



LEITRIM COUNTY COUNCIL

BURIAL GROUNDS POLICY (2024-2030)





TABLE OF CONTENTS

1 INTRODUCTION

- 1.1 Legislative Background
- 1.2 Maintenance of Burial Facilities
- 1.3 Management of Burial Spaces Within Existing & New Burial Grounds provided by the Local Authority
- 1.4 General Duties of the Burial Ground Caretaker

2 PROVISION OF BURIAL GROUNDS TO MEET NEEDS

- 2.1 Provision of New Burial Grounds & Extensions to Existing Burial Grounds
- 2.2 The Role of the Council
- 2.3 The Role of the Community
- 2.4 Grant Aid
- 2.5 Columbarium Walls
- 2.6 Grant Funding Priorities

3 BURIAL GROUND FEES

- 3.1 Current Fees and Charges
- 3.2 Proposed Fees and Charges

Appendix 1 - Insurance Policy & Requirements



1 INTRODUCTION

1.1 Legislative Background

The Public Health (Ireland) Act of 1878 provides for the provision, maintenance and control of burial grounds. Such places had been provided on a parish basis in Ireland and, very frequently, were in the vicinity of, and associated with, the ruins of churches which had existed in previous centuries. These burying places were controlled locally and in the case of catholic burial grounds, by the parish priest and his parishioners. The local authority acting as the sanitary authority became the burial board for each sanitary district but only those burial grounds previously vested in a burial board under the Burial Grounds Acts transferred to the local Authority. As a consequence, the Sanitary Authority does not have a function or duty in respect of many of the older burial grounds. In the interest of public health, power was given to Local Authorities to restrain the opening of new burial grounds and to order the discontinuation of burials in specified places.

The Local Government (Sanitary Services) Act of 1948 also deals with the disposal of bodies. It provides that bodies must only be buried in properly designated burial grounds. An exception to this is that a clergyman may be buried in or adjacent to a church. The 1948 Act also makes provision for the exhumation of bodies and for the disposal of bodies otherwise than by burial.

The 1994 Local Government Act amended the law and essentially provided that any person or group could develop a burial ground subject to obtaining full planning permission. This is a significant change which facilitates the provision of burial grounds by persons or groups other than local authorities, but particularly local community groups.

The 2001 Local Government Act clarified the role of individual local authorities vis-a-vis joint burial boards.

1.2 Maintenance of Burial Facilities

There are a large number of burial grounds in service throughout the county. The Council, through its Area Offices, carry out limited maintenance where necessary. However, the limited financial and staff resources available dictate that the Council itself is not in a position to carry out on-going maintenance to all burial grounds and there are numerous voluntary local committees who carry out much needed maintenance to burial grounds in their localities. The high standard to which these burial grounds are maintained is a credit to these local community groups.

It is a stated requirement that all refuse and/or disused items associated with burial spaces are removed from the Burial Ground by those responsible for the relevant burial space.

The removal of broken or other monuments at a grave is the responsibility of the burial plot owner.

1.3 Management of burial spaces within existing and new burial grounds provided by the Local Authority

Allocation of Burial Plots

Many of our existing burial grounds have limited spaces available because plots have been acquired in advance by persons who have long since left the area and are highly unlikely to return. In other cases, plots have been acquired in advance by relatively young and healthy people.

This has resulted in an accumulation of burial spaces which are unlikely to be used in the medium term and an obligation on the Council to provide spaces elsewhere.

It is the policy of Leitrim County Council since 2016 that burial spaces are allocated only as the immediate need arises and on the demise of a person. Only in circumstances where a spouse is also alive, will a double or family plot be allocated. Regard will be had to special circumstances, e.g. a sole surviving offspring or sibling.

Headstones and Surrounds

In order to ensure the proper maintenance of existing burial grounds ~~in the future~~, the current policy dictates that a nominal 100mm kerb surrounds all plots. However, in the case of new cemeteries, Leitrim County Council may declare that any new cemetery or new part of a cemetery is developed as a lawn cemetery.

The height of any monument or headstone shall not exceed 1.5m above the level of the kerb, and in the case of a Celtic Cross, it shall not exceed 2.5m in height.

Cremated Human Remains

Cremated human remains can be interred in an urn or small casket or other approved containers in conventional grave spaces. In the event of a new graveyard being developed, the allocation of grave spaces solely for cremated remains can be considered. A columbarium wall may be provided if required.

Trees and Seating

No trees should be planted on any grave space and only seating provided by the council will be permitted in any cemetery.

1.4 General Duties of the Burial Ground Caretaker

Whilst not fully applicable at all locations the burial ground caretaker shall have regard to the following overall general duties.

1. To liaise with bereaved family and undertaker.
2. To take charge of and be responsible to the local authority for the general care of the burial ground.
3. To ensure that the Rules and Regulations for the Regulation of Burial Grounds dated 6th July 1988, 23rd December 1919, and 12th March 1929, (hereinafter called “the said Regulations”) are fully observed and to report immediately to the local authority any breach of the said Regulations.
4. To be present at the opening of graves and at interments for the purpose of ensuring that:
 - (a) Plots shall only be purchased on the death of a person. Only in circumstances where a spouse is also alive, will a double or family plot be allocated. Regard will be had to special circumstances, e.g. a sole surviving offspring or sibling.

- (b) Each new grave is sunk perpendicularly to a depth of 2.4 metres.
- (c) No grave shall be re-opened within the periods prescribed by the said Regulations, and where such re-opening is permitted by the said Regulations, to ensure that a layer of earth, one foot (0.3 metres) in depth shall be left undisturbed over the previously buried coffin.
- (d) Remains for interment are enclosed in a coffin of wood or other sufficiently strong material.
- (e) No coffin shall be buried in a grave unless when the interment has been made, the lid of the coffin is at least 1.2 metres below the ordinary level of the ground.
- (f) Human remains shall not be removed from a grave except where such approval is authorised in pursuance of the said Regulations. Human remains accidentally exhumed shall be immediately restored to the grave.
- (g) After interment, the grave is properly filled in and neatly finished.
- (h) In the case of a new grave the caretaker must include the cost of the grave and other graveyard expenses.
- (i) The Caretaker must submit the allocation sheet to Leitrim County Council within one month of internment, and this sheet should include the Plot number in which the deceased has been interred. If two or more plots are purchased, the allocation sheet should clearly indicate which plot the deceased has been interred.
- (j) The caretaker must also inform the council of any new internments in existing Graves.
- (k) Leitrim County Council will then issue the bill to the representatives of the deceased.
- (l) Graves will only be sold in rotation and as required.
- (m) Grave sizes to be kept within the specified markings on the instructions of the caretaker.

5.

- (a) Not to permit any grave to be opened except for the purposes of an interment or the erection of a tombstone or headstone unless authorised by the authorities specified in the said Regulations.
- (b) The memorial contractor to consult with the caretaker before erection of headstones and surrounds.
- (c) Maximum height of headstones 1.50 meters. and in the case of a Celtic Cross, it shall not exceed 2.5 m in height.
- (d) A nominal 100mm high kerb to surround all plots
- (e) No spaces to be left between the kerbs of adjoining graves.
- (f) To direct any person wishing to erect a monument or headstone to apply in writing to the local authority for permission to do so, enclosing for their approval with such application a plan or sketch of the monument or headstone and the foundation and an undertaking accepting liability for any damage caused to adjoining graves by the excavation work.
- (g) The caretaker should not permit any such excavation or erection until the approval of the local authority has been obtained.

6. To keep the Register of Internments in accordance with the said Regulations.

7.

- (a) To maintain the general appearance and upkeep of the burial ground by maintaining grass and removing weeds and briars in the burial ground as far as is practicable.
- (a) Parishioners and families of deceased are requested to take home all waste from the graveyard after tidying graves.

8. Keep the gate of the burial ground closed when not required to be opened in connection with an interment or other proper purpose and to retain the key in his possession.

9. Promptly report to the local authority:

- (a) Any unauthorised burial.
- (b) Any case where bones or human remains are accidentally exhumed in the course of an interment.
- (c) Any unauthorised interference with any grave, or any damage or injury to vaults, tombstones, crosses, or wreaths.
- (d) Any encroachment by trees on graves, or the planting on or near graves of shrubs, bushes or plants.
- (e) Any grazing by animals in the burial ground.
- (f) Any damage to fences and boundary walls.
- (g) Any case where the drainage of vaults or graves is necessary.

10.

- (a) To keep in his custody a map of the burial ground showing the division of the burial ground into grave spaces.
- (b) To keep records showing the ownership of each grave and available accommodation therein.

2 PROVISION OF BURIAL GROUNDS TO MEET NEED

It is acknowledged that a significant number of Parish/Community Groups within the County continue to do excellent work in the area of graveyard maintenance.

The objective of Leitrim County Council policy is to include Local Communities on a structured basis in the management and operation of Burial Grounds in their local areas in partnership with the Council.

The policy provisions are set out as follows: -

2.1 Provision of New Burial Grounds & Extensions to Existing Burial Grounds

The Council will strive to assist with the provision of new burial grounds and extensions to its existing burial grounds. Limits on financial resources and the increasing cost of developing existing and new burial facilities is an issue for the Council arising from the high cost of land where owners are reluctant vendors. It is more appropriate therefore for local community groups to continue to develop and manage new burial facilities, as local groups are best placed to assess the demand for burial facilities in their area. The local community groups are often able to secure land more readily and develop burial grounds at lower cost than the Council. Should local communities wish to continue to maintain the existing geographic spread of burial grounds then the community groups will have to continue to assist the Council in the procurement of land not exceeding agricultural land prices. In situations where the Council provides land for new burial grounds/extensions to existing burial grounds it is envisaged that this shall be undertaken on the basis that the parish/community group will assume responsibility for its development.

The alternative to community led burial grounds is a limited number of regional burial grounds where economies of scale associated with their size make the burial grounds more affordable to provide and operate.

2.2 The Role of the Council

- Allocation of grave spaces will be based on imminent need.
- The Council will facilitate the establishment of local Burial Ground Committees who will ensure the proper upkeep and maintenance of their Burial Grounds.
- The Council will assist and encourage Burial Ground Committees to develop a mapping/inventory of burial ground records to assist in family history projects.
- Detail in regard to insurances associated with Burial Grounds management through local committees is set out at appendix 1.

2.3 The Role of the Community

- The local Community is encouraged to establish Burial Ground Committee for their local Burial Ground.
- The Local Committee will implement and oversee the ongoing upkeep and maintenance of the Burial Ground funded by local fundraising activities. The Council would have no objection to the committee organising a relevant supported community employment program to help with this task such as Tus or Rural Social Scheme.
- The Committee will liaise with the Graveyard Caretaker where necessary on their activities.

2.4 Grant Aid

In the past Leitrim County council have grant aided a number of Burial Grounds Committees for new graveyards, extensions, footpaths, fencing etc. If a committee wish to avail of grant they need to;

1. Prepare a preliminary proposal in writing outlining what exactly the committee wish to do, a prioritised action plan, costs, etc.
2. The proposal should be prepared in consultation with the relevant Area Engineer with particular emphasis on suitability and technical adequacy of the proposal.
3. A view on the need for Planning Permission should be included as part of the proposal. Where planning permission would ordinarily be required the Council in most instances would conclude that the improvement or expansion of a burial ground in being carried out in partnership with the Council and hence the provisions of Part VIII of the Planning Regulations would apply.
4. Following agreement with the Council in regard to the actions that will be considered for the grant, detailed plans and specifications should be prepared for the proposed works in consultation with the Area Engineer. In this regard a technical agent would be required to be in place by the Committee who would also be responsible for the preparation of the Planning Permission or Part VIII proposal documentation.
5. Arrange relevant procurement for the proposed works.
6. Formal application by letter for grant aid including detailed quotations, project timescales, project supervision etc., should then be submitted to the Council. Details of the value of local contributions should be submitted at this stage also.
7. Arrange appropriate appointments of competent persons project supervisor both design and construction in accordance with health and safety regulations.
8. A Letter of Offer detailing the grant aid and conditions imposed will be issued following assessment of the application. (Projects must be ready to proceed to construction within a limited timeframe following issue of the Letter of Offer).
9. Maximum grant aid available for any approved project will be €25,000 subject to a maximum 70% of agreed costs. For the development of new burial grounds, a phased approach may be agreed.
10. To obtain a grant the committee must have Tax Clearance Certificate and all payment by the Local Authority must be paid into the Local Committee bank account.
11. Land purchase will be grant aided in exceptional circumstances only. However, the cost of land as part of an approved project for the extension of a burial ground can be factored in thereby contributing to the local match funding requirement. In all cases the value of the land will be assessed on agricultural value only.
12. Burial grounds supported by Leitrim County Council must operate in a non-denominational way.

2.5 Columbarium Walls

To accommodate the increasing trend towards cremations, Leitrim County Council will consider providing grant assistance for the provision of a Columbarium Wall where the local community group can provide justification for same.

1. The maximum grant aid available for the provision for a columbarium wall will be €30,000 subject to a maximum 90% of agreed costs.
2. In the event of demand for Columbarium walls, a policy will be prepared by Leitrim County Council for the provision, inscription, operation and fees for these facilities, and will be included as an addendum to this policy.

2.6 Grant Funding Priorities

In view of the limited resources available to the Council to fund burial ground improvements the following will be the priority associated with proposed extension or improvements

1. Priority across the county will be based at all times on the need to address capacity issues.
2. Similarly, individual applications submitted will be prioritised in order to address increased capacity.
3. Subsequent to capacity issues access improvements will be considered where funding allows.
4. General improvement works within the existing burial ground to improve standard of accessibility to plots will be considered as next priority.
5. Should funding allow other improvement works to the ascetics of the burial ground etc., will then be considered.

3 Burial Ground Fees

3.1 Current Fees and Charges

The price of burial plots are currently as follows: -

- Single Plot - €250
- Double Plot - €500

These fees have not been reviewed since 2007 and it is now necessary to increase them.

3.2 Proposed Fees and Charges

The following fees are proposed to be implemented from **1st January 2025**

- Single Plot - €350
- Double Plot - €700
- Triple Plot - €1,050

Appendix I

Insurance Policy & requirements

Community & Voluntary groups can carry out routine maintenance such as grass cutting & litter picking within Council owned Burial grounds. All other work to be carried out must be preauthorized with the Council beforehand. An agreed method statement for all such works will be required.

Where Social Employment Schemes and similar are involved in any works on Burial grounds, these schemes are required to have separate adequate insurances in place. The responsibility of having the correct insurances in place is the responsibility of the governing body of such schemes.