

155/RH/LYB

3<sup>rd</sup> December 2015

Burial and Cremation Bill Team  
Health Protection Division  
Directorate for Population Health Improvement  
Scottish Government  
St Andrews House  
Regent Road  
Edinburgh  
EH1 3DG

Dear Sir/Madam

**Burial and Cremation (Scotland) Bill**

We are aware that the Burial and Cremation (Scotland) Bill is currently under review. At present under the current law, there is a 200yd protected zone round a crematorium within which it is forbidden to operate the same without consent of neighbouring houses within this zone. Most people reviewing the Bill were in favour of retaining this aspect of the Bill (87%).

We have been informed that this protected zone is being considered as unnecessary as amongst other reasons given “the sanctity of the crematorium and the privacy of people using have never been protected by this distance”. As owners of an A Listed Building 43yds from a building that has currently been given planning permission by the council (who own it) we would disagree with this statement in the strongest terms possible. We would also be at hand-shaking distance from the mourners.

Our home lies in the direction of the prevailing wind and the chimneys of the proposed crematorium lie beneath the level of our bedroom windows. This has never been addressed or even acknowledged. It is interesting therefore that you are the Directorate for Health Improvement. With regard to emissions, there is no proof of no harm caused by these, particularly as the 1902 Act always provided the protected zone. Matters concerning mercury abatement are not yet adequately documented or resolved. In environmental circles the “precautionary principle” is usually applied and appears to be adhered to by the NHS with reference to incineration of body parts.

There is also a major privacy issue in disregarding an exclusion zone. The mourners car park shares a border with our small garden and therefore both they and ourselves are denied this basic human right. There is little or no visual screen most of the year and absolutely no screening from noise or smell. We would find such close contact with mourners deeply upsetting. Would they appreciate our barbeques?

The proposed crematorium also lies 43yds from an A Listed Building which has been rescued from establishment dereliction. Most planning recommendations would have protected this level of listing from such a development (as stated in the government’s own Planning Advice Notes and Historic Scotland guidance) therefore if the planners can not be relied upon to protect buildings that have been listed (as is their role) it would be appropriate if the Law was able to.

We therefore disagree that the 200yd exclusion zone is not a form of protection for health and mental wellbeing as well as privacy and would expect the committee to re-consider this issue when preparing the new Bill.

We would welcome any reviewers to visit our property to see the true impact that removing this distance would have in real terms.

Yours faithfully