



The Lodge, Seafield Cemetery  
Seafield Place  
Edinburgh  
EH6 7QP

## **LOCAL GOVERNMENT AND REGENERATION COMMITTEE**

### **CALL FOR WRITTEN EVIDENCE ON THE BURIAL AND CREMATION (SCOTLAND) BILL.**

#### **RESPONSE FROM EDINBURGH CREMATORIUM LTD**

The Committee invited all interested parties to submit written evidence on the Bill, with particular consideration given to the following questions:

**1. Whether proposals for the restoration of lairs are appropriate (sections 25-37)?**

Edinburgh Crematorium Ltd. supports these proposals.

**2. Whether provisions on the reuse of headstones would be appropriate?**

We do not believe that the re-use of headstones should be determined by statute. The feasibility and desirability of retention of headstones should be by agreement between the new lair owner and the burial authority.

**3. The appropriateness and extent of the roles which should be undertaken by inspectors of burial, crematorium and funeral directors (primarily Part 4)?**

Edinburgh Crematorium Ltd. supports these proposals.

**4. The appropriateness and extent of the proposed regulation of funeral directors (primarily Part 5)?**

Edinburgh Crematorium Ltd. supports these proposals.

**5. The extent to which the Bill will address funeral costs and what, if any, further measures the Bill could contain?**

We are not clear as to how the Bill can address funeral costs. We do not charge for the cremation or interment of children under the age of 18, or for stillborn babies or pregnancy losses. We publish all our fees on our website

**6. The appropriateness of the removal of existing provisions restricting the proximity of new crematorium to housing?**

We are concerned at the proposed removal of the requirement for crematoria to be sited at least 200 yards from the nearest dwelling house. On its own the removal of these requirements was cause for concern but the coupling of this with the proposed definition of a crematorium as “a building fitted with equipment for the carrying out of cremations” raises the possibility of crematoria being built to unacceptably poor standards. In addition to maintaining the dignity of the crematoria grounds by protecting them from the view and noise of household life; the 200 yard requirement has led to the

traditional crematorium being built in a location where space is available for a crematory, a chapel, a waiting room, a garden of remembrance, car parking and so forth. If a crematorium can simply be a building with a cremator (and under environmental legislation, abatement plant) and there is no restriction on where it can be situated, then it gives the option of anyone to open a crematorium, anywhere that they have room to house a cremator and abatement equipment. This would provide the bereaved with a facility to cremate the dead but unable to hold a funeral service, disperse the ashes or revisit in remembrance.

To protect the dignified environment of a crematorium, it would be preferred if legislation not only placed crematoria 200 yards away from housing but also stopped any subsequent encroachment of housing into that area. Poor planning decisions, have on occasion, allowed housing developments to spread up to the boundary walls of crematoria, removing the peace and tranquillity that the bereaved seek. There is no right of appeal once a planning application has been approved and this emphasises why local planning authorities should not be the sole arbiters of crematoria location. We have attached a letter published in the East Lothian Courier in September 2014. The letter is from a councillor who was a member of a planning committee that approved the planning application for a crematorium that was objected to by householders and businesses that lay within a 200 yard radius. In the letter, the councillor recommends that the objectors use the 1902 Cremation Act to stop the crematorium being opened. The councillor is concerned with the detrimental effect that the crematorium will have on the housing and business premises located within 200 yards but equally the housing and business premises will have a detrimental effect on the ambience of the crematorium.

We are also concerned at what the consequences could be of making the burial registers and cremation registers, public documents. In recent years we have had requests for information, regarding the Applicant for Cremation; from landlords looking for unpaid rent from the deceased, from life assurance companies claiming to have lost touch with their clients and from people claiming to being long lost relatives. We never pass on Applicants details but simply forward the requests for them to deal with.

The definition of a Cremation Authority in section 37 as “a person who owns a crematorium” should be reviewed. There may be occasions when a crematorium is owned by one organisation but operated by another organisation. In that event there could be difficulties satisfying Section 40, which states that “a person may not carry out a cremation unless the person is a cremation authority”.

Reproduced below is the letter, referred to above, which was published in the East Lothian Courier on Thursday 18 September 2014.

An open letter to Mr Tim Wood CFA, chief executive, McInroy & Wood Ltd, Easter Alderston,  
Haddington

Dear Mr Wood,

I believe that I owe your firm, on behalf of myself and colleagues on East Lothian Council, an abject apology for the decision from Item 1, 14/00416/P to East Lothian Planning Committee concerning Alderston House and our 9-to-8 vote approving its use as a crematorium.

Your itemised note of objections lent strength to the eloquence of other interested parties such that I was astonished the vote went the way it did.

The officials' recommendation to approve was only a guide, as evidenced by the committee overturning recommendations on other items that same day.

The history of Alderston House is long and some form of acceptable use to preserve it was always a priority. But ELC was sluggish in 2004 in relocating its personnel, which dislocated plans for your own company to move there.

Assurances given at that time by ELC that both the old building and your company's new build constituted a core for quality business park development were taken at face value by those of us who see business – especially such as yours – as pivotal to a balanced local economy.

Unfortunately, officials across ELC still appear unaware of the importance easy access and pleasant surroundings plays when professionals like yourselves select suitable offices. Despite repeated failure to attract companies of your status and quality, myopia persists, resulting in statements that we heard on the day:

“There is no evidence to support the view that the proposed use of Alderston House and its grounds as a crematorium would have a detrimental effect on the continuing operation of the office building to the east of the site.”

Much though I would regret losing your exemplary company, you are correct that crematorium/traffic on a narrow road common to your business park are incompatible. It indicates East Lothian is not open for business, that too many officials and members appear unable to grasp what that means and that moving may be your only option. No wonder local gross weekly pay lags 10 per cent behind those commuting outside the county.

I can only trust that local objectors can use the 1902 Crematorium Act to persuade the applicant to desist and move to a more suitable site to rescue the entire community from this unfortunate, economically damaging situation.

Yours in regretful apology.

Cllr David S. Berry