



**Comhairle Chontae Liatroma
Leitrim County Council**

LEITRIM COUNTY COUNCIL

BURIAL GROUNDS POLICY (2016-2022)

As adopted by the Elected Members of Leitrim County Council
11th July 2016

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1.0 INTRODUCTION

1.1 Legislative Background

The Public Health (Ireland) Act of 1878 provides for the provision, maintenance and control of burial grounds. Such places had been provided on a parish basis in Ireland and, very frequently, were in the vicinity of, and associated with, the ruins of churches which had existed in previous centuries. These burying places were controlled locally and in the case of catholic burial grounds, by the parish priest and his parishioners. The local authority acting as the sanitary authority became the burial board for each sanitary district but only those burial grounds previously vested in a burial board under the Burial Grounds Acts transferred to the local Authority. As a consequence, the Sanitary Authority does not have a function or duty in respect of many of the older burial grounds. In the interest of public health, power was given to Local Authorities to restrain the opening of new burial grounds and to order the discontinuation of burials in specified places.

The Local Government (Sanitary Services) Act of 1948 also deals with the disposal of bodies. It provides that bodies must only be buried in properly designated burial grounds. An exception to this is that a clergyman may be buried in or adjacent to a church. The 1948 Act also makes provision for the exhumation of bodies and for the disposal of bodies otherwise than by burial.

The 1994 Local Government Act amended the law and essentially provided that any person or group could develop a burial ground subject to obtaining full planning permission. This is a significant change which facilitates the provision of burial grounds by persons or groups other than local authorities, but particularly local community groups.

The 2001 Local Government Act clarified the role of individual local authorities vis-a-vis joint burial boards.

1.2 Maintenance of Burial Facilities

- There are a large number of burial grounds in service throughout the County. The Council, through its Area Offices, carries out limited maintenance where necessary. However, the limited financial and staff resources available dictate that the Council itself is not in a position to carry out on-going maintenance to all burial grounds and there are numerous voluntary local committees who carry out much needed maintenance to burial grounds in their localities. The high standard to which these burial grounds are maintained is a credit to these local community groups.
- It shall be a stated requirement that all refuse and/or disused items associated with burial spaces are removed from the Burial Ground by those responsible for the relevant burial space.

1.3 Management of burial spaces within existing and new burial grounds, as provided by the Local Authority.

Many of our existing burial grounds have none or limited spaces available because plots have been acquired in advance by persons who have long since left the area and are highly unlikely to return. In other cases plots have been acquired in advance by relatively young and healthy people.

This has resulted in an accumulation of burial spaces which are unlikely to be used in the medium term and an obligation on the Council to provide spaces elsewhere.

We now recommend that burial spaces are allocated only as the immediate need arises and on the demise of a person. Only in circumstances where a spouse is also alive, will a double or family plot be allocated. Regard will be had to special circumstances, e.g. a sole surviving offspring or sibling.

In order to ensure the proper maintenance of burial grounds in the future, we have considered the merits of having a uniform approach to the layout of each of the burial plots, i.e. whether the plots are surrounded by kerbs or are maintained as a lawn type feature. Conscious of the sensitivities involved and the traditions of the county including a disposition to view the plot acquired as being ones own, we are recommending that a nominal 100mm kerb surround must be a condition of any spaces allocated.

We also recommend that the height of any monument or headstone shall not exceed 1.2m above the level of the kerb.

2.0 Provision of Burial Grounds to meet needs

It is acknowledged that a significant number of Parish/Community Groups within the County continue to do excellent work in the area of graveyard maintenance.

The objective of Leitrim County Council policy is to include Local Communities on a structured basis in the management and operation of Burial Grounds in their local areas in partnership with the Council.

The policy provisions are set out as follows:-

2.1 Council Role

- Allocation of grave spaces will be based on imminent need
- The Council will facilitate the establishment of local Burial Ground Committees who will ensure the proper upkeep and maintenance of their Burial Grounds.
- The Council will assist and encourage Burial Ground Committees to develop a mapping/inventory of burial ground records to assist in family history projects.
- Detail in regard to insurances associated with Burial Grounds management through local committees is set out at appendix 1.

2.2 Community Role

- The local Community is encouraged to establish Burial Ground Committee for their local Burial Ground.
- The Local Committee will implement and oversee the ongoing upkeep and maintenance of the Burial Ground funded by local fundraising activities. The Council would have no objection to the committee organising a relevant supported community employment program to help with this task such as Tus or Rural Social Scheme.
- The Committee will liaise with the Graveyard Caretaker where necessary on their activities.
- A formal agreement, setting out the agreed role of both the Council and the Local Committee can be put in place.

2.3 Grant Aid

In the past Leitrim County council have grant aided a number of Burial Grounds Committees for expansions, footpaths, fencing etc. If a Committee wish to avail of grant they need to;

- Prepare a preliminary proposal in writing outlining what exactly the committee wish to do, a prioritised action plan, costs, etc.
- The proposal should be prepared in consultation with the relevant Area Engineer with particular emphasis on suitability and technical adequacy of the proposal.
- A view on the need for Planning Permission should be included as part of the proposal. Where planning permission would ordinarily be required the Council in most instances would conclude that the improvement or expansion of a burial ground in being carried out in partnership with the Council and hence the provisions of Part VIII or the Planning Regulations would apply.
- Following agreement with the Council in regard to the actions that will be considered for grant prepare detailed plans and specifications for the proposed works in consultation with the Area Engineer. In this regard a technical agent would be required to be in place by the Committee who would also be responsible for the preparation of the Planning Permission or Part VIII proposal documentation.
- Arrange relevant procurement for the proposed works.
- Formal application by letter for grant aid including detailed quotations, project timescales, project supervision etc should then be submitted to the Council. Details of the value of local contributions should be submitted at this stage also.
- Arrange appropriate appointments of competent persons project supervisor both design and construction in accordance with health and safety regulations.
- A Letter of Offer detailing the grant aid and conditions imposed will be issued following assessment of the application. (Projects must ready to proceed to construction within a limited timeframe following issue of the Letter of Offer).
- Maximum grant aid available for any approved project will be €20,000 subject to a maximum 70% of agreed costs.
- To obtain a grant the committee must have Tax Clearance Certificate and all payment by the Local Authority must be paid into the Local Committee bank account.
- Land purchase will be grant in exceptional circumstances only. However, the cost of land as part of an approved project for the extension of a burial ground can be factored in thereby contributing to the local match funding requirement. In all cases the value of the land will be assessed on agricultural value only.
- Burial grounds supported by Leitrim County Council must operate on a non-denominational way.

2.4 Priority Actions

In view of the limited resources available to the Council to fund burial ground improvements the following will be the priority associated with proposed extension or improvements

- Priority across the county will be based at all times on the need to address capacity issues.
- Similarly, individual applications submitted will be prioritised in order to address increased capacity.
- Subsequent to capacity issues access improvements will be considered where funding allows.
- General improvement works within the existing burial ground to improve standard of accessibility to plots will be considered as next priority.
- Should funding allow other improvement works to the ascetics of the burial ground etc will be then be considered.

Appendix I

Insurance Policy & requirements

Community & Voluntary groups can carry out routine maintenance such as grass cutting & litter picking within Council owned Burial grounds. All other work to be carried out must be preauthorized with the Council before hand. An agreed method statement for all such works will be required.

Where Social Employment Schemes and similar are involved in any works on Burial grounds, these schemes are required to have separate adequate insurances in place. The responsibility of having the correct insurances in place is the responsibility of the governing body of such schemes.