

HOLYHEAD ROAD, WERGS, SOUTH STAFFORDSHIRE

**CONSTRUCTION OF A NEW CREMATORIUM WITH
ASSOCIATED CAR PARKING, MEMORIAL GARDENS AND
ACCESS**

APPEAL BY DIGNITY FUNERALS LIMITED

**PROOF OF EVIDENCE OF ALAN LATHBURY ON BEHALF OF
THE APPELLANT**



LPA Reference Number: 14/00838/FUL
Appeal Reference: APP/C3430/W/15/3039163

December 2018

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1 **QUALIFICATIONS, INTRODUCTION AND SCOPE OF EVIDENCE**

1.1 I am Alan Lathbury and I am a senior manager for corporate development at Dignity Funerals Limited ("the Appellant"). The Appellant is part of the Dignity Group of Companies ("Dignity"), being the largest operator of crematoria in the UK. The Appellant operates 46 crematoria across the UK.

1.2 I have been employed by Dignity for over 18 years and during that time I have grown the Dignity portfolio of crematoria from 22 to 46 sites. Specifically, I have overseen: (i) the completion of 5 new build crematoria; (ii) the acquisition of 16 existing sites; and (iii) the transfer of 3 sites from local authority control. Dignity performed over 63,000 cremations in 2017, which is more than any other crematorium operator in both the public and private sectors in the UK.

1.3 Given the legislative restrictions relating to the location of new crematoria, to which I refer later, Dignity's new build facilities are located in either the Green Belt or the countryside.

1.4 My evidence has been prepared in support of the Appellant's appeal pursuant to Section 78 of the Town and Country Planning Act 1990 (as amended) against the refusal by South Staffordshire Council ("the Council") of an application for full planning permission (ref: 14/00838/FUL) for:

'The construction of a new crematorium with associated car parking, memorial gardens and access of Holyhead Road (A41), Wergs, South Staffordshire' ("the Appeal Scheme").

1.5 The planning application for the Appeal Scheme was determined by the Council's planning committee on 17 March 2015, pursuant to which it resolved to refuse to grant planning permission in accordance with the officer's recommendation. In rejecting the Appeal Scheme, the Council relies upon a single reason for refusal which is set out below:

'The proposal constitutes inappropriate development within the Green Belt and does not accord with Policy GB1 of the adopted Core Strategy or paragraph 89 of the NPPF. Very special circumstances have been put forward, however these do not overcome the automatic harm to the Green Belt by way of inappropriateness, therefore the proposal is contrary to the Development Plan and the NPPF.'

1.6 The purpose and scope of my evidence is confined to those matters relating to: (i) the specific requirements of a crematorium operator; (ii) an overview

of the business sector within which it operates; and (iii) the legislative requirements, which impact upon site selection for new facilities. My evidence also supports the Appellant's case that there is a demonstrable need for the Appeal Scheme.

1.7 My evidence is structured as follows:

- (a) In section 2, I provide further details about Dignity;
- (b) In section 3, I outline the process undertaken by the Appellant in identifying the appeal site as the optimum location for the Appeal Scheme, including the area that would be served by it (if planning permission is granted);
- (c) In section 4, I provide further details about the Appeal Scheme;
- (d) In section 5, I summarise the key components which are relied upon by an operator in identifying whether there exists a need for a new crematorium; and
- (e) In section 6, I summarise my evidence and reach some overall conclusions.

1.8 My evidence should be read in conjunction with the evidence of:

- (a) Mr Jonathan Best who deals with matters of quantitative and qualitative need for the Appeal Scheme;
- (b) Mr Stephen Kirkpatrick who addresses visual impact/landscape issues; and
- (c) Mr Patrick Downes who addresses matters of planning policy and reaches an overall planning judgement as to the merits of the Appeal Scheme.

1.9 I confirm that the evidence which I have prepared and provide for this appeal (appeal reference APP/C3430/W15/3039163) in this proof of evidence is true and that the opinions expressed are my true and professional opinions.

2 **DIGNITY**

2.1 Dignity is the largest operator of crematoria in the UK and operates 46 crematoria performing over 63,000 cremations per annum. Dignity also operates over 800 funeral locations throughout the UK.

2.2 Dignity has unparalleled experience in developing, building and operating new crematoria in the UK.

2.3 Dignity is extremely proud of the high standards to which its crematoria are built. All new-build crematoria by Dignity include the following features:

- (a) 1 hour service slots (which can be contrasted, for example, with the current 45 minute slots at Bushbury Crematorium and Cemetery, Wolverhampton ("Bushbury") and the 45 minute slots at the proposed Essington development);
- (b) modern well-designed, air conditioned buildings, which are fully DDA compliant;
- (c) a location within peaceful and dignified memorial grounds; and
- (d) adequate car parking and level access for elderly and disabled people to all areas.

2.4 In addition, many of Dignity's new-build crematoria (including the Appeal Scheme) incorporate water features, which provide a peaceful and contemplative setting for bereaved families.

2.5 By way of example, I would refer to Wyre Forest Crematorium and Cemetery ("Wyre Forest"), which is a recent development by Dignity and is located in a 23 acre green belt site. There, Dignity was the main contracting partner and was responsible for initially obtaining planning permission, and later overseeing the design, build and operation of the site under a 150 year lease. The total value of the project was £5.8m.

2.6 I attach, at Appendix 1 to my evidence, some photographs of Wyre Forest.

2.7 Wyre Forest has proven very popular and is a multi-award winning development as follows:

- (a) RIBA West Midlands Award for Architecture – June 2012;
- (b) Construction Manager of the Year Award – 2012;

- (c) Stourport Civic Society Award – 2015, pursuant to which the Judges concluded:

“This new crematorium is highly technical building with all sorts of circulation and sensitive aspects to get right, is uplifting and comforting. The extensive landscape works are impressive with dramatic views of the Abberley Hills. As the landscape matures it can only get better. The public circulation areas were well considered with a delightful water pool.

The assessors considered this to be a great example of how an inspirational new building can transform an area and provide a level of comfort to its users.

The panel were unanimous that this excellent project should be given an AWARD”

- 2.8 I would respectfully invite the Inspector to visit Wyre Forest or a similar Dignity new-build crematorium as an opportunity to appreciate the qualitative benefits they offer to bereaved families.
- 2.9 I would also highlight the most recent crematorium commissioned by Dignity at Aston-On-Trent (Trent Valley Crematorium). This represents the design philosophy and quality of facility that Dignity is developing for bereaved families. The architect on this project is also responsible for designing the Appeal Scheme.
- 2.10 I attach, at Appendix 2 to my evidence, some photographs of Trent Valley.
- 2.11 Dignity has unrivalled experience in understanding the demographic need for new crematoria and building modern, well-designed accessible facilities that provide a much needed public service for the anticipated increase in death rates in the UK. I return to this topic later in my evidence.
- 2.12 In respect of the Appeal Scheme, this national experience is augmented locally by:
- (a) Dignity's ownership and operation of the Telford Crematorium, the location of which can be seen on the figures included within Mr Best's evidence (and photographs of which are included at Appendix 5 to my evidence); and
 - (b) Dignity's ownership of a number of funeral directors in the Wolverhampton area.

- 2.13 On this latter point, in June 2015, Dignity acquired a number of funeral homes that formed part of the Laurel Funeral Group. As a result of this acquisition, Dignity acquired the Jennings funeral business, which operates out of 9 locations in the Wolverhampton area and conducted 708 funerals in 2017. This represented around 27% of the market share for funerals in the Wolverhampton area and over 40% market share in certain post code sectors.
- 2.14 The ownership of both the Telford Crematorium and the Jennings funeral business gives Dignity a unique insight into the funeral market in the Wolverhampton area. I also return to this topic later in my evidence.
- 2.15 As to the Appeal Scheme specifically, I am familiar with the appeal site as well as the surrounding area. Dignity has been looking at a number of sites to the west of Wolverhampton for some time and has been involved in reviewing other possible sites for a new crematorium in the Wolverhampton area. However, I remain of the view that the appeal site represents the optimum location for a new crematorium to serve this catchment (as to which see further below)

3 **SITE SELECTION**

3.1 The siting of future crematoria in the UK is largely governed by legislation and Government guidance, as below.

Cremation Act 1902

3.2 The Cremation Act 1902 ("the 1902 Act") provides that no crematorium shall be constructed: (i) nearer than two hundred yards (183 metres) to any dwelling-house, except with the consent in writing of the owner, lessee and occupier of such house; (ii) within fifty yards (46 metres) of any public highway; or (iii) in the consecrated part of the burial ground of any burial authority.

3.3 All crematoria operators have regard to the 1902 Act as the primary driver for new development. The '200 yard residential rule' means that sites adjacent to, or in the immediate vicinity of, existing residential development are nearly always rejected as having any potential for a new crematorium. The practical difficulty of securing the prior written permission from all residential owners/occupiers for any such development is a very real one and means that new crematoria are almost exclusively promoted in more rural areas being either in the countryside or the Green Belt.

3.4 This practical effect has been recognised in multiple appeal decisions including the following:

- (a) Appeal Ref: APP/W1715/A/08/2070547 Land at Bubb Lane/Burnetts Lane, West End, Southampton, Hampshire SO30 2HH;
- (b) Appeal Ref: APP/T2405/A/13/2210523 Land East of Countesthorpe Cemetery, Foston Lane, Countesthorpe, Leicestershire;
- (c) Appeal Ref: APP/A0665/A/12/2186911 Land south-west of Birches Lane, Lach Dennis, Cheshire;
- (d) Appeal Ref: APP/D0840/A/09/2098108 Land at Race Farm, Puggis Hill, Treswithan, Camborne, Cornwall TR14 0PU;
- (e) Appeal Ref: APP/G2245/A/14/2217055 Land north of Oak Tree Farm, London Road, Halstead, Kent, TN14 7AB;

- (f) Appeal Ref: APP/D3125/W/18/3196644 Weaveley Arboretum Natural Burial Ground, Road to Upper Weaveley Farm, Tackley, OX5 3ER; and
- (g) Appeal Ref: APP/A6835/A/15/3005992 Kelsteron Lane, Connah's Quay, CH7 6DW.

1978 Guidance

- 3.5 The Siting and Planning of Crematoria ("the 1978 Guidance"), as published by the Department of Environment in 1978, is still valid and includes numerous provisions relating to the siting of crematoria. I would refer specifically to the following:

'5. Sufficient land is required to provide an appropriate setting for the crematorium, adequate internal access roads, car-parking space and space for the disposal of ashes. The larger the number of cremations a year likely to be carried out when the crematorium is fully operational, the larger the amount of land required for the disposal of ashes (see paragraph 13). Some recently approved sites have ranged from 2 to 4 hectares (5 to 10 acres) and in some cases they were part of more extensive areas bought for crematorium purposes.

6. Care is needed in the selection of a suitable site for a crematorium and the local planning authority should be consulted at the outset. A well wooded piece of ground with natural undulations and good views is ideal, but this must go along with easy access by public transport and by private car. One or two authorities have found that the existing mature grounds of a derelict country house have provided a suitable and attractive site.'

- 3.6 The appeal site meets all the requirements set out in the 1902 Act and the 1978 Guidance, as to which I would refer to the evidence of Mr Downes.

Demographics

- 3.7 In addition to the above constraints and requirements, when assessing possible new sites for a crematorium, Dignity is guided by the identification of sufficient demographic need for a new facility in combination with an area that is poorly served by existing cremation facilities. As part of this exercise, Dignity undertakes a detailed analysis of deaths by post-code sector as provided by the Office for National Statistics ("ONS") and details of its approach are set out in the evidence of Mr Best.
- 3.8 This information, in combination with Dignity's detailed knowledge of the local area (as above), assisted Dignity in determining a suitable catchment area for the Appeal Scheme.

3.9 In this respect, Dignity has investigated numerous potential sites to the west of Wolverhampton for a number of years having identified the communities of Codsall, Wergs and Perton as being poorly served by existing crematoria. This is largely because the demand for cremation services, within the area that is likely to be served by the Appeal Scheme, is being met at present by 3 crematoria as follows:

- (a) Bushbury, which is operated by Wolverhampton City Council ("WCC") and is an old facility that was built in the 1950s and is located to the north east of Wolverhampton city centre in an existing cemetery; and
- (b) Telford Crematorium, as operated by Dignity, which is over 19 kilometres from the principal areas of need, which would be served by the Appeal Scheme; and
- (c) Gornal Wood Cemetery and Crematorium, which is operated by Dudley Council and was opened in 1960.

3.10 As regards Bushbury, in 2017 it performed 2,730 cremations according to data published by the Cremation Society of Great Britain and is amongst the top 10% busiest crematoria in the UK. The number of cremations increased by over 6% in 2017 compared to 2016. It operates 45 minute slots and has 2 chapels. However: (i) use of the west chapel is limited because it can only seat up to 70 mourners; and (ii) as a consequence, the east chapel (which seats up to 90 mourners) is more popular with bereaved families, albeit they have to wait a longer period until it becomes available. These points are reinforced in a recent letter that I received from Jennings funeral directors (see Appendix 3 to my evidence).

3.11 As regards Gornal Wood, this facility was constructed in 1960 and performed over 1,700 cremations in 2017. This site has only a single chapel with seating capacity of 84. It is significantly overtrading for a single chapel crematorium.

3.12 I would emphasise that the Appeal Scheme would seat up to 100 mourners, with overflow facilities for larger services.

3.13 The Appeal Scheme would respond directly to these demographic and need factors. In particular, it would be ideally located to serve, and be readily accessible by, the communities of Codsall, Wergs and Perton (and surrounding areas).

- 3.14 The appeal site (being part of the former Wergs Hall estate) would also provide a distinctive setting for the Appeal Scheme, which would not only provide an important new facility for surrounding communities but would protect and enhance both biodiversity on the appeal site and the historical landscape character of the area for the reasons set out elsewhere in the Appellant's evidence.
- 3.15 Dignity was attracted by the rare opportunity to create a well-considered and integrated building and landscape design scheme, which builds upon the natural qualities of the appeal site to create a pleasant, tranquil environment which is individual in character and respectful of the needs of bereaved families and friends. We were also cognisant that the appeal site would be visited not only on the day of the funeral, but also on many future occasions particularly if a memorial has been placed in the proposed grounds. This reinforces the importance of securing a tranquil environment.
- 3.16 For all the above reasons, Dignity identified clear and significant benefits associated with the appeal site for the purposes of accommodating a new crematorium. As such, Dignity has entered into an option agreement with the owner of the appeal site, pursuant to which it will take a long leasehold interest in the appeal site subject to the prior grant of a satisfactory planning permission for the Appeal Scheme.
- 3.17 I would emphasise that if planning permission is granted for the Appeal Scheme, Dignity will seek to commence construction with a view to completing and opening the facility as soon as possible.
- 3.18 I am aware of the appeal by the Westerleigh Group against the Council's refusal to grant planning permission for a new crematorium on land at Essington, which is also the subject of this public inquiry. Indeed, Dignity previously submitted an unsuccessful tender for this site at Essington when it was marketed on behalf of the owners (being the Council and Staffordshire County Council). I do not consider there is any material overlap between that proposal and the Appeal Scheme because, if both developments were granted consent, they would serve substantially different areas.
- 3.19 However, I am also aware of a planning application, which has been submitted to Cannock Chase District Council ("CCDC") relatively recently, for a new crematorium at Cannock to serve the Norton Cannes and Cannock areas. At this stage, I would simply note that there would be

substantial overlap in the catchment areas served by this proposal and the proposed Westerleigh scheme at Essington. Whereas, there would be no such overlap as between the Cannock proposal and the Appeal Scheme. I understand that the Cannock application is proposed to be determined by CCDC in January 2019.

- 3.20 If the Inspector is of the view that there is only a need (and planning justification) for one new crematorium, then I would respectfully argue that the Appeal Scheme should be preferred. Principally this is because the Appeal Scheme is better able to relieve the obvious, existing pressure on the provision of bereavement services at Bushbury by (amongst other things) diverting services away from Bushbury to a closer and more modern facility offering 60 minute service times.
- 3.21 The diversion from Bushbury to the Appeal Scheme is modelled at 820 and this would substantially reduce the 'over trading' at Bushbury, especially during the peak winter months. The Appeal Scheme would also relieve pressure at Gornal Wood which operates from a single chapel and, like Bushbury, is over trading. As to the Cannock proposal, if permitted it would serve to remedy another existing deficiency in provision on the other side of the Wolverhampton conurbation: its greatest relieving effect is likely to be on Stafford Crematorium.
- 3.22 I would add that, if permitted, the Appeal Scheme would, by relieving pressure at Bushbury, allow Bushbury to enhance its own qualitative offer e.g. by increasing its service times from 45 minutes to 60 minutes.
- 3.23 Dignity itself had such an experience at its Lancaster & Morecombe site, which is a single chapel facility and had an historic 45 minute chapel time.
- 3.24 A new-build crematorium was opened in the South Lakes area at Beetham Hall (16 kilometres north of Lancaster & Morecombe) in 2017 and diverted a number of cremations from the Lancaster & Morecombe Crematorium. In response, Dignity was able to increase its service time there to 60 minutes, to the benefit of those attending services at the facility.
- 3.25 A further example is the Kettering Borough Council-owned crematorium, which increased its chapel times from 45 minutes to 60 minutes following the opening of a new-build crematorium at Wellingborough.

4 THE APPEAL SCHEME

- 4.1 Modern crematoria are designed to provide a light and comforting environment for bereaved families to hold services for their loved ones and to provide a peaceful and contemplative environment for the interment of ashes in the form of private memorials. This is in stark contrast to older crematoria, which were built in pre-existing cemeteries by municipal authorities to different standards, principally in the 1950s and 1960s. Bushbury is an example of an older crematorium, being developed in 1954 with one chapel and a second chapel was added in the 1970s. Gornal Wood is another example.
- 4.2 Older crematoria were also built to provide a predominantly Christian community service and often feature Christian symbolism either external or internal to the chapel. Again, this can be contrasted with modern crematoria – such as the Appeal Scheme - which provide a more neutral religious environment and are thus more readily able to accommodate multi-faith services.
- 4.3 The key design objectives for the Appeal Scheme were to produce a new facility in a sustainable way with a focus on the following:
- (a) creation of a new single chapel crematorium with an integrated, publicly accessible, landscape design;
 - (b) the whole building would be fully DDA compliant and feature the latest in audio visual equipment;
 - (c) the existing features of interest or value on the appeal site, such as the boundary wall, tree lined avenue and Fox Covert, must be protected and/or enhanced;
 - (d) provision of a low intensity use with a strong emphasis on quality – as opposed to quantity – of service, typically accommodating up to six funeral services per day in hourly slots with the flexibility to accommodate multi-faith services;
 - (e) utilisation of the latest cremator technology incorporating dust and mercury abatement filtration systems and computer controlled emission control in strict accordance with all applicable legislation (this is independently monitored for operational licensing purposes);

- (f) a subservient, modern, low visual impact building design which draws inspiration from the character of the stone boundary wall and connects seamlessly to its natural landscape setting;
- (g) provision of managed and landscaped memorial gardens, with publicly accessible woodland walks with an emphasis on native species; and
- (h) securing a net gain in biodiversity.

4.4 The design would provide excellent facilities for the bereaved in a sensitive manner and would present a crematorium of a different character to Bushbury and Gornal Wood.

5 **EXISTING CREMATORIA**

Bushbury

- 5.1 It is informative to compare and contrast the Appeal Scheme with Bushbury.
- 5.2 In particular, it is important to note that the Appeal Scheme would represent a modern single chapel set in a countryside location with the capability to cater for all faiths and religious beliefs. By contrast, Bushbury is set in an older cemetery and was developed in the 1950s to cater for a largely Christian population. It is evident that Bushbury is compromised both by its location in an existing cemetery and the age of the buildings.
- 5.3 In my evidence to the previous inquiry into this appeal, I referred to a study ("the Dunn Study"), which was commissioned in November 2013 by the Council in relation to the feasibility of providing a new crematorium to serve Essington and surrounding areas within that part of the Council's district. That evidence is before this inquiry (CD I5) so I do not need to repeat it, save to affirm that it remains my position that Bushbury suffers from various qualitative deficiencies (as to which see section 5 of my evidence below).
- 5.4 Indeed, even WCC has identified a need to respond to some of these deficiencies and, previously, has sought to commit funds towards securing qualitative improvements at Bushbury (see, for example, the article published in the Wolverhampton Express and Star on 27 March 2015 as Appendix 4 to my evidence). However, in my view, considerable qualitative deficiencies remain at Bushbury
- 5.5 These observations are consistent with the recent letter that I received from Jennings (see Appendix 3).
- 5.6 Moreover, I visited Bushbury on 23 October 2018 and again on the 10th December 2018 (in addition to numerous previous visits). Notwithstanding some apparent financial investment from WCC, it was clear that improvement works have only been undertaken to the East chapel. Even then, they are not sufficient to address the deficiencies in the overall offer. In addition, the qualitative deficiencies, to which the article referred, remain in the West Chapel.
- 5.7 Dignity firmly believes that only the provision of an additional facility to the west of Wolverhampton would offer a material improvement to bereaved

families in the local catchment area. This would amount to a 'win, win' situation because communities living to the west of Wolverhampton would have a modern and dedicated crematorium and continuing users of Bushbury would benefit from increased choice in chapel times.

- 5.8 I have also noted on my visits to Bushbury that both chapels have been in use and car parking has been severely restricted forcing cars to park along the cemetery edge. This is illustrated below in a photograph taken during one of my previous visits on 13 April 2016.



The parking issues were also evident at my subsequent visits in February 2017 and December 2018.

- 5.9 This reinforces the qualitative need for a new facility to the west of Wolverhampton, a topic to which I return in section 5 of my evidence.

Telford Crematorium

- 5.10 As I have already noted, Telford Crematorium is operated by Dignity.

- 5.11 I note that the Dunn Study included the following comments about this facility:

'...The approach to the site is not welcoming and maintenance is at best, average. At the rear of the crematorium building is a well landscaped area, setting the crematorium off very well, but hidden from site so the first impressions of the site is not good. The chapel is modern and the format can be changed to suit the funeral. It also has good views into the grounds, which need better maintenance. Memorialisation is now developing into the typical range provided by Dignity Crematorium, however, despite 45 minute services and a widening range of memorialisation, a quality facility could take some business from this crematorium, although numbers may not be particularly significant.'

5.12 I do not agree with these comments, which I can only assume were made without knowledge of the significant investment that Dignity has made to the facility since its acquisition in November 2010 from liquidators. That acquisition followed a period of financial and operational mismanagement from the previous investor owners.

5.13 Telford Crematorium was opened in 2000. Since subsequently acquiring it, Dignity has made the following qualitative improvements to the facility:

- (a) an increase in chapel service times from 45 minutes (per the Dunn Report) to 1 hour;
- (b) increased memorial choice;
- (c) introduction of a 24 hour, 7 day a week booking service (this service is common to all crematoria operated by Dignity and allows funeral directors to confirm the date and time of cremation service with bereaved families immediately and outside normal office hours);
- (d) in 2015 replacement of carpets, curtains and seating in the waiting room;
- (e) in 2014 a new roof was installed on the crematorium; and
- (f) in 2013 installation of new flooring.

5.14 In addition, I include, at appendix 5 to my evidence, some photographs of, and commentary in relation to, Telford Crematorium.

Gornal Wood Crematorium

5.15 Gornall Wood Crematorium is a single chapel and operates at 40 minute service times. Combined with performing over 1,700 cremations per annum means this facility is extremely busy.

- 5.16 The service times of 40 minutes can be contrasted with the hour service times offered at Telford and which are also proposed at the Appeal Scheme.
- 5.17 I would invite the Inspector to also visit Gornal Wood and Bushbury.

6 **NEED**

6.1 I refer to the evidence of Mr Best in respect of the need for the Appeal Scheme.

6.2 I also refer to the following conclusions reached by the Inspector in his report further to the previous inquiry:

'215 All parties agree that Bushbury Crematorium in north Wolverhampton, on any assessment, is under significant pressure. The parties agree that the best measure for assessing whether a crematorium is meeting a quantitative standard is its practical capacity in a peak month. In 2015 Bushbury operated at about 115% of practical capacity in a peak month. The Council accepts that operating above 80% of practical capacity places a crematorium under pressure to offer a cremation service that meets an acceptable quantitative standard. Anecdotal evidence from funeral directors who use the cremation service offered at Bushbury indicates that an acceptable qualitative standard is also not being met. In this regard funeral services are taking longer than is acceptable to arrange at times to suit bereaved families and funeral directors are advising some families that earlier services could be arranged at crematoria further away than is generally regarded to be acceptable. The substandard quantitative offer at Bushbury is adversely affecting the crematorium's ability to offer a quality service to bereaved families.

...

219Until recently the Council did not accept that there is a need but now accepts that the need is compelling. Bushbury Crematorium is operating under severe pressure, and has done so for a number of years, and this pressure is not going to diminish until a new crematorium is developed and brought into use. There is therefore a compelling need for one of the two crematoria considered in this report to be granted planning permission. Not to grant such a permission would add further delay to the relief of pressure at Bushbury Crematorium and would preserve, for an unacceptable period, the substandard service being provided to bereaved families in the Bushbury catchment area.'

6.3 In this section of my evidence, I provide further details of some of the key components of need from an operator's perspective. In doing so, I focus on qualitative factors. In this context, I would again refer to the letter that I received from Jennings Funeral Directors, which is supported by the conclusions of the previous Inspector (as noted above). They are a significant user of Bushbury and draw attention to some of the qualitative deficiencies associated with that facility.

Travel Time and Distance to Crematorium

6.4 Key determinants influencing bereaved families when choosing their choice of crematorium include the location, distance and travel time to the facility. As set out in Mr Best's evidence, there is a wealth of information to indicate that, generally, the bereaved and funeral directors are unlikely to travel more than a 30 minute drive time to a funeral. This has consistently been interpreted, by both planning inspectors and local planning authorities, as a reasonable maximum travel time to a crematorium.

6.5 Evidence from Dignity's portfolio of crematoria shows that the further a population has to travel to the nearest crematoria, the lower the cremation rates. The restriction of the availability of more local crematoria, will also lead to a restriction in choice for people who would prefer a cremation but do not have a crematorium facility in the immediate vicinity.

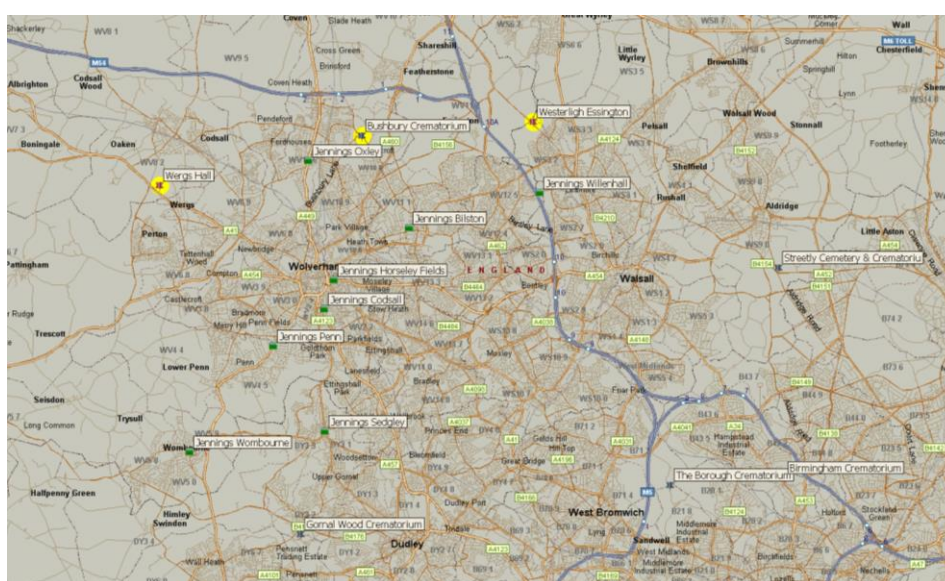
6.6 In the case of new crematoria, volumes in cremation rates arise from two sources:-

(a) **Diversion** – as one would expect, people invariably choose to use the crematorium that is closest to the usual residence of the deceased. In the case of the Appeal Scheme, I would expect it to serve (amongst others) families who would otherwise have used Bushbury, Gornal Wood and Telford Crematoria.

(b) **Conversion** – the development of the Appeal Scheme would introduce a new facility into an area that is poorly served by existing crematoria and, in Dignity's experience, would lead to more people choosing cremation over burial. In terms of land take and longevity, crematoria offer a much more efficient and sustainable use of land than cemeteries.

6.7 Dignity has utilised funeral data from Jennings Funeral Directors, operating out of the following 9 locations:

<u>Name</u>	<u>Branch</u>	<u>Address 1</u>	<u>Address 2</u>	<u>City</u>	<u>Postcode</u>
Jennings	Sedgley	3 High Street	Sedgley	Dudley	DY3 1RP
Jennings	Bilston	55-57 Church Street	Bilston	Wolverhampton	WV14 0AX
Jennings	Wednesfield	11 High Street	Wednesfield	Wolverhampton	WV11 1SU
Jennings	Codsall	6-7 The Square	Codsall	Wolverhampton	WV8 1PT
Jennings	Willenhall	12 The Woodlands Centre	Wood Lane	Willenhall	WV12 5ND
Jennings	Horseley Fields	St James House	Horseley Fields	Wolverhampton	WV1 3DN
Jennings	Wombourne	Church Road	Wombourne	Wolverhampton	WV5 9EZ
Jennings	Oxley	484 Stafford Road	Oxley	Wolverhampton	WV10 6AN
Jennings	Penn	276-278 Penn Road		Wolverhampton	WV4 4AD



6.8 Dignity analysed all funerals (being a total of 708) which were conducted through these Jennings' locations in 2017 in order to identify the nearest crematorium to the deceased's usual residence. The data is presented below:

<u>Crematorium</u>	<u>Jennings Funeral</u>	<u>Percentage</u>
	<u>Closest</u>	
Bushbury	313	44.21%
Wergs	306	43.22%
Gornal Wood	89	12.57%
	708	

6.9 The analysis shows that over 40% of the funerals organised by these Jennings funeral home locations in 2017 would have been closer to the appeal site than either Bushbury or Gornal Wood. In these instances, the

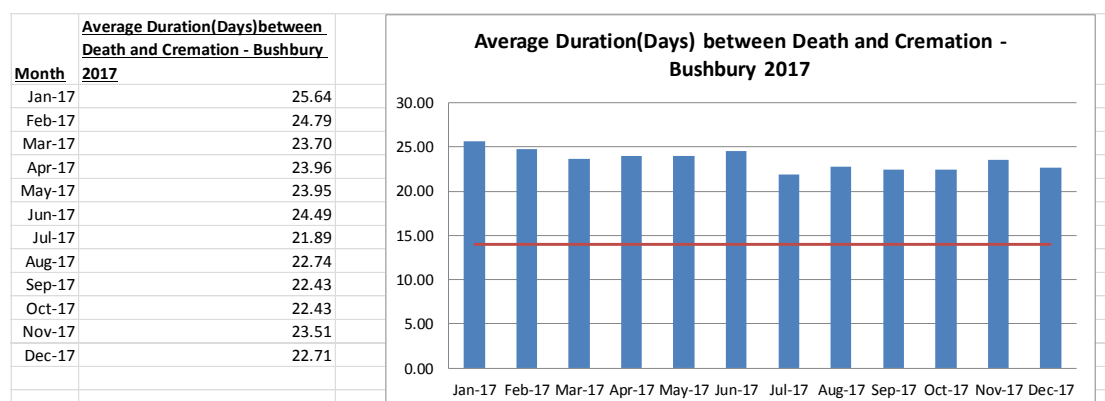
Appeal Scheme would have represented a tangible benefit – in the sense of providing a modern, closer crematorium to the bereaved. In addition, it would have offered 60 minute service times and more choice for date and time of service.

- 6.10 Further benefit would derive from the fact that some of these cremations would have diverted to the Appeal Scheme from Bushbury, which is already very busy. Reducing the volumes of service here would provide a qualitative benefit to users and could potential lead to 60 minute service times being implemented, as I have noted above.

Waiting Times and Funeral Delays

- 6.11 Bereavement is one of the most traumatic times in the life of a person. Not only does it affect relatives of the deceased, but also friends, work colleagues and other associates. Delay in being able to lay a loved one to rest - and securing 'closure' on the bereavement - is also an important factor in the future development of a new crematorium.
- 6.12 Generally, Dignity considers 7 days from the date of death to the date of cremation to be an optimum period and regards up to 14 days as being a reasonable period. This takes into account the various administrative arrangements that must be attended to in the period immediately following a death and before a funeral can be carried out. I note that this 14 day period has been applied in some appeal decisions too.
- 6.13 Dignity has made repeated requests of WCC for cremation data in relation to Bushbury, but it has refused to release it to us. I note that WCC refused to disclose the information sought because it considered that to do so would adversely affect the legitimate economic interest of WCC and would put the viability of Bushbury at threat.
- 6.14 Whilst Dignity does not accept that this was a legitimate conclusion, in the light of WCC's refusal to provide information, Dignity has undertaken an analysis of bereavement notices for Bushbury as contained in the Wolverhampton Express and Star (www.expressandstar.com) and published on its web-site. These notices related to 1,172 cremations in 2017, which represents a significant proportion of the total number of cremations at Bushbury in that year.

6.15 I have provided the relevant data in the table below i.e. the period of time between date of death and date of cremation for 2017 obituary notices.



6.16 The above data shows that the waiting time between death and cremation at Bushbury is significantly in excess of 14 days (shown as red line) across the whole of 2017. Moreover, waiting times increase even further – to over 23 days (i.e. in excess of 3 weeks) throughout 2017, with a peak of over 25 days in January 2017.

6.17 Our further analysis from the obituary notices also shows that a total of 1,096 services conducted at Bushbury experienced waiting times of over 14 days. This equates to over 93% of the cremations that we analysed in obituary notices at Bushbury in 2017.

6.18 Further analysis undertaken by Dignity, based upon data from its Telford Crematorium and from Jennings Funeral Directors, shows the following average period between date of death and date of cremation in the area in 2017:

- (a) Bushbury Crematorium - 23 days (obituary notices)
- (b) Telford Crematorium – 20 days
- (c) Jennings Funeral Directors (all services in Wolverhampton area) – 22 days

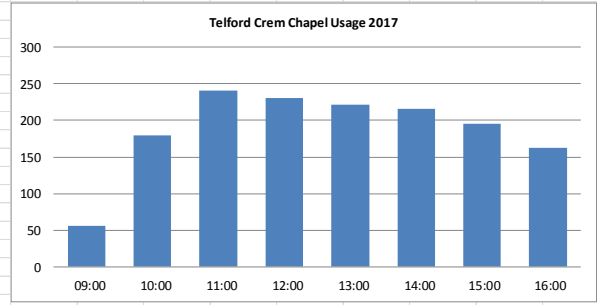
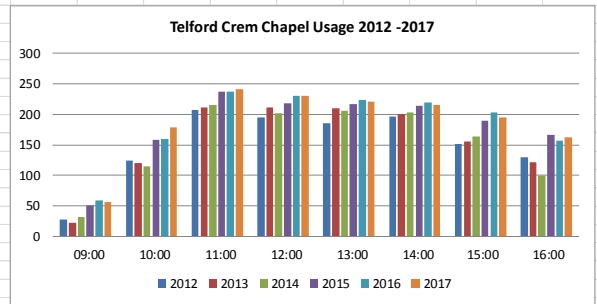
6.19 This shows that, on average, people using Bushbury experience longer delays than users of Telford Crematorium and people arranging funerals (through Jennings) elsewhere in the Wolverhampton area. This delay is exacerbated in the peak winter months when people using Bushbury can experience delays of up to 26 days.

- 6.20 In my experience, this level of delay is both excessive and unacceptable and represents a clear qualitative deficiency in the service being offered at Bushbury.
- 6.21 Whereas, the Appeal Scheme would provide a much needed further facility, a related benefit of which would be a reduction in the above waiting times at Bushbury. This would provide a wider benefit for bereaved families.
- 6.22 The Appeal Scheme would also provide qualitative enhancements by offering (amongst other things) an improved experience for the bereaved, and reduced journey times for many families, when compared with the service offered at Bushbury.
- 6.23 I note that Mr Best cites a number of appeal decisions but I would simply echo the following conclusion of the Inspector at Camborne (APP/D0840/A/09/2098108) at paragraph 38 of his decision:
- 'I place significant weight on the needs of the bereaved and conclude that the proposed crematorium would result in benefits not only in terms of the times involved in travelling to and from funerals, but also in provision of appropriate timescales for funerals to take place and potentially the experience on-site which may currently be under pressure at the busiest times of the year. These benefits would accrue not only to those who would be served by the proposed crematorium, but to the wider population now served by Penmount.'*
- 6.24 In my view, this conclusion applies with equal force to the direct and indirect benefits, which would accrue from the Appeal Scheme.
- 6.25 The above appeal decision recognised that the provision of a new crematorium would not only increase the qualitative experience of the users of the new facility, but also enhance the qualitative experience of users of the existing facility by decreasing usage and waiting times for cremation services.
- 6.26 The above evidence clearly indicates a qualitative need for a new crematorium facility at the appeal site: quite apart from providing people with further choice, the Appeal Scheme would provide a much needed qualitative improvement to Bushbury, Gornal Wood and Telford Crematoria and reduce funeral delays in the area.

Service Length and Core Slots

- 6.27 Telford Crematorium does - and the Appeal Scheme would - offer 1 hour service intervals.
- 6.28 Dignity firmly believes that a minimum of 1 hour service slots (with an overall minimum chapel time of 45 minutes) is needed to provide a dignified cremation service and fully support the needs of the bereaved. Indeed, in my experience, the importance of 1 hour service slots should not be understated in providing bereaved families with the time and space needed to ensure a dignified and respectful service for their loved ones. The most frequent criticism of crematoria from both users and funeral directors is the feeling of a 'conveyor belt' type of operation. The sight of a previous funeral departing a site as the next service arrives is an unwelcome (and potentially distressing) start to any funeral service.
- 6.29 At a practical level, it can also give rise to stress on parking provision and in the case of a two chapel site, as at Bushbury, lead to people attending the wrong service if two funeral services are overlapping in separate chapels.
- 6.30 Unlike Bushbury, the Appeal Scheme would be a single chapel crematorium. This, in combination with a longer (1 hour) service time, would avoid any issues associated with having two cremation services on site at the same time.
- 6.31 A further important factor to consider, when assessing need, is the issue of core slots. Generally, bereaved families prefer to book a service, which is held at around the middle of the day. To illustrate this point, Dignity has undertaken a 6 year analysis on chapel time usage for the Telford Crematorium.

Telford Crematorium Chapel Monday to Friday						
Weeks	52	52	52	52	52	52
Days available in year (minus Bank holidays)	252	252	252	252	252	252
COD time	2012	2013	2014	2015	2016	2017
09:00	28	22	31	51	59	56
10:00	124	120	115	158	159	179
11:00	207	211	216	237	237	241
12:00	195	211	202	218	231	231
13:00	185	210	206	217	224	221
14:00	197	201	203	214	220	216
15:00	151	156	163	190	203	195
16:00	129	121	100	167	157	162
Total	1,216	1,252	1,236	1,452	1,490	1,501
Off-peak Times	157	143	131	218	216	218
	13%	11%	11%	15%	14%	15%
COD time	2012	2013	2014	2015	2016	2017
09:00:00	11.1%	8.7%	12.3%	20.2%	23.4%	22.2%
10:00:00	49.2%	47.6%	45.6%	62.7%	63.1%	71.0%
11:00:00	82.1%	83.7%	85.7%	94.0%	94.0%	95.6%
12:00:00	77.4%	83.7%	80.2%	86.5%	91.7%	91.7%
13:00:00	73.4%	83.3%	81.7%	86.1%	88.9%	87.7%
14:00:00	78.2%	79.8%	80.6%	84.9%	87.3%	85.7%
15:00:00	59.9%	61.9%	64.7%	75.4%	80.6%	77.4%
16:00:00	51.2%	48.0%	39.7%	66.3%	62.3%	64.3%



6.32 The results are very clear. There is a distinct and consistent preference for the slots across the middle of the day i.e. 10am – 3pm, followed by non core slots of 9am and 4pm. As can be seen, there is very little take-up of the slot at 9am.

6.33 The impact of core times on funeral delays is a consequence of the popularity of the core slots i.e. families are prepared to wait because of the non-availability of core slots. By way of example, in 2017, utilisation of the 9am slot at Telford Crematorium was still only 22% notwithstanding that the average period between the date of death and the date of cremation was 20 days.

6.34 Dignity has experienced similar utilisation at other sites and, even through the introduction of reduced fees for 9am slots has experienced little significant uptake of these slots.

6.35 The issue of core hours is fundamental in understanding the requirements for a new crematorium and the overriding need argument that this presents. The provision of a second crematorium facility at the appeal site is the only viable means to reduce journey times, reduce waiting times and offer a significant qualitative improvement to the communities in the area that the facility will serve.

6.36 In this context, I should briefly return to the position, which I raised earlier, namely if the Inspector concludes that there is only a need for one new crematorium i.e. either the Appeal Scheme or the proposal at Essington. Based on the evidence presented by Mr Best, it is clear that the Appeal Scheme would have a comparatively larger relieving effect on Bushbury; on Dignity's case, it would divert 820 cremations leaving Bushbury with a residual total of 2,046 cremations (based on 2027 projected figures). As such, the primary impact of the Appeal Scheme would be to reduce volumes at the (over trading) Bushbury site. It would also serve to relieve Gornal Wood by diverting 425 cremations from there, which is also currently over trading. In contrast, the Essington scheme would divert 782 services from Bushbury and none from Gornal Wood. The Wergs Site is therefore better located to address need arising in this area.

7 SUMMARY AND CONCLUSIONS

7.1 My evidence (read in conjunction with the evidence of Mr Best) demonstrates that there is a need for a new crematorium within the area that would be served by the Appeal Scheme. More specifically, there are significant and unacceptable qualitative deficiencies at Bushbury and Gornal Wood, which give rise to a qualitative need for a new facility. Importantly, the Appeal Scheme would not only address the quantitative and qualitative need for a new crematorium, but it would also alleviate pressure on Bushbury and Gornal Wood such that the qualitative experience could be improved there too.

7.2 Bushbury is one of the 25 busiest crematoria within the UK and suffers from significant qualitative deficiencies. I briefly summarise the principal deficiencies below:

- (a) **Journey Times** – there is a plethora of evidence which indicates that, generally, the bereaved and funeral directors are unlikely to travel more than a 30 minute drive time to a funeral. This has been consistently interpreted as a reasonable maximum travel time to a cremation;
- (b) **Waiting Times** – Dignity consider that the optimum period between death and cremation is 7 days whereas 14 days is a reasonable waiting period. Dignity has requested details of waiting times at Bushbury but this request was refused by WCC and has been appealed to the Information Commissioner. From our own analysis of bereavement notices, it would appear that 88% of cremations at Bushbury experience a waiting time of over 14 days (increasing to 23 days during peak months);
- (c) **Service Length** – Dignity strongly considers that 1 hour slots (providing 45 minute service times) are necessary to facilitate a dignified cremation service. As with Telford Crematorium, this would be offered by the Appeal Scheme. In contrast, Bushbury only provides 45 minutes slots with a 30 minute service time which (as noted in the letter from Jennings funeral directors) leaves many bereaved relatives with a feeling of a 'conveyor belt' operation. Inevitably, this can cause distress during an already difficult period of relatives' lives.

- 7.3 When considering qualitative need it is also necessary to take into account the 'core slots' e.g. there is very little take-up of 9am slots, with utilisation being only 22% at Telford Crematorium. Accordingly, need must be assessed on this basis and consideration must be given to the impact this has on other factors (such as waiting times etc.).
- 7.4 In addition to the above, I note that Bushbury has also been criticised in respect of its qualitative experience due to: (i) the less practical, smaller chapel; (ii) the provision of pews rather than individual seats; (iii) worn footpaths and roads; and (iv) restricted parking.
- 7.5 It is important to bear in mind that any new crematorium must comply with the 1902 Act and the 1978 Guidelines. These legislative restrictions mean that new crematoria are almost exclusively promoted in more rural areas either in the countryside or the Green Belt.
- 7.6 The Appeal Scheme would not only meet the identified need (and comply with the legislative criteria) but would also protect and enhance both biodiversity on the appeal site and the historic landscape area (including associated heritage assets), for the reasons given elsewhere within the Appellant's evidence.
- 7.7 The Appeal Scheme would provide a modern, multi-faith facility whereas Bushbury and Gornall Wood is an older building which was built principally to accommodate Christian services.
- 7.8 In addition to its national expertise, Dignity has a unique insight into the funeral market within the Wolverhampton area (due to its current operation at Telford Crematorium and its ownership of Jennings funeral directors). It was this intricate understanding of the area which ultimately led to the selection of the appeal site.
- 7.9 Overall, there is clear evidence of a qualitative deficiency at Bushbury and Gornal Wood and a need for a new crematorium within the catchment area. The Appeal Scheme would not only address the quantitative and qualitative need within the area but it would also relieve pressure on existing facilities. Accordingly, the Appeal Scheme provides a rare opportunity to create a well-considered and integrated building and landscape design scheme, with

biodiversity, landscape and heritage benefits, within a tranquil environment whilst also addressing a significant need for new facilities within the area.

7.10 For all the reasons set out in the Appellant's evidence, I respectfully request the Inspector to grant planning permission for the Appeal Scheme.

