

Committees:	Dates:
Projects Sub Committee, for information	29 June 2016
Open Spaces and City Gardens Committee, for decision	18 July 2016
Planning and Transportation Committee, for decision	26 July 2016
Subject:	Public
Development of a Churchyards Enhancement Programme	
Joint Report of:	
The Director of Open Spaces and the Director of the Built Environment	
Summary	
<p>This report sets out a proposal to develop a programme to enhance the churchyards in the City.</p> <p>The churchyards are historic open spaces and have collective significance as a cultural asset. They form the setting for the numerous listed churches and ancient monuments, providing a refuge from the City's intensity and are essential places for workers, visitors and residents to rest and enjoy. Many are popular green spaces, however, others are underutilised, uninspiring and in need of improvement.</p> <p>In the future, the public realm will need to support an increasing City population as a result of new development and the churchyards are a vital public amenity in this context. The establishment of the Churchyards Enhancement Programme will address the need for improvements to the churchyards in order to support the Future City.</p> <p>It is proposed to develop the programme, working closely with the Diocese of London and St Paul's Cathedral as partners. The vision is to enhance the churchyards to provide attractive, safe and inclusive spaces. Primarily, the programme will:</p> <ul style="list-style-type: none"> • Respond to the projected increase in worker, visitor and resident numbers in the City by providing enhanced areas to sit, eat lunch, play or relax, including accommodating 'agile working' (working outside the office); • Reduce pressure on current maintenance budgets by delivering new spaces that require less maintenance and identifying efficiencies; • Secure external funding for the enhancement of churchyards; • Prioritise the enhancement of those churchyards in most need, or of most strategic importance to the City. <p>Land ownership issues, restrictive covenants, byelaws, maintenance agreements planning and other regime issues (including consultation requirements) will be reviewed and different functions for the spaces will be evaluated.</p> <p>The programme is an essential tool to enable the delivery of change in the most efficient and coordinated manner. A programme board is proposed to be established to help drive the programme forward to realise the benefits, whilst resolving strategic and directional issues between projects, including recommending priorities.</p>	

Given that the City's churchyards are a community resource and public amenity, it is proposed to utilise funds from the Community Infrastructure Levy (CIL) to develop the programme which will include identifying particular issues with specific churchyards. Individual projects will then be initiated and progressed through the City's project gateway process as usual. It is envisioned that projects will be funded from a variety of sources including CIL, the Diocese and grants.

Recommendations

Members of the Projects Sub-Committee are asked to:

- Note the report and note that the programme will lead to a number of individual projects that will be initiated through the gateway process.

Members of the Open Spaces and City Gardens Committee are asked to:

- Approve the initiation and development of the programme.

Members of the Planning and Transportation Committee are asked to:

- Approve the initiation and development of the programme, utilising £85,000 from the CIL Public Realm and Local Transport Improvements pot.

Main Report

Background

1. Over the years, the City has incrementally carried out repairs and improvements to its Churchyards in order to maintain them to a good standard. However, the transformational impact of the award-winning St Andrews Holborn Garden project has shown the wide-ranging benefits that such enhancements can achieve, particularly given the context of the growing City population.
2. Officers organised a workshop to identify the issues and opportunities around the City churchyards in October 2015. This involved representatives from St Paul's Cathedral, the Diocese of London and officers from various City departments. This workshop helped to create a comprehensive list of objectives for the enhancement of the City's churchyards.

Current Position

3. Churchyards form the setting for the City's listed churches and ancient monuments, are the burial places of past City communities and are part of a rich ecclesiastical, architectural and social heritage.
4. There are over 50 churchyards in the City and these vary greatly in size, condition and character. Many are popular green spaces or 'hidden gems' that provide much-needed places for rest and enjoyment. However, others are underutilised, lacklustre and in need of improvement.
5. In the future, the public realm will need to support increasing working, visitor and residential populations as a result of new development. The City's churchyards are an essential public amenity and enhancing these assets to

make them relevant and usable is vital for the benefit of the community and the Future City.

6. There are several key issues that affect the churchyards as follows:
 - Churchyards need to retain their individuality and high quality, robust design principles should be applied to their enhancement.
 - Some churchyards are not fully accessible to all members of the community, often due to their historic development and density of burials.
 - Some churchyards are vulnerable to anti-social behaviour or are used for rough sleeping.
 - There is a need to assess the use of some churchyards, including opportunities for events or commercial activity, to ensure that the right balance is achieved. It is recognised that a number of churchyards currently have restrictions which inhibit opportunities for events or commercial activities taking place.
 - Planting should be reviewed to ensure it is of a sufficient quality and easily maintainable.
 - There is an increasing problem of littering and in particular smoking-related litter to be addressed.
 - Maintenance regimes need to be reviewed to ensure they are fit for purpose and to secure efficiencies where possible.
 - Enhancements and repairs ought to be coordinated where possible.
 - There is a need for a common approach to signage, interpretation and marketing across a currently fragmented and diversely managed asset for the benefit of City visitors in particular.
 - There are a variety of different land ownership issues, restrictions, byelaws and legal agreements connected to the City's churchyards. Most churchyards are publicly accessible private land and are either maintained by the City by formal or informal agreement. The freehold often rests with the individual parish and ownership by the parishes has been a major issue in developing maintenance agreements and in progressing improvements.

Proposal

7. The following vision statement for the programme has been prepared:

'Through a programme of improvement projects and working with our stakeholders, we will seek to enhance the City's churchyards to provide high quality and inspiring spaces that help ensure attractive, flexible, safe, sustainable and inclusive places that support social cohesion and promote a cultural asset for all the City's communities, today, and for the future.'

8. Programmes provide an umbrella under which individual projects are coordinated. The benefits of such a programme to the City Corporation include the ability to:

- Respond to the projected increase in worker, visitor and resident numbers in the City by providing enhanced areas to sit, eat lunch, relax or play;
 - Accommodate 'agile working' (working outside the office) or active uses such as small scale community or corporate events (in those churchyards where such uses are permissible or compatible with the space);
 - Provide inclusive access (wherever possible) to enable disabled people to use the spaces, and improve connections and signage;
 - Reduce pressure on current maintenance budgets by delivering new spaces that require less maintenance and including funds for future maintenance within project budgets;
 - Bid for and secure external funding for the enhancement of churchyards;
 - Prioritise the enhancement of those churchyards in most need, or of most strategic importance to the City, recognising that the latter are often the churchyards with restrictions or complex land ownership or other factors that may restrict or influence their use.
9. The programme development will include identifying particular issues with specific churchyards which will then lead to the design and implementation of improvements. Stakeholders and the local community, including Parishes and users, will be consulted in the development of the programme. A communication strategy will be developed at the outset that will set out details of how consultation and communication will take place throughout the programme.
10. A programme board is proposed to be formed to give guidance and inform decision making throughout the life of the programme. This board will consist of senior officers from the various departments, who are responsible for, or influence, the City's churchyards. The Diocese of London and St Paul's Cathedral will also be represented.
11. Key tasks for the programme board will include:
- Ensuring the programme delivers within its agreed boundaries (cost, benefits realisation and timescales);
 - Resolving strategic and directional issues between projects;
 - Maintaining focus on objectives.
- In particular, guidance and decisions will be needed on the following:
- Criteria and determination of the prioritisation of enhancements and recommending funding sources;
 - Consideration of the land ownership, restrictions and byelaws issues which affect their use, and some of which relate to public access and maintenance;
 - Review and agreement of maintenance regime and responsibilities;

- Review and recommendations in relation to use and income generation within churchyards where such use and income generation is currently possible.
12. After the programme is developed and agreed, it is proposed that individual projects will be initiated and progressed through the City's project gateway process as usual. The programme board will remain in place to provide direction and monitor schemes as they are implemented and benefits are realised. Regular programme monitoring reports will be presented to relevant Committees to provide an overview on progress.

Corporate & Strategic Implications

13. The proposed programme will support the Corporate Plan's strategic aim: "To provide valued services, such as education, employment, culture and leisure, to London and the nation", by improving the physical environment around our cultural assets and providing safe, secure, and accessible Open Spaces.
14. The City of London Local Plan 2015, policy CS19, seeks to increase the amount and quality of open space in the City, ensuring that the current ratio of publicly accessible open space to the daytime population is maintained. The Plan seeks to improve public access to open spaces and increase the biodiversity of these spaces.
15. The Open Spaces Strategy was adopted in January 2015 as a supplementary planning document (SPD). It sets out a vision for open space in the City as follows:
- "The creation of a network of high quality and inspiring open spaces which helps ensure an attractive, healthy, sustainable and socially cohesive place for all the City's communities and visitors".
- A key issue that the SPD highlights is the need to develop and agree formal maintenance agreements for churchyards maintained by the City Gardens team.
16. The latest Open Spaces Business Plan includes the Churchyards Programme as a key priority. The following Business Plan objectives are of relevance to the Churchyards Programme:
- Protect and conserve the ecology, biodiversity and heritage of our sites
 - Embed financial sustainability across our activities by delivering identified programmes and projects
 - Enrich the lives of Londoners by providing high quality and engaging educational and volunteering opportunities
 - Improve the health and wellbeing of community through access to green space and recreation
17. The Department of the Built Environment Business Plan includes the Churchyards Programme as a key priority. The following strategic aims are of relevance to the programme:
- An inclusive future world class sustainable City that offers:

- diverse culture, amenities and leisure that make the City more than a business centre;
- highly accessible central location with efficient travel on City streets upon arrival;
- high quality architecture and public realm that responds to new development and enhances the historic environment
- healthy, safe and resilient environment for workers, visitors and residents;

Financial Implications

18. Publicly accessible open space and public realm enhancements are both listed as “Infrastructure to be funded by CIL” in the City’s “Regulation 123 List”. The City churchyards are a community resource and cultural asset and, subject to remaining open to the public, may be considered as “publicly accessible open space” and “public realm”. The Community Infrastructure Levy (CIL) may therefore be used to fund the works. In terms of funding the development of the programme, programme development will comprise an assessment of the churchyards to identify specific enhancement requirements to support development, and the development of proposals for specific churchyards to meet those identified requirements. While policy and strategy preparation is not “infrastructure” on which CIL may be spent, the development of a works programme which is required to enable the CIL to be applied may be funded from CIL.
19. The Diocese and the Cathedral will be committing staff resources to the programme development. They are also planning a joint bid to the Heritage Lottery Fund to help fund the proposed enhancements and it should be noted that, if the bid is successful, the National Lottery Commission rules will affect the structure, timeline and delivery of the programme.
20. The estimated cost of developing and managing the programme is £85,000 (CoL staff costs and fees). This includes programme management, site surveys and assessments and development of options for enhancements, use and maintenance. It is anticipated that this work will be completed within approximately 12 months. The programme board staff costs and facilities will not be covered by the CIL funds, but will be funded through the City’s local risk budgets, the Diocese and Cathedral.

Table A: Estimated cost of developing the Churchyards enhancement programme.

Item	Cost (£)
Fees (surveys and site assessments)	15,000
Staff Costs (Open Spaces)	25,000
Staff Costs (DBE)	45,000
Total	85,000

21. One of the key work-streams for the programme will be the development of a funding strategy which will need to take into account any costs of related

negotiations, consultations, or legal process (such as revocation of byelaws) and any agreements to be reached in relation to relaxing any restrictions on use. It is envisioned that individual projects that flow from the programme will be funded from a variety of sources including CIL the Diocese and grants.

Legal Implications

22. Churchyards have individual and complex land ownership issues. Only a small number are managed under the Open Spaces Act 1906. Most are publicly accessible private land and either maintained by the City by formal agreement under Section 5 of the CoL (Various Powers) Act 1952 pursuant to the Burial Act 1855 or by informal agreement. The freehold generally rests with the individual parish rather than the Diocese.
23. Many churchyards have either restrictive covenants, byelaws, maintenance agreements or other arrangements which affect the types of improvement or the activities which can take place on them, in particular, those churchyards of strategic importance to the City. There are few which currently permit commercial or income generating activities. As there is no uniformity, each churchyard's legal background will need to be checked prior to designing any proposed activity beyond maintenance. The costs incurred in undertaking this work will be met through local risk budgets. In some cases, negotiations, legal applications, and consultations (either with owners, frontagers or with the wider public) may be required in order to relax restrictions which affect their use. Consultations alone are likely to be protracted e.g. where involving frontagers or where any applications are necessary to revoke and re-make byelaws. The cost implications will need to be considered on a case by case basis (i.e. where public consultations are involved there may be more objections to change in the case of some churchyards, compared with others). Planning considerations will also be relevant as will be, for example, amenity issues.

Conclusion

24. The City churchyards have a collective significance as a community resource and cultural asset. The proposed Churchyards Enhancement Programme will seek to enhance the City's churchyards to provide attractive and inclusive places which are safe and sustainable and better support the Future City.

Appendices

- Appendix 1 – plan of City Cemeteries and Churchyards

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Appendix 1 – Plan of City Cemeteries and Churchyards

