

# THE FEDERATION OF BURIAL AND CREMATION AUTHORITIES

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The Convener and Deputy Convener  
Local Government and Regeneration Committee  
Scottish Parliament  
Edinburgh

Dear Sirs,

I spent a significant part of yesterday methodically working through the archived recordings of evidence gathering sessions conducted by the Local Government and Regeneration Committee as part of its scrutiny role in respect of the Burial and Cremation (Scotland) Bill. I began with the session to which I provided evidence on 9<sup>th</sup> December and concluded with the Committee's most recent meeting on Wednesday 20<sup>th</sup> January. I also worked through the sessions that had been held by the Health and Sport Committee.

You may remember that I made strong representation to the Committee with regard to the Federation's discomfort with the potential abolition of the minimum 200yd rule between domestic housing and the development of a new crematorium when I attended the Parliament building on 9<sup>th</sup> December. My significant concerns and those of my Committee are around what appears to be the Scottish Government's desire to abolish the requirement for a new crematorium to be sited at least 200yds (182.88 metres) away from any dwellings and 50yds (45.72 metres) away from a road or highway. The FBCA firmly believes that the positioning of crematoria is of vital importance, in order that bereaved families are not subjected to the day to day activities that take place in residential areas and gardens. When attending a funeral service or visiting the crematorium, the bereaved are entitled to expect to be able to spend time in peaceful and meaningful contemplation. The routine of daily living including parties in gardens, BBQ's and accompanying music does not in any way fit with the tranquil setting that we have come to expect in this type of location.

The time spent watching the Committee sessions convinced me that the Minister for Public Health does not have a clear view on this point and repeatedly referred to Dr Simon Cuthbert-Kerr or Graham McGlashan for guidance. This guidance did not provide any reassurance that the Scottish Government have a logical and well thought through reason for abolishing the protection clause within the current Cremation Act 1902, which has satisfactorily dealt with this issue for many years. I noted that when Graham McGlashan read out to you the extract from the Act, he was selective in what he said as he only referred to the 200yd requirement.

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What Section 5 of the Act actually says is: *“No crematorium shall be constructed nearer to any dwelling house than two hundred yards, except with the consent, in writing, of the owner, lessee, and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority”*.

You may be interested to know that a recently opened crematorium in Scotland is in breach of the requirements of the aforementioned Act, which is currently in force in Scotland. The crematorium in question is within 50 yards of the A1 highway and is within 200 yards of a private dwelling, where the owner of the property had not given consent at the time the planning approval was granted by Borders Council. You may also be interested to know that the crematorium in question has been operating since March 2015 and as of today's date, no clear action to terminate the continuance of this potentially criminal act has yet been taken by the Inspector of Crematoria, Scottish Government, Police Scotland or the Procurator Fiscal.

I am beginning to feel that the weak and unsubstantiated arguments that are currently being offered by Government officials in their efforts to abolish the current 200yd and 50yd requirements may be being driven by a need to extract themselves from the current unacceptable position that they find themselves in.

Moving on to other plans that are currently in abeyance waiting for the changes to be made, the same company that have developed the crematorium mentioned above are I understand proposing the development of a human and pet crematorium 43 yards away from a private dwelling, which will if the plans proceed share a common driveway with the dwelling. This will be a totally unacceptable situation for the property owner and will have a devastating effect on the current property value.

It seems to me that Scotland has lost its focus on this particular issue and if something is not done immediately to stop this ill-advised approach, the Government is likely to come in for significant criticism in the coming months as we run up to the election.

I would like to clear up one further point before I close, which seems to have alluded Dr Cuthbert-Kerr and his colleagues. Waste gases leaving a crematorium chimney do so at a velocity of 15 metres a second, which is a requirement of SEPA's permit to operate crematoria in Scotland. On this basis, within 5 seconds the waste gases, which will have been the subject of filtration at a new crematorium, will have travelled 75 metres vertically from the chimney and will not create any risk to neighbouring property or residents. I am sorry to repeat myself, however, the whole point of our appeal to you is not about emissions but to make the following points clear:

- The FBCA firmly believes that the positioning of crematoria is of vital importance, in order that bereaved families are not subjected to the day to day activities that take place in residential areas and gardens. When attending a funeral service or visiting the crematorium, the bereaved are entitled to expect to be able to spend time in peaceful and meaningful contemplation. The routine of daily living including parties in gardens, BBQ's and accompanying music does not in any way fit with the tranquil setting that we have come to expect in this type of location.

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- The Federation believes that in addition to the points already made in this letter, there are numerous examples where Planning Authorities have allowed private housing and highway developments to take place in very close proximity to crematoria facilities. This has detracted from the natural beauty of many of these locations and had a negative impact upon the ambience of the setting for these important facilities. Rather than removing the 200yd and 50yd rules, the FBCA would much rather see action taken by legislators to protect these vital locations and prevent subsequent developments literally up to the curtilage of the crematoria grounds, therefore protecting the setting for the bereaved families that we try to serve.

We would ask that you revisit this issue during your discussions, in order to consider the potential consequences for the bereaved if this change to long standing legislation is given the go ahead.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Powell', written on a light-colored background.

Richard J Powell  
Secretary and Executive Officer  
Federation of Burial and Cremation Authorities.

