

## ITEM 8a Refers

COUNCIL  
13 OCTOBER 2014

ITEM 8a) REFERS

RECOMMENDATION FROM EXECUTIVE 02 OCTOBER 2014

### CEMETERY AT LEADERS FARM, LUTTERWORTH

Following approval of the Executive report relating to Future Cemetery Provision within the District of 14 December 2009, the matter was considered and the strategic need for and the future provision of burial facilities in the District through the Local Development Framework was agreed.

The s. 106 agreement completed in respect of the planning permission for the Bellway Homes development at Leaders Farm, Lutterworth (12/00900/OUT), was a result of the strategic needs considerations, and requires the developer to provide a cemetery laid out to an agreed specification.

The cemetery will require further additional capital investment of c. £20,000 in order to ensure the facility is operational, in addition, to the works agreed with the developer. Provision for this work has been made within the capital programme for 2014/15.

Currently, cemetery provision in Lutterworth is provided by the Church of England at St Mary's Church. There are currently less than 10 plots available, and the average number of burials per year in Lutterworth since 2009 has been 21. At present, burials within this facility are restricted to residents of the parish.

Lutterworth Town Council have expressed an interest in operating the cemetery and have confirmed during discussions that they would not limit use to residents of Lutterworth and that access to the services would be available to the residents of the District.

If Lutterworth Town Council assume responsibility as the burial authority it would be appropriate to transfer the land to the Town Council. This could be by way of a freehold sale or long lease (eg 99 or 125 years).

If a freehold sale is agreed, it would be advisable to include a restrictive covenant restricting use of the land to a cemetery. This would require HDC to retain a small portion of land to be able to enforce the covenant.

If a long leasehold is agree, a user clause restricting use to a cemetery could be included. However, at the end of the term the land would revert back to HDC, and they would then become responsible for the maintenance of the grounds.

The Executive was pleased to support the preferred direction of Lutterworth Town Council in operating the cemetery

RECOMMENDED to Council the acquisition of the Cemetery at Leaders Farm, Lutterworth as outlined in the s.106 agreement for £1.

RESOLVED that

i) Lutterworth Town Council will assume responsibility as the burial authority for the new cemetery at Leaders Farm in the event that the acquisition outlined above is approved.

ii) Subject to the approval of i) above, agreement be given in principle to the disposal of the land to Lutterworth Town Council, subject to the two parties reaching an agreement on heads of terms.

iii) authority be delegated to the Head of Legal and Democratic Services and the Head of Finance & Assets/s.151 Officer in conjunction with the Portfolio Holder to complete the acquisition of the

## ITEM 8a Refers

cemetery and any subsequent disposal of the land to Lutterworth Town Council, including finalising any contract terms including the level of capital investment required by Lutterworth Town Council detailed in paragraph 6.9.to the report

### Summary of Reasons

To ensure adequate cemetery provision for the District.

To ensure that effective administration of the burial service is provided.