

# Coastwise Graveyards Transition Options

**Final Report**  
prepared for

**North Norfolk District Council**

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Department  
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Coastal transition accelerator programme

Part of the £200m  
Flood and coastal innovation programmes





# Coastwise Graveyards Transition Options

June 2025

Final Report

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## **Disclaimer**

*The views and propositions expressed herein are, unless otherwise stated, those of Risk & Policy Analysts and do not necessarily represent any official view of 'North Norfolk District Council' or any other organisation mentioned in this report.*

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# Executive Summary

With immediate impacts on housing and infrastructure taking priority, there has been little attention on the need for, and how to plan and prepare where graveyards face coastal erosion risk. Graveyards hold emotional, cultural and religious significance for many individuals and the sensitive and emotive nature of this topic means that transition planning needs to be treated with care and respect.

The evidence review shows that while burial grounds are often relocated for infrastructure projects, there is limited precedent for transitions prompted by coastal erosion. As seen in several case studies, inaction leads to graveyards being lost to the sea, exposing human remains and causing both health risks and significant distress to local communities. Although there are calls to defend at-risk sites, securing funding for such measures proves challenging. International examples of grave relocation due to erosion typically involve historical sites with less emotional attachment. The review highlights the importance of early stakeholder engagement, the potential for negative community reaction against exhumation, and the emotionally sensitive nature of this issue.

Three at-risk churchyards in North Norfolk—Happisburgh, Trimingham, and Mundesley—are examined in greater detail. Notable graves are also highlighted that may require a tailored approach to transition. The level of detail available for each site varies, depending on the extent of research carried out by local history groups and societies. All three churchyards remain active, making it essential that any plans involving recent graves are approached with the utmost care and sensitivity. Consultation was conducted with a range of relevant stakeholders including representatives from each of the churches, theological stakeholders, heritage experts and exhumation specialists to gather detailed insights and better understand the risks and challenges associated with churchyard transition.

The main output of this report is an options framework that provides a range of options available to churchyards at risk. There is no universal approach suitable for every site and the options framework acts as a guide to support relevant stakeholders involved in developing site-specific plans for managing churchyard transition. Dynamic Adaptive Policy Pathways (DAPP) is presented as a potential decision-making tool that could be integrated and used to transition burial grounds away from coastal erosion risk.

The available options are: do-minimum, defend, cease use and close, relocate, and long-term management. The do-minimum option keeps the churchyard open and allows burials to continue, but limits actions to those required for legal compliance. It is a reactive approach, with interventions only occurring in response to coastal erosion. The defend option involves implementing measures to protect the site from erosion. In England, any such actions must align with Shoreline Management Plan policies meaning that in many locations this option is not possible. Where defences do exist, they may be ageing and unlikely to be replaced when they fail. While this may serve as a short-term solution to buy time for longer-term planning, it is only viable where the policy allows. The cease use and close option refers to two stages: first, gradually reducing new activity at the site, and eventually closing it to new burials. The relocate option involves exhuming burials and transferring them to another location. Though legally complex and requiring significant coordination, this option enables a long-term transition of the site and graves away from erosion risk. Long-term management accepts a managed loss of burials after the opportunity to exhume and relocate. Various sub-options are nested under these broad option approaches and an appropriate transition plan may take different elements from each.

This report highlights the need for proactive, respectful, and collaborative approaches to managing at-risk burial grounds threatened by coastal erosion. By exploring viable transition options, engaging stakeholders, and recognising the cultural and emotional sensitivities involved, it provides a foundation for informed decision-making and responsible long-term planning.



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## Glossary

Burial ground	A site for burials on unconsecrated land. This can be used as an alternative term for graveyards.
Churchyard	A churchyard refers to a burial ground where there is a Christian church attached. They are consecrated land.
CWGC	Commonwealth War Graves Commission
Consistory Court	Ecclesiastical court of the Church of England that controls changes to church land and buildings.
CTAP	Coastal Transition Accelerator Programme
Dynamic Adaptive Policy Pathways (DAPP)	A strategic planning method used to manage uncertainty and change over time.
Faculty	Permissions issued by the Consistory Court to change buildings or land that is consecrated
Graveyard	A burial ground that is on unconsecrated land. Different approaches are required for graveyards and churchyards.
HS2	High Speed Railway 2
Incumbent	Individual entrusted with the responsibility of leading the parish worshipping community. This may be a vicar, rector or priest.
NCERM	National Coastal Erosion Risk Map
PCC	Parochial Church Council



# 1 Introduction

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## 1.1 Background

Graveyards hold emotional, cultural and religious significance for many individuals. Churches and their churchyards are at risk from coastal erosion along the North Norfolk coast. There are many more sites facing similar circumstances now and in the future around the coast of England and elsewhere.

Many of the graveyards at risk on the North Norfolk coast are still active and hold great local significance. Preparing for their possible loss is a sensitive issue that needs to be addressed with careful planning and co-production with communities to ensure that options available to these areas are feasible, ethical and produced in collaboration with all stakeholders. Taking action without consultation could result in legal disputes, negative media coverage, personal anxiety and loss of trust with official organisations.

Proactively addressing the issue and developing an options framework that can be applied to coastal locations demonstrates the commitment of Coastwise to working for the community and ensuring sustainable and proactive planning. It also reflects the learning objective of the Coastal Transition Accelerator Programme (CTAP) and the potential transferability of that learning to other locations.

Coastal management strategies have previously overlooked graveyards in their transition plans. However, just as residential and commercial buildings are facing coastal erosion so too are churches and their burial grounds. In addition, churchyards have a far more complex legal framework surrounding them which needs to be considered in their transition plan.

This project investigates existing evidence of burial grounds being moved and the current legislation surrounding these sites. As part of this project, the study team have produced an options framework to equip any relevant party (e.g. a Diocese or Parochial Church Council (PCC)) to use to help them understand potential processes, legislation and timings involved where there is risk of erosion to churchyards. Whilst the evidence review includes a range of different types of burial grounds, this options framework primarily focuses on Church of England Churchyards. Different types of burial ground are subject to different legal frameworks and their associated processes may differ. The options framework maps out potential pathways available to graveyards at risk from coastal erosion. These options are: do nothing, defend, cease use and close, relocate and long-term management. There are also various sub-options and actions that can be taken in each of these. Not all of these options will be available to all sites but the report aims to map out the options and challenges associated with each and ways that they could be overcome.

The report also looks at three at-risk churchyards in North Norfolk: Happisburgh, Trimmingham and Mundesley and identifies characteristics such as notable graves and current risk context in each of these sites that might need to be considered in their individual transition plans. Notable graves in this context focus on graves that may require different approaches to transition. This can include Commonwealth War Graves or graves of heritage or local significance. To create a comprehensive and accurate strategy, further research and exploratory work will be required at each site to document the graves, structures, and other significant elements.

When developing a transition plan for at-risk churchyards, planners may decide to take various elements from different options to help develop their transition plan. There is no one size fits all approach to transition planning. The framework demonstrates a range of options that are available and it is up to planners to decide what will be best for their site.

## 1.2 Report structure

The report structure is as follows:

- Section 2 presents the methodology
- Section 3 presents the evidence review
- Section 4 presents the characteristics and risk context
- Section 5 presents the options framework, and
- Section 6 concludes.

Associated annexes include:

- Annex 1: Questions to stakeholders
- Annex 2: Legal framework
- Annex 3: Infographic, and
- Annex 4: Exhumation costings menu

## 2 Methodology

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### 2.1 Evidence review

The study team began the project with an evidence review to develop a baseline of knowledge and understanding of the current state of affairs associated with burial ground transition and to understand previous examples of burial ground transition. This task involved two parts: (1) case studies, and (2) legislation, which are discussed below.

#### 2.1.1 Case studies

The first part of the evidence review examines case studies to collect examples where previous burial grounds had been moved or relocated when faced with physical loss or another factor behind the need to relocate.

These sources are documented in the evidence review spreadsheet in Excel with information from sources extracted into this spreadsheet. Table 2-1 presents the details that were recorded and the indicators from each of the case studies.

Table 2-1: Column headings for evidence review (case studies)	
Heading	Need
Title	Title of the document. A range of sources were examined which included: reports, guidance documents, news reports, academic journals etc.
Author/organisation	Name/title of author
Published Year	We examined recent examples of burial grounds that have faced physical loss or relocation. Up to date case studies were prioritised to ensure that the legislation and policies have not changed
Link	Link to document
Location	Location where action has been taken. The study team looked at a range of locations to see what lessons could be learnt. E.g. England, Denmark, US, Sweden
Context	There were a range of contexts that could occur for graveyards to experience physical loss or need to relocate. Contexts include: coastal erosion, archaeological sites, infrastructure development, flooding
Short summary	A short description of the relocation and the outcome if specified
Site characteristics	Geographical and socio-economic characteristics, risk timescales
Actions taken	Summary of the actions taken from each of the identified case studies and the factors influencing these (such as funding, timescales)
Stakeholders	Key stakeholders involved, their roles and responsibilities in the process
Legislative framework	Information on the legislative context (relevant to the second part of this task)
Barriers/challenges	List of the challenges faced by a site. This included practical, pastoral and theological challenges, as well as uncertainties faced
Lessons learnt	Lessons learnt and transferable learning that can be applied for the Coastwise team

## 2.1.2 Legislation

The second part of the evidence review examines the current policies and legislation that are relevant to the loss or decommissioning of churchyards. Review of these sources was critical to understand what options are available and can be recommended according to the legislative framework.

Legislation and policies were reviewed and extracted into a dedicated evidence review spreadsheet. Table 2-2 presents the type of evidence that was collected, this collated the key legislation that needed to be reviewed and considered when producing the different options.

Heading	Need
Title	Title of the legislation, act, policy or law
Author/organisation	Name/title of author
Link	Link to document
Short summary	A short description of key legislative and policy provisions
Key legal implications	List of the key legal implications applicable from the legislation, including practical, pastoral and theological aspects, but also cross cutting implications and implications for external stakeholders.
Gaps	Any regulatory gaps that are not covered by the legislation

The Climate Change and Coastal Erosion Transition Lawyer also supported with this task and developed a legal framework table that the study team has used to support this report. This can be found in Annex 2.

## 2.2 Consultation

### 2.2.1 Questions to stakeholders

In order to collection information from local stakeholders we contacted local churchwardens and relevant stakeholders with a set of questions to understand more about the practical, pastoral and theology challenges associated with managing at-risk churchyards. Stakeholders associated with the three at-risk sites were contacted as well as other identified sites that are at risk along English coastlines as well as stakeholders identified by Coastwise whose details were passed on to the study team. The questionnaire was sent to 16 stakeholders and 4 responses were received.

The questions were focused around the options that were developed by the study team. It also asked for more information around site characteristics so that the study team could identify if a unique approach was needed for any of the sites if they contained a certain feature. The questionnaire was launched on Microsoft Forms on 27<sup>th</sup> February 2025 and ran until 12<sup>th</sup> March 2025.

The questions sent can be found in Annex 1.

### 2.2.2 Workshop

A workshop was held on the 6<sup>th</sup> March 2025 in person at the RPA office with key stakeholders to discuss a summary of the evidence collected and walking through a draft options framework. The attendees are presented in Table 2-3. We welcomed stakeholders' inputs to help identify challenges that might occur, responsibilities for changes and timings required. We also welcomed views on what specific challenges there might be for certain churchyards and understanding more about the context



of site-specific churchyards. The workshop was interactive and collaborative and was designed so that the options framework could be co-produced so that it reflected the needs and challenges of the local community.

**Table 2-3: Workshop attendees**

- |   |
|---|
| <ul style="list-style-type: none"><li>• 4 study team members from RPA</li><li>• 3 Coastwise team members</li><li>• Fabric Officer from Trimingham Church</li><li>• Churchwarden from Happisburgh Church</li><li>• Archdeacon of Norfolk</li><li>• Vicar of Happisburgh Church</li><li>• Coastal and Climate Transition Lawyer</li></ul> |
|---|

During the workshop a Mural board was presented to participants which acted as a “mind map” of the different pathways available to churchyards at risk of coastal erosion. Figure 2-1 presents a screenshot of the Mural board used. As we moved through the different pathways participants were encouraged to ask questions and also consider seven key points:

1. Timings: what is required short-term and what can move towards long-term?
2. Responsibility: Who is responsible for actioning these changes?
3. Cost: What costs are expected with this option?
4. Legality: What legal framework needs to be considered?
5. Key decision: Identify when key decisions have to be made.
6. Stakeholders: Where do we need to get stakeholders inputs? When do they need to be consulted?
7. What unidentified challenges might occur across the transition plan?

Notes were produced following the workshop and key points were taken forward to include in the transition plan.

Ideas for the infographic were also discussed.

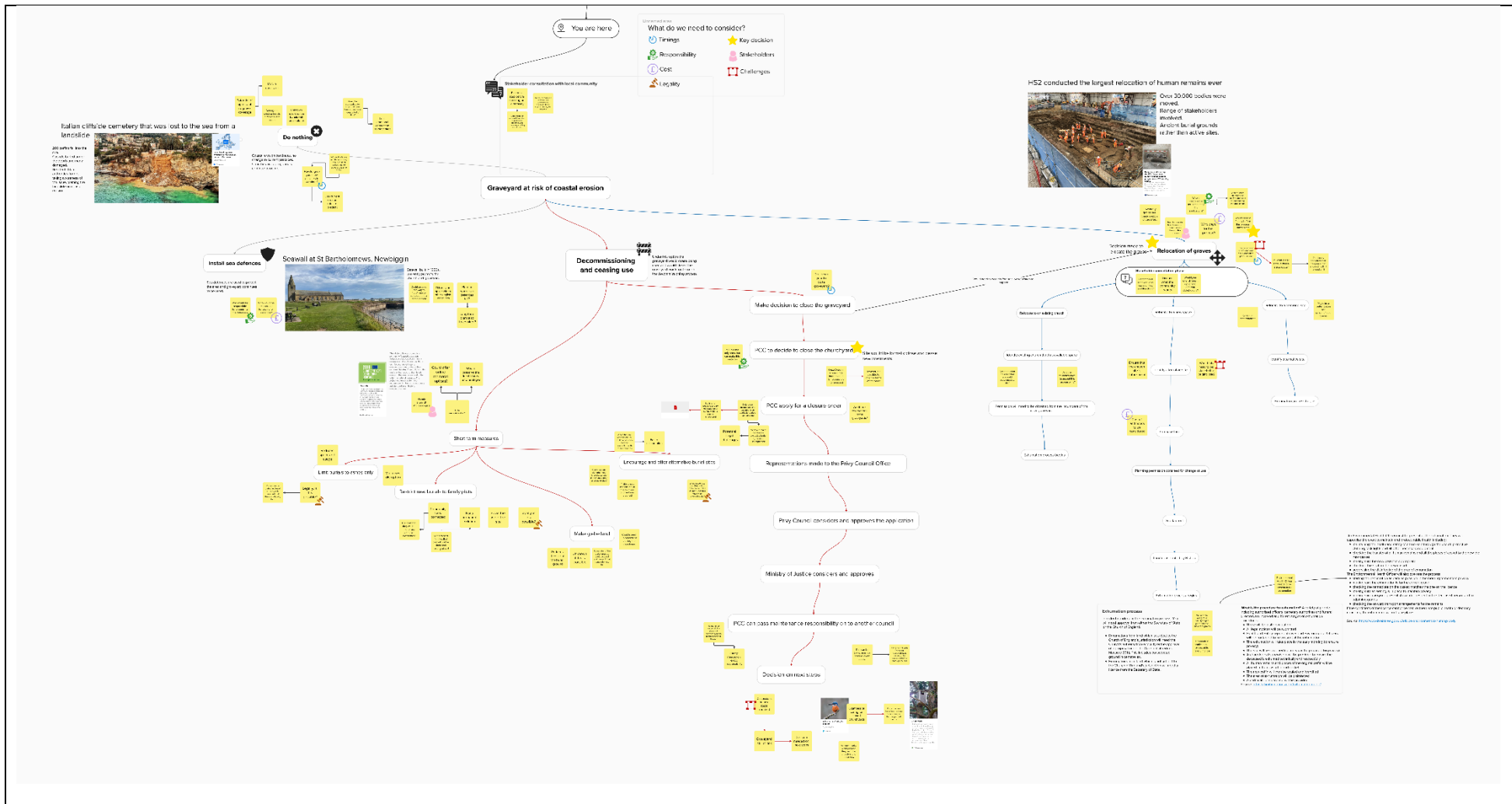


Figure 2-1: Workshop Mural Board  
Source: RPA study team

## 2.3 Infographic

An infographic was designed and produced as part of this project to provide a visualisation of the challenge of managing at risk churchyards. This was designed to support Coastwise with future stakeholder engagement and discussion on this subject in various fora.

The purpose of the infographic is to demonstrate that churchyards need to be included in coastal management strategies just as residential and commercial buildings and other assets are. The infographic explains the current study, the options developed and what Coastwise plan to do in the future. The purpose of the infographic is to explain the current issue and demonstrate how Coastwise are investigating this challenge and provide a short overview of the options to stimulate discussion. The three at-risk sites are included in the infographic on a map and a QR code that links to the full report.

The infographic can be found in Annex 3.

## 2.4 Options framework

Five end point options have been developed under the options framework: do-minimum, defend, cease use and close, relocate and long-term management. Various sub-options are nested under these broad option approaches to capture specific steps or actions that could be taken forward under these (further discussions on these sub-options is provided in Section 5).

Legal considerations and clarifications are integrated under each option so that decision-makers can see what the current legislation allows for and where responsibilities fall. Information from the evidence review was also integrated under each option where necessary to highlight what precedent exists from other contexts that can inform how to approach the churchyard transition challenge. Barriers and challenges under each option were also identified and potential ways to deal with these were also considered. Table 2-4 presents the different options and their associated definitions.

<b>Option</b>	<b>Definition</b>
Do-minimum	Under the do-minimum option the churchyard would remain open, and burials would continue to occur. Do-minimum refers to not addressing the threat posed by coastal erosion until it is imminent, and then taking undefined, reactive courses of action should these become necessary (i.e. not addressing the fact that burials historic and recent will become exposed by cliff falls). It includes actions taken to ensure legal compliance in relation to potential health and safety issues, but no other action. Community feedback via a small survey and workshop involving local church officials suggests a do-minimum approach would not be considered acceptable for the selected North Norfolk sites. The funding available through Coastwise has enabled the exploration of these issues and ability to progress beyond do-minimum.
Defend	Sea defences are constructed to allow burials to continue and the existing space to remain intact. For the three churchyards investigated in this report, it will not be technically, environmentally or economically feasible to take this approach over either the short-, medium- or long-term. Sea defences do exist in some of the locations, but due to the geology of the cliffs erosion continues to occur. Any existing defences are time limited and long-term risk projections are managed realignment so plans and precedent will be needed.
Cease use and close	The churchyard could cease being in use and would be closed to new burials. Before the churchyard officially closes, short-term actions could be introduced to slow down the use of the site (e.g. suggesting alternative burial locations for those in the local community).

Table 2-4: Options definitions	
Option	Definition
Exhume and relocate	Existing burials would be exhumed and relocated in an alternative location.
Long-term management	This option accepts the loss of burials over the long-term, following opportunity to exhume and relocate burials. This options acknowledges that the site will erode and it will not be possible to exhume all burials due to the age of the site. This option ensures that there are management options in place to ensure that the loss of burials is effectively managed and an appropriate protocol is established.
<i>Source: Study team</i>	

### 3 Evidence review

Through the evidence review, the study team found multiple examples of how burial grounds are affected by coastal erosion. Examples were found along the English coastline as well as in international contexts. The sources predominantly reported on the event, e.g. a landslip, but limited detail was provided on longer-term actions and steps taken after the event. Relevant indicators, such as identified actions taken, key stakeholders involved, barriers and challenges and lessons learnt were reviewed and reported. The nature of the sources, such as news reports and articles, mean that some of these indicators were inferred. However, the findings provide a solid evidence base of the challenges that face burial ground transition and enhance our understanding options available to stakeholders addressing the graveyard transition processes.

Table 3-1 presents an overview of the case studies demonstrating evidence of burial ground transition. These are discussed individually more detail in the following sections. The case studies are split into different options that are available to graveyards at risk.

Option	Case study	Context of burial ground transition	Location	Actions taken
Do-minimum	St. Mary's Churchyard	Coastal erosion	Yorkshire, England	Bones exposed from landslip. Bones collected and reinterred in the same churchyard away from the edge.
	Cemetery of Camogli	Coastal erosion	Camogli, Italy	Cliff-top cemetery experienced a landslip. Coffins scattered around the hillside and in the Mediterranean Sea. Of the coffins only a few have been recovered.
Defend	St Bartholomew Church	Coastal erosion	Newbiggin-by-the-Sea, England	Churchyard very close to coast has been suffering from increased erosion. Funding for sea wall repairs is being sought.
	Donaghmore Graveyard	Flooding	Wexford, Ireland	Council applied for funding for coastal defence works to protect the towns cemetery.
	Kerry Graveyards	Coastal erosion and flooding	Kerry, Ireland	Research programme exploring how coastal communities perceive and adapt to climate change in the context of cultural heritage.
Cease use and close	Tottenham Park Cemetery	Unlawful disturbance of graves; cemetery being full	London, UK	Remains being unlawfully disturbed during burials. The intention of the government is to stop burials. To do so an Order of Council is required.
Relocate	Mårup Church	Coastal erosion	Mårup, Denmark	Church dismantled and bones collected.
	Ascension of Our Lord Church	Coastal erosion	Karluk, Alaska	Working group put together to plan to move the site.
	Kiruna Church	Expansion of iron ore mine	Kiruna, Sweden	Church and churchyard relocated.

**Table 3-1: Overview of case studies**

Option	Case study	Context of burial ground transition	Location	Actions taken
	HS2 development	Railway line	London, England	Archaeological work to remove 45,000 skeletons to make room for HS2 construction.
	Iron ore mine	Expansion of infrastructure	Kiruna, Sweden	Relocation of church and graveyard due to expansion of infrastructure. Remains re-entered 3.5 kms from the original site.
	Potter's Field burial ground	Building development	New Jersey, United States	Bodies were dug up and reburied elsewhere.
	ASDA store	Building development	Salford, England	Bodies dug up from site and re-interred in Swinton Cemetery

### 3.1.1 Do-minimum

#### *St Mary's churchyard, Yorkshire*

UK	Yorkshire	Do-minimum	2013
<ul style="list-style-type: none"><li>• Defence mechanisms such as boulders are failing to protect the cliff</li><li>• Landslide was caused by a blocked and broken drainage pipe</li><li>• The landslide caused many older graves and bodies to be exposed; bones were even found at the bottom of the cliff</li></ul>			

St Mary's churchyard, Yorkshire, a coastal church and churchyard experienced a large landslip in 2013<sup>1</sup>. This landslip had happened despite previous mitigation actions to slow coastal erosion, such as boulders being bought in from Scandinavia to protect the bottom of the cliff on which St Mary's Church and graveyard stand. The landslide caused many older graves and bodies to be exposed; bones were even found at the bottom of the cliff. A report from the Guardian (2013)<sup>2</sup> highlighted how people had seen water seeping from the part of the cliff belonging to the church, after the landslip, with cracks appearing in the face of the cliff which was blamed on a blocked and broken drainage pipe. Therefore, further erosion and damage is likely if no action is taken.



Figure 3-1: St Mary's Church and graveyard.  
Source: Guardian (2013)<sup>2</sup>

<sup>1</sup> Dead Good Travel (2018): St. Mary's Churchyard, Whitby, Yorkshire, UK. Available at: <https://deadgoodtravel.com/2017/12/10/st-marys-churchyard-whitby-yorkshire-uk/>. Accessed January 2025.

<sup>2</sup> Wainwright (2013): Whitby church under threat from landslips. Report from the Guardian. Available at: <https://www.theguardian.com/uk/2013/jan/09/whitby-church-threat-landslips-dracula>. Accessed January 2025.



### Camogli Cemetery, Italy

Italy	Camogli	Do-minimum	2021
<ul style="list-style-type: none"><li>• Some maintenance work was performed</li><li>• Landslide was caused by erosion and was worsened by storms</li><li>• The landslide caused 200 coffins to be scattered across the hillside and into the sea, of which around ten were successfully recovered</li></ul>			

The cliff-top cemetery of the coastal town of Camogli, in Italy experienced a landslide in 2021. Around 200 coffins were scattered across the hillside and in the Mediterranean Sea and two chapels were destroyed. Of these coffins only ten have been recovered<sup>3</sup>. The landslide was caused by the erosion of the cliff worsened by storms. Although days prior to the incident maintenance works had been initiated, these abruptly stopped when workers noticed crack on the rocks. Local people protested against the negligence, blaming authorities for not taking cognisance of the matter that resulted in the incident<sup>4</sup>.



Figure 3-2: Cliff-top cemetery of Camogli, Italy

Source: *The New York Times* (2021)<sup>5</sup>

<sup>3</sup> Sharma (2021): Bodies and coffins left floating at sea after huge landslide hits cliff-top Italian cemetery. Available at <https://www.independent.co.uk/news/world/landslide-cemetery-italy-coffin-float-sea-b1806529.html>. Accessed March 2025.

<sup>4</sup> Geoengineer (2021): Cliff collapse swept away a cemetery in Italy. Available at <https://www.geoengineer.org/news/cliff-collapse-swept-away-a-cemetery-in-italy>. Accessed March 2025.

<sup>5</sup> The New York Times (2021): Italian Cliffside Cemetery, and its Coffins, Carried Away by a Landslide. Available at: <https://www.nytimes.com/2021/02/24/world/europe/italian-cemetery-landslide.html> Accessed March 2025.



### 3.1.2 Defend

#### *St Bartholomew Church, Newbiggin-by-the-Sea, Northumberland*

UK	Newbiggin by the Sea	Defend	2024-ongoing
<ul style="list-style-type: none"> <li>• Current sea defences are failing</li> <li>• Struggling to get funding for sea defences</li> </ul>			

There have been calls for continued sea defences for St Bartholomew Church, Newbiggin-by-the-Sea, Northumberland, which is a grade one listed church at risk of coastal erosion due to its location just a few metres from the coast<sup>6</sup>. This site has been vulnerable for a long time and major storms in the 1950s were reported by the BBC (2024)<sup>7</sup> to have caused “*significant erosion of up to 50ft (15m) in some areas.*” Between 1989 and 1992, a sea-wall defence system was completed but it is now showing obvious signs of decay at the base as well as signs that it is beginning to crumble. The site has decided defend the area but are issues in securing the funding to complete this project. The project is eligible for Central Government Grant in Aid (GiA) but the funding is insufficient to cover the cost of repairing the sea wall. The project would be to protect the church and churchyard with limited wider benefits (e.g. to residential or non-residential properties) which would mean it is only eligible for funding under outcome measure 1. St Bartholomew’s have also considered the Church of England as a potential funding partner, however no funding has been secured to date.



Figure 3-3: St Bartholomews Church, Newbiggin.  
Source: BBC (2024)<sup>7</sup>

<sup>6</sup> Ashworth (2024): Church and graves threatened by coastal erosion. Available at: <https://www.churchtimes.co.uk/articles/2024/16-august/news/uk/graveyard-in-danger-of-being-lost-to-the-sea> Accessed January 2025.

<sup>7</sup> BBC (2024): Church and graves threatened by coastal erosion. Available at: <https://www.bbc.co.uk/news/articles/cqe632dl318o> Accessed January 2025.

**Donaghmore Graveyard, Wexford, Ireland**

Ireland	Wexford	Defend	2016-2017
<ul style="list-style-type: none"><li>• Funding approved to defend the graveyard</li><li>• Not an active graveyard as the site is now full</li></ul>			

Wexford County Council were awarded €254,078 of funding from the Office of Public Works (OPW) for coastal flood defence works to protect the historic graveyard. This involved using rock armour at the base of the cliff and removing three damaged structures at the top<sup>8</sup>. The graveyard is full, with burials up until 2015 taking place<sup>9</sup>.

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<sup>8</sup> Office of Public Works (OPW) (n.d.) Available at: <https://www.floodinfo.ie/county-summary/?c=25>. Accessed March 2025.

<sup>9</sup> Irish Independent (2016). Available at: <https://www.independent.ie/regionals/wexford/news/church-and-graveyard-could-fall-into-the-sea/34525344.html>. Accessed March 2025.

### ***Kerry Graveyards, Ireland***

Ireland	Kerry	Defend	Ongoing
<ul style="list-style-type: none"><li>• Research project investigating several active graveyard sites in Kerry</li><li>• Project undertook primary and secondary research and conducted two workshops with the local communities to identify priorities, risks and a menu of adaptation options</li><li>• Focused on co-producing adaptation plans with the local community.</li></ul>			

The study team engaged with a research project focused on assessing climate change risks and adaptation strategies for six local authority graveyards in Kerry, Ireland. These are all Catholic medieval graveyards, and all but one remain in active use. While none of the sites are under immediate threat, several are considered vulnerable to sea level rise and coastal erosion. Although some protective measures are currently in place, the project noted that significant resources are not being allocated to their defence. Still in its early stages, the project has already initiated community engagement through workshops and a public survey aimed at understanding what adaptation options the public would find acceptable, including allowing natural loss and determining how to manage it. The research project emphasised the emotional and sensitive nature of the subject, distinguishing it from other heritage projects. They also highlighted cultural differences between Ireland and the UK, particularly regarding adaptation options; for instance, exhumation, while potentially discussed elsewhere, is culturally unacceptable in Ireland, underscoring the complex and locally specific nature of heritage adaptation.

### 3.1.3 Cease use and close

#### *Tottenham Park Cemetery, London, UK*

UK	North London	Cease use and close	2025
<ul style="list-style-type: none"> <li>• Remains being unlawfully disturbed during burials</li> <li>• The government announcing its intention to apply to the Privy Council to stop burials</li> <li>• Being a private cemetery to stop burials an Order in Council is being required</li> </ul>			

The government announced its intention to apply to the Privy Council in order to stop burials. This follows two government-ordered inspections that found remains had been unlawfully disturbed during the burial process<sup>10</sup>. Prior to this, members of the community raised concerns about the condition of the Tottenham Park Cemetery. In 2018 the cemetery was closed from the public due to construction works<sup>11</sup>. In 2024 new burials were ceased due to the cemetery being full, although burials in reserved family plots will still be permitted<sup>12</sup>. The prevention of future burials should not restrict visitors from entering the cemetery<sup>13</sup>.

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<sup>10</sup> Ministry of Justice (2024): Government seeks closure of failing cemetery. Available at [https://www.gov.uk/government/news/government-seeks-closure-of-failing-cemetery#:~:text=Tottenham%20Park%20Cemetery%20in%20Enfield,ensure%20the%20safety%20of%20burials.&text=The%20government%20has%20today%20\(11,the%20cemetery%20in%20North%20London](https://www.gov.uk/government/news/government-seeks-closure-of-failing-cemetery#:~:text=Tottenham%20Park%20Cemetery%20in%20Enfield,ensure%20the%20safety%20of%20burials.&text=The%20government%20has%20today%20(11,the%20cemetery%20in%20North%20London) Accessed March 2025.

<sup>11</sup> Enfield Council (2018): Enfield Council Statement - Tottenham Park Cemetery. Available at <https://www.enfield.gov.uk/news-and-events/enfield-council-statement-tottenham-park-cemeter> Accessed March 2025.

<sup>12</sup> [Tottenham Park Cemetery - A statement from Enfield Council | Enfield Council](https://www.enfield.gov.uk/news-and-events/2024/04/tottenham-park-cemetery-a-statement-from-enfield-council). Available at <https://www.enfield.gov.uk/news-and-events/2024/04/tottenham-park-cemetery-a-statement-from-enfield-council>. Accessed May 2025.

<sup>13</sup> Enfield Council (2024): Tottenham Park Cemetery - A statement from Enfield Council. Available at <https://www.enfield.gov.uk/news-and-events/2024/04/tottenham-park-cemetery-a-statement-from-enfield-council> Accessed March 2025.

### 3.1.4 Relocate

#### *Mårup Kirke, Denmark*

Denmark	Mårup Kirke	Relocate	2008-2015
<ul style="list-style-type: none"> <li>• The church and graveyard facing significant risk of erosion, while the churchyard has already been eroded</li> <li>• Church was first reduced in height, later on dismantled and now it is securely stored until further funding is secured</li> <li>• There was no assessment performed regarding moving the graveyard as there were no recent burials</li> </ul>			

The old medieval Romanesque style church at Mårup was built in the early 1200s and now stands right at the edge of the steep cliffs which are eroding due to penetrating groundwater from the hinterland<sup>14</sup>. Mårup Kirke was built on a cliff called Lønstrup Klint; on land which is predominantly sand and clay<sup>15</sup>. Sources indicate that the church was originally built 1-2km away from the sea and that Lønstrup Klint has lost on average 1.25 metres per year<sup>16</sup>. Currently, Mårup Kirke lies just seven metres from the sea and most of the old churchyard has been eroded and the church and graveyard also face the risk of significant erosion.

Three options were discussed<sup>17</sup>. These options were: a) to secure the coastline using defence systems, b) to relocate the church to another part of the country and c) to let nature take its course. National authorities decided to give priority to the natural environment and therefore did not implement any coastal defence systems. However, after an archaeological investigation, an action plan was agreed to protect the church, which involved carefully dismantling the church when it was 15 metres away from the edge of the cliff. In 2008, when the church was 15 metres away from the edge of the cliff, the walls of the church were reduced to a height of two metres without a roof, creating a minor ruin. In 2011, the church was reduced further, when the western end of the nave was taken down. The carefully dismantled parts of church are being carefully stored until funding is secured for a future rebuild in a safer location<sup>18</sup>. There was no assessment on whether and how to move the graveyard as there were no recent burials. The last coffin was buried in 1961 and the last urn in 1994. Instead, the bones, which have been allowed to fall down the cliff are collected at the beach and reburied at Lønstrup church, where a special grave has been built<sup>19</sup>. It is not clear from sources whether bones will be reburied as and when they are found or whether a whole scale digging-up of the bodies/bones in the graveyard and reburial of these will occur at the new grave at Lønstrup.

<sup>14</sup> NordsøPosten. (2023). The history of Mårup Church. Available at: <https://nordsoeposten.dk/historien-om-maarup-kirke/> Accessed January 2025.

<sup>15</sup> VisitNordvestkysten (n.d): The Lønstrup Cliffs. Available at: <https://www.visit-nordvestkysten.com/northwest-coast/whatson/lonstrup-cliffs-gdk595215> Accessed January 2025.

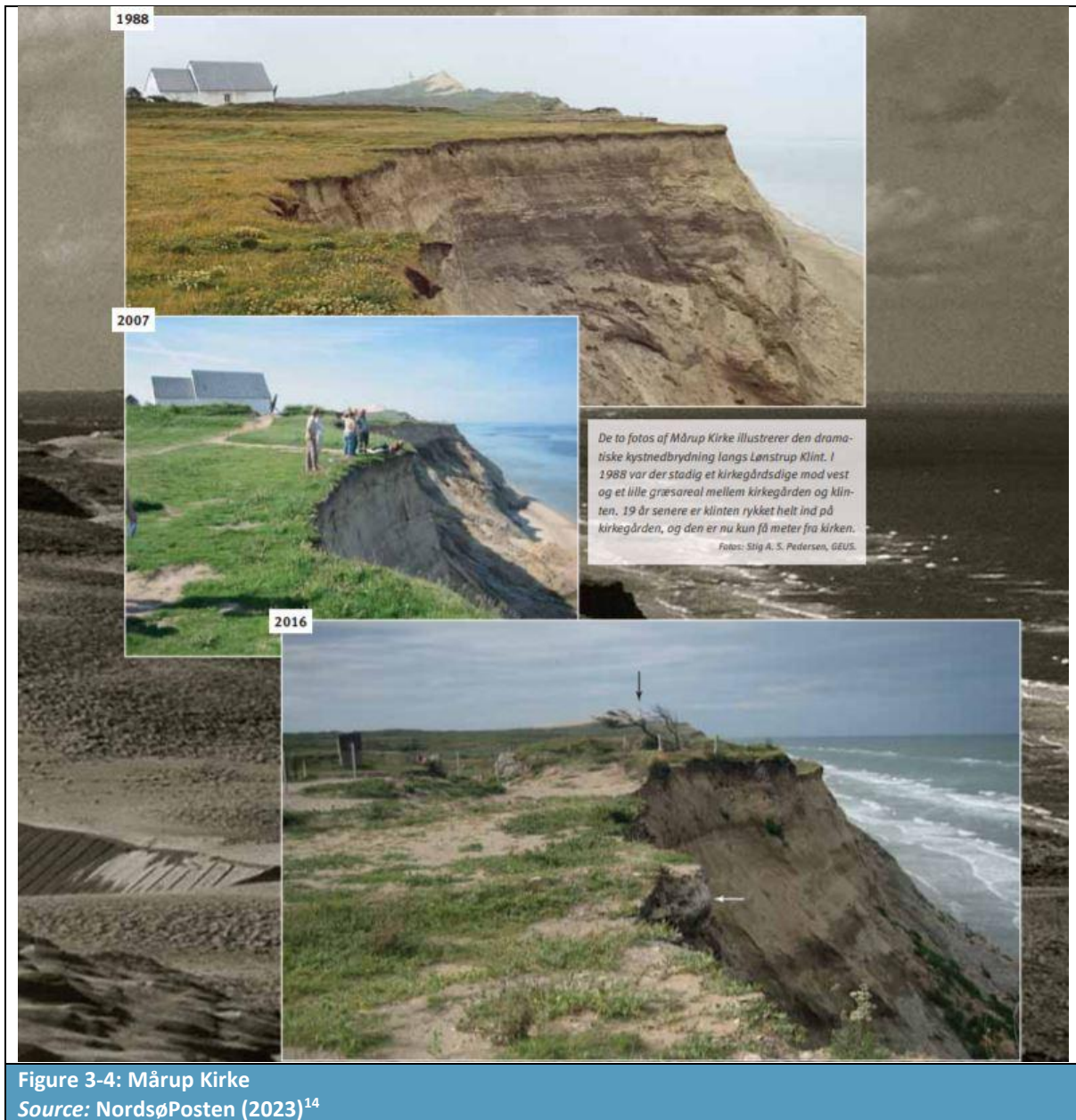
<sup>16</sup> Vendsyssel Historiske Museum. (n.d.) Mårup church's history. Available at <http://rubjergknode.dk/engelsk/net-exhibit/explore-rubjerg/maarup-church/history/> Accessed January 2025.

<sup>17</sup> Wienberg (2013): Four churches and a lighthouse- preservation, 'creative dismantling' or destruction. Danish Journal of Archaeology, 3, 68-75.

<sup>18</sup> Zsolt (2008): The final days of Mårup church. Available at: <https://podolin.blogspot.com/2008/08/final-days-of-mrup-church.html> Accessed January 2025.

<sup>19</sup> NordsøPosten (2023): The history of Mårup Church. Available at: <https://nordsoeposten.dk/historien-om-maarup-kirke/> Accessed January 2025.





**Ascension of Our Lord Church, Karluk Alaska**

US	Karluk	Relocate	2021
<ul style="list-style-type: none"> <li>• Church and churchyard being affected by coastal erosion</li> <li>• Church being relocated</li> <li>• Ensuring that graves will not be damaged during the relocation of the church, their locations were identified using a GPR survey</li> </ul>			

In Karluk, Alaska, coastal erosion has dramatically impacted the hillside/bluff on which the Ascension of Our Lord Church was built on in 1888<sup>20</sup>. As one of the oldest standing Russian Orthodox churches which is also listed on the National Register of Historic Places, it holds special memories for members of the local community in Karluk. Beside the church is a cemetery with over 600 graves, with headstones, crosses and raised mounds. According to a 2007 U.S. Army Corps of Engineers report<sup>21</sup>, the hillside which the church and cemetery sit on were protected by a spit until 1978 when it was damaged by a storm, causing a new outflow from the Karluk lagoon. However, since the 1978 storm, no new protective measures have been attempted.

Due to the continued erosion and its rate the relocation of the graves and the church was decided as an emergency measure. In order to move the church, the soil beneath the church needed to be excavated so that steel beams and cribbing beneath the church could be placed. Therefore, it was important to ensure that graves would not be damaged in the process of moving the church, by locating them. In order to locate the graves in the cemetery around the church, a geophysicist was contracted to use a Ground Penetrating Radar (GPR) survey<sup>22</sup> which showed the team how to avoid adversely affecting the graves during the move of the church. Consequently, no marked or unmarked graves were damaged or disturbed by the relocation of the church. Additionally, GPR also helped the team to know which burials are vulnerable to continued erosion and how much effort it would take to relocate them in the future, although no concrete plans have been made yet.

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<sup>20</sup> DuVall (2021): How we rescued the Ascension of Our Lord Church in Karluk, Alaska, from Falling Off a Cliff. Available at: <https://www.nps.gov/articles/000/how-we-rescued-the-ascension-of-our-lord-church-in-karluk-alaska-from-falling-off-a-cliff.htm> Accessed January 2025.

<sup>21</sup> U.S. Army Corps of Engineers (2007): Alaska Baseline Erosion Assessment. Available at: [Microsoft Word - Karluk EIP for Final Report.doc](#) Accessed January 2025.

<sup>22</sup> DuVall (2021): How we rescued the Ascension of Our Lord Church in Karluk, Alaska, from Falling Off a Cliff. Available at: <https://www.nps.gov/articles/000/how-we-rescued-the-ascension-of-our-lord-church-in-karluk-alaska-from-falling-off-a-cliff.htm> Accessed January 2025.

## High Speed 2, England

UK	Between London and Birmingham	Relocate	2017-2020
<ul style="list-style-type: none"> <li>• Development of the High-Speed Railway 2 (HS2) requiring exhumation of buried remains</li> <li>• Relocation and reburial of remains in accordance with the requirements of the Church of England</li> </ul>			

The development of the High-Speed Railway 2 (HS2), which is to run between London and Birmingham, required a carefully planned and coordinated programme to dig-up and re-bury over 30,000 graves across multiple burial grounds that fall within the area of re-development<sup>23</sup>. Three Church of England (CofE) burial grounds were excavated by archaeologists, all of which were closed and became disused at some point during the 19<sup>th</sup>-20<sup>th</sup> century: St James’s Gardens, Euston, London; Park Street Gardens, Birmingham; and St Mary’s Churchyard, Stoke Mandeville.

Before any archaeological digging began, consultants were commissioned to complete studies on the archives, map rooms and record offices along the line of the route to identify historical burial grounds that could be affected.

Bones were also relocated from St James’s Gardens for the HS2 development after an agreement was made between HS2 and the Archbishops’ Council of the CofE that the remains should be reinterred<sup>24</sup>. More than 14,000 human remains were archaeologically excavated and reinterred at Brookwood Cemetery in Surrey<sup>25</sup>. Brookwood Cemetery was chosen due to its connection with the capital, as it was opened in 1852 to accommodate the increasing need for a burial site for London’s growing population and has often been used for reburials for the past 150 years. To mark the reinterment, a prayer service took place which was attended by relatives of those being reburied as well as representatives of the Archbishop’s Council, St James’s Church, Piccadilly and St Pancras Church, Euston. Additionally, a memorial monument was also erected inscribed with a poem, within a new landscaped garden as shown in Figure 3-2.

<sup>23</sup> Bradley (2020): Designing and assuring the UK’s largest ever human remains reburial programme. Available at: <https://learninglegacy.hs2.org.uk/document/designing-and-assuring-the-uks-largest-ever-human-remains-reburial-programme/> Accessed January 2025.

<sup>24</sup> HS2 (n.d): St James’s Gardens Burial Ground. Available at: <https://www.hs2.org.uk/building-hs2/archaeology/st-james-gardens-burial-ground/> Accessed January 2025.

<sup>25</sup> HS2 (2023): HS2 marks reinterment of Euston remains with memorial monument. Available at: [HS2 marks reinterment of Euston remains with memorial monument](#) Accessed January 2025.





Figure 3-2: Memorial in Brookwood Cemetery  
Source: HS2 (2023)<sup>26</sup>

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<sup>26</sup> HS2 (2023): HS2 marks reinterment of Euston remains with memorial monument. Available at: [HS2 marks reinterment of Euston remains with memorial monument](#) on March 2025.

### Iron ore mine, Kiruna, Sweden

Sweden	Kiruna	Relocate	2025-2026
<ul style="list-style-type: none"><li>• Relocation of church and graveyard due to construction and infrastructure expansion</li><li>• Exhumation and reburial of remains approximately 3.5km away from the original site</li><li>• Collaboration with the Church of Sweden and the Swedish federation of Cemeteries and Crematoria</li></ul>			

The expansion of a subterranean iron ore mine in Sweden was agreed in 2004<sup>27</sup> and a plan was formulated to relocate the whole city of Kiruna including its inhabitants (6000 people), its church and graveyard. This is because the miners have tunnelled so deep (as much as 2km in some areas) that the caverns are causing subsidence. As a consequence, the structures of buildings have been weakened and a crack in the earth has appeared as a result, which is reported to “grow wider and several metres closer to the city every year”<sup>28</sup>. As part of the relocation, roughly 5000 human remains need to be dug-up and reburied at the new site which is roughly 3.5km away. A study was conducted between 2021 and 2023 to determine strategies for the future relocation of the burial site. It analysed “the problems and impacts of relocations and how they can be integrated with people’s needs for place identity, individual memories and cultural heritage”<sup>29</sup>. Collaboration with the church of Sweden and the Swedish federation of Cemeteries and Crematoria (SKKF) was a key part of this study. A questionnaire for the identified grave-right-owners is planned with questions asking how the remove of the remains will be perceived. The relocation is expected to take place in 2025, with a project completion date of 2026<sup>30</sup>.

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<sup>27</sup> Michael (2018): Will I have existed? The unprecedented plan to move an Arctic city. Report in The Guardian. Available at: <https://www.theguardian.com/cities/2018/dec/02/kiruna-swedish-arctic-town-had-to-move-reindeer-herders-in-the-way> Accessed January 2025.

<sup>28</sup> Michael (2018): Will I have existed? The unprecedented plan to move an Arctic city. Report in The Guardian. Available at: <https://www.theguardian.com/cities/2018/dec/02/kiruna-swedish-arctic-town-had-to-move-reindeer-herders-in-the-way> Accessed January 2025.

<sup>29</sup> Wingren (2023): Mobile Necropolis: The potential, effects and meaning of large scale move of human remains in Sweden. Available at: <https://www.slu.se/en/departments/urban-rural-development/research/ia-research/ongoing-projects/mobile-necropolis/> Accessed January 2025.

<sup>30</sup> LKAEB (20224): Kiruna Church. Available at: <https://samhallsomvandling.lkab.com/en/project/kiruna-church/> Accessed January 2025.

### Potter's Field Cemetery, New Jersey

US	New Jersey	Relocate	2003-2004
<ul style="list-style-type: none"> <li>• Relocation of graveyard due to infrastructure expansions</li> <li>• Including the exhumation and reburial of remains, and recovering and cataloguing excavated artefacts</li> <li>• The relocation programme involved conducting public outreach, surveying the site using modern and traditional techniques and understanding environmental and logistical concerns</li> </ul>			

In 2002, the proposed construction of a New Jersey Turnpike interchange in Secaucus, Exit 15X, affected the nearby Potter's Field Cemetery requiring its relocation<sup>31</sup>. Potter's Field also known as Snake's Hill, was established in 1880 and became disused in 1962; it was the resting place of the county's poor, destitute and unknown.

Relocation of the graveyard was documented to be the *"heralded as the industry's largest single disinterment undertaken under a single contract in the United States"*, receiving awards for excellence, including the 2005 American Cultural Resource Association Industry Award and the 2006 American Council for Engineering Companies<sup>32</sup>. The relocation programme involved a coordinated approach where multidisciplinary teams were created (1) to conduct extensive public outreach, (2) to survey the site using modern and traditional techniques, and (3) to understand the scale of the move as well as the environmental and logistical concerns. The remains of 4,571 individuals were exhumed alongside more than 113,000 artefacts which were recovered, catalogued and photographed. Some of the human remains were claimed by relatives and reburied at private ceremonies; other remains were reinterred at Maple Grove Park Cemetery in Hackensack<sup>33</sup> alongside a granite memorial monument with bronze plaques listing the individuals and to memorialise the former site. A monument was also erected along the newly constructed Secaucus Interchange<sup>34</sup>.

<sup>31</sup> Sullivan (2014): Snake Hill's secrets: 10 years ago, thousands of bodies were pulled from the Meadowlands. Available at: [https://www.nj.com/inside-jersey/2014/10/the\\_mystery\\_of\\_secaucus\\_snake\\_hill.html](https://www.nj.com/inside-jersey/2014/10/the_mystery_of_secaucus_snake_hill.html) Accessed January 2025.

<sup>32</sup> Carvajal and Grzybowski (2013): With Reverence and Respect, Relocation A Cemetery. Available at: [https://eweb.irwaonline.org/eweb/upload/web\\_julAug\\_2013\\_Cemetery.pdf](https://eweb.irwaonline.org/eweb/upload/web_julAug_2013_Cemetery.pdf) Accessed January 2025.

<sup>33</sup> Sullivan (2014): Snake Hill's secrets: 10 years ago, thousands of bodies were pulled from the Meadowlands. Available at: [https://www.nj.com/inside-jersey/2014/10/the\\_mystery\\_of\\_secaucus\\_snake\\_hill.html](https://www.nj.com/inside-jersey/2014/10/the_mystery_of_secaucus_snake_hill.html) Accessed January 2025.

<sup>34</sup> Carvajal and Grzybowski (2013): With Reverence and Respect, Relocation A Cemetery. Available at: [https://eweb.irwaonline.org/eweb/upload/web\\_julAug\\_2013\\_Cemetery.pdf](https://eweb.irwaonline.org/eweb/upload/web_julAug_2013_Cemetery.pdf) Accessed January 2025.

### Swinton Unitarian Church, Salford

UK	Salford	Relocate	2012
<ul style="list-style-type: none"><li>• Relocation of graves due to infrastructure expansion</li><li>• Exhumation financed by Asda</li></ul>			

Graves next to the former Swinton Unitarian Church had to be relocated due to the development for a new Asda store in 2012<sup>35</sup>. GVA Grimley which submitted the plans to Salford council stated that *“extraditing the remains and moving them to another well-kept Salford cemetery will be the most respectful way to honour the dead. We plan to install a memorial plaque at the site. It would not be feasible to build around it”*<sup>36</sup>. The bodies were reinterred at Swinton Cemetery, which process was all paid for by Asda<sup>37</sup>. Despite the backlash against the plans with campaigners wanting the site to be built around the graveyard the reburial went ahead as planned<sup>38</sup>. Over 300 remains were reburied at Swinton Cemetery, furthermore a memorial service was also held and attended by the families of those reburied, as well as by campaigners.

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<sup>35</sup> BBC (2012): Salford Council approves Asda store on graveyard. Available at: [Salford Council approves Asda store on graveyard - BBC News](#) Accessed January 2025.

<sup>36</sup> Welsh (2013): Salford Asda row reburial brings dignified end. Available at: <https://www.salfordstar.com/article.asp?id=1714> Accessed January 2025.

<sup>37</sup> BBC (2012): Salford Council approves Asda store on graveyard. Available at: [Salford Council approves Asda store on graveyard - BBC News](#) Accessed January 2025.

<sup>38</sup> Welsh (2013): Salford Asda row reburial brings dignified end. Available at : <https://www.salfordstar.com/article.asp?id=1714> Accessed January 2025.

## 4 Characteristics and current risk context

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All three North Norfolk case study sites included in this report: Happisburgh, Trimmingham and Mundesley are currently active churches and burials continue to take place in their churchyards. This section details the characteristics of each of the churches including notable graves in each of the sites that may require different approaches to transition. This can include Commonwealth War Graves or graves of heritage or significance.

Currently the notable graves we have included vary significantly and are dictated by the level of research that local history societies and research groups have conducted. Transition plans should begin by documenting all the graves that are at risk at the site to build a baseline understanding. This will include mapping of erosion risks and of stakeholders (to inform consultation activities) as well as recording the number and type of each grave to understand the scale of the project.

A first step to map out the characteristics and current risk context for each site will be to investigate the church register at the local church, which will contain all burials that have been recorded. It is important to note that it is highly likely due to the age of the churchyards that not all burials at the site will be documented in the register. Burial registers at local Record Offices will likely have better records. It is unknown how far back these records will go, and this is likely to be different on a site by site basis. There should also be a map of the gravestones located at the site in the burial register which can highlight which burials are at most imminent risk. The map of gravestones may not accurately capture the location and number of burials at the site due to the age of some of the sites. However, the church and burial register should provide enough information to map out and identify the modern graves at the site.

In addition to the notable graves included here, burial grounds and gravestones are an important record of the social history of the area and each graveyard is “also the biography of its community”<sup>39</sup> and as mentioned by one key stakeholder “every grave and headstone tells a family story”. Heritage preservation of the whole community is important and something that could be integrated into a transition plan. In addition, a different approach may be required for more recent graves as this will be of high importance to families and should be addressed in a careful and sensitive way.

The current risk context is included to illustrate the timelines that must be considered for each site. This helps to identify key elements that should be factored into the development of site-specific transition plans. To create a comprehensive and accurate strategy, further research and exploratory work will be required at each site to document the graves, structures, and other significant elements.

### 4.1.1 Happisburgh

St Mary the Virgin church in Happisburgh is a Grade I listed church belonging to the Church of England<sup>40</sup>. It is a medieval church, and early churches can contain unmarked historic burials. Additionally, if the church site has shifted over time, some burials could be located beyond the modern churchyard boundaries<sup>41</sup>.

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<sup>39</sup> Historic England (n.d.) The importance of Historic Cemeteries and Burial Ground. Available at: <https://historicengland.org.uk/advice/caring-for-heritage/cemeteries-and-burial-grounds/importance/>. Accessed March 2025.

<sup>40</sup> Exploring Norfolk Churches (n.d): St Mary’s, Happisburgh. Available at: <https://www.exploringnorfolkchurches.org/church/st-marys-happisburgh/> Accessed January 2025.

<sup>41</sup> Consultation activities, 2025.

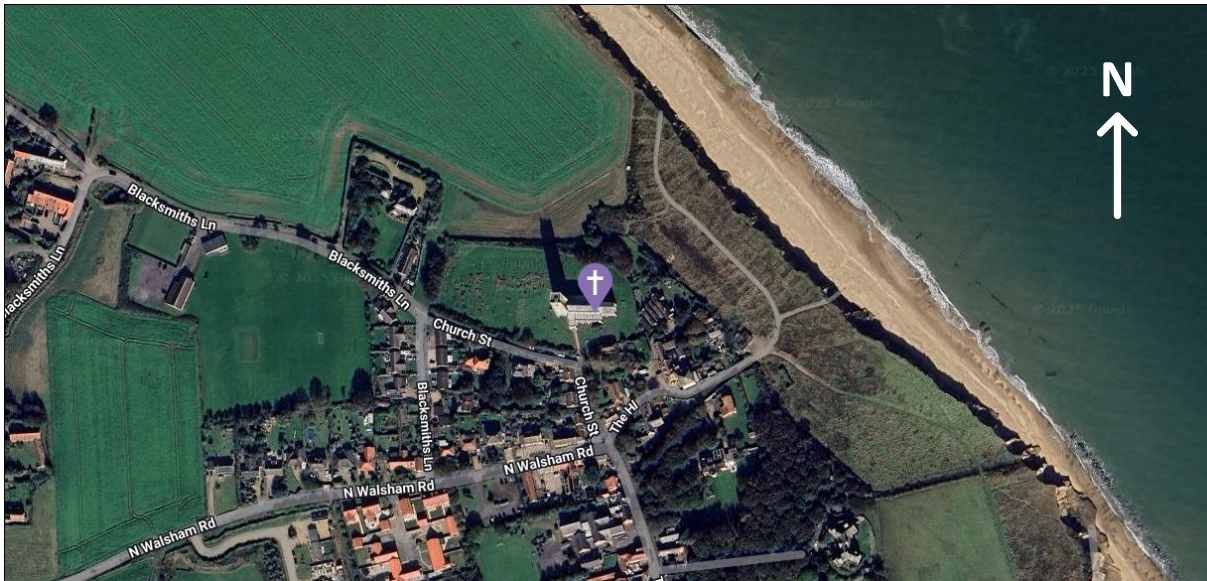


Figure 4-1 shows the location of the church on a map. The Shoreline Management Plans predict that by 2055, St Mary's church will be at considerable risk of erosion and by 2105 it will probably be lost altogether<sup>42</sup>. Erosion risk data from NCERM 2 is presented in Figure 4-3. Significant storms or weather events could advance this timeline.



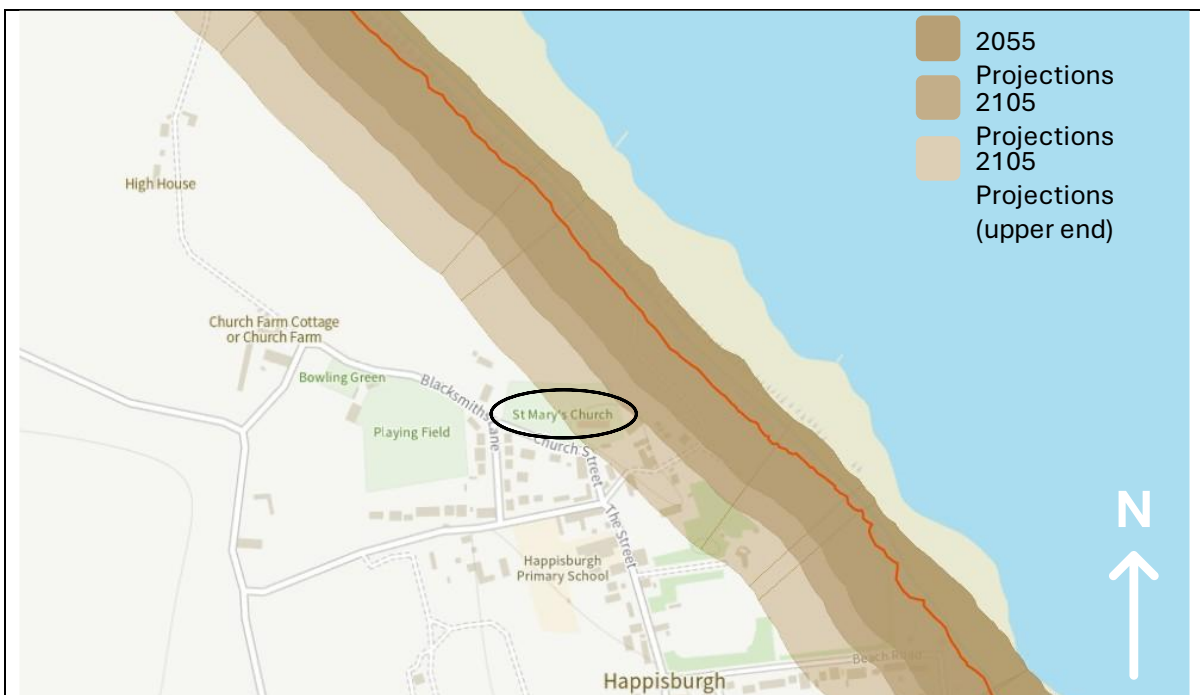
Figure 4-1: Aerial view of Happisburgh Church  
Source: NNDC Coastal Management Team

<sup>42</sup> AECOM (2010): Kelling to Lowestoft Ness, Shoreline Management plan. Available at: <https://environment.data.gov.uk/shoreline-planning/documents/SMP6%2FKelling%20to%20Lowestoft%20Ness%20SMP%20-%20final.pdf> Accessed January 2025.



**Figure 4-2: Location of Happisburgh Church**

Source: *Exploring Norfolk Churches (n.d): St Mary's, Happisburgh*. Available at: <https://www.exploringnorfolkchurches.org/church/st-marys-happisburgh/>. Accessed January 2025



**Figure 4-3: Erosion risk for Happisburgh Church**

Source: *Environment Agency (2025) Shoreline Management Plans*. Available at: <https://environment.data.gov.uk/shoreline-planning/unit/SMP6/6.12#policy>. Accessed April 2025.

### **Notable graves**

Within the churchyard there is a mass grave containing the remains of 119 crew members from the HMS *Invincible*, who died when their ship sank off the coast in 1801 while on route to join Admiral Lord Nelson's fleet. Figure 4-4 presents a photo of the memorial stone.



It was also highlighted to the study team that there is a grave belonging to a young child located in the Happisburgh churchyard, this is an example of a grave that would need to be treated sensitively.



**Figure 4-4: Memorial stone for 119 men of HMS Invincible which sank on the 16 March 1801, St Mary's, Happisburgh, Norfolk**

Source: Kolfern (Wikimedia) (2020): 2020-11-13 Memorial stone for 119 men of HMS Invincible which sank on the 16 March 1801, St Mary's, Happisburgh, Norfolk. Available at:

[https://commons.wikimedia.org/wiki/File:-2020-11-13\\_Memorial\\_stone\\_for\\_119\\_men\\_of\\_HMS\\_Invincible\\_which\\_sank\\_on\\_the\\_16\\_March\\_1801,\\_St\\_Mary%E2%80%99s,\\_Happisburgh,\\_Norfolk.JPG](https://commons.wikimedia.org/wiki/File:-2020-11-13_Memorial_stone_for_119_men_of_HMS_Invincible_which_sank_on_the_16_March_1801,_St_Mary%E2%80%99s,_Happisburgh,_Norfolk.JPG). Accessed March 2025.

#### Commonwealth War Graves

Within the churchyard there is one Commonwealth burial from World War I, see Figure 4-5, and a further three burials from World War II<sup>43</sup>.

<sup>43</sup> Commonwealth War Graves (n.d.): Happisburgh (St. Mary) Churchyard). Available at <https://www.cwgc.org/visit-us/find-cemeteries-memorials/cemetery-details/2081596/happisburgh-st-mary-churchyard/>. Accessed March 2025.





**Figure 4-5: World War I grave within the churchyard of Happisburgh**

Source: Roll of honour (updated 2018): Norfolk, Happisburgh War Memorial. Available at: <https://www.roll-of-honour.com/Norfolk/Happisburgh.html>. Photo Copyright © Barry Miles 2003.

### 4.1.2 Mundesley

All Saints church in Mundesley is a Grade II listed church belonging to the Church of England<sup>44</sup>. It is a medieval church, and early churches can contain unmarked historic burials. Additionally, if the church site has shifted over time, some burials could be located beyond the modern churchyard boundaries<sup>45</sup>. It is understood locally that the historic churchyard does extend to the cliff edge.

Figure 4-6 shows All Saints church from an aerial view, showing its close proximity to the sea and Figure 4-7 shows the location of the church on a map. Predicted rates of erosion for Mundesley from NCERM2 are presented in Figure 4-8.

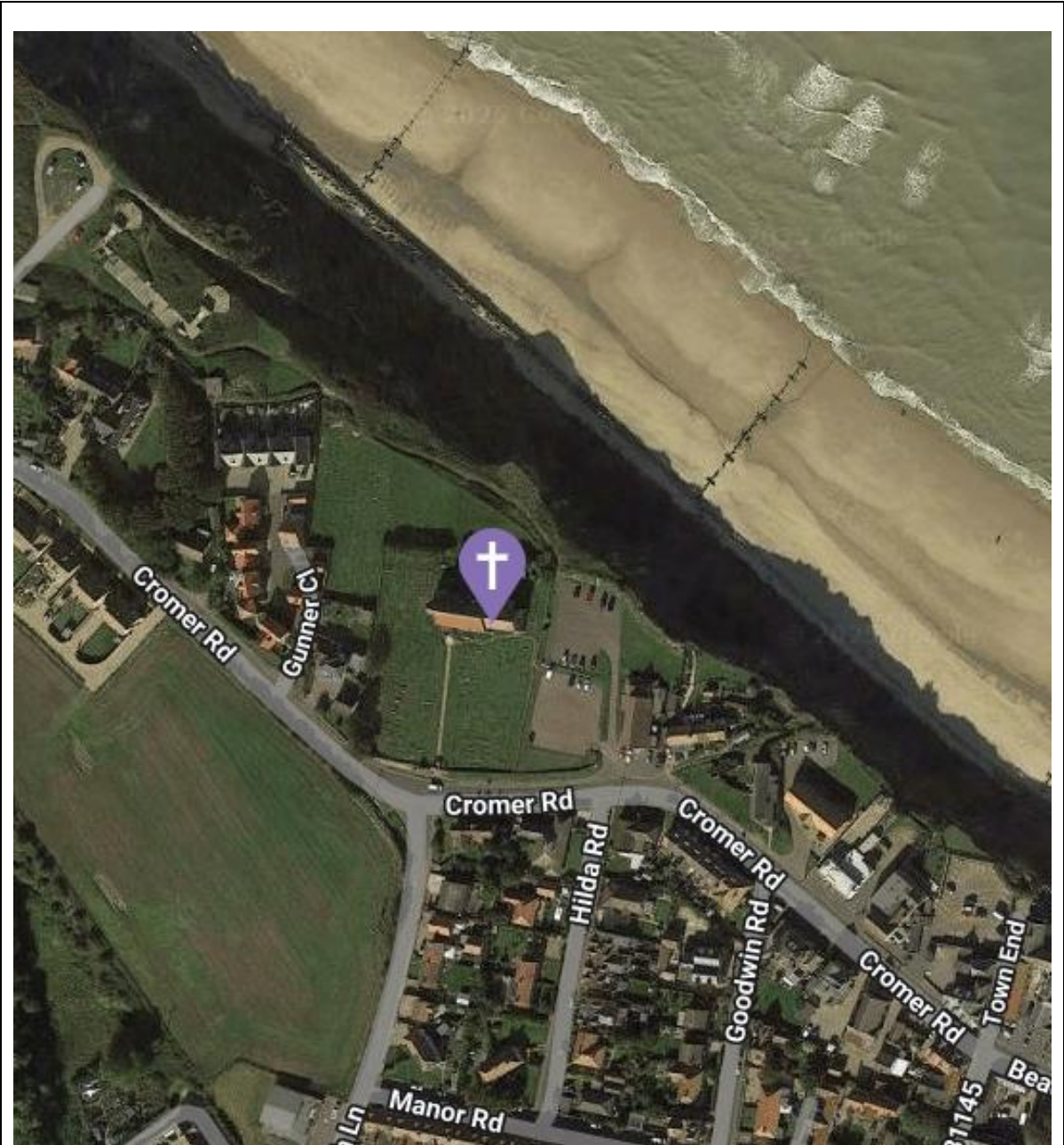
<sup>44</sup> Exploring Norfolk Churches (n.d.): All Saints, Mundesley. Available at: <https://www.exploringnorfolkchurches.org/church/all-saints-mundesley/> on 28 January 2025.

<sup>45</sup> Consultation activities, 2025.



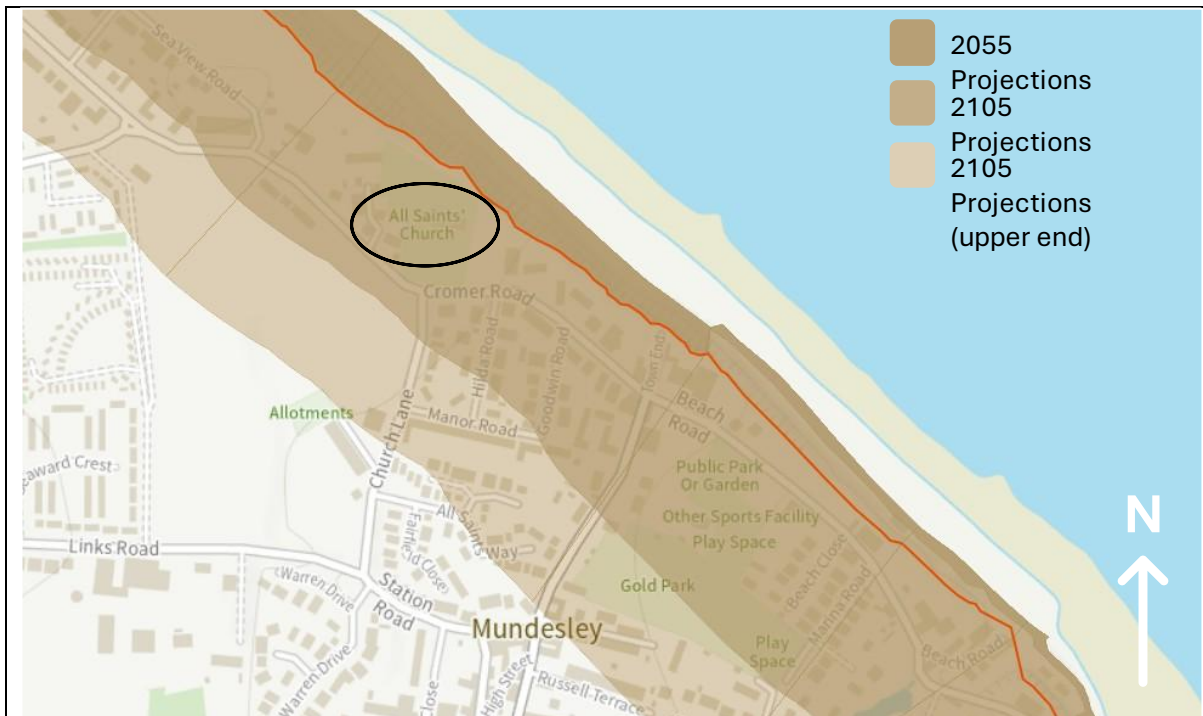
**Figure 4-6: Aerial shot of Mundesley Church**  
*Source: NNDC Coastal Management Team*





**Figure 4-7: Location of Mundesley Church**

Source: *Exploring Norfolk Churches* (n.d.): *All Saints, Mundesley*. Available at: <https://www.exploringnorfolkchurches.org/church/all-saints-mundesley/> Accessed January 2025



**Figure 4-8: Erosion risk for Mundesley Church**  
 Source: Environment Agency (2025) Shoreline Management Plans. Available at: <https://environment.data.gov.uk/shoreline-planning/unit/SMP6/6.12#policy>. Accessed April 2025.

### Notable graves

Notable graves include an unknown man of the Merchant Navy whose body was washed ashore at Mundesley<sup>46</sup>. The gravestone photographic resource project (GPR) lists 344 graves and 573 personal records for the burial ground<sup>47</sup>, with burial years ranging between 1791 and 2012<sup>48</sup>.

### Commonwealth War Graves

There are ten World War I graves and two World War II graves within the churchyard<sup>49, 50</sup>.

<sup>46</sup> A Church near you, (n.d.a): All Saints Mundesley About Us. Available at: <https://www.achurchnearyou.com/church/6088/about-us/> on 28 January 2025.

<sup>47</sup> Gravestone Photos (n.d.): All Saints' Church burial ground, Mundesley, Norfolk, England. Available at <https://www.gravestonephotos.com/public/cemetery.php?cemetery=2245> on 10 March 2025.

<sup>48</sup> Gravestone Photos (n.d.b): All Saints' Church burial ground, Mundesley, Norfolk, England. Available at <https://www.gravestonephotos.com/public/cemeterynamelist.php?cemetery=2245&limit=551> on 10 March 2025.

<sup>49</sup> Tracesofwar (n.d.): Commonwealth War Graves All Saints Churchyard. Available at <https://www.tracesofwar.com/sights/29138/Commonwealth-War-Graves-All-Saints-Churchyard.htm> on 7 March 2025.

<sup>50</sup> Commonwealth War Graves (n.d.): Mundesley (All Saints) Churchyard. Available at <https://www.cwgc.org/visit-us/find-cemeteries-memorials/cemetery-details/2081639/mundesley-all-saints-churchyard/> on 7 March 2025.

### 4.1.3 Trimingham

St John the Baptist’s Head, Trimingham, is a Grade II listed church belonging to the Church of England<sup>51</sup>. It is a medieval church, and early churches can contain unmarked historic burials. Additionally, if the church site has shifted over time, some burials could be located beyond the modern churchyard boundaries<sup>52</sup>.

Figure 4-9 shows an aerial view of St John the Baptist’s Head church, showing its close proximity to the sea. Figure 4-10 shows the location of the church on a map. Predictions suggest that Trimingham church will be lost by 2105 due to coastal erosion<sup>53</sup>. Predicted rates of erosion for Trimingham are presented in Figure 4-11



**Figure 4-9: Aerial shot of Trimingham Church**

Source: John Fielding (Flicker) (2017) Trimingham St John the Baptist church – Norfolk, aerial image. Available at: [https://www.flickr.com/photos/john\\_fielding/34122103454](https://www.flickr.com/photos/john_fielding/34122103454). Accessed January 2025.

<sup>51</sup> Exploring Norfolk Churches (n.d): St John the Baptist’s Head, Trimingham. Available at: <https://www.exploringnorfolkchurches.org/church/st-john-the-baptists-head-trimingham/> on 29 January 2025.

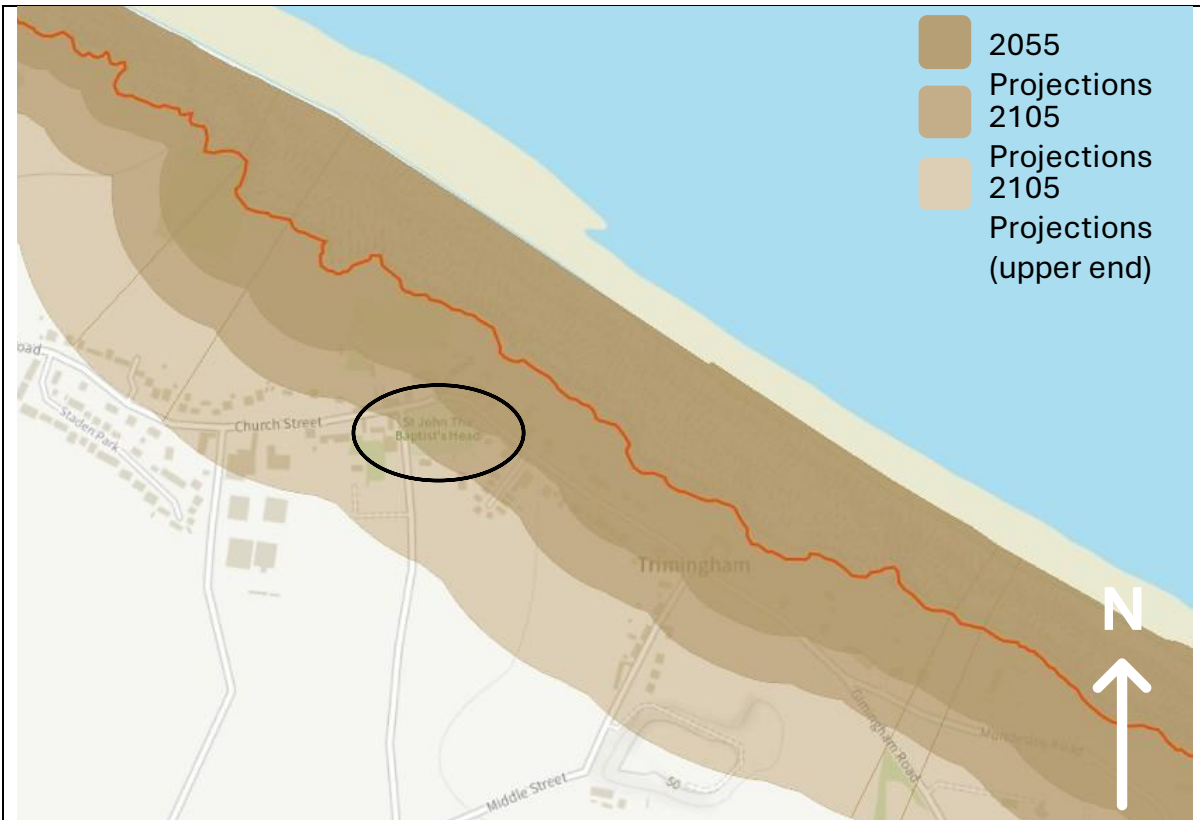
<sup>52</sup> Consultation activities, 2025.

<sup>53</sup> AECOM (2010): Kelling to Lowestoft Ness, Shoreline Management plan. Available at: <https://environment.data.gov.uk/shoreline-planning/documents/SMP6%2FKelling%20to%20Lowestoft%20Ness%20SMP%20-%20final.pdf> on 28 January 2025.





**Figure 4-10: Location of Trimingham Church**  
 Source: *Exploring Norfolk Churches (n.d): St John the Baptist's Head, Trimingham*. Available at: <https://www.exploringnorfolkchurches.org/church/st-john-the-baptists-head-trimingham/> Accessed January 2025.



**Figure 4-11: Erosion risk for Trimingham Church**  
 Source: *Environment Agency (2025) Shoreline Management Plans*. Available at: <https://environment.data.gov.uk/shoreline-planning/unit/SMP6/6.12#policy>. Accessed April 2025.

### ***Notable graves***

Notable gravestones include those of Thomas Thornville, who died in 1878 and was an advisor to William Gill who explored China<sup>54,55</sup>. Sarah Frances Bignold, daughter of Sir Samuel Bignold (a founder of Norwich Union), is buried in the graveyard. She was married to Thomas Romaine Govett, the Rector of Trimingham from 1883 to 1886<sup>56</sup>. There is also the grave of the Dutch Fishermen whose boat washed up on Trimingham beach in 1881. There were five adults, and two children found in the boat<sup>57</sup>.

More recent burials include that of veteran Nicholas James Crouch, who was killed in 2010 on active service in Mosul, Iraq<sup>58</sup>.

### ***Commonwealth War Graves***

The graveyard contains a Commonwealth burial from World War I (Private John Barnard Cubitt, who died in 1917 in Kent<sup>59</sup>) and one unidentified seaman of the Merchant Navy from World War II<sup>60</sup>.

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<sup>54</sup> While there is a gravestone from Thomas Thornville Cooper, he was buried in Bhamo, Burma.

<sup>55</sup> Trimingham Village Hall Trust (n.d.): Trimingham, A walk through time. Available at: <https://trimingham.org/history/walk-through-time/> on 12 March 2025.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Find a Grave, database and images (n.d. a): Memorial page for Nicholas James Crouch (1980–19 Jul 2010), Find a Grave Memorial ID 230211032, citing St. John the Baptist Churchyard, Trimingham, North Norfolk District, Norfolk, England. Available at: <https://www.findagrave.com/memorial/230211032/nicholas-james-crouch> Accessed March 2025.

<sup>59</sup> Find a Grave, database and images (n.d. b): Memorial page for John Barnard Cubitt (1899–30 May 1917), Find a Grave Memorial ID 230240028, citing St. John the Baptist Churchyard, Trimingham, North Norfolk District, Norfolk, England. Available at: <https://www.findagrave.com/memorial/230240028/john-barnard-cubitt> Accessed March 2025.

<sup>60</sup> Commonwealth War Graves (n.d.): Trimingham (St. John The Baptist) Churchyard. Available at: <https://www.cwgc.org/visit-us/find-cemeteries-memorials/cemetery-details/2081714/trimingham-st-john-the-baptist-churchyard/> Accessed January 2025.

## 5 Options framework

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To effectively plan for churchyard transition, an options framework must be established. This report is not a transition plan but provides a baseline and indicative pathways for site-specific planning and captures elements that need to be considered. There is no universal approach suitable for every site in North Norfolk or the English coastline in general. Site-specific plans will be unique to any particular location and should consider local erosion rates and available projections, and the array of particular site characteristics such as notable graves. This study also highlights that site-specific plans should be co-produced with the local community.

This options framework acts as a guide to support relevant stakeholders involved in developing site-specific plans for managing churchyard transition. The options framework is relevant for Church of England churchyards along the English coastline. Other religions and types of burial grounds will have different legal frameworks and processes which are not covered here.

The stages below outline the framework pathways. There are five main options that are available to graveyards at risk: do-minimum, defend, cease use and close, relocate or long-term management. There are various steps and legal framework to navigate under each of these, and they are discussed in more detail below.

Individual authorities and associated churches and associated stakeholders will need to determine which option/s to take forward and develop a plan for their approach. Some options are more suitable and feasible in the short-term, while others could be implemented immediately, with more intensive options introduced later which require more planning and stakeholder consultation.

### 5.1 Pathways

Dynamic Adaptive Policy Pathways (DAPP) is a decision-making method developed by Haasnoot et al (2013)<sup>61</sup>. This method uses an Adaptation Pathways approach. A potential framework is presented in Figure 5-1 below. Figure 5-1 presents a hypothetical situation, as some options – such as defend – will not be available to all sites facing coastal erosion and the erosion rates will influence when certain actions need to occur. In addition, defend only delays when further action might be needed, and whilst it can be used to buy time, it is not a ‘solution’ to the issue the eventual loss of a churchyard to coastal erosion. The diagram resembles a schematic transport map and its purpose is broadly similar. The diagram represents all the potential pathways to reach a destination, in this case the multiple pathways to transitioning burial grounds away from coastal erosion risk. It also includes the option to change pathways at certain transfer stations. A critical element of this approach is the use of adaptation tipping points, where the action no longer meets the objectives. In some cases, the action will no longer be able to be used to reach the destination or end goal and therefore a switch to other actions is needed.

Under the pathways outlined in Figure 5-1, the current policy is do-minimum. Under this case, churchyards are still open and burials continue but no effort is made to address the threat posed by coastal erosion until it is imminent. Given the limited evidence of churchyards transitioning away from erosion risk, most sites will likely begin with this option. Depending on the erosion risk and rate, a do-minimum approach may be suitable for a time, and a ‘decision space’ is created. In this space, business as usual continues, however ideas can be explored, and engagement activities can take place

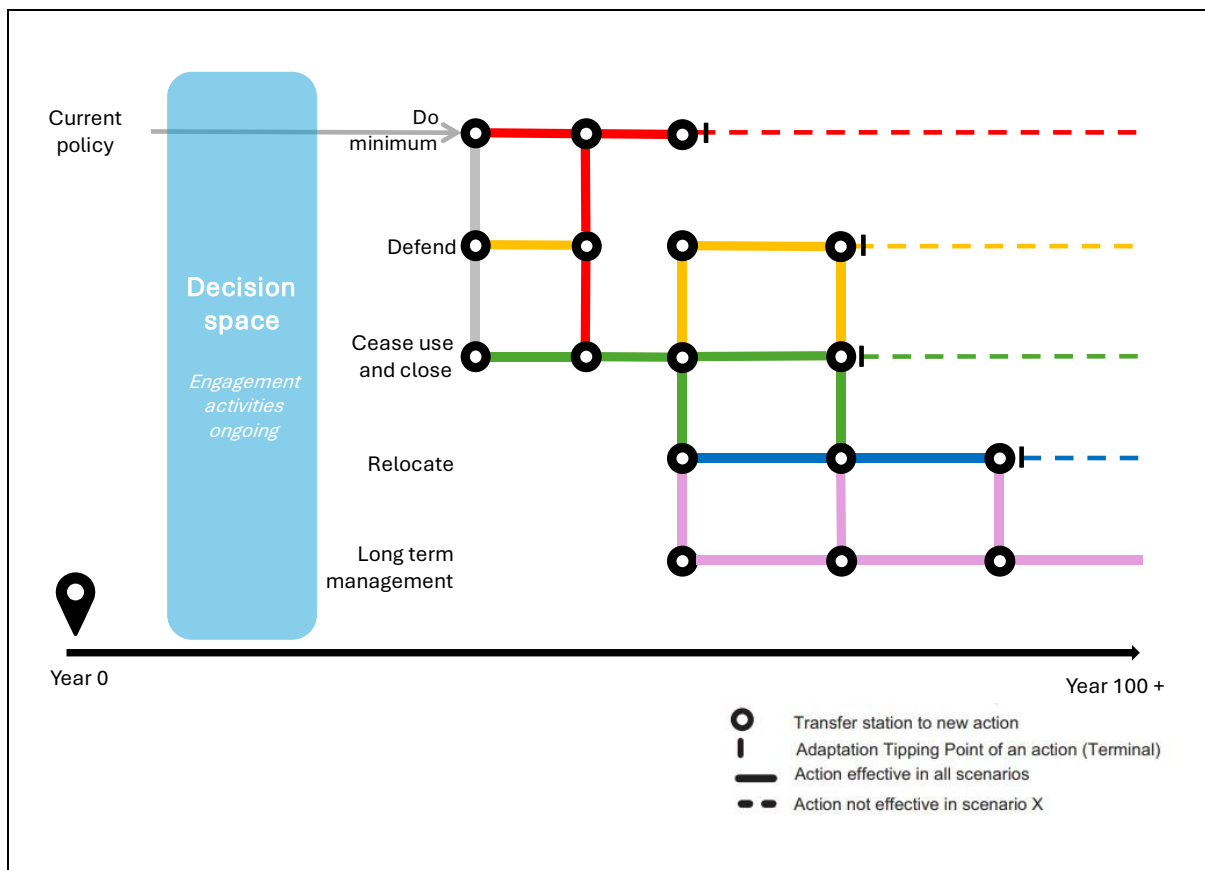
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<sup>61</sup> Haasnoot, M. *et al* (2013): Dynamic adaptive policy pathways: A method for crafting robust decisions for a deeply uncertain world. *Global Environmental Change*, 23 (2) pp485-498. Available at: <https://doi.org/10.1016/j.gloenvcha.2012.12.006>. Accessed March 2025.



to support future planning. However, a tipping point will eventually be reached, necessitating a shift to an alternative course of action in order to progress to the intended destination.

A site may choose to cease use and close. This may be a long-term action, initially focusing on encouraging future burials to take place elsewhere. Meanwhile, actions could be taken to formally close the churchyard, officially preventing any further burials. At some point this action will no longer meet the objective of transitioning away from coastal erosion risk, as even though the site is closed to future burials, the existing graves remain at risk and therefore the action has reached a terminal. The action could then ‘change terminal’ and move to relocate where graves are relocated away from the erosion risk. Note that in some cases, it might be possible to revert back to a previous action. In Figure 5-1 defend could be an option that is used later in the pathway as a short-term measure as a means to protect existing graves and ‘buy time’ for relocation options. For some options, such as relocation, options such as cease use and close are recommended to occur preceding this, to support the transition plan. For the future, a long-term management option could be adopted. This option manages the loss of burials over the long-term, following the opportunity to exhume and relocate burials. Moving to this option long-term means this action would be effective in all scenarios.



**Figure 5-1: Options framework for graveyard transition planning**

Source: Adapted from Haasnoot, M. et al (2013): *Dynamic adaptive policy pathways: A method for crafting robust decisions for a deeply uncertain world. Global Environmental Change, 23 (2) pp485-498. Available at: <https://doi.org/10.1016/j.gloenvcha.2012.12.006>*

### **Stakeholder involvement and community engagement**

When managing the transition of at-risk churchyards, engagement activities with a range of stakeholders ensures a sensitive and well-informed approach. Given the uncertainties surrounding future coastal erosion rates, continuous dialogue with stakeholders helps build trust, address concerns, and incorporate diverse perspectives.

A transparent and well-structured community engagement process is essential to achieving a sensitive and strong approach<sup>62</sup>. This includes clear communication of risks, collaborative decision-making, and iterative feedback loops to refine adaptation strategies. By fostering an inclusive approach, stakeholders can actively contribute to shaping sustainable and locally appropriate solutions, ultimately enhancing the effectiveness and acceptance, such as community buy-in of the transition plan.

Stakeholder consultation with the local community—particularly with relatives of the deceased and individuals who plan to be buried at the site—should take place before implementing any transition options. The concerns of next of kin and relatives of those already interred in at-risk locations must be carefully considered. Even as families are no longer legally responsible for the grave<sup>63</sup>, many may have profound emotional and familial ties to these sites. Engaging with them fosters transparency, ensures their perspectives are acknowledged, and allows for meaningful participation in the decision-making process.

Additionally, some local stakeholders may have intended to be buried in these at-risk graveyards. Thoughtful consultation is essential to clearly communicate the risks associated with future burials in such locations. Providing these individuals with alternative options empowers them to make informed decisions, offering a sense of control over their burial plans

Table 5-1 presents some of the stakeholders that should be involved and consulted when developing a transition plan.

Table 5-1: Consultation required with different stakeholder groups	
Stakeholder	Reasons for consultation
Relatives of those buried	The next of kin and relatives of those already buried in at-risk sites have a deep emotional connection to these locations. While the next of kin are no longer legally responsible for the graves, their sentiments and concerns should be considered. Engaging with them ensures transparency and provides an opportunity for their voices to be heard in the transition process.
Local residents and community	Local stakeholders may have an intention to be buried at the at-risk sites. Engagement with local stakeholders is needed to demonstrate the risks of choosing a burial at the at-risk sites. Providing options to local stakeholders is critical so that they can feel more in control of the situation and have the ability to potentially change their plans for their burial wishes. Linking local stakeholders with funeral directors so that they can discuss their funeral plans.
Parish Councils	Parish Councils are a key group in the community. They provide valuable local insight and can help facilitate community discussions and decision-making.
Historic England	There are heritage implications associated with transitioning at-risk churchyards. Managing at-risk graveyards also means managing the potential loss of heritage. Each of the three at-risk sites are centred around medieval churches and therefore there may be strong archaeological interest in the sites. Working and collaborating with Historic England is key to ensuring that heritage is not lost and can be documented in an appropriate way.
Commonwealth War Graves Commission	There are Commonwealth War Graves in each of the three at-risk churchyards. The Commonwealth War Graves Commission will need to be contacted to manage these

<sup>62</sup> Lawrence, J. *et al* (2018): National guidance for adapting to coastal hazards and sea-level rise: Anticipating change, when and how to change pathway. Environmental Science and Policy, 82 pp100-107. Available at: [https://ref.coastalrestorationtrust.org.nz/site/assets/files/8246/lawrence\\_et\\_al\\_2018.pdf](https://ref.coastalrestorationtrust.org.nz/site/assets/files/8246/lawrence_et_al_2018.pdf)

<sup>63</sup> When someone is buried in consecrated land they “give up the body to God”. Theologically, God is then responsible for it and therefore it is the incumbent responsibility of the graves that are buried there, rather than the next of kin.

Table 5-1: Consultation required with different stakeholder groups	
Stakeholder	Reasons for consultation
	graves as they fall within their responsibility and would need to be the ones to make the application should war graves be relocated.
Incumbents	Incumbents are the representatives of the churchyards and are responsible for those buried there. They will require support and guidance on how to communicate and explain the impacts of coastal erosion to families and the community sensitively and effectively.
Churchwardens	Churchwardens are a key part of the local community and the church community. They have key insights and knowledge, particularly for individual churchyards.
Wider members of the Diocese	Any changes to churchyards will require the permission of the Diocese and is subject to ecclesiastical law. Close collaboration with these groups will be necessary to understand the legal framework surrounding transition planning for these sites.
Funeral directors	Funeral directors are typically the first point of call when organising a burial location for a funeral. Engagement with funeral directors is key to explain the risk of coastal erosion at certain sites and to potentially encourage them to offer alternative options for burial.
Heritage and research groups	Heritage and research groups may be interested in capturing the local history of burial grounds before they are lost. Norfolk's Coastal Heritage Project was delivered between January 2010 and June 2011 under the Coastal Change Pathfinder Project. As part of the Project, the Happisburgh Heritage Group was set up and has continued to engage in research projects, including recording the inscriptions in Happisburgh churchyard. Engaging with local groups could support connections with the local community and encourage local people to take ownership and interest in their history.
<i>Source: Study team</i>	

### **Media strategy**

This is an extremely emotional and sensitive topic and a communication and media strategy will need to be conducted with care under all options. The HS2 project demonstrated the importance of managing and communicating expectations in infrastructure projects involving burial grounds. It highlighted the risk of uninformed media speculation during the design of the scheme, which can spread when information, processes, and commitments are not clearly communicated. A key focus of the HS2 work was to address misconceptions in a proactive manner, in order to prevent public misunderstandings. In contrast, Coastwise faces a different challenge when managing at-risk churchyards. Although they are not responsible for more than 10,000 ancient graves, some of the graves under their care are relatively recent, dating back only 75 to 100 years. The three at-risk graveyards in North Norfolk are still in active use, and many of the more recent burials carry strong emotional significance for both stakeholders and the local community.

Coastwise need to develop a robust communication and media strategy, drawing on the lessons from the HS2 project. Clearly framing each available option for an at-risk graveyard in a respectful and well-informed manner is essential. Early engagement with stakeholders is equally crucial, as co-producing planning and strategies with the local community fosters understanding and acceptance.

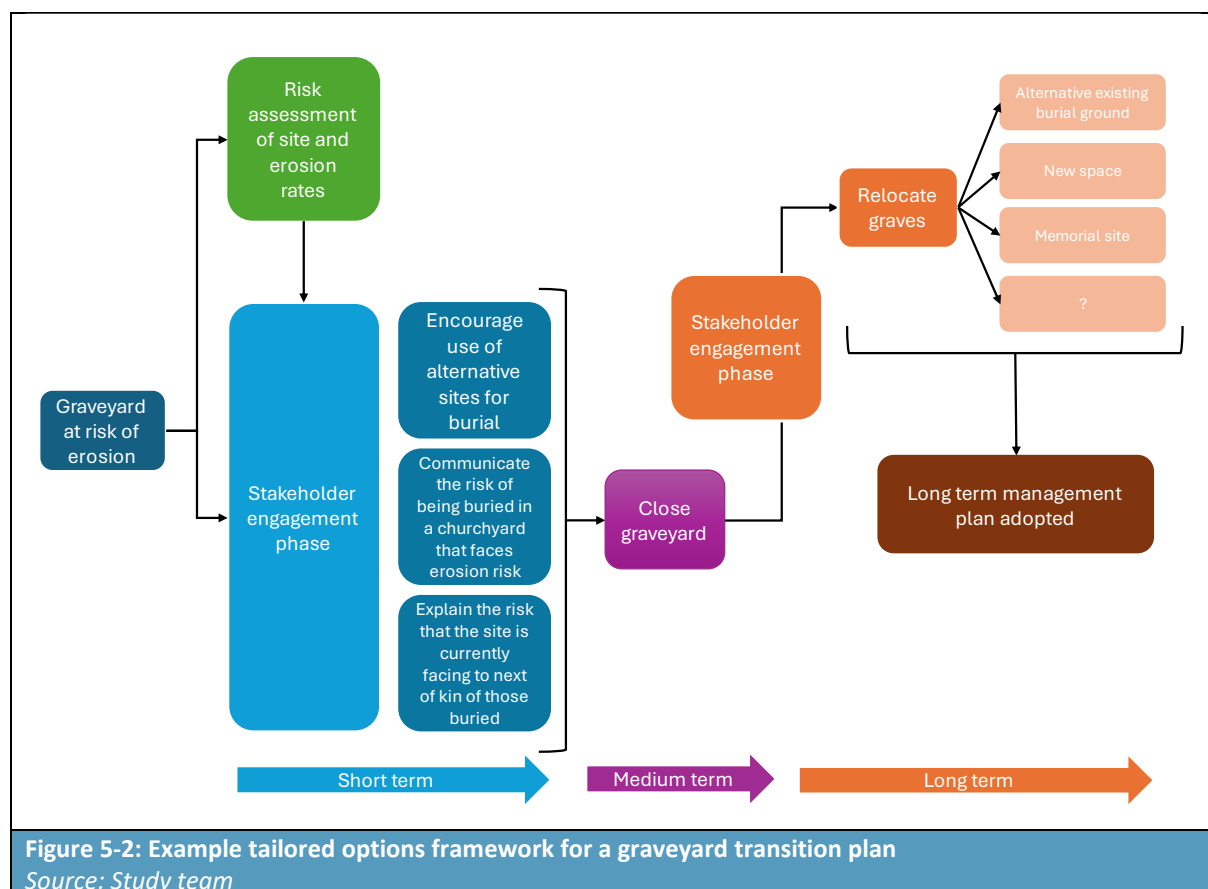
Among the potential approaches, relocation is likely to require the most intensive communication strategy. As a highly visible action, it carries the risk of negative public perception — particularly if images of diggers and heavy machinery in a religious space circulate without context or explanation; exhumation specialists have reported public backlash and objections to their work, underscoring the need for careful handling of this process. However, a well-planned media strategy is necessary across all four options, not just for relocation. Failing to address concerns from the outset risks alienating stakeholders and generating opposition to the transition plan.

## 5.2 Framework

Figure 5-2 presents a simplified example of an options framework, illustrating how adaptive strategies can be structured for sites facing coastal erosion risk. Each site will require a tailored framework, reflecting its unique geographical, environmental, and community context. The framework categorises actions into short-, medium-, and long-term measures, emphasising the importance of sequencing, as each preceding action lays the foundation for the subsequent steps.

A robust stakeholder engagement phase is recommended at the outset, ensuring early and meaningful consultation with stakeholders listed in Table 5-1. This engagement will help frame the issue of churchyards at risk within the context of current and projected erosion rates, and foster transparency and collaboration. This would be the first stage for a graveyard at risk of coastal erosion to undertake. Initial actions such as communicating the risk to the local community of choosing to be buried in a churchyard that is at risk of coastal erosion and explaining this risk to the next of kin of the existing burials can also be undertaken in the short-term to begin to reduce pressure on the site and begin the transition process.

To support informed decision-making, a comprehensive risk assessment of existing sites should be conducted. This assessment will provide insights into the severity and timelines of coastal erosion threats, enabling stakeholders to understand the urgency of intervention and the potential impacts on coastal churchyards. The integration of scientific data with community perspectives will strengthen the decision-making process and enhance the effectiveness of adaptation strategies. It is also beneficial to provide an indication of the time that is available, which will inform which pathways are available to choose.



## 5.3 Options

There are five broad options available to burial grounds at risk of coastal erosion: do-minimum, defend, cease use and close, relocate, and long-term management. An overview of each of these is presented below, and the following sections discuss each of these in more detail, highlighting what current legislation allows for and where responsibilities fall, key decision dependencies, stakeholders that will need to be involved and, barriers and challenges and potential ways of dealing with these.

**Do-minimum:** The "do-minimum" option involves keeping the site open and allowing burials to continue, but limits actions to those necessary for legal compliance—primarily in response to emerging health and safety concerns. No proactive measures would be taken to manage the site beyond this. While this approach may appear low cost in the short term, it is likely to cause significant distress within the local community and could lead to negative media coverage, potentially impacting the reputations of local government, the church, and the wider community.

**Defend:** The "defend" option involves taking measures to protect the site from coastal erosion, in line with Shoreline Management Plan policies. To proceed, any defence must be technically feasible, environmentally acceptable, and economically justifiable. This approach may serve as a short-term solution, allowing time to develop and implement longer-term plans. However, it may raise ethical and public concerns about prioritising resources for protecting burial sites while broader needs of the living population remain unmet.

**Cease use and close:** The "cease use and close" option refers to two distinct actions: gradually reducing new activity at the site; and ultimately closing it to new burials. Ceasing use may involve informing individuals of the erosion risk and encouraging alternative burial locations, while the closure phase would include formally communicating with communities about the long-term plan to end new interments at the site.

**Relocate:** The "relocate" option involves exhuming burials from the site and transferring them to an alternative location. This could include reinterment in an existing burial ground or the creation of a new site, with different locations potentially selected for individual burials based on specific circumstances. As this is a highly sensitive process, it is strongly recommended that a thorough stakeholder consultation be carried out, ensuring that the next of kin are actively involved in the decision-making process.

**Long-term management:** The "long-term management" option accepts the loss of burials over the long-term, following interim options such as "cease use and close" and the opportunity to exhume and relocate burials. This option acknowledges that the site will erode and it will not be possible to exhume all burials due to the age of the site. This option ensure that there are management options in place to ensure that the loss of burials is effectively managed and an appropriate protocol is established.

### 5.3.1 Media strategy

### 5.3.2 Do-minimum

Under the do-minimum option the churchyard would remain open, and burials would continue to occur. Coastal erosion will persist, posing a continuous threat to the site and the graves within it. Do-minimum is presented as an option rather than do-nothing, as the do-nothing option is not legally permissible. Pursuant to Canon F13.2, churchyards must be kept in a decent manner. Safety to the public is one necessary aspect of what, in the context of burial, amounts to “decency”<sup>64</sup>. Furthermore, under occupiers’ liability laws, the churchyard owner owes a common law of duty of care to all visitors requiring the PCC to take reasonable care to ensure the safety of visitors<sup>65</sup>. Due to the risk of coastal erosion, this may mean that the churchyard owner would have to place barriers around unstable areas when the churchyard begins eroding. This could also mean that access to the beach below may be restricted so there is no risk of injury. Responsibility for this would depend on who owns or occupies the beach below, which could be the local authority. As an option end-point, do minimum refers to not addressing the threat posed by coastal erosion until it is imminent (i.e. to prevent more recent remains being eroded, not too late to secure the area).

There are additional environmental and public health concerns associated with this option. Given the varying lengths of time since interment, the condition of some graves is uncertain. A significant coastal erosion event could result in human remains being exposed, as demonstrated in the Italian cemetery case study (see Section 3.1.1). Such an event would likely be deeply distressing for the local community, and could attract unwanted media attention, damaging the reputation of local government, the church and the community. Some examples of the ramifications of exposed remains are:

- unwanted voyeurism and disturbance of remains (such as grave robbing);
- active churchyards and recent burials mean that graves may not have decayed and exposed remains could be distressing;
- residents of the community have widely spread families; individuals often move to coastal communities to retire, and have connections to the past and wish to be buried there. As such, the loss of their graves would affect the wider community; and
- recreational beach users would also be affected by the collapse the churchyard onto the beach, making the space unusable and potentially unsightly. Beach access may have to be restricted under do-minimum to avoid potential health and safety concerns to avoid exposure to objects that can fall or cause an accident.

In addition, graves could face irreparable damage should a landslip occur, if they are exposed, any removal and reinterment could be more challenging.

A do-minimum approach does not have any significant financial implications tied to its implementation since it is a continuation of business as usual. However, there are likely to be significant financial costs associated with reactively addressing challenges. This could include emergency interventions, recovery of burials, removal of land slippage, structural changes to make

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<sup>64</sup> Church of England (n.d.): Legal opinions concerning the Church of England. Available at: [https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre\\_link-519](https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre_link-519). Accessed April 2024.

<sup>65</sup> Occupiers’ Liability Law 1957

the area safe, as well as intangible costs such as negative media attention and loss of heritage including responding to community issues relating to erosion of the churchyard.

**Identified challenges associated with the do-minimum option**

Table 5-2: Identified challenges		
Challenge	Description	How is this dealt with under do-minimum?
Churchyards remain at risk	Churchyards are threatened by coastal erosion.	No action other than to avoid health and safety risks.
Churchyards remain active	Churchyards continued to be used and remains are interred there.	Incumbents at at-risk sites could encourage local people to look for sites elsewhere or choose to be buried in an alternative location. There would be no guidance or assistance to incumbents beyond any networking they are able to do themselves.
Large coastal erosion event could cause churchyard to fall into the sea	Churchyards could fall into the sea from a landslip or other coastal event. This could cause significant negative media attention and irreversible damage and consequences for the graves at risk.	No action other than to avoid health and safety risks.
Negative media coverage	The loss of burial grounds is a sensitive issue. The example of the Italian cemetery falling into the sea demonstrated how far news can travel and the negative influence this can have. There is a risk that negative media coverage could generate opposition to transition plans, alienate stakeholders and put responsible authorities in a bad light.	Reactive engagement undertaken following any media coverage.
Concerns about lack of plan from local stakeholders	Local stakeholders can see the impact that coastal erosion is having across the coastline and are concerned that other sites such as churchyards are also at risk. Coastal management plans have typically focused on residential and commercial buildings with churchyards and heritage sites not typically being considered.	No action other than to avoid health and safety risks.
<i>Source: Study team</i>		

**Interim option**

This do-minimum option could be adopted in the short-term whilst arrangements and other decisions are considered. The do-minimum option is not an appropriate long-term option. Long-term options should be agreed in advance with a trigger to enact. Continuing a do-minimum option would result in



a reactive response being required to take care of any landslips or erosion impacts. Irreversible damage to graves, memorials and headstones would also occur. While do-minimum is not appropriate for most sites in the long-term, it is included here as an interim option and as a baseline to the other options.

### 5.3.3 Defend

In order to allow burials to continue and the existing space to remain intact, sea defences could be constructed. Securing and maintaining defences would need to be compliant with the Shoreline Management Plan and as such be technically feasible, environmentally acceptable and economically viable. If these criteria were met for the long-term, it is likely that the site will not be considered at risk of erosion and not progress through the framework as set out in Figure 5-1. Where there may remain a residual risk, it may be that local funding sources seek to delay erosion through further coast protection measures and/or maintenance of existing sea defence structures.

The local community/other communities may question the prioritisation of funding for churchyards, especially in areas where residential and commercial buildings are at risk or there are other pressing matters such as the need for affordable housing. However, some stakeholders may see it as a key asset or of symbolic importance for the village so may be willing to contribute to its protection. Concerns may arise about why resources are allocated to protecting the deceased while the needs of the living remain unaddressed. If funding is secured, authorities must be prepared to address these concerns. However, for many sites, funding may not be available, necessitating the exploration of alternative solutions.

Sea defences could also be used as a short-term measure to “buy time” for sites in the short-term so that preparations for a longer-term option could be implemented. This could provide more certainty to the area and reduce the risk of damage to graves and memorials should any extreme weather events occur. It could also provide more time for the community to come to terms emotionally with the loss of the site. However, there is a risk that securing defences could mean that local communities forget that coastal erosion remains a constant problem as the issue is solved “for the time being”, however an alternative option is likely to be needed at some point in the future.

#### **Identified challenges**

<b>Challenge</b>	<b>Description</b>	<b>How is this dealt with under defend?</b>
Funding gaps	Securing funding for non-residential infrastructure is challenging and there currently exists a funding gap.	Look for wider funding partners that could get involved with this work.
Need for continuous funding for the foreseeable future	Maintenance of sea defences require ongoing funding to support them.	Look for wider funding partners that could get involved with this work.
Securing defences could be seen as indefinitely protecting the site (whereas it is a short-term option)	Risk that people forget that this is a continuous problem and what might happen in the future.	Explain to stakeholders that the defences are required to prevent damage to the graves (not intended to indefinitely protect the site). Explain that this is an interim option.
Concerns over the prioritisation of funding	If secured, there may be concerns over the prioritisation of funding (protecting the deceased while	Develop a carefully managed strategy explaining why heritage sites like churchyards have



Challenge	Description	How is this dealt with under defend?
	the needs of the living remain unaddressed).	received funding to be protected e.g. irreplaceable, site of significance.
'Holding the line' may be inappropriate in some locations	Installing sea defences and holding the line may be inappropriate in some coastlines (see Shoreline Management Plans). This could also exacerbate problems further along the coast.	'Defend' is not a suitable option and alternative options will need to be considered.

*Source: Study team*

### ***Interim option***

If defending is considered a potential option there is also the need for continued maintenance of coastal protection assets which will require further funding. Churchyards only transition away from the risk of coastal erosion under this option if defences are maintained and supported and can protect the area.

### **5.3.4 Cease use and close**

Under this option the churchyard could cease being in use and would be closed to new burials. Before the process occurs, short-term actions could be introduced to slow down and cease use of the site. These are discussed in more detail below.

#### ***Ceasing use***

##### *Support for incumbents and representatives of churches*

Consultation with key stakeholders highlighted the need to support incumbents with communicating the impacts of coastal erosion to congregations and local communities, including funeral directors (see more below). It is essential to equip these local leaders with appropriate information about coastal erosion risks and available options so they can offer informed pastoral support. As part of the transition process, dedicated engagement with incumbents should be conducted, providing them with the opportunity to ask questions and share concerns raised by their communities. Ensuring they receive the necessary support will enable them to communicate effectively and confidently address parishioners' inquiries about the site.

##### *Communication with funeral directors*

Initial communication with funeral directors could occur as this stakeholder group is often the first stakeholder that next of kin will contact when a someone has died.

Communication with stakeholders<sup>66</sup> revealed that when they receive a request for someone to be buried at an at-risk site, the family member or next of kin making the arrangements is not always aware of the extent of the erosion risk at certain locations as they may not live nearby. Engagement with funeral directors will equip them with the ability to explain the risk of coastal erosion at certain sites, may prevent raised expectations of where burials can take place and to potentially guide

<sup>66</sup> Workshop 6/3/25

alternative options for burial. Engagement should focus on helping them to understand the risk and to also find out what they need to know so that they can provide the right advice to local stakeholders.

There are two trade bodies for funeral directors in the UK: the National Association of Funeral Directors (NAFD)<sup>67</sup> and The National Society of Allied and Independent Funeral Directors (SAIF)<sup>68</sup>. The NAFD produces a monthly newsletter which captures the latest insights into the funeral profession. Coastwise could reach out to these organisations to potentially collaborate and include a piece in a newsletter or publication to share and explain the issue of coastal erosion and graveyards more widely.

#### *Voluntary guidance offered to local communities*

A guide on the different options could be offered to families and local communities that have an interest in the churchyard or intend to be buried there. This will improve their understanding of the risk that the churchyard is under. The guidance could outline options and recommendations for stakeholders to consider regarding both currently interred remains and future burials. Some examples are presented in Table 5-4. Providing guidance to local stakeholders will empower them and allow them to take (or not take) certain actions. Sharing timelines on projected erosion rates will also help stakeholders to assess the risk and understand the timeframe available for taking action.

Table 5-4: Example of guidance that could be offered to local communities	
Current burials	Future burials
<ul style="list-style-type: none"> <li>• Explain the risk that the site is currently facing.</li> <li>• Explain the timelines and when impacts are likely to occur.</li> <li>• Explain that exhumation and reburial (subject to approval) is an option available to burials if next of kin would like to act now.</li> </ul>	<ul style="list-style-type: none"> <li>• Suggest alternative sites away from coastal erosion risk that future burials could take place in.</li> <li>• Opt for more biodegradable vessels for burials<sup>69</sup></li> <li>• Communicate that choosing to be buried in an at-risk churchyard means that remains are likely to be disturbed in the future.</li> </ul>
Source: Study team	

Encouraging or preventing the use of and offering alternative burial sites reduces the number of graves that could potentially have to be reinterred at a future point.

#### **Closing the churchyard**

Closing the churchyard would be a first step in transitioning away from coastal erosion risk. By closing the churchyard, this reduces the number of graves that could potentially have to be reinterred at a future point and reduces the risk of newer graves being at risk of coastal erosion.

Currently, a churchyard can be closed for one of the following reasons<sup>70</sup>:

1. There is no usable space for new graves;

<sup>67</sup> NAFD (n.d.) Available at: <https://www.nafd.org.uk/>. Accessed March 2025

<sup>68</sup> SAIF (n.d.) Available at: <https://saif.org.uk/>. Accessed March 2025

<sup>69</sup> It is worth noting that the more biodegradable the vessel used for interment, the more difficult it would be for exhumation if this was to occur at a later stage. Different coffins will have different decay processes. Long-term consideration should be given to this.

<sup>70</sup> Ministry of Justice (n.d.): Application for representations to be made by the Ministry of Justice for an Order in Council to discontinue burials in Church of England churchyards (Section 1 Burial Act 1853). Available at: [https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply\\_to\\_close\\_a\\_churchyard\\_-\\_application\\_form\\_and\\_guidance\\_notes.pdf](https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply_to_close_a_churchyard_-_application_form_and_guidance_notes.pdf) Accessed March 2025.

2. Further burials would be contrary to decency;
3. Discontinuance of burials would prevent or mitigate nuisance;
4. Further burials would constitute a health risk; or
5. Other reasons.

Despite applications typically citing that the space is full as a reason to apply for closure, in the application form there is an “other” box to select to apply for closure, suggesting that the above list is not exhaustive. There is nothing to suggest that coastal erosion is not a valid reason to apply to close the churchyard, but an application has never been completed for this context before. Guidance states from the outset that “Orders to discontinue burials may be required where burial in the churchyard is no longer appropriate and the common law or statutory rights of burial in the parish churchyard need to be extinguished”<sup>71</sup>. The guidance also states that a churchyard can be considered “full” if the remaining land is not usable. It is possible that this reasoning could extend to land at risk from coastal erosion<sup>72</sup>. Previous cases<sup>73</sup> have demonstrated that it is difficult for consistory courts to form clear conclusions if a churchyard is “full” or not. This is a key observation for a graveyard transition plan as Parochial Church Councils (PCC) may have differing views about when a burial ground is no longer viable to have people buried there. In the case of churchyards at imminent risk of coastal erosion, the decision is simpler, but it may be more challenging to make such decisions about churchyards that are further inland but will eventually succumb to coastal erosion<sup>74</sup>.

The Parochial Church Council (PCC) are the only ones who can decide to close the churchyard. The steps involved are presented in Figure 5-3, illustrating a simplified version of the process. The Ministry of Justice has provided a detailed set of guidance<sup>75</sup> for applicants wishing to close a Church of England churchyard. This is recommended reading for those considering this option as it discusses how the forms should be completed and what evidence is required as part of the application.

There is also the option to transfer maintenance responsibilities from the PCC to an alternative council (Parish Council or Local Authority). It is important to note that it is not permitted to close the churchyard for the “sole purpose to relieve the ecclesiastical authorities of the burden of maintaining a churchyard”<sup>76</sup>.

Once an Order in Council is approved and the churchyard is closed, it cannot be reopened. However, while an Order in Council cannot be revoked, the terms of the order may subsequently be varied by another Order in Council at any time after the churchyard has been closed, for example to change the categories of burial which are still to be allowed<sup>77,78</sup>. Closing the churchyard either stops or slows down the use of the burial ground, such as closing only part of the churchyard and puts restrictions on the

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<sup>71</sup> Commentary and analysis from Olivia O’Sullivan.

<sup>72</sup> Commentary and analysis from Olivia O’Sullivan.

<sup>73</sup> Re West Pennard Churchyard [1992] 1 WLR 32, pp 34-35

<sup>74</sup> Commentary and analysis from Olivia O’Sullivan.

<sup>75</sup> Ministry of Justice (n.d.): Application for representations to be made by the Ministry of Justice for an Order in Council to discontinue burials in Church of England churchyards (Section 1 Burial Act 1853). Available at: [https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply\\_to\\_close\\_a\\_churchyard\\_-\\_application\\_form\\_and\\_guidance\\_notes.pdf](https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply_to_close_a_churchyard_-_application_form_and_guidance_notes.pdf) Accessed March 2025.

<sup>76</sup> Church of England (n.d.): Legal opinions concerning the Church of England. Available at: [https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre\\_link-550](https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre_link-550) Accessed March 2025.

<sup>77</sup> Burial Act 1855, section 1.

<sup>78</sup> Diocese of Gloucester (n.d.) Closed Churchyards. Available at: <https://www.gloucester.anglican.org/wp-content/uploads/2019/09/Churchyards-1-closed-churchyards.pdf>. Accessed March 2025.

burials that are allowed to take place. However, there are still exceptions that can take place even when the churchyard is closed which need to be considered.

By default, an Order in Council continues to allow burials to be allowed under the following conditions<sup>79</sup>:

- In existing walled graves or vaults which have room for further interments, provided each coffin is adequately enclosed by brickwork or stonework;
- In existing family earthen graves which have sufficient space for further interments of family members, provided the top of no coffin is less than one metre below the level of the ground adjoining the grave; and
- In any unused earthen grave space which has been reserved by faculty, provided the top of no coffin is less than one metre below the level of the ground adjoining the grave.

The PCC must request that burials are discontinued in these spaces in the application and that these exceptions do not apply if they want to restrict burial rights further. There is also the option for the PCC to state other exceptions to allow for continued burial within the application form for the Order in Council.

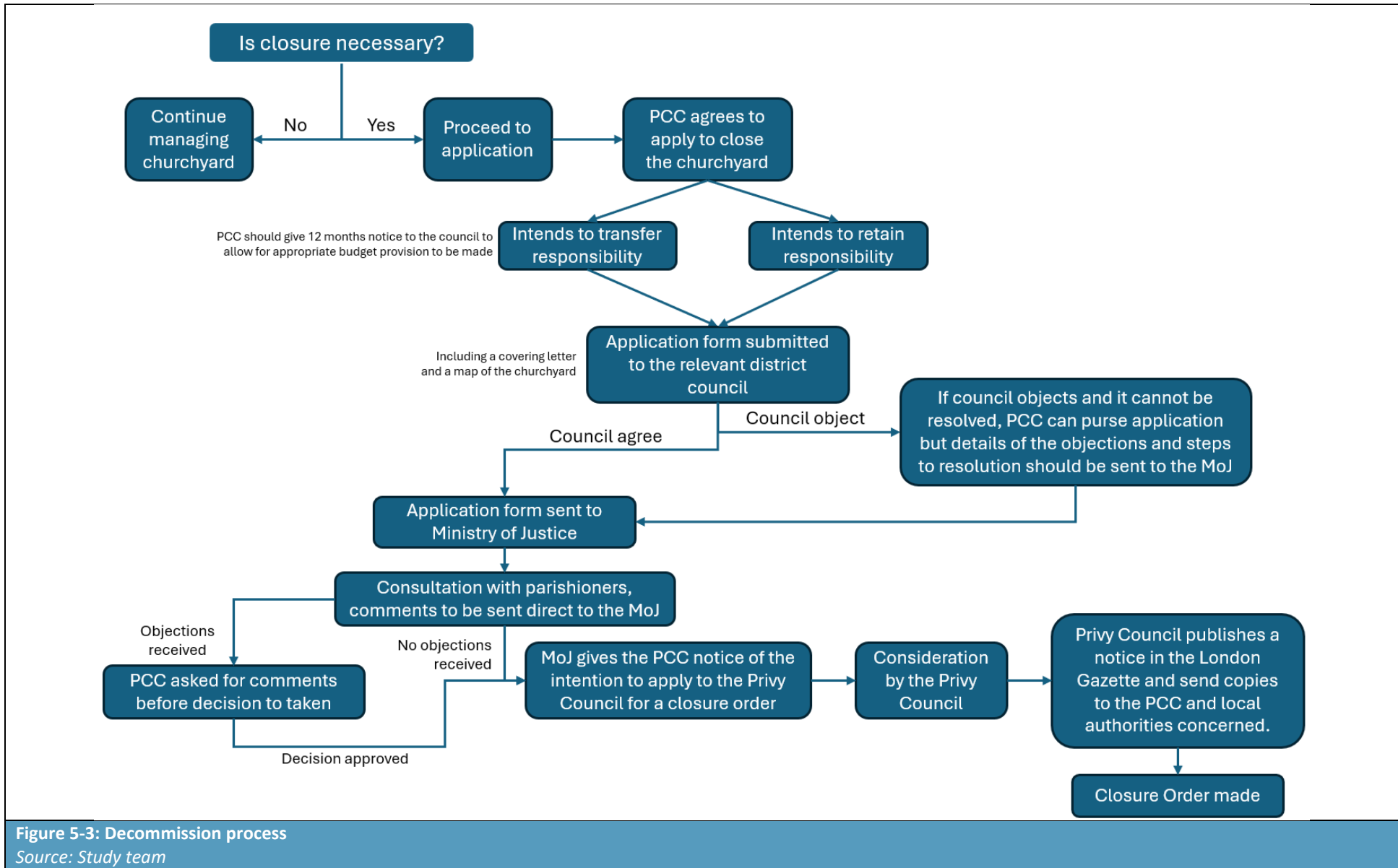
The closure of a churchyard does not prevent cremated remains from being interred at the site. A faculty can be applied for, and cremated remains can be buried at the site. This could represent an initial short-term option.

Except for these specified burials, it is not possible to bury additional coffins in a closed churchyard. Doing so constitutes a criminal offence and this can be reported to the Ministry of Justice<sup>80</sup>.

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<sup>79</sup> Ministry of Justice (n.d.): Application for representations to be made by the Ministry of Justice for an Order in Council to discontinue burials in Church of England churchyards (Section 1 Burial Act 1853). Available at: [https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply\\_to\\_close\\_a\\_churchyard\\_-\\_application\\_form\\_and\\_guidance\\_notes.pdf](https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply_to_close_a_churchyard_-_application_form_and_guidance_notes.pdf) Accessed March 2025.

<sup>80</sup> Diocese of Gloucester (n.d.): Closed Churchyards. Available at: <https://www.gloucester.anglican.org/wp-content/uploads/2019/09/Churchyards-1-closed-churchyards.pdf> Accessed March 2025.



### Exclusive burial rights

It is important to note that a person with a legal right of burial can apply to the consistory court for a faculty to reserve a particular grave space<sup>81</sup>. However, this is not always guaranteed as discussed in Box 1.

#### Box 1: Legal rights of burial wishes

In the case of *Re St Nicolas's Churchyard*<sup>82</sup>, Pevensey, the court refused a faculty for the reservation of a grave space, on the grounds that, despite the couple having burial rights, at the time of the petition the number of grave spaces available in the churchyard was between 10-12 and it was estimated that it might be full in two to three years' time. This decision stated that when space in the churchyard was limited, individuals with a legal right of burial must be interred in the order in which they die until such time as the churchyard is full.

The *St Nicolas's Churchyard* case study demonstrates that the consistory court has the discretion to refuse faculties for the reservation of grave spaces, even when the churchyard is still open. This could be useful to sites where an Order in Council to close a churchyard has not yet been obtained, but the additional complication of having to deal with future reserved burial rights can be removed as the consistory court can refuse granting them<sup>83</sup>. In addition, a previous case<sup>84</sup> held that burials could not take place in sites where there was no room, even if the PCC was still waiting for an Order in Council to close the churchyard. Therefore, if any available plots were lost to coastal erosion, any future burial rights (except for exclusive burials rights) would cease before the official closure of that churchyard<sup>85</sup>.

The PCC should be mindful of any pre-existing burial rights where a space has been reserved by a particular family or a person. While the application form to the Ministry of Justice for the closure of a churchyard provides an option to opt out of retaining any pre-existing exclusive burial rights post-closure of the churchyard, the case law regarding the legal status of exclusive burial rights is not conclusive. There is a risk that any owners of such exclusive burial rights could bring a legal challenge against the incumbent for extinguishing any such rights, although such case law mainly relates to cases where the remains of another person have been interred in the reserved burial plot and damages have subsequently been sought<sup>86, 87</sup>. In order to prevent any possible litigation, it is advisable for the incumbent to have prior sensitive conversations with any holders of such exclusive rights so that they might relinquish their rights voluntarily given the risk of coastal erosion. In any case, such right-holders should be informed of the risks and consequences if their next-of-kin were to be buried after the closure of the churchyard<sup>88</sup>.

It should be noted that exclusive burial rights are no longer eternal and lapse after 100 years in the case of a faculty granted after 1964<sup>89</sup>.

The act of closing the churchyard may give the impression to local stakeholders that their right of burial is being "taken away". Legally, burial rights are extinguished upon closure of a churchyard (except for reserved exclusive rights where the situation is less clear). Despite this, churches can be

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<sup>81</sup> *Re St Nicolas's Churchyard, Pevensey* [2012] PTSR 1207

<sup>82</sup> *Re St Nicolas's Churchyard, Pevensey* [2012] PTSR 1207

<sup>83</sup> Commentary and analysis from Olivia O'Sullivan.

<sup>84</sup> *Re St Clement, Terrington* [2020] ECC Ely 3

<sup>85</sup> Commentary and analysis from Olivia O'Sullivan.

<sup>86</sup> *Reed v Madon* [1989] 2 All E.R. 431.

<sup>87</sup> P. Sparkes, *Exclusive burial rights*, Ecc. L.J. 1991, 2(8), 133-151.

<sup>88</sup> Commentary and analysis from Olivia O'Sullivan.

<sup>89</sup> See Table in Annex 2 for more information.

viewed as an essential feature of the local community and local stakeholders may feel it is their right to be buried there, even if this right no longer exists legally. Efforts should be made to communicate this to stakeholders sensitively before the churchyard closes. Interim options for ceasing use and reducing pressure on the churchyard before its closure should support this.

### ***Partial closure of churchyards***

A part of a churchyard can be closed for the same reasons as a whole churchyard<sup>90,91</sup>. Therefore, based on the analysis regarding the ability to close a churchyard due to it being unusable (e.g. due to coastal erosion risk), it should be possible to close just the seaward part of the church as an initial step in a transition plan if such option would be desired over an upfront full closure. This would of course be subject to approval by the Ministry of Justice. In any case, unless specific burial plots have been reserved beforehand, the incumbent can decide which part of the churchyard to use for burials, even before any partial or full closure of the churchyard is introduced.<sup>92</sup>

### ***Responsibility for maintaining closed churchyards***

A key element of closing churchyards is that the PCC has the ability to transfer maintenance responsibility to either a parish, county or district council under Section 215(2) of the Local Government Act 1972. This is an option available to PCCs, but there is no obligation to transfer this if they do not want to<sup>93</sup>.

It is important to note that the current framework for closing churchyards mainly considers the management of closed churchyards within the context of the site being full and not because of the risk of coastal erosion reducing the land available. Therefore, much of the guidance surrounding the management of churchyards and burial grounds is centred around keeping the site neat and tidy, free from pests, and adhering to health and safety regulations<sup>94</sup>.

Transferring responsibility to a local authority does not mean that the churchyard itself is transferred to the local authority; no function or liabilities are transferred excepting those of the PCC with respect to maintenance and repair. Other rights and powers of the church remain unaffected, and the site remains under the control of the incumbent<sup>95</sup>. The impact of transferring the responsibilities from the PCC to the local authority means that it is up to the local authority to decide how, when and by whom work should be completed<sup>96</sup>.

The full extent of what exactly “maintenance responsibilities” encompasses, particularly in the case of at-risk churchyards, is not clear. Under Section 18 of the Burial Act 1855 (which was repealed by the Local Government Act 1972, except for graveyards in the City of London) it is stated that churchwardens (now the PCC) “*shall maintain such churchyard ... in decent order, and also do the*

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<sup>90</sup> Burial Act 1853, section 1.

<sup>91</sup> [Microsoft Word - Churchyard Closure Application Form and Guidance Notes March 2011.DOC](#)

<sup>92</sup> Commentary and analysis from Olivia O’Sullivan.

<sup>93</sup> Diocese of Gloucester (n.d.) Closed Churchyards. Available at: <https://www.gloucester.anglican.org/wp-content/uploads/2019/09/Churchyards-1-closed-churchyards.pdf>. Accessed March 2025.

<sup>94</sup> ECO Church (n.d.) Managing Closed Churchyards. Available at: <https://ecochurch.arochoa.org.uk/wp-content/uploads/2022/12/Managing-Closed-Churchyards.pdf>. Accessed March 2025.

<sup>95</sup> Church of England (n.d.): Legal opinions concerning the Church of England. Available at: [https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre\\_link-550](https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre_link-550) Accessed March 2025.

<sup>96</sup> Church of England (n.d.): Legal opinions concerning the Church of England. Available at: [https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre\\_link-550](https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre_link-550) Accessed March 2025.



*necessary repair of the walls and other fences thereof*". The same language is used in the maintenance obligation by the PCC (which can then be transferred on) in relation to a closed churchyard under s215(1) of the Local Government Act 1972. The term "decent order" could be interpreted in a variety of ways, but one way to interpret it is "safe" order. According to the legal opinion of the Church of England on "the maintenance of monuments in closed churchyards"<sup>97</sup> the PCC and thereafter the local authority (where responsibility for maintenance has been transferred), is responsible for the safety of the monuments in a churchyard. While the owner of the monument is the party primarily liable for maintaining it in a safe condition (the owner will be the person who paid for and installed the monument by the grave of their next-of-kin), and may have to satisfy a claim for damages if injury is caused by a negligent failure to keep it in safe order, a liability for personal injury (secondary to that of the owner) may arise by reason of the failure of the PCC or the local authority (as the case may be) to exercise its powers and duties in relation to a dangerous monument.<sup>98</sup> The legal opinion of the Church of England further states that the powers to keep monuments safe are ancillary to the duty to keep the churchyard 'in decent order', commenting further that "[s]afety to the public is one necessary aspect of what, in the context of a place of burial, amounts to 'decency'".<sup>99</sup> This is backed up by the case of *The Vicar and Churchwardens of St Botolph Without Aldgate v Parishioners of the Same* [1892] P 173, in which the Chancellor of London held that the filling and levelling of a dilapidated vault came within the duty to keep the churchyard in a decent order.

To extrapolate to the situation of coastal erosion, it will be the duty of the PCC or the local authority to keep the public safe from any monuments that are considered dangerous due to being destabilised by landslip or other anticipated coastal erosion events. In addition, the usual occupier's liability laws will apply. See the table in Annex 2 for more information.<sup>100</sup>

Also of note, is that the Legal Advisory Committee from the Church of England stated the following text with regard to what is involved in the maintenance and repair of a closed churchyard by a local authority where maintenance responsibility has been transferred to the local authority:

*"The Legal Advisory Commission appreciates the difficulty of making any general application of Opinions given on particular facts, but it may be of assistance to mention that in its view the duty of a local authority to maintain a churchyard in decent order includes the maintenance and repair of the paths and gates, and also the renewal of a gate when, according to the ordinary rules of good management, it should be replaced. On the other hand, if drains which run under the churchyard and whose sole function is to carry off water from the downspouts and gutterings of the church itself become obstructed, the removal of the obstruction is not, in the Legal Advisory Commission's view,*

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<sup>97</sup>Church of England (n.d.): Legal opinions concerning the Church of England. Available at: [https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre\\_link-550](https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre_link-550) Accessed March 2025.

<sup>98</sup>Church of England (n.d.): Legal opinions concerning the Church of England. Available at: [https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre\\_link-550](https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre_link-550) Accessed March 2025.

<sup>99</sup>Church of England (n.d.): Legal opinions concerning the Church of England. Available at: [https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre\\_link-550](https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre_link-550) Accessed March 2025.

<sup>100</sup> Commentary and analysis by Olivia O'Sullivan.



*part of the duty of maintaining the churchyard in decent order and, therefore, is the responsibility of the PCC and not of the local authority.*<sup>101</sup>

The text above confirms that maintenance responsibilities of the local authority do not extend beyond the maintenance of the churchyard, as per s215 of the Local Government Act 1972. The PCC remains responsible for maintaining anything relating to the church building itself, such as the gutters servicing the church. Further investigation and enquires about maintenance obligations in a closed churchyard at risk of coastal erosion could be sent to the Legal Advisory Commission.

### **Identified challenges**

<b>Challenge</b>	<b>Description</b>	<b>How is this dealt with under cease use and close?</b>
Extinguishing burial rights in full is not possible	Despite the churchyard being formally closed, it is not clear whether exclusive burial rights will be extinguished. This could mean that there are potential legal challenges from reserved burial right holders.	Identifying firstly if faculties are in place which provide a right of burial in a closed churchyard. If so, make an application to the Ministry of Justice to stop such burial rights when making an order for closure. Given the legal uncertainty around the status of any exclusive burial rights, have appropriate conversations with such burial right holders in tandem with making the application to close the churchyard.
Transferring maintenance responsibility of the churchyard to local authorities; it is unclear of what responsibility this encompasses in the context of coastal erosion	The term “decent order” is vague and it is not completely clear what this term means under the responsibility to maintain.	Questions could be sent to the Legal Advisory Commission to clarify the practical questions surrounding maintenance.
Existing graves in the churchyards are still at risk from erosion	Closing the churchyard effectively acts as a pause on the land use however existing graves are still at risk from erosion.	Whilst the process of closing the churchyard is conducted, investigations into other options could be completed to continue the transition away from risk.
Impact of announcing no more burials	Announcing that a churchyard is planning to be closed and is no longer accepting burials projects a certain image of acceptance. Some stakeholders could see this as “giving up” and there may be public backlash from this.	Thought and care should be considered on how announcements surrounding management of graveyards at risk from coastal erosion is handled. Actions and slowly ceasing use of the site could support with this.
Local stakeholders may feel that their rights are being taken away	Local stakeholders may feel that as a member of the village, they have a right to be buried at the local church.	Careful and sensitive communication to why local stakeholders should consider choosing another location as

<sup>101</sup> Church of England (n.d.): Legal opinions concerning the Church of England. Available at: [https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre\\_link-550](https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions#calibre_link-550) Accessed March 2025.

Challenge	Description	How is this dealt with under cease use and close?
		their final resting place. Emphasise that choosing to be buried at an at-risk churchyard will mean that their remains are likely to be disturbed.
<i>Source: Study team</i>		

### ***Interim option***

Closing the churchyard is not a final solution. Closure effectively acts as a pause on the land use however existing graves are still at risk from erosion. Further options will need to be considered in order to transition existing graves away from this risk. Ceasing use and providing guidance and information to the local community are short-term actions that can help transition future burials away from coastal erosion risk and relieve pressure on the burial ground, reducing the number of graves that could potentially have to be reinterred at some point in the future.

### **5.3.5 Relocation**

Relocating the graves is a more permanent and long-term solution alongside “cease use and close” to transitioning away from coastal erosion risk for existing burials. However, there are several options and pathways under this option that could be considered, such as where to relocate the graves to.

The Burial Act of 1857 sets out the conditions under which remains may be exhumed. In particular, section 25 makes it unlawful in England and Wales to disturb human burials without a licence from the Secretary of State or, if the burial ground is on consecrated land, from the Church of England by way of a faculty from the consistory court. Section 25 of the Burial Act 1857 is applied during any development where disturbance of buried remains is plausible.

### ***Exhumation application***

An individual is permitted to exhume buried remains, but this requires permission from either the Ministry of Justice via a licence if the remains are on unconsecrated land, or the Church of England via a faculty if the remains are on consecrated land<sup>102</sup>. If remains are exhumed from and reinterred in consecrated land, only a faculty is required. If the remains are exhumed from and reinterred in unconsecrated land, only a licence from the Ministry of Justice is required. However, if the remains are to be relocated from a place which is consecrated to one that is not consecrated, or vice-versa, both a licence from the Ministry of Justice and a faculty will be needed for such exhumation and reinterment<sup>103</sup>.

### ***Responsibility for faculty application***

The Church of England has responsibility for burials in churchyards. When someone is buried on consecrated land they “give up their body to God”<sup>104</sup> and God is then responsible for it. Therefore, it

<sup>102</sup> Ministry of Justice (n.d.): Change to the granting of exhumation licences from 1 January 2015. Available at [https://www.iccm-uk.com/iccm/wp-content/library/iccm\\_Changes%20to%20burial%20legislation%20-%20summary%20from%20MoJ.pdf](https://www.iccm-uk.com/iccm/wp-content/library/iccm_Changes%20to%20burial%20legislation%20-%20summary%20from%20MoJ.pdf) Accessed January 2025.

<sup>103</sup> Church of England, Diocese of Norwich (n.d.): Exhumation. Available at: [www.churchlaw.org.uk/exhumation](http://www.churchlaw.org.uk/exhumation). Accessed in May 2025.

<sup>104</sup> Consultation with Rowland Brothers Ltd, Exhumation Specialists.

is the incumbent of the churchyard who is responsible for the graves that are buried there, rather than the next of kin. It follows, therefore, that the incumbent would be responsible for applying for the faculty and would need to pay the application fee if the incumbent were to choose to exhume the remains. Whoever is requesting the exhumation will be responsible for paying the application fee. The circumstances under which buried remains may be allowed to be exhumed are limited and currently do not explicitly cover coastal erosion risk or anything similar<sup>105</sup>. In any case, the consent of either the incumbent, PCC or the local authority (as applicable) would need to be included in any application to the Diocese.<sup>106</sup>

It may be that the local authority, under a transition plan, may decide to apply for a mass exhumation (and possibly mass re-burial) of remains at risk of coastal erosion, in which case the local authority would have to make the application and pay the faculty fee, possibly out of some future transition funding. If the exhumation is being requested by a private individual, then that individual would need to pay the application fee. Generally, the Diocese will not pay faculty lodging fees in relation to exhumation petitions.<sup>107,108</sup>

For Commonwealth War Graves, the Commonwealth War Graves Commission (CWGC) would need to grant consent to an exhumation and/or removal of a memorial. The payment and application for a faculty to exhume such remains would have to be made by whomever is requesting the exhumation.

Privately, next of kin could apply for a faculty if they wanted to relocate a specific burial and make their own decision on the future of that particular grave. However, faculties are typically only granted in exceptional circumstances. It is unknown whether a private individual would successfully obtain a faculty under these circumstances as no such application has yet been made in the context of coastal erosion.

### *Obtaining a faculty*

A faculty is permission to undertake more serious works to a churchyard. The application form for a Faculty is called a Petition<sup>109</sup> and will need to be completed to apply for an exhumation. The current application fee is £327.50 (as of 2024) but this is updated each year. The application fee is non-refundable, even if the application is unsuccessful. As the Church of England have the ability, to a certain extent, to make its own laws, it would be possible to submit a “blanket faculty” which could cover the exhumation of all graves at one site<sup>110</sup>. This would mean that only one faculty is issued and only one application fee would have to be paid, presenting significant cost savings. It is within the power of the Diocese to make a mass exhumation allowance. However, it is important to note that the Diocese makes decisions based on their own area<sup>111</sup>. The decision made in one Diocese may not be made in another. It is important to note this for transition planning as it will be up the Diocese in

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<sup>105</sup> *Re Blagdon Churchyard* [2002] Fam 299.

<sup>106</sup> Church of England, Diocese of Norwich (2024). Guidance Notes – How to make a Faculty Application for Exhumation. Available at: <https://www.dioceseofnorwich.org/wp-content/uploads/2024/01/Guidance-Notes-How-to-make-an-application-for-exhumation-January-202420199366.1.pdf>. Accessed June 2025

<sup>107</sup> Church of England, Diocese of Chester (n.d.) Faculty Fees. <https://www.chester.anglican.org/support-services/churches/faculties/faculty-fees.php>. Accessed in May 2025.

<sup>108</sup> Commentary and analysis by Olivia O’Sullivan.

<sup>109</sup> Church of England, Diocese of Norwich (2024): Petition for Faculty. Available at: <https://www.dioceseofnorwich.org/wp-content/uploads/2024/01/Petition-Exhumation17768338.1.pdf> Accessed March 2025.

<sup>110</sup> Consultation with Rowland Brothers Ltd, Exhumation Specialists.

<sup>111</sup> The Church of England is split into 42 dioceses. Dioceses are legally independent bodies and are episcopally-led by a diocesan bishop (See <https://www.churchofengland.org/about/governance/dioceses> for more information).

that region to make the decision. Despite this, stakeholders engaged during this study indicated that Dioceses typically refer to past decisions made by other Dioceses to establish best practices, using them as guide when making their own decisions<sup>112</sup>. As coastal erosion presents a new challenge that Dioceses have not tackled before, decisions made along the North Norfolk coast may be looked at by other sites along the English coastline that may face this challenge in the future.

The application for the faculty could be made either by the incumbent of the churchyard where the exhumation is planned to take place, a private individual, PCC or local authority. For modern graves, i.e. less than 75-100 years old, one would have to show that some effort was made to contact family members. This is a considerable amount of time and resources that would need to be considered in the application process under a transition plan. Supporting documents from family members are not essential, but they can be submitted to show backing for the application. As stated above, the incumbent of the churchyard where the remains are currently interred also would need to provide a supporting letter providing written consent<sup>113,114</sup>.

It is up to the Diocese to decide if a time limit is placed on the faculty, but they can be open-ended. Applying for the faculty to be open-ended is preferable as this allows the faculty to be valid and enables flexibility for when the exhumation process takes place. However, if the exhumation was to take place on unconsecrated land, a licence approved from the Ministry of Justice is only valid for a year. After a year, it would be necessary to apply for an extension. However, there is a balance between, on one hand, getting an open-ended Faculty to support with flexible planning and, on the other hand, ensuring that plans are put in place before a trigger is reached, beyond which it would be more difficult to do the exhumation.

A timescale of three months is suggested for a “*straight forward*” application<sup>115</sup> for a private individual. A mass application may take longer, especially since these are novel challenges. The application should specify how human remains are to be dealt with. The court<sup>116</sup> will normally require reinterment to preserve the intention of the deceased<sup>117</sup>. However, as this is a new context for exhumation, requirements may be different. The faculty will determine what the requirements are.

Multiple organisations, sometimes funeral directors, offer exhumation services and can offer support with the application process.

### **Costs**

Consultation with exhumation specialists revealed that costs for exhumation services are not based on the number of graves, but the cost of people involved in delivering the project and the scope of the works as a whole<sup>118</sup>.

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<sup>112</sup> Workshop consultation 6 March 2025.

<sup>113</sup> Consultation with Rowland Brothers Ltd, Exhumation Specialists.

<sup>114</sup> Diocese of Norwich (2024) Guidance Notes – How to make a Faculty Application for Exhumation. Available at <https://www.dioceseofnorwich.org/wp-content/uploads/2024/01/Guidance-Notes-How-to-make-an-application-for-exhumation-January-202420199366.1.pdf>. Accessed March 2025.

<sup>115</sup> UK Government (n.d.): Guidance note on applications for the removal of human remains. Available at <https://www.bracknell-forest.gov.uk/sites/default/files/2021-09/iccm-removal-of-human-remains.pdf>. Accessed January 2025.

<sup>116</sup> Court refers to the consistory court of the diocese.

<sup>117</sup> APABE (2017): Guidance for Best Practice for the Treatment of Human Remains Excavated from Christian Burial Grounds in England. Available at [https://apabe.archaeologyuk.org/pdf/APABE\\_ToHREfCBG\\_FINAL\\_WEB.pdf](https://apabe.archaeologyuk.org/pdf/APABE_ToHREfCBG_FINAL_WEB.pdf). Accessed January 2025.

<sup>118</sup> Consultation with Rowland Brothers Ltd, Exhumation Specialists.

Fees that need to be considered are<sup>119</sup>:

- Removal of headstones and monumental masonry from the grave;
- Fees for Exhumation License and Bishop's Faculty;
- Cemetery fees and charges relating to the exhumation;
- Fees and charges for subsequent re-burial, cremation or repatriation; and
- Fees for the attendance of a minister or officiant.

A consulted exhumation specialist estimated that to clear a section of burial ground approximately a quarter of an acre in size, over a period of four weeks and including the exhumation of circa 100 human remains, the cost would be approximately £100,000<sup>120</sup>. This does not include the costs for reburial. This is an estimation of the cost; a more detailed estimate of charges would need to be developed on a site-by-site basis.

### ***Exhumation procedure***

Consulted exhumation specialists set out the exhumation procedure. They suggested that the most appropriate way to complete the exhumation procedure would be to conduct the process in 'bands' and exhume one stage at a time. This could be integrated well into a transition plan as graves closest to the risk zone could be exhumed first. If an open-ended Faculty were granted, this would support the flexibility of the plan. Every churchyard would need a full set of risk assessments and method statements specific to that particular churchyard.

It was estimated that completing the exhumation of an entire churchyard could take around a year as the process would be undertaken in stages. Exhumation at a large scale and in cases where it is unknown where all the burials are, would be conducted by excavating sections of the cemetery, backfilling and then moving the section along<sup>121</sup>.

Exhumations are also weather and season dependent. Undertaking the procedure in winter/spring can be difficult and dangerous. It was suggested that work is completed in the summer, otherwise the ground can be unstable. These timings should be considered in the transition plans.

### ***Stakeholders involved***

There are a range of stakeholders that need to be involved in coordinating the exhumation procedure:

**Archaeologist:** If there is the possibility that graves are located outside of the boundary of the churchyard, including an archaeologist during the exhumation procedure is beneficial. Their expertise will help identify if there is something historically or archaeologically important at the site.

Exhumation specialists explained that if they find archaeological remains then an archaeological team may have to come in and the exhumation is put on pause until they complete the work. It may be beneficial to contact and collaborate with an archaeologist before the exhumation begins so there is a contact in place should work be needed.

**Ecologist:** It was also suggested during consultation that involving an ecologist might be necessary. Churchyards often contain protected species or habitats and having an ecologist involved can help to

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<sup>119</sup> Paul Williams Independent Funeral Directors Ltd (n.d.) Specialist Services: Exhumation. Available at: <https://www.paulwilliamsfunerals.co.uk/funeral-services/specialist-services/exhumation> Accessed March 2025.

<sup>120</sup> Consultation with Rowland Brothers Ltd, Exhumation Specialists.

<sup>121</sup> Consultation with Rowland Brothers Ltd, Exhumation Specialists.

navigate the process more effectively. This is not a requirement for exhumation but is a ‘good to have’ if the site is ecologically significant.

**Environmental Health Officer:** An Environmental Health Officer must be in attendance during the exhumation procedure. There is no direct cost for this but ultimately this cost is borne by the local authority. Typically, they attend and oversee the procedure over the first few days to ensure everything is in order and then will leave the exhumation specialist to continue with their work.

### ***Relocation options***

There are a range of relocation options that could be considered. The options that are available will be determined by the site characteristics and available and suitable locations. There are various costs, challenges, and elements that need to be considered with each. There is also the potential to offer different options to different stakeholders. Below are some potential options for consideration; however, these are in the early idea stage and would require further development and assessment to determine their feasibility. There may be more options available to certain at-risk sites that are not discussed here.

The study team strongly recommend that a stakeholder engagement phase be completed before any relocation actions are taken and/or before the decision that relocation is a viable option. Given the emotive and sensitive nature of this topic, it is essential to engage with the community and involve the next of kin of those buried in the decision-making process.

#### ***Relocate to an alternative existing burial ground***

The removal of remains from one consecrated place to another consecrated place does not require a licence under section 25 of the Burial Act 1857. All such removals may be undertaken solely on the authority of a faculty<sup>122</sup>. An existing churchyard would have to be identified with room to accept these reinterments. It is recommended that any alternative churchyard is located somewhat near the location of the original burial and away from erosion risk. However, it is noted that in areas where coastal erosion is prevalent, this may be difficult. Where the remains are removed to an unconsecrated graveyard under Local Authority control, it is reasonable for the consistory court to conclude that they will be cared for in a seemly manner and can be granted a faculty to do so, but a licence from the Ministry of Justice will still be required as the land is unconsecrated<sup>123</sup>.

The law is not clear on whether other churches have to accept this responsibility and the reinterment of these burials<sup>124</sup>. The availability of grave spaces in other graveyards is something that would need to be assessed on a case-by-case basis as it is not immediately clear from the various statutes and common law what rights to re-burial exist, as the burial rights of living people (which crystallise upon death) is what the law appears to currently focus on<sup>125</sup>. This element of the law could change, as the laws on re-burial were the subject of the recent Law Commission consultation (see section 5.4.1).

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<sup>122</sup> Commentary and analysis from Olivia O’Sullivan.

<sup>123</sup> Commentary and analysis from Olivia O’Sullivan.

<sup>124</sup> It is difficult to see how any church outside of the parish would be obliged to accept exhumed human remains from the parish in question as there would be no burial right there in the first place, unless the alternative burial sites are in the same parish, in which case it could be argued that the right to a burial in that parish still exists (commentary and analysis from Olivia O’Sullivan).

<sup>125</sup> Commentary and analysis from Olivia O’Sullivan.

### *Relocate to a new space*

An alternative option would be to relocate the graves to a new site altogether. This would require identifying an alternative site that is erosion future proof and preferably close to the original site to ensure that it can still meet the needs of the local community.

The land would need to be purchased, and planning permission obtained for change of use. The plan for the site would need to be laid out. The land would also need to be consecrated by a Bishop and then the exhumation process could begin.

Relocating to a new space entirely would likely be more expensive than other relocation options but it could provide an alternative space that is whole and can form some kind of replacement for the at-risk churchyard. Depending on size and timings, the new space could accept new burials as well as reinterments. It also provides a space that can serve the local community by providing an alternative site for remembrance, whilst allowing for adaptation to coastal change.

### *Relocate to a memorial site*

Another option that has been adopted by previous case studies is relocating the burials to a new site which acts as a memorial site. This could take the form of a memorial space or garden of remembrance. This was the approach taken under the HS2 project which conducted the reburial of more than 14,000 human remains. The remains were reinterred from St James's Gardens in Euston to Brookwood Cemetery in Surrey. To recognise those that had passed a memorial monument within a new landscaped garden was designed with the monument taking inspiration from the form of the gravestones and ledgers found at St James's Gardens<sup>126</sup>. This could be an option for very old, unidentifiable graves by providing a space to honour those passed whilst accepting the difficulties of identifying all burials. Land would still need to be identified and purchased before the exhumation process could begin.

It is unknown if the new site would need to be consecrated ground or not, or if some burials could be reinterred as cremations.

### **Identified challenges**

<b>Challenge</b>	<b>Description</b>	<b>How is this dealt with under relocation?</b>
Objections to faculty	Stakeholders can object to the faculty being granted. This could mean that cases arrive in court.	This could be mitigated by clearly explaining why this option has been chosen and involving stakeholders throughout the decision process to ensure they feel listened to, and plans are co-produced.
Ethical and moral objection to the exhumation of human remains	Exhumation is in conflict with the idea that interment is final.	Well managed communication strategies explaining why exhumation is necessary and for this to be communicated with the public.

<sup>126</sup> HS2 (2023): HS2 marks reinterment of Euston remains with memorial monument. Available at: <https://mediacentre.hs2.org.uk/news/draft-hs2-marks-reinterment-of-burials-from-st-james-burial-ground-with-memorial-monument> Accessed March 2025.



Table 5-6: Identified challenges (relocation)		
Challenge	Description	How is this dealt with under relocation?
Diocese make decisions in their own areas	Dioceses have the power to make their own decisions for their area. This means that different decisions could be made in different Dioceses. Typically, Dioceses will look to what has been completed by other Dioceses in the past to establish best practices and will use this as a guide.	Clearly communicating why a certain Diocese made a particular decision whilst acknowledging that each Diocese has the power to make their own decision. Make stakeholders aware that if one Diocese makes a particular decision there is no guarantee that another will also come to the same decision.
High costs	Undertaking an exhumation and relocation is costly and will require considerable funds to complete.	Identifying funding that could be used to support this. Costs can be managed by working on the graveyard in 'bands' over a period of many years (as suggested by the exhumation specialist).
Timings of exhumation procedure	Exhumations are weather and season dependent. Conducting these at the right time of the year is critical to the safety of the team.	Ensure that exhumation procedures are scheduled during the correct time. This will require forward planning and having a flexible or open-ended Faculty in place.
Range of stakeholders involved	There is a range of stakeholders that need to be involved in coordinating the exhumation procedure itself.	Ensure that stakeholders are contacted in advance and are aware of their potential role.
Contacting next of kin of those buried	In order to support the Faculty and promote a collaborative relationship with local stakeholders, contacting next of kin of those buried is key to support the application and promote transparency. It may be difficult to contact some of the stakeholders due to the age of the grave or families moving away from the area.	Incumbents and churchwardens will have some records of those buried in the churchyard. The Salvation Army have also been suggested as a resource that can help trace relatives. A dedicated outreach team could be set up to contact stakeholders. Use of the press, social media and community networks could also be used.

### **Further considerations**

Of all of the options available to churchyards at risk of coastal erosion, relocation will require the most coordination, involvement from stakeholders, and pressure on the legal framework. However, relocating the graves does enable the burial ground to transition away from erosion risk in the long-term.

The information set out above explains how the process of relocation could occur, in particular applying for a faculty to undertake exhumation and also the elements involved in this procedure. The second part of this option involves the relocation to alternative locations. This decision will be unique to each site and potentially each grave. Ideas are set out above but remain abstract and are at the initial phase. It will be up to individual sites and engagement with the local community to determine

relocation actions and locations. It may not be possible to relocate all graves. For example, all the churches examined in this report are medieval and the grave locations and identities may not be known. These graves should still be handled with care if or when they erode.

### **5.3.6 Long-term management approach**

A long-term option to transition away from risk would be to adopt a management approach ensuring that the site is monitored and appropriate actions taken that are ethical and sustainable. The purpose of this option is to ensure that there is a plan in place for sites so that their loss can be managed. This is considered a long-term management option, available alongside the relocate option.

#### ***Planning for inevitable erosion***

Coastal erosion is inevitable in some sites. Even if relocation occurred and a managed loss approach was adopted, the site will still erode into the sea. While the exhumation of known human remains can address the majority of burials, it is unlikely to capture everything. Given the age of many churchyards and the incomplete records of historic burials, it is probable that some remains will remain undetected beneath the surface.

It is therefore essential that local authorities and relevant officials have plans in place to manage the consequences of such erosion. This should include clear guidance on how to respond if material from the churchyard, including human remains or associated debris, is exposed or washed onto the beach. A formal reporting protocol should be developed and incorporated into a broader communication and media strategy. As such events are highly visible and likely to attract public and media interest, a well-prepared response is critical.

Where churchyards have been closed for a long time and contain only historic burials, natural erosion may be considered acceptable by the local community. In such cases, the emphasis should be on ensuring that erosion is managed in a dignified and orderly manner, rather than responded to reactively. A clear, pre-agreed protocol should be in place so that all key stakeholders understand their responsibilities and are prepared to act appropriately when erosion occurs.

#### ***Heritage preservation***

Churchyards are rich in history, often serving as important cultural and historical landmarks within their communities. Transitioning them away from coastal erosion risks may necessitate dedicated heritage preservation efforts to ensure that their historical, archaeological, and social significance is not lost.

Historic England may become directly involved in specific cases where a graveyard is deemed nationally significant in heritage terms. However, for many sites, its role may be limited, leaving the responsibility for documenting and preserving at-risk archaeology to Local Authorities<sup>127</sup>. Unfortunately, many Local Authorities may lack the necessary resources — staff, funding, and time — to undertake comprehensive recording and preservation efforts.

To address these challenges, heritage preservation initiatives could be integrated into the transition plan, ensuring that records, memorials, or digital archives are created where full physical preservation is not possible. This could include detailed site documentation, community-led oral history projects, and digital mapping efforts, allowing future generations to access and appreciate the historical

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<sup>127</sup> Consultation activities.

significance of these churchyards, even if their physical presence is lost. This may involve contacting local history societies or associations to document this for the local community.

### Identified challenges

Challenge	Description	How is this dealt with under long-term management?
Unidentified remains erode onto the beach	Older burial remains erode onto the beach as they are not recorded in burial records and were not exhumed.	Strategy is developed to deal with inevitable erosion and response is proactive with stakeholders able to action the protocol without causing distress to the local community.
Heritage loss of sites	Burials are lost through erosion and what was a heritage site no longer exists.	A proactive heritage preservation initiation can be set up to record memorials and burials to preserve this information into a digital archive to ensure that the history is not lost.

## 5.4 Future changes

### 5.4.1 New legislation potential

Burial law in England and Wales has developed over time to address various emerging needs, rather than being contained within a single, cohesive body of legislation. As a result, multiple pieces of legislation must be considered when making (re)burial decisions. Burial ground law is a complex picture which has resulted from a range of historical developments, this means that there are gaps in the legislation and existing legislation may not address the concerns and challenges that burial grounds are facing. This has been acknowledged by the Law Commission<sup>128</sup> who launched a consultation period in October 2024 to investigate potential reform of burial law in England and Wales. They acknowledge that the current burial law is governed by a “*patchwork*” of legislation, some of which is outdated.

The Law Commission’s consultation closed on the 9<sup>th</sup> January 2025, before this project officially began. Recommendations based on their consultation activities, along with the full report (expected to be published at the end of 2025) will be shared with the government.

This evidence review conducted within the scope of this current project contains the relevant legislation at the time of writing. However, this may change in the future and have legal implications that will affect the Coastwise graveyards transition plan.

There is the potential for Coastwise to submit consultation materials to the Law Commission explaining this unique case, this might support decision making and help to ensure that the legal framework that will be lent on during the transition plan takes into account this particular context.

<sup>128</sup> Law Commission (2024) Burial and cremation Consultation Paper. Available at: <https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/30/2024/09/Burial-and-Cremation-Consultation-Paper.pdf> Accessed January 2025.

## 6 Key uncertainties

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Based on all the information gathered throughout the project—including evidence and stakeholder insights—the points below outline key uncertainties and critical factors that should guide transition planning for churchyards more broadly.

### *Funding challenges:*

**Responsibility and Cost Distribution:** A significant barrier lies in understanding the financial responsibility for various options. There is a need to clearly define who is responsible for funding the transition process—whether it falls to government bodies, local authorities, the church, the families affected, or another party. Moreover, determining the exact costs associated with each potential solution is crucial, as the financial implications could vary widely depending on the scope and scale of the transition efforts.

**Identifying Funding Sources:** Finding sustainable funding sources is another critical challenge. Options for covering the costs may include public funding, grants, donations, or private investments, but securing these resources can be complex, especially in a situation where the costs are unpredictable or substantial.

### *Community objections:*

**Public Sentiment and Concerns:** One of the most profound barriers identified is the resistance from the local community. As one stakeholder noted, there has been "a lot of anger and anxiety" surrounding issues such as coastal erosion and the subsequent loss of graves. The emotional and cultural importance of burial sites to local communities cannot be understated, and this emotional attachment often leads to strong objections when faced with the possibility of having to move or lose graves.

**Community Engagement:** There is a clear need for transparent, open dialogue with community members and stakeholders. Without proper engagement, the community may perceive any proposed actions as an imposition rather than a solution, leading to mistrust and potential conflict. Co-production of transition plans are critical in their success.

### *Emotional impact:*

**Sensitivity to Families:** It was poignantly highlighted by one stakeholder that "every grave and headstone tells a family story." This underscores the deep emotional and personal significance of burial sites. Families may feel a sense of loss or disrespect if their loved ones' resting places are threatened by environmental factors like coastal erosion.

**Respectful Transition:** It is essential to approach this topic with the utmost care, empathy, and respect. Regardless of the type, age, or condition of the graves, every burial site deserves to be treated with dignity. Transition plans must reflect this respect, ensuring that families are consulted and that their emotional and cultural needs are taken into account.

### *Lack of established guidance*

**Uncharted Territory:** One of the more challenging aspects of this issue is that it involves a relatively new and unanticipated situation—coastal erosion impacting burial sites. As one stakeholder noted, they are operating within a statutory framework for burial management, but many of the existing

regulations and guidelines do not account for the specific threat of coastal erosion to burial sites. This highlights the novelty of the situation and the absence of standardised procedures or policies for managing such threats.

**Need for Tailored Guidance:** The lack of readily available guidance for stakeholders is a significant barrier. As this issue is not one that has been widely encountered in the past, it requires innovative thinking, research, and collaboration between experts in coastal erosion, burial law, and community relations. Developing clear, relevant guidance and best practices for stakeholders is essential to navigate this uncharted territory effectively. There is also a need for adequate time to plan for adaptation and identify thresholds and trigger points that help identify when action needs to be taken to ensure there is sufficient time to operationalise plans so there can be a proactive response.

## 7 Conclusion

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This report provides a detailed examination of burial ground transitions, focusing on three churchyards at risk in North Norfolk, and introduces a flexible framework that may be applied to any Church of England churchyard along the English coastline. It demonstrates that there is no established precedent for graveyard transition planning and offers a unique contribution by bringing together the legal, pastoral, theological and practical considerations required for informed decision-making.

The proposed framework supports the development of site-specific transition plans by integrating local knowledge and fostering meaningful community engagement. It clarifies the scope of existing legislation, defines roles and responsibilities, and identifies key decision points. In addition, it highlights the relevant stakeholders, outlines the principal challenges, and presents potential solutions, providing a comprehensive foundation for future planning and management. This study assesses a range of different options, however the most appropriate option will reflect the local circumstances of the transition plan area. A communications strategy is an essential first step that underpins all the options and reflects the emotive nature of this topic. Sensitively communicating with local stakeholders enables the ability to co-produce a transition plan that reflects the characteristics of the area and is guided by those it represents.

# Annex 1 Questions to stakeholders

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## A1.1 Coastwise graveyard transition options questionnaire

[Coastwise](#) is a North Norfolk initiative to transition and prepare coastal communities where the coast is eroding. Coastwise is part of a nationally funded scheme, through the Coastal Transition Accelerator Programme, funded by DEFRA and the Environment Agency.

Churches and their graveyards are at risk from coastal erosion along the North Norfolk coast where there is erosion risk. There are many more sites facing similar circumstances now and in the future around the coast of England and elsewhere. Coastwise is conducting research to guide future planning in North Norfolk, with findings set to be widely shared. The insights will help communities across the UK prepare for the risks coastal erosion poses to churches and graveyards.

**Risk & Policy Analysts (RPA)** is supporting Coastwise in researching at-risk graveyards. RPA is a consultancy based in Norwich specialising in advising, assessing and evaluating the impacts of public policy and regulation on the environment and society.

As part of this research, we are collecting data through this targeted questionnaire. This study will **produce an options framework** for any relevant party (e.g. a diocese or Parochial Church Council, PCC) to use to help them understand potential processes, legislation and timings involved where there is erosion risk to a graveyard. The options framework will **map out potential** pathways available to graveyards at risk from coastal erosion.

We have designed this questionnaire to understand more about the characteristics of three sites: **Happisburgh, Trimmingham and Mundesley**. We want to understand more about the challenges that are affecting the local community and what needs to be included in the possible next steps that we will develop on the basis of this work. The feedback gathered will be essential in assessing the risks associated with graveyards and exploring possible pathways forward. However we are also interested in understanding more about what characteristics of graveyards facing coastal erosion may need particular attention and focus regardless of location.

Please answer **all questions** to the best of your knowledge—there are no right or wrong answers. If you are unsure or unable to answer a question, simply highlight this. Your responses will help identify knowledge gaps and guide future research priorities. You may feel that some questions aren't relevant to you, feel free to skip these and focus on those that apply.

Whilst this work is focussing mainly on graveyards at coastal erosion risk, it necessarily takes account of the whole context of a site, which usually includes a church. We recognise that the two elements (and others) of a site are often inextricable. Please answer the questions in relation to your **'site'** as you see fit. If you have feedback on **multiple sites**, please provide feedback for each in **separate** responses.

Depending on how much information you are able to/choose to give, this questionnaire is likely to take 45-60 minutes. There are 4 parts to this survey. The first section of the survey asks for background information and also detail around site characteristics. The next sections are focused around challenges and include practical, pastoral and theological challenges. There is also the opportunity to share any other additional thoughts at the end.

**The deadline for completion of the questionnaire is 12<sup>th</sup> March 2025**



### A1.1.1 Use of data collected

Information from this survey will be analysed for the purpose of collecting evidence for this study and will only be used to inform our report to Coastwise. All data collected will be treated confidentially.

Your individual response will be anonymous. Individual responses and any personally identifiable information will not be shared with Coastwise.

Your input will not be personally identifiable, and your response can thus not be removed, unless you provide your contact details in the background questions. If you provide this information, you can request that your response be removed at any time by contacting our Project Director/Data Protection Officer, or Project Manager (contact details below). None of your personal data (e.g. name or contact information) will be shared or made public. Microsoft Forms is GDPR-compliant, with data stored in Europe.

The survey responses will be stored securely on RPA's computer systems (in line with our Cyber Essentials certification) and managed in accordance with our confidentiality and GDPR protocols. Your contact details will be deleted after the study is complete (April 2025). Under GDPR provisions you have the right to request access to your information. Your rights are listed in full on the Information Commissioner's website (<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>)

Thank you for your time. If you have any questions, please contact Daisy Copping who is the lead for this study.

Teresa Fenn, Project Director and Data Protection Officer

E: [teresa.fenn@rpald.co.uk](mailto:teresa.fenn@rpald.co.uk)

Daisy Copping, Project Manager

E: [Daisy.Copping@rpald.co.uk](mailto:Daisy.Copping@rpald.co.uk)

Please read each statement below:

1. I have read the above information
2. I understand that my participation is voluntary
3. I am aware of how to ask any questions regarding the study
4. I understand that I am free to refuse participation and have the right to withdraw from participation at any time without giving a reason
5. I know how to withdraw from the study
6. I understand that none of my personal data (e.g. name or contact information) will be shared or made public
7. I agree that my anonymised data will be used to produce research outputs (reports, and presentations)
8. I agree to the researchers, Risk & Policy Analysts Ltd, holding my personal data (name and contact details) for the purpose of this survey
9. I understand that I can request at any time for my personal data to be deleted, by contacting Risk & Policy Analysts Ltd. This will only be possible if I provide my contact details in the background questions, as it will otherwise not be possible to identify my response \*

I consent to my responses being used by the study team. **Single choice: Tick box (mandatory)**

## A1.2 Background

1. What graveyard site are you answering the questions on behalf of?  
Single choice: Happisburgh, Trimmingham, Mundesley, Other (please specify), Not applicable – answering in general
2. What is your relationship to the graveyard? Single choice: Churchwarden, vicar, volunteer, local government authority, other (open text).

We may wish to get in contact with you to discuss your answers further.

3. Would you be willing to participate in potential follow up engagement activities? Single choice: Yes/no
4. If you are willing to participate, please provide your name and email address (open text x 2).

## A1.3 Coastal erosion context

To build a more accurate picture of the three at risk graveyard sites in North Norfolk we are interested in understanding more about the characteristics and current risk context for each of these sites.

5. Do you perceive that this site is at risk of erosion?  
Single choice: Yes/No/Don't know
6. Are you aware of any initiatives or discussions in relation to the site that have taken place recently?  
Single choice: Yes/No/Don't know
7. Are there any plans in place to prepare for future coastal erosion? Single choice: Yes/no/don't know
8. What questions do you have surrounding coastal erosion at the churchyard you are answering for? Open text

## A1.4 Site characteristics

We are interested in understanding more about any particular site characteristics at the graveyard that you are answering for. To plan for graveyard transition, we need to understand whether certain site characteristics might require different approaches.

9. Are there any locally or nationally unique features associated with this site. Single choice: Yes/no/don't know (table format)

	Yes	No	Don't know
Design/layout			
Type of structure			
Historic monuments or listed buildings			
Historic events			
Trees			
Protected flora and/or fauna			
Precious biodiversity			
Archaeological importance			
Other			

10. If you answered yes, to any of the above, please can you tell us more about this? Open text.
11. Are there any notable graves / graves of public interest in the graveyard? Single choice: Yes/no/don't know (table format)

	Yes	No	Don't know
Family graves, i.e. a shared burial space			
War memorials			
Famous individual graves			
Buried ashes			
Mass graves			

12. If you answered yes, to any of the above, please can you tell us more about this? **Open text**.
13. Do you feel that these graves may require a unique approach in considering what happens to them in the future? Please note any particular considerations that you think we should be aware of. **Open text**
14. Are there any other site characteristics you wish to raise? **Open text**

## A1.5 Practical challenges

This work will investigate and identify options for what can be done to plan ahead in places where graveyards are at coastal erosion risk. There are various options that could be considered including a doing nothing, closing the graveyard or relocating the graves. We are interested in hearing your thoughts on the different options available, highlighting what practical challenges could occur with each.

### A1.5.1 Impacts of doing nothing

The Coastwise project aims to better understand and define potential options that enable people and places to prepare for coastal erosion and its associated risks to graveyards and sites they are part of. It is useful to understand what the impacts would be if no action was taken.

1. What would be the main impacts on the local community that you serve, if erosion were to continue without a plan for your graveyard site? Tick all that apply. **Multiple choice:**
  - Distress and emotional impact on families with loved ones buried in the graveyard
  - Loss of a site of historical, cultural, and religious significance to the community
  - Environmental concerns, such as exposure of human remains and ecological disruption
  - Legal and ethical challenges in managing displaced graves and remains
  - Reduced trust in the church's ability to care for its heritage and community spaces
  - Potential health and safety risks to the public from unstable ground and eroding land
  - Reduced capacity for burials, memorials, and site use
  - Other, please specify (open text)
  - Don't know
2. If you would like to expand on your answer, please do so (open text).

### A1.5.2 Decommissioning and ceasing use

To reduce the risks associated with graveyards affected by coastal erosion, one option could be to cease future burials and formally close the site for new interments. We would like to hear your thoughts on this possibility and its potential impact on your community.

3. If burials were to cease, is there a location that could be used as the new burial ground for that site? **Single choice: Yes, No, Don't know**.
4. Where is this potential location? **Open text**.

5. How do you think local communities would feel about ceasing the use of the graveyard? **Open text.**
6. We have developed some initial ideas for interim steps based on what other graveyards facing coastal erosion have completed. How feasible do you think some of these ideas for interim steps are for decommissioning graveyards? **Likert scale: very feasible – very challenging**

Steps	Very feasible	Somewhat feasible	Neutral	Somewhat challenging	Very challenging
<b>Limit Burials to Ashes Only</b> – Allow only cremated remains to be interred, reducing space usage and minimising disruption					
<b>Introduce a Memorial Garden</b> – Create a designated space for plaques or other commemorative markers in place of new burials.					
<b>Restrict New Burials to Family Plots</b> – Permit burials only in existing family plots to slow the expansion of the site.					
<b>Digital Memorialisation</b> – Offer online memorial options to preserve the history of those buried there while limiting physical expansion.					
<b>Reinforcement and Landscaping Measures</b> – Use temporary erosion control techniques to extend the site's viability while planning for closure.					
<b>Encourage Alternative Burial Sites</b> – Work with nearby churches					

or cemeteries to provide alternative burial options for the community					
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7. Please share any further thoughts that you have on these options or share alternative ideas of your own. **Open text.**
8. What barriers do you foresee in ceasing active use of the graveyard at your site? Please tick all that apply. **Multiple choice:**
  - Legal or regulatory restrictions
  - Community objections
  - Lack of alternative burial sites
  - Cultural or historical significance of the site
  - Financial costs associated with closure or maintenance
  - Environmental concerns
  - Lack of clear policies or guidelines for closure
  - Other (please specify)
  - Don't know

### A1.5.3 Relocation of graves

Another option could be to relocate existing graves from the site. This would involve carefully exhuming and reintering remains at an alternative location. We are interested in your thoughts on this possibility and the potential challenges or considerations it may present for your community.

9. If the graves were to be moved and reinterred, is there a graveyard or consecrated ground away from coastal erosion risk that could feasibly accommodate the displaced remains within the Parish, Diocese or geographic region? **Single choice: yes/no/don't know**
10. What is the location of this site? **Open text.**
11. What other factors should be considered when selecting a burial site for the relocation of graves? Please tick all that apply. A burial site could be an existing graveyard, or a newly created graveyard for this purpose. **Multiple choice**
  - Community involvement and consultation in the selection process
  - Alignment with religious, cultural, and spiritual traditions
  - Location close to community
  - Long-term maintenance and site management plans
  - Other (please specify)
  - Don't know
12. What barriers do you foresee in potentially relocating graves? Please tick all that apply. **Multiple choice.**
  - Legal and regulatory restrictions
  - Ethical or religious objections to disturbing graves
  - Emotional and cultural sensitivity of affected families and communities
  - High financial costs of exhumation, transportation and reburial
  - Lack of suitable alternative burial sites
  - Administrative complexity
  - Logistical challenges in moving remains, such as time between exhumation and reburial
  - Storage of archaeological items
  - Other, please specify
  - Don't know

13. Are there options aside from the relocation of active burials and buried remains that you think should be considered? **Single choice: yes, no, don't know.**
14. Can you tell us more about these? **Open text**
15. As far as you know, could there be historic burial remains outside the boundary of the current graveyard? **Single choice: yes/no/don't know**
16. Can you tell us more about this? **Open text**
17. Are there any other practical concerns or considerations you wish to raise? **Open text**

## A1.6 Pastoral challenges

Graveyards and burial grounds are deeply sensitive and emotional spaces that hold significant meaning for the local community. It is essential that these sites are approached with the utmost respect and care. Given their importance, it is crucial to involve the community in any decisions regarding their future to ensure their concerns and needs are properly addressed. We are interested in any pastoral challenges that may arise during this process.

### A1.6.1 Working with local communities

18. Have you heard of any concerns from the community regarding coastal erosion and the loss of graves? **Single choice: yes, no, don't know**
19. If so, what questions or issues have been raised? **Open text**
20. How would you go about preparing to offer pastoral care to families should the graves be relocated? Please tick all that apply. **Multiple choice.**
  - Providing dedicated pastoral support and counselling for affected families
  - Hosting community meetings to discuss concerns and provide reassurance
  - Offering memorial services or ceremonies to honour those being relocated
  - Maintaining clear and compassionate communication throughout the process
  - Establishing a support network or liaison for grieving families
  - Creating a memorial or record to preserve the history of the original site
  - Working closely with religious leaders to ensure spiritual needs are met
  - Other (please specify)
  - Don't know
21. How would the possible planning for relocation of graves affect the church's relationship with the local community? **Open text**
22. What information would you like to have access to, to share with communities that are or may become worried about the future of a graveyard at risk of coastal erosion and associated planning for managing it in the future? **Multiple choice:**
  - Infographic explaining the challenge.
  - Website information to direct communities to.
  - Community consultation opportunities to share with communities to get involved with.
  - Case studies of similar graveyards at risk.
  - Other (open text).
  - Don't know
23. What do you consider to be the most appropriate ways of sharing information about, and engaging with the community regarding the future of the graveyard given the erosion risk? **Multiple choice:**
  - Announcements during church services and parish meetings;
  - Printed notices in the church, parish newsletters, and community boards;
  - One-on-one pastoral conversations with affected families and parishioners;



- Public meetings and consultation events with the local community;
- Online communication, such as church websites, email updates, and social media;
- Collaboration with local media (newspapers, radio, TV) to raise awareness;
- Partnering with local councils and heritage organisations for community outreach
- Other (open text).
- Don't know

## A1.6.2 Memorial services and commemoration

In a review of previous cases where graveyards have been relocated for various reasons, memorial services and plaques / monuments have been placed to honour and remember those buried.

24. If graves were to be moved, do you anticipate that holding a memorial service would be something that the community would want? **Single choice: yes, no, don't know**
25. Do you have ideas at this point about other types of memorial event or initiative that would be well placed? E.g. Could relatives of the deceased elect to hold individual services? **Open text.**
26. Are you able to contact the families of the deceased that are buried at this site? **Single choice:**
- Would be able to contact all of them,
  - Would be able to contact some of them,
  - Would be able to contact a minority of them,
  - Would be very difficult to contact any of them
  - Other, please specify
  - Don't know
27. How would you go about contacting the families of the deceased? **Multiple choice:**
- phone,
  - email,
  - letter,
  - church newsletter,
  - bulletin board,
  - announcement at church services,
  - other (open text)
  - don't know
28. Are there any other pastoral concerns or considerations you wish to raise? **Open text.**

## A1.7 Theological challenges

As graveyards are often religious spaces, there are important theological considerations and concerns that must be carefully addressed when making decisions about their future.

29. Are there specific religious or doctrinal considerations that should be considered, were a graveyard/grave relocation process to be planned and enacted? **Single choice: yes, no, don't know**
30. Please tell us more about this. **Open text.**
31. How might the relocation of graves impact the church's role in maintaining a sacred connection between the living and the deceased? **Open text.**
32. Are there any other theological concerns or considerations you wish to raise? **Open text.**

## A1.8 Other

33. Which stakeholders should be involved in the potential relocation of the at-risk graveyard? Please indicate whether these are unique to your site. Multiple choice: Statutory Advisory Committee on Closed and Closing Churches (SAC) / Historic England / the Parish council / Religious representatives or groups / Relatives of the deceased / Historical societies or museums/ churchwardens/ Commonwealth War Graves Commission (CWGC). Don't know, Other (open text).
34. Are there any other concerns, comments or questions you wish to raise? Open text.

## Annex 2 Legal framework

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The table below presents the Table of Laws relevant to Transition of Graveyards due to Coastal Erosion, produced by the Climate Change and Coastal Erosion Transition Lawyer appointed by Coastwise 19.02.25.

**It is assumed that all burial grounds for the purposes of this table have at some point received interments. This work does not extend to the demolition or removal of church buildings.**

Abbreviations:

BA 1857 – Burial Act 1857

BA 1953 – Burial Act 1953

CCA 1847 – Cemeteries Clauses Act 1847

CWGC – Commonwealth War Graves Commission

DAC – Diocesan Advisory Committee

EJCCM 2018 – Ecclesiastical Jurisdiction and Care of Churches Measure 2018

FJM 1964 – Faculty Jurisdiction Measure 1964

LGA 1972 – Local Government Act 1972

LACO 1977 – Local Authorities' Cemeteries Order 1977

OLA 1957 – Occupiers' Liability Act 1957

OSA 1906 – Open Spaces Act 1906

PCC – Parochial Church Council

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) (“LA”)	Church of England (“CofE”)	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
<b>Monuments and memorials</b>	<p>Where a LA is responsible for the maintenance of a closed churchyard under s215 LGA 1972, it will also be responsible for the safety of monuments in that churchyard.</p> <p>The occupier of a graveyard owes a common duty of care pursuant to OLA 1957. This duty extends to the safe condition of monuments.<sup>129</sup></p>	<p>The PCC is responsible for keeping a churchyard in decent order<sup>133</sup>, which means “safe” order and extends to tombs, war memorials and churchyard crosses, although the primary responsibility for the upkeep of a monument falls on the owners who are the heirs of the people commemorated. The PCC could be in breach of this duty of care and therefore negligent if it fails to make safe tombs or memorials which it knew were in an unsafe condition.<sup>134</sup> <b>It is possible therefore that such a duty of care would</b></p>	<p>S40 CCA 1847: the graveyard owner can sell the right to place any monument or gravestone in the cemetery pursuant to the regulations of that cemetery.</p> <p>At common law, property in a tombstone is vested in the person who erected it and after that person’s death in the heirs at law of the deceased.<sup>137</sup></p>	<p>At common law, property in a tombstone is vested in the person who erected it and after that person’s death in the heirs at law of the deceased.<sup>138</sup> The owners are therefore responsible for their safety and removal, but occupiers’ liability laws will also apply to the graveyard owners and managers.</p> <p>There is no statute governing the removal of monuments from private</p>	

<sup>129</sup> <https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions>

<sup>133</sup> Canon F 13.2

<sup>134</sup> <https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions>

<sup>137</sup> <https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions>

<sup>138</sup> <https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions>

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
	<p>The LA could be in breach of this duty of care and therefore negligent if it fails to make safe tombs or memorials which it knew were in an unsafe condition.<sup>130</sup> <b>It is possible therefore that such a duty of care would apply in relation to monuments and tombs at immediate risk of falling due to coastal erosion.</b></p> <p>The actual ownership of the monuments remains with those who installed them and will have primary liability for any injury caused by such monuments. However, under s215(2), the LA has</p>	<p><b>apply in relation to monuments and tombs at immediate risk of falling due to coastal erosion.</b></p> <p>OLA 1957 would also apply to the PCC.</p> <p>S66 EJCCM 2018: The consistory court of a diocese may grant a faculty for the moving or demolition of a monument even if the owner of the monument withholds consent to the faculty, or cannot be found after reasonable efforts to find him or her have been made (a faculty can be granted without such</p>	<p>S16 CCA 1847: the graveyard owner must keep the cemetery in good repair, which is likely to include a duty to keep monuments safe. <b>It could be argued that a monument at immediate risk of falling due to coastal erosion is not safe. However, there is no statute governing the removal of monuments from private graveyards, so this would be a matter of private law.</b></p> <p>The owners of the monuments will also have some responsibility for their safety and occupiers' liability laws will apply to</p>	<p>graveyards, so this would be a matter of private law.</p>	

<sup>130</sup> <https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions>

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
	<p>sufficient standing to apply to the consistory court for a faculty empowering it to make safe dangerous monuments.<sup>131</sup> <b>It is unlikely, however, that the LA would be allowed to remove a monument without its owner's permission unless such monument was at immediate risk of causing injury by falling off the eroding cliffs.</b></p> <p>S16(2) LACO 1977: the LA may remove from the cemetery and destroy a tombstone or other memorial on a grave, except where the owner of the right to place and</p>	<p>reasonable efforts if the case is urgent).</p> <p>The case of <i>Re St Sebastian, Wokingham</i><sup>135</sup> [2021] ECC Oxf 1 shows, however, that a faculty may be refused, even if the works have been agreed to by the PCC, recommended by the DAC and consented to by relatives, if (as in that case) the court thought that the purpose in marking the churchyard (if not the exact grave) where the founder was buried would be removed, even though the memorial had already been moved from the original founder's grave in the churchyard as</p>	<p>them as well as the graveyard owners and managers.</p>		

<sup>131</sup> <https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions>

<sup>135</sup> *Re St Sebastian, Wokingham* [2021] ECC Oxf 1



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	<p>maintain it in the cemetery has requested that it shall be re-erected in the cemetery or elsewhere (Schedule 3 sets out the notification procedure).</p> <p>Where a LA has acquired a burial ground and is managing it as "open space" under the OSA 1906, a monument or tombstone can only be removed in accordance with the provisions of s11 of the OSA 1906.</p> <p>S3 FJM 1964: Except in the case of "open space", a faculty may be granted for the moving or demolition</p>	<p>the plot had been paved over. <b>In the case of coastal erosion, where eventually the whole graveyard would be lost, it is hard to imagine that the court would not allow the removal of a memorial (for which consent has been granted by the relatives and the PCC) as its purpose to mark the churchyard would be lost in any case.</b></p> <p><i>Re St Alban, Frant</i><sup>136</sup>: although not relating to the removal of a memorial, in this case on memorial designs, the consistory court made clear that any Churchyard Regulations</p>			

<sup>136</sup> *Re St Alban, Frant* [2021] ECC Chi 4

Table A27-1: Identified challenges (relocation)

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	<p>of a monument on consecrated land if the owner withholds consent or cannot be found.</p> <p>As a last resort, the LA could also set in motion the statutory procedure applicable to the removal of dangerous structures under s77 of the Building Act 1984.</p> <p>N.B. An ecclesiastical exemption applies to a church which is a listed building, therefore no listed building consent is required in respect of the demolition of any object or structure within the curtilage of a church building, unless the</p>	<p>are simply an instrument of delegation and the court has the discretion to override any Church Regulation, which it believes are a result of the incumbent having had exceeded their delegated authority.</p>			

Table A27-1: Identified challenges (relocation)

	Type of graveyard by ownership/control				
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	monument itself is separately listed. <sup>132</sup>				
<b>Items left on and around graves</b>	Objects such as trinkets and decorations will be the private property of the grave holders and therefore permission should be sought from their owners, if possible.	The contents of a parish church and its curtilage (i.e. things appertaining to the church and its curtilage which are not affixed to the fabric or soil) belong to parishioners. The legal possession is in the churchwardens, held on behalf of the parishioners. The churchwardens may dispose of any of the contents with the consent of the parish and a faculty granted by the chancellor of the diocese. <sup>139</sup>	Objects such as trinkets and decorations will be the private property of the grave holders and therefore permission should be sought from their owners, if possible.	There will be rules and regulations of the cemetery, which grave owners will need to have signed and have to adhere to. These rules are likely to state the rules around items left on and around graves, including their removal, although objects such as trinkets and decorations will be the private property of the grave holders and therefore permission should be sought from their owners, if possible.	

<sup>132</sup> <https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions>

<sup>139</sup> <https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions>

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	Type of graveyard by ownership/control				
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		<p><i>Re St Edmund, Kessingland</i><sup>140</sup>: a faculty should be sought before any general churchyard clean-up, whether in relation to removal of items placed in a churchyard without permission or items fixed to a memorial stone, unless the items constitute litter and have no particular significance to anyone or were not deliberately placed in the churchyard to be kept within it.</p>			
<b>Burial rights</b> (it is important to understand the various future burial rights that people	Generally, these public graves are for people who have passed away without any next of kin and/or have	S88 EJJCM 2018: a person who has their name entered on the church electoral roll of the parish when they die, has the <u>right to be buried</u> (or their	While under ss 23 & 35 CCA 1847 the graveyard owner may designate and allow parts of the graveyard to be used to bury persons in	Private burial rights are a contractual matter between the owner of the private burial ground and the person or family in question (e.g. conferred by	

<sup>140</sup> *Re St Edmund, Kessingland* [2020] ECC Nor 4

Table A27-1: Identified challenges (relocation)

	Type of graveyard by ownership/control				
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may have before and after the closure of a graveyard in order to effect a transition plan)	<p>no means to be able to pay for a burial plot.</p> <p>S10 LACO 1974: exclusive burial rights can be granted (since 1974) for a maximum of 100 years, but any rights granted prior to 1974 in perpetuity are still legally valid. However, under Sch 2, pt 3 s1(2) LACO 1977, where any rights granted for more than 75 years have not been exercised, the LA may, at any time after the expiration of 75 years, serve notice on the owner of the rights of their</p>	<p>cremated remains) in the parish churchyard or other burial ground in the parish.</p> <p>Even if a parishioner is not on the electoral roll, at common law, every parishioner has a <u>right of burial</u> in the churchyard of the parish unless it is closed due to legal process.<sup>142</sup> The common law right extends also to all persons dying in the parish, whether or not they are parishioners.<sup>143</sup></p>	<p>accordance with the rites of the CofE, and other parts to bury persons who are not part of the CofE, this does not confer rights for people to be buried there. However, such graveyard owners can sell exclusive rights to burial in a part of the cemetery in either perpetuity or for a limited time, creating burial rights for those people.<sup>151</sup></p> <p><b>There does not appear to be any law in place that would allow for exclusive burial rights to be</b></p>	<p>a Deed of Grant and subject to cemetery's own regulations).</p> <p><i>Gale on Easements</i><sup>152</sup>: a non-statutory perpetual burial right is legally valid, but the nature of the right created is questionable i.e. whether it is a mere licence or whether it equates to a property right and therefore transferable to successors in title.</p> <p><i>Reed v Madon</i><sup>153</sup>: judge said that the legal nature</p>	

<sup>142</sup> *Re St Nicolas's Churchyard, Pevensey* [2012] PTSR 1207

<sup>143</sup> *Re West Pennard Churchyard* [1992] 1 WLR 32

<sup>151</sup> Cemeteries Clauses Act 1847, s 40

<sup>152</sup> *Gale on Easements* (21st ed. at 1-25)

<sup>153</sup> *Reed v Madon* [1989] 1 Ch 408

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	<p>liability to have their rights terminated unless, within 6 months of the date of the service, the owner notifies the LA in writing of his intention to retain them.</p> <p>While the application form to the Ministry of Justice for the closure of a churchyard provides an option to opt out of retaining any pre-existing exclusive burial rights post closure of the churchyard, the case law regarding the legal status of exclusive burial rights is not conclusive<sup>141</sup>, <b>which</b></p>	<p>The above common law and statutory rights only crystallise when the person in question dies.<sup>144</sup></p> <p>If a person <u>with a legal right of burial</u> wishes to assure his personal representatives of a right to bury their remains in a particular place in the churchyard, they can apply to the consistory court for a faculty to reserve that grave space.<sup>145</sup> In the case of <i>Re St Nicolas's Churchyard</i><sup>146</sup>, <i>Pevensey</i>, the court refused a faculty for the reservation of a</p>	<p><b>extinguished upon closure of a cemetery, which leaves the question open as to whether there could be any potential legal challenges from such burial right holders. See in this respect the case law in the section on "Private Burial Ground not established by Private Act of Parliament" in relation to the part closures of private burial grounds where exclusive burial rights have been granted.</b></p>	<p>of a right to exclusive burial in a part of a churchyard was not clear and refrained from deciding whether it was an interest in land.</p> <p><i>Mapara v Demetriou</i><sup>154</sup>: The legal uncertainty regarding the nature of burial rights granted (in this case by deed for 999 years) in a private cemetery was repeated here. As a result of this case, where there had been failures to properly maintain a private burial ground, the Government</p>	

<sup>141</sup> Sparkes, *Exclusive Burial Rights*, Ecclesiastical Law Journal 2 (8), 133-151, 1991.

<sup>144</sup> *Re West Pennard Churchyard* [1992] 1 WLR 32

<sup>145</sup> *Re St Nicolas's Churchyard, Pevensey* [2012] PTSR 1207

<sup>146</sup> *Re St Nicolas's Churchyard, Pevensey* [2012] PTSR 1207

<sup>154</sup> *Mapara v Demetriou* [2022] EWCA Civ 1001



Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
	leaves the question open as to whether there could be any potential legal challenges from such burial right holders if their rights were to be extinguished. See in this respect the case law in the section on "Private Burial Ground not established by Private Act of Parliament" in relation to the part closures of private burial grounds where exclusive burial rights have been granted.	grave space, on the grounds that, despite the couple having burial rights, at the time of the petition the number of grave spaces available in the churchyard was between 10-12 and it was estimated that it might be full in two to three years' time. This decision stated that when space in the churchyard was limited, individuals with a legal right of burial must be interred in order in which they die until such time as the churchyard is full. <b>Although in this case the reasoning for refusing the faculty was that the reserved graves might deprive other burial right holders from their right to be buried in that</b>		in January 2024 decided to apply to the Privy Council for an order requiring burials to be stopped at that cemetery. <b>However, due to the uncertainty around the legal status of the pre-existing burial rights, only the parts of the cemetery where plots had not been previously reserved, will be closed.</b> <sup>155</sup>  One of the outcomes of the current Law Commission consultation may be the regulation of all private burial grounds, including the introduction of statutory exclusive burial rights, which would end the legal uncertainty	

<sup>155</sup> [Government seeks closure of failing cemetery - GOV.UK](#)

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		<p>churchyard should they die before the reserved spots are used, it is good to see from a coastal erosion transition point of view that the consistory court has the discretion to refuse faculties for the reservation of grave spaces, even when the graveyard is still open. This could be useful where an Order in Council to close a graveyard has not yet been obtained, but the additional complication of having to deal with future reserved burial rights can be removed.</p> <p>In the case of a person without a burial right, a</p>		<p>in relation to these unregulated private burial grounds.</p> <p>N.B. As the grant of burial rights in a private burial ground is a contractual right, once the reserved land is lost to erosion, the doctrine of frustration would likely set the contract aside as it would be impossible to perform it, that is only if there had been an implied condition that the land would still exist at the time that the burial right would be exercised.<sup>156</sup></p>	

<sup>156</sup> Taylor v Caldwell (1863) 3 B. & S. 826

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		<p>burial can take place only with the consent of the incumbent of a benefice to which the parish belongs (or if the benefice is vacant, the minister acting as priest in charge of the parish or the curate licensed to the charge of the parish, or if there is no minister or curate of that description, the rural dean of the deanery in which the parish is situated) ("Minister").<sup>147</sup></p> <p>S65 EJCCM 2018: exclusive burial rights to a specific burial place can be acquired for a maximum period of 100 years. The terms on which such burial</p>			

<sup>147</sup>147 *Re Blidworth Churchyard* [2021] ECC S&N 2

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		<p>rights might be ceased will be set out either in the deed of grant (for rights granted prior to 1964) or in the faculty which granted the right (for rights acquired since 1964).</p> <p>S90 EJCCM 2018: since 2018, where a person, by way of a gift, transfers land which is to be added to a consecrated churchyard (and it does not matter whether or not the person resides in the parish in which the churchyard is situated), that person may reserve the exclusive right in perpetuity of burial and of placing monuments and gravestones in a part of the added land; but that part must not exceed one-sixth</p>			

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		<p>of the area of the whole of the added land. Such right will be evidenced by a memorandum signed by the incumbent and church wardens using specific wording set out in s90. This burial right forms part of the real estate of the person who reserved the right or of any successor in title to the right.</p> <p><b>The rights of any exclusive burial rights holders will have to be given consideration in relation to any proposed closure of a CofE burial ground.</b> While the application form to the Ministry of Justice for the closure of a churchyard provides an option to opt out of</p>			

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		retaining any pre-existing exclusive burial rights post closure of the churchyard, the case law regarding the legal status of exclusive burial rights is not conclusive. <sup>148</sup> <b>Therefore, unless expressly set out in the deed of grant or faculty granting such right, it leaves the question open as to whether there could be any potential legal challenges from such burial right holders if their rights were to be extinguished. See in this respect the case law in the section on "Private Burial Ground not established by Private Act of Parliament" in relation to the part closures of private burial grounds where exclusive</b>			

<sup>148</sup> P. Sparkes, *Exclusive Burial Rights*, Ecclesiastical Law Journal 2 (8), 133-151, 1991.



Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		<p><b>burial rights have been granted.</b></p> <p><i>Re St Clement, Terrington</i><sup>149</sup>: the consistory court held that s88 of the EJCCM 2018 could not require burials to take place where there was no room, even if the PCC was still awaiting an Order in Council to close the churchyard. <b>It can be concluded, therefore, that if any available plots were lost to coastal erosion, any future burial rights (except for exclusive burial rights) would cease even before the official closure of that graveyard.</b></p>			

<sup>149</sup> *Re St Clement, Terrington* [2020] ECC Ely 3

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		N.B. ashes may still be buried in a closed churchyard, if a faculty has been obtained for such burial (where a person has a right of burial there) or in the case of a person who does not have a right of burial there, their ashes may still be buried in a closed churchyard, if both a faculty has been obtained for such burial and the Minister has consented to it. <sup>150</sup> <b>This could be a transition option if people still wanted to have their ashes buried in a closed churchyard despite their</b>			

<sup>150</sup> *Re Blidworth Churchyard* [2021] ECC S&N 2

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		<b>future loss as a result of coastal erosion.</b>			
<b>Discontinuance (closure) of graveyard</b>	S5 BA 1853: states that this Act does not apply to a burial ground in LA ownership BUT para 15 of Sch. 26 of the LGA 1972 overrides this by stating that where a LA is exercising its power under s214 LGA 1972 to provide a cemetery, the power to make an Order in Council under section 1 of the Burial Act 1853 with respect to the discontinuance of burials will not be affected. Since any LA that is maintaining a	S1 BA 1853: burials can be discontinued by Order in Council.  The legislation does not set out any conditions for closure, although, further to guidance from the Ministry of Justice <sup>157</sup> , the applicants (normally the PCC) have usually cited the fact that a burial ground is "full" as a reason to apply for closure.	S2 BA 1853: burials can be discontinued by an Order in Council (although a statutory process for discontinuing burials in non-CofE churchyards is not required as statutory or common law burial rights do not apply) <sup>162</sup> .	S2 BA 1853: burials can be discontinued by an Order in Council (although a statutory process for discontinuing burials in non-CofE churchyards is not required as statutory or common law burial rights do not apply) <sup>163</sup> .	S2 BA 1853: burials can be discontinued in a burial ground which has been used solely for Quakers and Jews if an Order in Council under s1 specifically states so, (although a statutory process for discontinuing burials in non-CofE churchyards is not required as statutory or common law burial rights do not apply) <sup>164</sup> .

<sup>157</sup> [https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply\\_to\\_close\\_a\\_churchyard\\_-\\_application\\_form\\_and\\_guidance\\_notes.pdf](https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply_to_close_a_churchyard_-_application_form_and_guidance_notes.pdf)

<sup>162</sup> [https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply\\_to\\_close\\_a\\_churchyard\\_-\\_application\\_form\\_and\\_guidance\\_notes.pdf](https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply_to_close_a_churchyard_-_application_form_and_guidance_notes.pdf) (see guidance)

<sup>163</sup> [https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply\\_to\\_close\\_a\\_churchyard\\_-\\_application\\_form\\_and\\_guidance\\_notes.pdf](https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply_to_close_a_churchyard_-_application_form_and_guidance_notes.pdf) (see guidance)

<sup>164</sup> [https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply\\_to\\_close\\_a\\_churchyard\\_-\\_application\\_form\\_and\\_guidance\\_notes.pdf](https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply_to_close_a_churchyard_-_application_form_and_guidance_notes.pdf) (see guidance)

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
	<p>graveyard will be doing so in pursuance of its powers under s214 of the LGA 1972, any LA will be able to apply to the Ministry of Justice in the same way as a PCC in relation to a CofE managed churchyard. If the LA is maintaining a CofE churchyard, it should first consult the church.</p> <p>See notes for closure of burial grounds in the next column.</p>	<p>As part of the process to obtain an Order in Council, an application has to be made to the Minister of Justice using the prescribed form and follow the procedure set out in the guidance attached to it (the "Guidance").<sup>158</sup> <b>There is an "other" box amongst the grounds to apply for a closure and there is nothing to suggest that coastal erosion cannot be included as a valid ground, especially as the Guidance states from the outset that "Orders to discontinue burials may be required where burial in</b></p>			<p>In some cases, it may not be possible to close a churchyard, or part of it, for legal reasons (for example, where an Order in Council provided that the opening of the new burial ground required the approval of the Secretary of State - a former requirement in certain circumstances). Consideration is being given to an amendment to the legislation to address this issue.<sup>165</sup></p>

<sup>158</sup> [https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply\\_to\\_close\\_a\\_churchyard\\_-\\_application\\_form\\_and\\_guidance\\_notes.pdf](https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply_to_close_a_churchyard_-_application_form_and_guidance_notes.pdf)

<sup>165</sup> [https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply\\_to\\_close\\_a\\_churchyard\\_-\\_application\\_form\\_and\\_guidance\\_notes.pdf](https://assets.publishing.service.gov.uk/media/5c7d3c8440f0b603dca6efcd/Apply_to_close_a_churchyard_-_application_form_and_guidance_notes.pdf) (see guidance)

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		<p><b><u>the churchyard is no longer appropriate and the common law or statutory rights of burial in the parish churchyard need to be extinguished"</u></b>.</p> <p>While the Guidance sets out certain grounds in respect of which an Order for closure can be sought, (i.e. there is no usable space for new graves; further burials would be contrary to decency; discontinuance of burials would prevent or mitigate nuisance; or further burials would constitute a health risk), <b>there is nothing to suggest that this list is exhaustive, especially given the "other" box</b></p>			

**Table A27-1: Identified challenges (relocation)**

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		<p>mentioned above and the explanation that a burial ground may be discontinued where burial is "no longer appropriate". It is worth noting, however, that the Guidance states that a graveyard may be considered to be "full", if the remaining land is not usable e.g. where the land is too steep or waterlogged. It is possible that this reasoning could be extended to land which is at risk of coastal erosion.</p> <p><i>Re West Pennard Churchyard</i><sup>159</sup>: the judge acknowledged that it is</p>			

<sup>159</sup> *Re West Pennard Churchyard* [1992] 1 WLR 32, pp 34-35



Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		<p>extremely difficult for consistory courts to form clear conclusions on whether a churchyard is "full" and should be closed to further burials and can bring parishioners in conflict with one another.<sup>160</sup> This is an important observation for a coastal erosion transition plan, as parishioners may have different ideas about when a burial ground is no longer viable to have people buried there. In the case of churchyards at imminent risk of coastal erosion, the decision is simpler, but it will be harder to make such decisions about churchyards that are still</p>			

<sup>160</sup> *Re St Nicolas's Churchyard, Pevensey* [2012] PTSR 1207

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
		<p><b>further inland, but will eventually succumb to coastal erosion.</b></p> <p>N.B. S215 LGA 1972: PCC may choose to transfer the responsibility for the maintenance of its churchyard to a LA upon its closure. The procedure is set out in the Guidance. While the maintenance responsibility is transferred to the LA, the control of the churchyard (other than in relation to maintenance and repair) remains with the incumbent subject to the overriding control of the consistory court.<sup>161</sup></p>			

<sup>161</sup> <https://www.churchofengland.org/about/leadership-and-governance/legal-resources/legal-opinions-and-other-guidance/legal-opinions>

Table A27-1: Identified challenges (relocation)

	Type of graveyard by ownership/control				
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
<b>Exhumation of remains</b>	S25 BA 1857: it is an offence to remove buried human remains without a licence from the Ministry of Justice.	S25 BA 1857: it is an offence to remove buried human remains from consecrated ground without obtaining a faculty from the consistory court OR the Arches and Chancery Courts, Court of Ecclesiastical Causes Reserved, Commission of Review or Privy Council, as appropriate and having jurisdiction to determine the matter.	S26 CCA 1847: no body buried in the consecrated part of the cemetery shall be removed from its place of burial without the like authority as is by law required for the removal of any body buried in the churchyard belonging to a parish church.  S25 BA 1857: it is an offence to remove buried human remains without a licence from the Ministry of Justice.  A private cemetery established by a Private Act of Parliament, is also	S25 BA 1857: it is an offence to remove buried human remains without a licence from the Ministry of Justice.	S25 BA 1857: it is an offence to remove buried human remains from a cathedral without the approval by the Cathedrals Fabric Commission for England or a fabric advisory committee.  It is unlikely that any licence to manage human remains is needed if a burial ground has passed into other use (e.g. if it has been built over). <sup>166</sup>

<sup>166</sup> <https://www.honour.org.uk/law-regarding-burial-and-excavation/>

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) ("LA")	Church of England ("CofE")	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
			subject to any regulations set out in that Private Act of Parliament.		
<b>Re-burial</b>	<p>In most cases, the exhumed remains will need to be re-buried. There may be a specific requirement to re-bury remains that have been exhumed to fulfil a condition of a licence granted by the Ministry of Justice to exhume such remains, but such reburial can only take place where interments might legally be done.<sup>167</sup> The availability of grave spaces in other graveyards is something that would need to be assessed on a case by case basis as it is not immediately clear from the various statutes and common law what rights to re-burial exist, as the burial rights of <u>living people</u> (which crystallise upon death) is what the law appears to focus on. <b>There might be the possibility to bury exhumed remains in a closed churchyard, for example, if the original conditions of closure in the Order in Council allowed for this, or an Order in Council could be varied by a petition to the Crown to allow for re-burials, for example, in cases of coastal erosion.</b><sup>168</sup> The Burial Act 1955 allows for an Order in Council in relation to the closure of a graveyard to be varied, but there is currently no mechanism by which a closed graveyard can be fully re-opened.</p> <p>The cases of <i>Re Christ Church Alsager</i><sup>169</sup> and <i>Re Blagdon Churchyard</i><sup>170</sup> set out the position in relation to the re-burial of exhumed remains on both consecrated and unconsecrated land, respectively. The removal of remains from one consecrated place to another consecrated place does not require a licence under s25 of the Burial Act 1857. All such removals may be undertaken solely on the authority of a faculty. Where the remains are removed to an unconsecrated graveyard under LA control, it is reasonable for the consistory court to conclude that they will be cared</p>				

<sup>167</sup> *Re Churchyard of All Saints, Pontefract* [2022] ECC Lee 6

<sup>168</sup> *Re Churchyard of All Saints, Pontefract* [2022] ECC Lee 6

<sup>169</sup> *Re Christ Church Alsager* [1999] Fam 142

<sup>170</sup> *Re Blagdon Churchyard* [2002] Fam 299

Table A27-1: Identified challenges (relocation)

Type of graveyard by ownership/control					
	Local Authority (e.g. parish council or district council) (“LA”)	Church of England (“CofE”)	Private Burial Ground established by Private Act of Parliament	Private Burial Ground not established by Private Act of Parliament	Other
	<p>for in a seemly manner and can be granted a faculty to do so, but a licence from the Ministry of Justice will still be required.<sup>171</sup> See section on “exhumation of remains” above.</p> <p>Laws around re-burial refer to the ability to re-use burial land and to disturb existing remains in order to add new remains on top (or in their place), rather than what rights (if any) exhumed remains have to be re-buried in a particular graveyard. The laws on re-burial were the subject of the recent Law Commission consultation, which closed on 9<sup>th</sup> January 2025. While the responses to this consultation are still being considered, <b>there could be an opportunity to suggest a legal obligation for nearby burial grounds to accept exhumed remains which have had to be relocated due to coastal erosion (subject of course to appropriate conditions e.g. the age of the remains and any existing burial rights that the owners of the exhumed remains may still have).</b></p>				
Commonwealth graves	S20 LACO 1977: LA must get consent from CWGC to remove a war memorial.	Any activity relating to Commonwealth graves will require the consent of the CWGC.	Any activity relating to Commonwealth graves will require the consent of the CWGC.	Any activity relating to Commonwealth graves will require the consent of the CWGC.	Any activity relating to Commonwealth graves will require the consent of the CWGC.

<sup>171</sup> *Re Blagdon Churchyard* [2002] Fam 299, para 15

## **Annex 3 Infographic**

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Included in the PDF version of the report.

## **Annex 4 Exhumation costings menu**

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The following section includes the exhumation costings menu provided by Rowland Brothers Ltd after an interview conducted on 5<sup>th</sup> March 2025.





Estimate of charges –  
Exhumation & Funeral  
Arrangements.

Michael.A.Gill. Rowland Brothers Ltd.

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**Introduction:**

This estimate of charges is provided for Daisy Copping and is designed to be an indication of the overall charges for the services of Rowland Brothers Exhumation Services Ltd, Croydon.

**Michael.A.Gill.**  
**10/03/2025**

## Initial Set-Up:

- |  |                     |
|--|---------------------|
| 1 - Transportation charges from Croydon.   | £850.00             |
| 2 - Initial coffin stock.  | £250.00 per coffin. |
| Oak veneer cremation coffin fitted with engraved name plate, handles and Plain Cross as required.  |                     |
| 3 – Zinc lined coffins.  | £350.00 per coffin. |
| Zinc lined, Oak veneer coffins fitted with engraved name plate and Plain Cross as required. Coffins can be sealed airtight at grave-side.                  |                     |
| 4 – Biodegradable body bags.   | £25.00              |
| Zip sealed nylon body pouches for use with basic coffin if required.   |                     |
| 5 – Protective clothing, insurance & Disinfectant.   | Inclusive.          |
| Provision of disaster suits, face mask & gloves. Liquid disinfectant. Personal & Company insurance & Indemnity provided by Ecclesiastical Insurance Group. |                     |
| 6 – Project Fee (Per four-week placement):   | £2,000.00           |
| 7 – Personal transport & subsistence:  | At cost.            |
| 8 – Plant & driver hire:   | £1000,00 per day.   |

## **Exhumation services.**

### **1 – Exhumation Staff (Weekdays Mon - Fri)**

**A – Managers/Directors. £400.00 per day.**

**B – Operatives. £330.00 per day.**

**Funeral Directors and operational staff provided on ‘As required’ basis assuming One Manager and three staff per team.**

### **2 – Exhumation Staff (Saturday)**

**A – Managers/Directors. £450.00 per day.**

**B – Operatives. £350.00 per day.**

### **3 – Exhumation Staff (Bank Holidays & Sunday)**

**A – Managers/Directors. £500.00 per day.**

**B – Operatives. £400.00 per day.**

Normal hours of work are 08:30 to 16.00 with 45 mins lunch break. Overtime is payable at £22.50 per operative per hour.

**Clearance certificate on completion of project milestones: Gratis.**

Rowland Brothers Exhumation Services Ltd would request permission to record the works throughout the whole project and to use any material for future training and accreditation.

#### **4- Memorials.**

Estimated charges for the removal of Memorials would require a site visit by a Memorial Specialist. I can arrange this once you have access to the site.

#### **Sample overall estimate.**

To clear a section of burial ground approximately a quarter of an Acre in size, over a period of four weeks and including the exhumation of c100 human remains: £103,710.00

**Michael.A.Gill.**  
**10<sup>th</sup> March 2025**



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