# Re Streatham Cemetery

## Southwark Consistory Court: Petchey Ch, 23 May 2023 [2023] ECC Swk 3

*Exhumation—common graves—re-use of consecrated ground*

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A petition was brought by the London Borough of Lambeth for the re-use of two areas of consecrated ground within Streatham Cemetery. The areas had been used for common graves between 1922 and 1936, comprising nearly 14,000 burials in total. Although the graves were generally unmarked, there were a small number of tablet memorials, apparently unauthorised. Lambeth LBC proposed exhuming the existing remains from the area and re-burying them in the same location but at a greater depth. This process of 'lift and deepen' was estimated to result in the provision of approximately 571 new burial spaces. Notices of the proposal had been displayed at the site, both in 2020 and more recently, with no response. The DAC recommended the proposal for approval.

Granting a faculty, the court had regard to the Diocesan Guidance in respect of churchyards which stated:

> Except where burial rights are granted subject to a particular period of years, there should be an expectation that grave spaces will in due course be reused. This is necessary to economise on land use at a time when grave space is a diminishing resource. This is an increasingly urgent problem which all those responsible for churchyards have to face. Sensitive solutions have to be devised and implemented.
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> Reuse of graves within a period of less than 75 years is likely to cause distress and offence to the living, as well as appearing disrespectful to the dead. But Incumbents should promote and publicise policies for the reuse of graves as soon as 75 years have elapsed after the most recent burial therein, not least so that those presently arranging a burial are informed of what is likely to happen in the future.

It was held that 75 years was generally an appropriate period after which the re-use of graves may take place. That period was also recognised in statute, including in section 74 of the London Local Authorities Act 2007. Furthermore, the public benefit arising overrode the norm of permanence. *Re Blagdon Cemetery* was considered not to be applicable as the proposal was not for exhumation from one place to another but exhumation and re-interment within a short space of time and within the same grave. The few grave markers would be removed and buried within the cemetery.

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