

## Cemeteries

Under section 122 Local Government Act 1972 the Council has a general power to appropriate land that it owns to other purposes if it is satisfied that the land in question is no longer required for its original purposes. Land may thus be appropriated to planning purposes (which can include housing) and be deliverable for those new purposes without compliance with the rights and restrictions which would otherwise have affected it.

The Council's predecessor authority acquired Site SA1/3 (the Site) in December 1936. Much of the Site is subject to a covenant that it be used as a cemetery, burial ground or crematorium. It has never been used as such and has been let for many years on an agricultural tenancy.

Whilst a local authority is the sole judge of whether its land is still required for the purpose for which it is held immediately before an appropriation, its decision should be rational and evidence based, taking into account only relevant factors and considerations. Section 122 imposes no particular procedural requirements in the circumstances of the Site.

The Council has not made a determination regarding appropriation of the Site and its position should not be pre-empted. All relevant factors that pertain at the time that a decision is actually to be taken would be reported by officers for consideration by the executive decision maker in accordance with Council procedure. A decision under the statutory provisions is challengeable only on the grounds of bad faith or Wednesbury unreasonableness

Pages 66 and 67 of the Wyre Infrastructure Delivery Plan (ED004) shows cemetery use and capacity in Wyre and that there is sufficient capacity to meet demand on a borough wide basis for 17 years based on present projections. The table on page 67 shows that Fleetwood has capacity till 2027 and that the most spaces are available in Poulton-le-Fylde which, like Fleetwood, is on the peninsula. Guidance suggests that it is prudent for managers of operational burial grounds to plan to be able to accommodate ten years future demand.

Capacity has been calculated on a traditional basis on the number of plots against reserved spaces and burials annually. A Briefing Paper for Members of Parliament on Reuse of Graves to increase capacity was issued in June 2017. It appears that this issue is being considered generally in relation to graves which have been unopened for over 75 years.