

## Guidance notes for Home burial / Private land burial.

If you own the land outright (no mortgage) and there are no ancient covenants forbidding the use of the holding as a cemetery there is nothing to stop you. You do not need anyone's permission. There is no need to contact your local council, the Land Registry or the Environment Agency.

The death must be registered in the normal way. You have 96 hours following the interment to return the tear off slip at the bottom of the registrar's 'green form'. That informs the registrar that the burial has taken place.

The EA used to produce guidelines regarding the protection of ground water, these have recently been scrapped. Basically don't bury in waterlogged land and nowhere near standing or running water. Not near an abstraction point, a well, spring or bore hole and not on top of any underground utility services.

A field must stay a field, a wood a wood, so no fencing off or erecting a mausoleum. These would constitute a change of use and require planning permission. If you bury more than a couple of folk per generation it could be viewed that you have created a cemetery which of course would require planning permission. No money must change hands apart from paying for a grave digger if you cannot do this yourself.

You have to create a record of the grave and its occupant along with a map which is attached to the deeds. This lets everyone down the line know that a grave is present on the property, where and who is in it. Sample attached. When the property is sold in the future it is the vendor's responsibility to disclose the presence of any graves. Failure to do this would be grounds for the new owner to obtain an exhumation order and possibly sue the vendor for the cost of relocating any remains.

This link <http://gridreferencefinder.com/gmap.php> takes you to a google map reference site, put in the property post code, zoom in to the spot where the grave is, move your curser onto the spot and right click. This creates an OS reference for the grave; the wonders of modern technology.

I have attached a grave digging pdf for reference, written from personal experience. The MOJ gave natural burial grounds permission to bury shallowly, this contradicts the depth specified by the EA. The MOJ stated that a recommended minimum 2' of soil should be between the coffin lid and the ground surface. This means you need only create a 3' to 3.5' grave. This is better for a neater, less messy, hand dig and also means that unless you are on sandy or unstable soil you do not need to shore the grave. A shallower grave is safer for everyone - should some silly person decide to fall in; a '6

foot under' grave is a long way to fall! Technically there is no law stating a minimum depth but folk naturally fear interference by animals.

Think too about access in the future. If the land is sold out of the family can the part where the burial is located be reached or seen without permission to enter the property, is there a public right of way to the part where the grave is? Many families retain the land, partitioning the property if it is sold.