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Cabinet Secretary for Health, Wellbeing and Sport  
Scottish Government  
St. Andrew's House  
Regent Road  
Edinburgh EH1 3DG

19<sup>th</sup> October 2015

Dear Ms Robison

**The Burial and Cremation (Scotland) Bill**

I am writing to thank you for the time and consideration that you and your officials have given to the contents of the new Burial and Cremation (Scotland) Bill. Much of its content, drawn up in response to the Bonomy report and your own consultation, is to be warmly welcomed.

As a leading developer of new crematoria in Scotland as well as the country's third largest operator of crematoria, I hope you will excuse me for this letter concentrating on the one outstanding issue in the Bill that does need urgent rectification.

We are at a loss to understand why the Bill is abolishing the so-called 200 yard rule (as set out in s5 of the Cremation Act 1902) governing the siting of new crematoria. From reading the supporting information to the Bill we believe that the decision to remove this criterion is based on a misunderstanding of the original reason for imposing it.

Your original consultation paper assumed that the 200 yard rule was initially imposed to protect residents from emissions, leading to the conclusion that the protection was no longer necessary due to the installation of new abatement equipment which makes the cremation process clean to air.

This assumption is wrong though as the real reason for the 200 yards was out of concern over dignity of the bereaved; that is also why there was a similar distance requirement for cemeteries and burial grounds. A minimum distance is the best guarantor of a peaceful, dignified setting for funerals in every part of the country.

We believe that the removal of this restriction will simply open the door for a backyard operation; with cremator equipment shoehorned into unsuitable residential or industrial settings. For the most unscrupulous developer this in turn brings forward the possibility of 'drive- through cremations', reducing funerals to a disposable commodity.

At the current time local planning authorities understand that crematoria should be located in the countryside, away from existing development; but if the 200 yard rule is abolished they will

inevitably have to consider that brown field sites take precedence in line with standard planning policy. This would reverse all of the progress of the past 25 years where high quality new facilities have been created on the edge of towns in tranquil rural settings.

We know from our experience of proposing new crematoria just how sensitive the public are to the thought of funerals taking place in close proximity to their homes. Even with a separation of 200 yards it is seen as too close for comfort – and people don't like the thought of seeing corteges every day. We should not allow a situation where funerals take place immediately outside people's places of work, be they factories or offices, right next door to their homes or beneath their bedroom windows.

If you do not want to amend the face of the Bill at this stage then we would urge you to ensure that a new national planning guidance note, reimposing the 200 yard rule, is published before the Bill becomes law. If, on the other hand, you believe that national guidance on this matter is not necessary and that the decision on where to site crematoria should be left entirely to local authorities, then those authorities still need to be given the time to develop, consult on, publish and adopt their own policies regarding the siting of crematoria. The Bill should not therefore repeal the 200 yard rule at least for a period of time long enough to allow the renewal of all Scottish local authority development plans.

Without the 200 yard rule or appropriate planning guidance there is a risk that new, unsuitable facilities will emerge, and that these will have an adverse impact on the level of service afforded to the bereaved.

I hope you agree that, on reflection, this measure directly contradicts the Scottish Government's ambition to improve standards and care for the bereaved. We support many of the reforms but not this one, which is ill conceived and out of step with public opinion. We would be happy to meet with you or your officials to discuss and agree a better way forward on this point.

Yours sincerely

Richard Evans  
Managing Director  
Westerleigh Group