

To: Cabinet
Date: 13 September 2023
Report of: Executive Director (Development)
Title of Report: Proposal to deliver new burial meadow on land the Council owns off Oxford Rd towards Horspath.

Summary and recommendations	
Purpose of report:	To seek approval for delivery of a new publicly accessible greenspace and burial meadow on land owned by the Council off Oxford Road towards Horspath including approval of the scheme, submission of planning application to South Oxfordshire District Council, Phase 1 delivery budget, and required property and legal procedures to deliver the scheme.
Key decision:	Yes
Cabinet Member:	Councillor Chewe Munkonge, Cabinet Member for Leisure and Parks
Corporate Priority:	Support Thriving Communities
Policy Framework:	Oxford Local Plan 2036
Recommendations: That Cabinet resolves to:	
1.	Grant project approval for the delivery of a new publicly accessible greenspace and burial meadow on land owned by the Council off Oxford Road towards Horspath; including approval of the scheme, submission of a planning application to South Oxfordshire District Council, Phase 1 delivery budget, and required property and legal procedures to deliver the scheme and delegated authority to the Executive Director (Development) in consultation with the Cabinet Member for Leisure and Parks to approve changes to the scheme;
2.	Recommend to Council approval of a capital budget of £2.4M for delivery of this scheme;
3.	Delegate authority to the Executive Director (Development), in consultation with the Head of Financial Services / Section 151 Officer and the Head of Law and Governance to enter into any related agreements and contracts to facilitate the scheme in terms of construction and operation; works details; and budget changes for this Council owned land, including agreeing the fees and charges as detailed in Appendix 6; and

4. **Delegate authority** to the Executive Director (Development), in consultation with the Head of Finance / Section 151 Officer, Head of Law and Governance and the Cabinet Member for Finance and Asset Management to agree the final heads of terms and enter into the necessary transactions set out in Appendix 4 together with any other ancillary agreements, contracts and notices that may be required to facilitate the scheme.

Appendices	
Appendix 1	Proposed Scheme
Appendix 2 (Confidential)	Risk Register
Appendix 3	Full Equality Impact Assessment
Appendix 4 (Confidential)	Additional Property Information
Appendix 5	Results of online consultation survey
Appendix 6 (Confidential)	Fees and Charges

Introduction and Background

1. The Council has a responsibility to effectively manage the assets it holds to advance Council priorities and bring about public benefits.
2. Though not a statutory duty, the provision of burial space is seen as an important civic function to ensure access to burials for all faiths and ethnic groups.
3. Over the last 10 years the Council has carried out extensive and wide ranging searches for a suitable new burial site, given land in existing cemeteries has been running out. Searches have been comprehensive, including all open land in Council ownership, and also all options of purchasing private land up to several miles outside of Oxford.
4. The difficulty and delay of finding a site has been because of limited availability of suitable land in and around the City. Existing Council-owned land without a housing allocation, either has unsuitable ground conditions for burials, such as being in flood zones or not having enough depth of soil; or have major access problems, and/or are of too small a size to make the project cost viable for the Council to deliver. Looking further afield, agricultural land many miles outside of Oxford is then unlikely to be on regular bus routes, and so would be too inaccessible.
5. Based on the essential search criteria, the site coming out as the most suitable and viable is on the identified Council's land at Shotover shown on the plans within Appendix 1 because:
 - The Council already owns the land
 - The site has the right ground conditions for burials
 - The site is of a large enough size for viability of management
 - The site is near transport links
 - The site has a landscape setting with public access purpose, suitable for increased opening up as a new parkland public green space. Legal advice has confirmed this aligns with the covenant restrictions on this site.

6. Therefore, in autumn 2022, a project proposal for this site was developed to create a natural parkland burial meadow on the land. The land is subject to a restrictive covenant in favour of Oxford Preservation Trust. The intention of the covenant is to prevent development and preserve open and green space. Further detail on this is set out in Exempt Appendix 4 - Not for Publication

Burial meadow project proposal

7. Multi-disciplinary consultants The Environment Partnership (TEP) were successfully procured in January 2023 to deliver the design and planning application stages of the project and the scheme design has recently been out to consultation with stakeholders and the wider public. The 'country park' style scheme design, as shown at Appendix 1, achieves the project aims (identified below), with a very strong scheme which enhances the ecology, tree cover, and visual amenity of the site, and provides increased access to Shotover Woods and countryside path network.

Project Aims

1. To provide the public service of new burial space for Oxford in a landscape-led, natural, and low impact way appropriate to the site with no buildings.
2. To deliver a large new piece of public open space for the community
3. To enjoy, and access Shotover Woods from. (The site is currently an inaccessible private agricultural field with only one path through the land.)
4. To increase biodiversity on the land rather than growing a single crop.
5. To increase public access and enjoyment of existing green spaces and footpaths - inclusive to all groups and sections of the community

Burial meadow project delivery components

8. It should be noted that the high quality site design is just one element of establishing and maintaining Oxford's new tranquil burial meadow.
9. The meadow should evolve and change through the 40+ year operational burial lifespan as the landscape structure matures, and the areas of short mown recent burial areas gradually soften to longer wildflower areas. It is therefore helpful to see delivery of this special new biodiverse greenspace and burial meadow in terms of the 4 key components listed below:

- i. **High Quality Sensitive Site Design** – the proposed scheme meeting the Design Brief Scope of Site Features, as shown at Appendix 1
- ii. **Site Welcome Guide on Council website with 'Plan your Visit' info** – including information links to bus routes, parking, nearest toilets, dog restrictions etc
- iii. **Site Specific Burial Space Regulations** - including limits on dog access; limits on height and materials of headstones: maximum 0.8m, matt stone or timber; and

standard limits on flowers and memorials to ensure the site remains a special and tranquil place while meeting minimum requirements of faith groups.

iv. **Site Landscape & Ecology Management Plan** - including key mowing regimes: short grass near graves and pathways, and longer grass in the spring and summer wildflower meadow areas to benefit wildlife and ecology, and allow a variety of tranquil beautiful spaces for reflection. Details on management of the new strengthened hedgerow and tree planting in line with South Oxfordshire Landscape Character Guidelines to ensure the countryside setting, and views also benefit

10. The site features have been developed in line with the landscape and ecology recommendations from the Shotover Management Plan, and also the South Oxfordshire Landscape Character Guidelines and will include the following

Site Features

- Grass burial space areas for children and adults of the different major faith or non-faith groups in our community, as well as areas for green burials.
- Native structural tree planting for landscape character and to encourage bats
- Low impact self binding gravel style access routeways and parking for hearses, and priority and maintenance vehicles, and cycles. Links to highway, and wider path network.
- Hedge planting and fence delineation near right of way crossing site
- Swales functioning as site drainage, and managed for wildlife
- Entrance features, sensitive signage, and contemplative seating
- Water taps, and hand washing facilities located within the site.
- Hibernaculars to encourage reptiles, and other ecological enhancements
- Note: No buildings are required or wanted, though the scheme will include the option of a low key timber shelter as a gathering space, subject to budget and planning approval.

Wider Council benefits of the burial meadow scheme

11. In terms of wider deliverables, it is important to note the significant added value this £2.4m financial investment unlocks in terms of other core Council policy outcomes. For example:

- **Significant areas of additional tree planting** (approximately 12,000 m²) will help deliver a zero carbon Oxford.
- **Much needed surplus biodiversity net gain** will be available to other Council projects.
- **A new publicly accessible greenspace asset** will help communities to thrive by delivering improved access to the countryside and Shotover Woods for residents in east Oxford which supporting health and wellbeing outcomes. For example, we know **45%** of the 439 respondents to the consultation say they will regularly go to this new meadow greenspace at least once a month for a walk or quiet contemplation – separately from attending a burial event on the site.

Consultation

12. A period of stakeholder and public consultation has been undertaken from July 3rd – 23rd to gain a better understanding of the views of stakeholders, future users, and members of the public to ensure the strongest design and project solutions are developed.
13. The consultation has included the following elements to ensure the consultation has been well publicised, and that a range of key groups have been notified of the consultation in line with the project Equality Impact Assessment.
 - Press release to the media and via social media sites linking to the project page on the Council website
 - An online survey consultation on the outline designs
 - Notifications to the Residents Panel; Locality Managers; Interfaith Forum; older persons and disabled persons organisations; and faith groups.
 - Drop in events at the Town Hall, and Horspath Village hall
 - Meeting with faith forums including the mosque leaders, and the Oxford Council of Faiths
14. There has been a high number of people providing feedback on the outline design of the burial meadow. Most people fed back through the online survey - 439 in total, with 11 people attending the Horspath Village drop in event, and 4 people attending the Town Hall drop in event.

Results of the online survey

15. Questions covered whether people were in favour of the scheme? Why, how, and how often they would travel to visit the new meadow; and ideas people had to improve the scheme. Results of a few key questions are shown in Appendix 5.

The range of comments on the scheme, and ideas for improving the scheme included:

- A nice stream
 - Hand washing point;
 - Timber shelter for use in heavy rain and that can function as gathering space for prayer;
 - Disabled access near grave plots
 - A separate Muslim burial area
 - Boot brush point
 - Toilet facilities
 - More cycle parking and a cycle path
 - Room for green burials
 - Water point for people to use
16. Many of the ideas from the consultation are already included in the design, and others will, as far as possible, be included in the detailed design. For example, hand

washing point, water point, boot brush, and improved visibility of the nice streams either side of the site. Information on parking, existing toilet facilities, and cafes available locally will be clearly provided on the Plan Your Visit information given to burial service users, and on the Council webpage. Cycle access and cycle parking on the burial meadow will be included, but opportunities for new cycle paths to Shotover are constrained by permissions required from other leaseholders.

17. The following stakeholders have been consulted and their comments are being considered within the wider constraints and delivery programme of the project: The Shotover Preservation Society; the Interfaith Forum; the mosque leaders; the Oxford Council of Faith; the Oxford Preservation Trust.

Planning application submission

18. The project delivery is subject to achieving planning permission. Drawings and documents for the planning application to South Oxfordshire Council are being worked up following a positive Pre Application response in April 2023. The planning application is targeted to be submitted at the end of Sep 2023.

Property considerations (Obtaining vacant possession, new footpath access)

19. Please see Confidential Appendix 4 for property considerations.

Milestones and Programme

20. The project programme is based on a realistic assessment of the time needed to achieve key milestones post Cabinet approval of the scheme and budget. Letting the Phase 1 works package contract will be dependent on having obtained vacant possession of the site through the appropriate property and legal processes. Finalising detailed design and delivery is dependent on securing planning permission:

Milestones

Submit planning application target	Sep 2023
Potential approval of planning application	Dec 2023
Finalise detailed design, and tender information	Mar 2024
Clear conditions & finalise prices for Phase 1 works	May 2024
Let Contract and Works on site	June 2024

Financial implications for the OCC and ODS Group

21. This report asks Cabinet to recommend to Council to approve the additional budget £2.4M. The profile of the budget required is £302k in 23/24 and £2.1 m in 24/25.
22. This budget will be financed through internal borrowing. The cost on capital is 5.61% and this will be incorporated into budget setting process for 24/25.

23. The project delivers both a new capital asset for Oxford City Council, while maintaining an existing income stream for ODS.
24. Retaining the burial service through new burial space protects and develops the expert burial service, which retains jobs and skills within ODS and as such supports the wider ODS business plan.
25. The current burial fees are collected by ODS, and cover the costs of burials, with the balance net income currently benefitting the Oxford City Council through 100% of the net burial income accounted for in dividend payment subject to agreement by ODS directors.
26. Given the proposed investment will only protect and not grow this income, OCC will not be able to secure repayment of all the £2.4m capital (and 5.61% cost on capital) investment.
27. Although the income will accrue to the Council Group the dividend from ODS to the Council is not guaranteed. To recognise the need to guarantee recovery of some of the cost of investment by the Council a contribution from ODS through a service agreement is being negotiated. Further details are contained in Confidential Appendix 4.
28. Given that the life of the new burial site should be for a minimum of 45 years there is positive internal rate of return and net present value and payback within the life of the asset in all scenarios against the costs of borrowing from a Group perspective. Clearly the position improves for all these indicators the larger the increase in cemetery fees, the impact on which can be seen under the various options modelled in Appendix 6
29. Fees and charges on the site should be reviewed in conjunction with ODS in order to seek more of a recovery of the investment cost before the site goes live, which is expected in Autumn 2024 which members will want to consider during the forthcoming budget setting process. As an example full recovery of all running costs, including the cost of capital, within the lifetime of the asset would need increases on the existing fees and charges in the order of 3% as a minimum.

Capital cost breakdown

30. Feasibility funding has been allocated to this project in Council budgets as shown below:
31. Total estimated project delivery costs for Phase 1 are £2.4M, and a breakdown is shown here:

Requested Delivery stage costs	
<i>Profile in 2023 / 24 budget year: Sep 23 - Mar 24</i>	
£21,800	<i>Internal PM, Property, Legal, and Finance resource</i>
£240,000	Land cost allowance and fees
<i>Profile in 2024/25 budget year: April 24 - Mar 25</i>	
£44,500	<i>Internal PM, Property, Legal, and Finance resource</i>
£98,000	Multi-dis consultants - design, planning, construction drawings
£28,700	Other external consultants: QS, PD, PM fees
£225,000	Land cost allowance and fees
£33,000	Contingency part 1 @5% of internal fees and items above
£1,190,000	Costs for construction of Phase 1 of site including highway access,
£84,000	Inflation on the above at 7%
£165,000	Pay back feasibility costs to top up feasibility pot
£120,000	Contingency part 2 @10% of construction costs
£150,000	Contingency for possible additional Highway works
£2,400,000	TOTAL COST* excl cost of borrowing

Legal issues

32. Local authorities are defined as burial authorities and given power to provide cemeteries by the Local Government Act 1972. There is no statutory duty on a local authority (district, parish or town) to provide burial facilities, but if they do the management is governed by the Local Authorities Cemeteries Order 1977.
33. Any procurement of goods and services shall be carried out in accordance with the Council's Constitution and procurement procedures, complying with The Public Contracts Regulations 2015, including ensuring that best value is achieved.

Level of risk

34. Refer to the attached Appendix 2 – Confidential Risk Register.

Equalities impact

35. The burial space project is being progressed to ensure continuity of service for burials which is essential for many residents, including those Muslim, Catholic, Baha'i and Jewish beliefs, and important to certain ethnic groups. Religion and Belief; and Ethnic or National origin are protected characteristics under the Equalities Act and so a new burial site needs delivering in order to minimise adverse impacts protected groups due to existing burial space becoming full.
38. It is important to note this project is largely delivery of the burial service as usual but on a different site.
39. The new site is accessible by many travel modes, will have disabled parking, and accessible paths. 'Plan your Visit' info will be on the Council website including links to bus info, nearest toilets, and parking options, as is common practice for other recent new burial sites projects. An assessment of the foreseen direct and indirect impacts on protected groups is shown in the EQIA at Appendix 3.

Carbon and Environmental Considerations

40. This key decision will assist delivery of the Council's priority to pursue a zero carbon Oxford. The proposed new burial meadow will encourage sustainable transport for visitors; minimise new hard structures; prioritise sustainably sourced materials; and include additional tree planting on the land.

Report author	Carri Unwin
Job title	Regeneration Manager
Service area or department	Regeneration and Economy
Telephone	01865 529012
e-mail	cunwin@oxford.gov.uk

Background Papers: None

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