<sup>6</sup> or put in the same category as overgrown and potentially disused churchyards or cemeteries which the Chair alluded to in his questioning,<sup>7</sup> or where there was insufficient revenue to cover maintenance costs<sup>8</sup>. The Promoters also recognised that the trees in the Cemetery could be described as an important landscape for birds.<sup>9</sup>
- 2.3 The promoters understand that the Chair has since been sent photographs by an unidentified party that show a section of the Cemetery which is overgrown. The promoters have not had the opportunity to examine the provenance of the photographs, but believe them to be from a section of the Cemetery where memorials have been moved to replace the railings along the

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<sup>1</sup> Paragraphs 104 to 123, and 166 to 169, of the transcript.

<sup>2</sup> Paragraph 108.

<sup>3</sup> Paragraphs 117 & 123.

<sup>4</sup> Paragraph 104.

<sup>5</sup> Paragraph 107.

<sup>6</sup> Paragraph 107.

<sup>7</sup> Paragraph 112.

<sup>8</sup> Paragraph 166: “You would effectively have the situation that you've probably seen, where cemeteries are more wild and full of fauna and flora, because there now isn't the revenue to maintain those places.”

<sup>9</sup> Paragraph 107.

Brunswick Park Road frontage, over the past few years. This work has led to some overgrowth during this period however with the memorials due to be returned when the work is completed later in 2017, the overgrowth is due to be cut back. The promoters therefore respectfully submit that the photographs are not representative of the 60 acre site of the Cemetery as a whole.

- 2.4 Further, while the promoters do acknowledge that these images appear inconsistent with their descriptions of the Cemetery, given the context in which the issues of maintenance were raised by the Committee, the promoters understood the Committee to be concerned about whether the Cemetery *as a whole* was a resource for wildlife in the same way as many disused cemeteries are – for instance, the Chair’s statement that cemeteries elsewhere are “*one of the greatest wildlife habitats that we have, because lots of it is untouched*”.<sup>10</sup> In response, therefore, the promoters intended to represent that the Cemetery *as a whole* was an operational cemetery that is regularly maintained, and could not be compared to a closed churchyard or cemetery which has become a place where natural wildlife or protected species<sup>11</sup> were freely able to create habitats.
- 2.5 The promoters did not seek to give the impression that every single part of the Cemetery is fully maintained at all times. In particular, in Winter, less gardening and other maintenance takes place than during the growing season in Spring and Summer. This is implicit in Mr Evans’s statement that the promoters “are strimming back grass every two weeks *in the season*”<sup>12</sup>, although the promoters recognise that this statement could have been clearer that less maintenance takes place outside the growing season, and take full responsibility for this. As a result of the raiing works mentioned above and the reduced maintenance over Winter, this particular section was therefore relatively overgrown by February, when these photographs appear to have been taken.
- 2.6 The full complement of grounds staff returned to work at the beginning of March and the Cemetery has already benefitted from spring cleaning, as may be seen in the appended photographs. These place the photographs already submitted into proper context, and allow the Committee to consider the accuracy of the promoters’ previous statements. So far as the Cemetery as a whole is concerned, the promoters respectfully consider that the appended photographs confirm their view that it is maintained to a high standard, as described during the Committee proceedings, and cannot properly be compared with those closed churchyards that have been left to become reserves for nature.
- 2.7 The regular Cemetery maintenance regime involves the following activities:
- Strimming all grass.
  - All headstones in any designated area blown clean as much as possible.
  - All trees and other features within designated areas strimmed.
  - All roads are cleaned of arisings after a cut has taken place.
  - All leaves cleared within the site between November and January.
  - All shrub beds and other planted areas weeded weekly.
  - Main entrance cleared of leaves and any other debris daily.
  - Weekly sweeping of roads and paths within site.
  - Removal of floral tributes once the staff have piled them up
  - All bins emptied twice a week.
  - All roads and paths sprayed with weed killer as required.
  - Organising skip exchanges as necessary.

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<sup>10</sup> Paragraph 111.

<sup>11</sup> Paragraph 121.

<sup>12</sup> Paragraph 107.

- Organising delivery of top soil for frames.
- Cutting hedges and prune shrubs when required.
- Replacing dead rose trees following receipt of list from staff.
- Organising the construction of family gardens
- Irrigation of trees, shrubs and plants during dry periods.
- Topping up and tidying of graves as required.
- Reporting road deterioration and damage
- Digging, preparation and backfilling of ashes interments.
- Daily clearance and tidy of floral tribute area and toilets.
- Daily clearance of rubbish from all public areas around crematorium.
- Daily cleaning of public toilets and other public areas within the crematorium complex.
- Minor works requested by the public.

2.8 The promoters would be pleased to arrange a site visit by members of the Committee if this would be helpful.

### **3 ENVIRONMENTAL PROTECTIONS**

3.1 In any event, the promoters respectfully submit that, irrespective of whether any parts of the Cemetery are currently overgrown, the environmental controls in place will protect any wildlife and plant life that is present from any impacts that might be caused by the exercise of the Bill powers. This is both because of the controls that are already in place, and the assessments that the promoters have undertaken to carry out.

#### **Controls already in place**

3.2 As noted by the promoters, the Bill would not disapply any of the environmental controls that are already in place.<sup>13</sup> These include the following protections:

3.2.1 First and foremost, the Bill does not confer any powers to carry out development or remove the need for planning permission, rather it widens the promoters' powers to extinguish burial rights and to disturb and reinter human remains. Accordingly any proposed works that would need planning permission now would still need planning permission if the Bill is passed. Conversely, some works may be carried out now without planning permission, such as grave digging and gardening, and this would remain the case irrespective of whether the Bill is passed.

3.2.2 The Wildlife and Countryside Act 1981 which protects wild animals, plants and new species. Among other things, the Act makes it an offence for the promoters to kill or injure any wild birds, their nests/eggs, or any wild animals (as defined in the Act) and makes it an offence to intentionally pick, uproot or destroy any wild plants (as defined in the Act).

3.2.3 The Conservation of Habitats and Species Regulations 2010 provide wide ranging protections for wild animals of a European protected species and for plants of a European protected species should any of these be found in the Cemetery following a survey (see below). In addition, if a badger sett is found, the Protection of Badgers Act 1992 imposes further protections.

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<sup>13</sup> Paragraphs 113 and 119.

- 3.2.4 The Town and Country Planning (Tree Preservation) (England) Regulations 2012 prohibit cutting down, topping, lopping, uprooting, wilfully damaging or destroying a tree to which a tree preservation order applies. The London Borough of Barnet (Great Northern London Cemetery, Brunswick Park Road, N11) Tree Preservation Order 1980 is in place protecting 4 areas, 6 groups of trees, and 13 individual trees, including trees within the Cemetery.
- 3.3 The Bill does not affect, vary or disapply any of the above protections. In addition, where particular memorials or graves have historic interest, the Bill requires consultation with Historic England and the Commonwealth War Graves Commission, so that heritage interests are also protected.

### **Undertaking given by the promoters**

- 3.4 As noted above, the promoters have undertaken to carry out a nature conservation assessment of the cemetery grounds in accordance with the *Technical Guidance on the Re-Use and Reclamation of Graves in London Local Authority Cemeteries*. This assessment that the Promoter has undertaken to carry out includes, as a minimum, a desk survey and a Walkover and Phase 1 habitat survey to Joint Nature Conservation Committee standards. Phase 1 habitat surveys require a record to be made of the semi-natural vegetation and wildlife habitats which involves the Cemetery being assessed by a trained surveyor and approximately 90 specified habitat types being mapped.
- 3.5 The surveys, in accordance with the Technical Guidance, will likely include:
- documentary research,
  - architectural assessments,
  - landscape design surveys,
  - a tree survey
  - ecological and habitats surveys,
  - additional specialist surveys as necessary where protected species or plants are detected,
  - a wider set of surveys and assessments where appropriate following the results of any of the initial assessments (for example, species surveys or surveys identifying badger setts and breeding birds)

The promoters will publish the results of these surveys on their website once completed.

- 3.6 These assessments will be carried out as part of a wider Conservation Management Plan (CMP), which the promoters will undertake in accordance with the Technical Guidance which takes into account the assessments and surveys already committed to. The CMP will take into account and assess, among other things, the ecological, arboricultural and landscape values of the Cemetery. The CMP will take a 'character' based approach which maps out areas with distinct and recognisable character in the Cemetery to ensure that these are maintained. More

relevant, the Technical Guidance states that the CMP will need to address “as a minimum... landscape design, architecture, nature conservation, amenity and open space”.

- 3.7 The promoters will also publish the CMP on its website once completed. The promoters will ensure that the re-use and other powers under the Bill are carried out with due regard to the CMP.

#### **4 CONCLUSION**

- 4.1 The promoters respectfully reaffirm that the Cemetery is a well-maintained working cemetery that cannot properly be compared with those underused cemeteries that have become nature reserves. They do not agree that it can properly be characterised as overgrown, or that the photographs provided to the Committee are representative of the Cemetery as a whole.
- 4.2 Further the promoter has acted and will continue to act in accordance with all environmental obligations, and will comply with the undertakings given to the Committee in exercising the powers under the Bill.
- 4.3 The promoters’ primary consideration remains ensuring that the religiously and ethnically diverse members of the community who use the site for burial can continue to use the Cemetery. The Bill is necessary to allow the cemetery to sustain future burials and the promoters are committed to doing so in a way that is consistent with all of the obligations in law and undertakings given to the Committee whilst maintaining high standards for the users of the cemetery.

**FOR AND BEHALF OF NEW SOUTHGATE CEMETERY AND CREMATORIUM LTD  
5 SEPTEMBER 2017**