

# Great & Little Kimble cum Marsh Parish Council

## Notice of a Meeting of Great & Little Kimble cum Marsh Parish Council

To: Cllrs J Austin, D Williams, G Redding, D Burton, A Jones, J Good, J Cripps  
You are hereby summoned to a Meeting of the Parish Council to be held Kimble Stewart Hall Committee Room  
on **14<sup>th</sup> March 2018** at 7.30pm to transact the following business

***Members of the Public are welcome to attend***

### AGENDA

**1. Apologies**

*To receive and accept any apologies for absence*

**2. Declaration of interest in any item on this agenda by a member**

**3. Minutes**

*To agree and sign the minutes of the Parish Council meeting held 14<sup>th</sup> February 2018*

**4. To approve payments for March 2018**

Payment for approval March 2018 Meeting			
1042	Clerks Salary	Mar-18	£312.50
1043	Clerks Expenses	Mar-18	£26.00
Neighbourhood Plan Expenses			
1041	Risborough Community Centre	Room hire	£50.00
1044	RCOH Ltd	Professional Fees for NP	£4,290.00
1045	KSH	Room hire	£65.50
			<b>£4,744.00</b>

**5. Planning Applications and appeals**

*To review and confirm the responses made to Wycombe District Council by the planning committee.  
(Updated list sent prior to meeting)*

**6. Kimble Stewart Hall - Report from Committee members (Cllrs Burton and Redding)**

**7. Neighbourhood Plan**

- o To note minutes and receive progress report from the Working Group
- o To approve recommendations from the Kimble NP Working Group

**8. Playground – Update on works**

**9. HS2 Funding for Pegasus Crossing – information update**

**10. St Nicholas Churchyard Closure – to discuss document received from the Church Authorities**

**11. Correspondence, reports and Issues (for information only)**

- o *Clerks Report*
- o *Reports/Issues from Councillors*
- o *Correspondence Received*

**12. To receive items for inclusion on the agenda for the next meeting to be held on Wednesday 11<sup>th</sup> April 2018**

**Julie Bunker  
Clerk**

**8<sup>th</sup> March 2018**

## Minutes of meeting of Great and Little Kimble cum Marsh Parish Council held on Wednesday 14<sup>th</sup> February 2018 at Kimble Stewart Hall at 7.30pm

Prior to the start of this meeting a short time will be allocated, subject to the sole discretion *Chairman of the meeting, for statements or questions from members of the public*

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### Attendance

Cllr John Austin (Chairman), Cllr Gerald Redding, Cllr Alun Jones, Cllr Delia Burton, Cllr David Williams, Cllr James Good, Julie Bunker (Clerk)

### 1. Apologies

*To receive and accept any apologies for absence*

Apologies were received and accepted from Cllr James Cripps

### 2. Declaration of interest in any item on this agenda by a member

None were declared

### 3. Minutes

*To agree and sign the minutes of the Parish Council meeting held 10<sup>th</sup> January 2018*

The minutes were unanimously agreed and signed by the Chairman.

### 4. To review accounts and approve payments for February 2018

The accounts were noted and payment approved, Cheque number 1036 had an error in writing and was £18 not £22, the Clerk will adjust her next expenses cheque.

Payment for approval February 2018 Meeting			
1035	Clerks Salary	Feb-18	£312.50
1036	Clerks Expenses	Feb-18	£22.00
1037	TBS	Waste bin collection	£32.40
1038	Playdale	50% Deposit	£3,144.60
1039	SLCC	Subscription	£84.00
Neighbourhood Plan Expenses			
1034	Sue Howgate	Printing Expenses	£30.00
1033	Bucks Hearld	Call for sites notice	£507.00
1040	KSH	Room hire	£18.00
	<b>Total for month</b>		<b>£4,150.50</b>

### 5. Planning Applications and appeals

*To review and confirm the responses made to Wycombe District Council by the planning committee. (Updated list sent prior to meeting)*

17/08420/FUL – Willow Croft – It was unanimously agreed to a strong objection on this application.

### 6. Kimble Stewart Hall - Report from Committee members (Cllrs Burton and Redding)

The minutes were noted. A lot of time has been spent replying to HSBC to updating our Charity and Trustee details. The leaking downpipe looks like it could be a major repair as the pipe is broken underground. John Simmons is investigating,

### 7. Neighbourhood Plan

- To note minutes and receive progress report from the Working Group  
The minutes were noted
- To approve recommendations from the Kimble NP Working Group  
Community Engagement event on 10<sup>th</sup> February was a great success, Cllr Austin thanked the team that arranged and work hard on the event preparation  
The Call for Sites deadline is 18<sup>th</sup> February and the Clerk reported that there has been significant influx of sites this week.

### 8. Playground – Update on work

Works will start on Monday 5<sup>th</sup> March and are expected to take two days, this will also include erection of the new signs.

**9. Closure of St Nicholas Churchyard – information update**

We have not received any formal notification of this yet. The Clerk has made a useful contact at Haddenham Parish Council who have recently gone through the same procedure. Once we get formal notification we will discuss further and perhaps meet with Haddenham PC.

**10. HS2 Funding for Pegasus Crossing – information update**

Cllr Burton has contacted HS2 Funding body and they have said that the local authority have been awarded a Road Safety budget and that we need to tap into that first if we can. The Clerk will enquire and also chase up TfB over this issue.

**11. Correspondence, reports and Issues (for information only)**

- *Clerks Report*
  - *The Chairman of Stoke Mandeville PC has written to invite the Parish Council to engage with them and HS2 over the Marsh Crossing and other HS2 related matters. Cllr Williams and Jones will lead on this.*
  - *We have 2 village entrance gates that are broken and need replacement. The Clerk will make enquiries about replacements and costs.*
  - *An email has been received regarding several issues around the Askett Roundabout, the correspondent has also sent the seam letter to TfB and local County and District Councillors. The clerk has been in contact with TfB and will be working with them on this.*
  
- *Reports/Issues from Councillors*
  - *The Clerk was asked to contact TfB to ask the purpose of the survey being carried out on the Footways along the A4010.*
  
- *Correspondence Received*
  - *All email correspondence received has been circulated to Councillors and, where necessary, added to the agenda for discussion.*

**12. To receive items for inclusion on the agenda for the next meeting to be held on Wednesday 14<sup>th</sup> March 2018**

None were put forward at this time.

Chairman.....

Date: 14<sup>th</sup> March 2018

9th March 2018	Date of application	Address			Brief description of proposal	Comments	Current status of application
17/07378/FUL	18/09/2017	The Orchard	Grove Lane	Gt Kimble	Erection of 7 dwellings comprising a mix of 2 x 2 bed, 3 x 3 bed and 2 x 5 bed houses( including 2 Starter Homes) with associated vehicular access, landscaping, bin/cycle store and new detached garage for The Orchards		Awaiting decision by WDC (expiry dates for comment 11th October 2017) Extension applied for PC comments
18/05032/FUL	11/01/2018	Pollard Cottage	Moreton Road	Kimblewick	Householder application for construction of front porch extension, two storey front extension, single storey side extension, part two storey, part first floor, part ground floor rear extension and fenestration alteration to first floor front elevation.		Awaiting decision by WDC (expiry dates for comment 5th February 2018)
18/05147/FUL	29/01/2018	4 Icknield Cott	Ellesborough Rd	Gt Kimble	Householder application for construction of a single storey rear extension		Awaiting decision by WDC (expiry dates for comment 20 February 2018)
17/08420/FUL	29/01/2018	Willowcroft	Marsh	Marsh	Householder application for insertion of three dormer windows to rear		Awaiting decision by WDC (expiry dates for comment 21st February 2018)
18/05348/PNP16A	08/02/2018	Doe Hill Farm	Risborough Rd	Little Kimble	Prior Notification for installation of a 15m high lightweight lattice style mast, incorporating a total of 3 No. antennas at 11m high and 6 No. transmission dishes at heights of 9m, 12m, 13 and 14m including associated works		Awaiting decision by WDC (expiry dates for comment 1st March 2018)

**CHANGE OF STATUS SINCE LAST MEETING**

17/07500/FUL	14/09/2017	Clematis Cottage	Lower Icknield Way	Gt Kimble	Erection of 1 x 3 bed detached dwelling with detached garage and parking area		Application refused
CC/0121/17	22/12/2017	Great Kimble C of E School	Church Lane	Great Kimble	The demolition of 'Springwood Cottage', which is to be replaced by a new, single storey Hall and 2 classroom teaching block. The existing driveway of 'Springwood Cottage' is to be replaced with new staff parking and drop-off zone. New hard and soft landscaping is also proposed, to facilitate external teaching		Application permitted
	28/09/2017	The Red House	Church Lane	Gt Kimble	Householder application for construction of x2 two storey side extensions and alterations to roof (alternative scheme to PP 16/07983/FUL)		Application permitted

**NEW APPLICATIONS SINCE LAST MEETING**

18/05358/FUL	12/02/2018	15	Hill View	Gt Kimble	Householder application for construction of 1 x rear dormer window in connection with loft conversion		Awaiting decision by WDC (expiry dates for comment 5th March 2018)
18/05541/MINAMD	28/09/2017	6	Hill View	Gt Kimble	Proposed non-material amendment to permission for construction of single storey rear extension and fenestration alterations granted under householder planning ref: 17/05590/FUL		Awaiting decision by WDC
18/05398/FUL	08/03/2018	Old Rifle Range Farm	Risborough Road	Gt Kimble	Conversion of agricultural barn to 1 x 2 bed residential dwelling, associated external alterations, parking and amenity area		Awaiting decision by WDC (expiry dates for comment 29th March 2018)

## Kimble Stewart Hall Committee

### **Minutes of the Kimble Stewart Hall Committee Meeting held on Wednesday 6<sup>th</sup> February 2018 at 7pm**

#### **1 Attendance and Apologies**

##### **Attendance**

Sue Howgate  
Richard Needle  
Gerald Redding  
Peter Parsons  
Delia Burton  
Maggie Kaye

##### **Apologies**

Julie Bunker  
John Simmons

#### **2 To agree and sign the minutes not included in this Agenda**

The Minutes were agreed and signed as a correct copy

#### **3 Matters Arising from minutes not included in this Agenda**

- The Dog mats are now stored in the correct place
- Toilet rolls have now arrived

#### **4 Information update (items not covered in the agenda)**

None

#### **5 Treasurer's Report February 218 - Julie Bunker**

Current Account Balance £8508.62  
Deposit Account Balance £7000.69

We have one significant outstanding amount of £1035.00 on invoice 1864, Cymbeline Lodge. I know that we will receive the money but it is 2 months overdue now. We have 2 invoices outstanding for Minibits Hire of the hall totalling £84. This is a regular hirer. Both Delia and I have chased this and I finally had a response last week to say the hirer had been poorly and will get payment to us as soon as possible. We have said we will not release the keys for another hire until the outstanding bill has been paid.

- HSBC have requested checking procedures for accounts in connection with money laundering. They are carrying out checks on bank accounts.
- The Charity Commission Report has been submitted and a copy of the Trustee Deed sent to the bank at their request.

#### **6 Our Responsibilities as Trustees**

- The Insurance has been renewed
- Public Liability has been renewed and is on the noticeboard.
- Sue Howgate will email Trustees roles and responsibilities to the Committee Members

7 **GDPR Government Data Protection Regulations**

Sue Howgate informed the Committee that the GDPR now have new rules. An information sheet on the 12 Steps to Take Now was handed out. The questions the Committee need to answer are as follows:-

- What personal data do we hold and who do we share it with digitally or on paper
- The Committee members will need to audit all the information held and produce a written report.

8 **Booking Secretary's Report**

- Sue Howgate reported that there have been a lot of enquiries for regular evenings.

9 **Village Halls Week and Conference**

Julie Bunker and Sue Howgate attended the Village Hall Conference at Dunsmore. They felt that there was good advice given, useful forums available and advice about producing draft policies as well as and being in touch with other village hall users. This event was organised by Community Impact.

10 **Voneus Internet Connection for Hall**

Two Voneus employees visited Stewart Hall recently but nothing has been heard since. They assessed the hall and said the hall could be a hub. Sue Howgate to contact Voneus.

11 **Future Planned Spending**

- Decoration of Hall £3250
- Further investigation of drain is needed which will necessitate the use of a digger
- British Gas due to strip down boiler
- Hearing Loop to wait until Voneus has been

12 **Fund Raising Events - Casino Night**

Richard Needle reported that the ticket sales at the moment have been slow to sell, a minimum of 50 sold would be the aim but 70 tickets sold would be better.

The hall will be open at 6.30 to set up the event and Delia Burton has agreed to organise the Alcohol Licence. Sue Howgate and Delia Burton will look at last year's charging for food and drinks. Cheques should be available on the night for the organisers and food providers. Mary Redding has offered to sell the raffle tickets and the prizes need be bought. Sue Howgate thanked Richard for all his help with this event.

13 **Maintenance**

- The gas boiler is due to be serviced on 8<sup>th</sup> February 2018
- The Fire Extinguishers will be serviced on 15<sup>th</sup> February 2018 and a fire risk assessment is to be carried out.
- Remi to be asked to look at the wall lights in the hall when he carried out the NIEC check.
- Gerald Redding to contact Remi with regard to the correct control switch being fitted to the water heater in the kitchen.

14 **Health and Safety**

- A suggestion was made that a more rigorous check list was needed when checking the hall. The accident book (kept in the kitchen in the right hand cupboard) would need to be included in the list of items to be checked. This matter will be discussed in more detail at the next Committee Meeting in March.

15 **Any Other Business**

None

		the Neighbourhood Plan, all WG members were asked and agreed to respect strictly the confidentiality of the information under review, going forward.
6.	Actions/updates on grant funding from My Community :	DB indicated £3.5k of this financial year's grant remains unspent and that we don't qualify for technical assistance unless using the grant authority's own technical resource for that. JG indicated the Parish Council has some funding assistance available, and that Wycombe Council could possibly be asked to carry out some tasks on our behalf. AGREED to not pursue the request for technical funding for the next financial year. AGREED - finance expenses for the next financial year and Neil's invoices will be presented and settled in this year.
7.	Update on project schedule/plan:	No amendments requested/necessary.
8.	Confirmation of next meeting date:	Agreed: 13 <sup>th</sup> March 7:30pm. Neil Homer and Judith Orr to attend. ACTION: Venue tbc
9.	A.O.B.	None

# Kimble Neighbourhood Plan Working Group Meeting: Minutes

Date 21/02/2018

Time: 7.30 pm

Venue: Stewart Hall Committee Room

**Attendees:** Alun Jones , Delia Burton, Gerald Redding , James Good, Robert Martin, Roger Howgate, Tim Shirra, Zeena Shirra, Leo Todd, Tom Dixon, Iona Mackinnon, James Cripps, David Williams

**Apologies:** James Cripps, Sue Howgate.

	AGENDA ITEM	MINUTES
1.	Minutes of last meeting:	Approved with a point of order that, in the absence of the Working Group Chair, Working Group meetings should be chaired by the Working Group Secretary.
2.	Group membership changes:	John Austin has stepped down from the Working Group and will as Parish Council Chair continue to be copied in on emails.
3.	Conflicts of interest:	Potential conflicts of interest were noted in relation to sites submitted in response to the call for sites. JG used a parish map to pin-point the location of each site submitted and Working Group members indicated potential conflict of interests on a site-by-site basis. ACTION: ZS/TS to document Conflict of Interest register for review by the Group. ACTION: JG to consider available guidelines and complete a draft of the proposed final Conflict of Interest Policy Statement for agreement by the Group.
4.	Drop-in Session:	All involved were thanked for their good work contributing to a successful day and further thanks to SH for subsequently compiling a summary of comments. ACTION: LT & RH to discuss and propose what material could be uploaded to the website for approval by the WG. AGREED the following for the next public engagement session: <ul style="list-style-type: none"> <li>• Buy in organisational /presentation expertise as appropriate instead of full DIY.</li> <li>• Focus on improvement and other benefits this process will bring to the community.</li> <li>• Achieve clarity in communication that not all sites submitted will be accepted.</li> </ul>
5.	Call for Sites, Assessment Criteria and next steps:	Using site submission material and summary of 1 <sup>st</sup> review by O'Neil Homer, the Working Group briefly reviewed each site once the physical location of each site was clearly indicated on maps. The objective of this was to: <ul style="list-style-type: none"> <li>• Ensure all WG members are familiar with the location and high-level characteristics of each site submitted.</li> <li>• Gauge approximate opinions on the summary of each by O'Neil Homer</li> <li>• Identify initial site-level questions to be followed up</li> <li>• Further inform/refine the formation of an approach to site selection criteria</li> </ul> LT noted that at this stage he would not be content to give definitive comment on sites before having time to review and become more familiar with the detail. The WG agreed to give assurance that the process was a preliminary first stage of a more involved and most likely iterative process to follow, which would be a process that would follow a structured approach to be fully agreed by the WG. ACTION: TS & ZS to record the output of the process above onto an initial Site Schedule for review. AGREEMENT & ACTION: Due to the sensitivity of information under review and the importance of avoiding unmanaged release of information that could impede progress of



Sydney Farm  
Marsh Road  
Little Kimble  
Bucks  
HP17 8TF

21 February 2018

Julie Bunker, Clerk to Great & Little Kimble cum Marsh Parish Council  
Great & Little Kimble cum Marsh Parish Council  
20 Kimble Park  
Little Kimble  
Aylesbury HP17 0UG

Dear Sir

**Notice of Intention to Close Churchyard for Burials  
And intention to transfer maintenance responsibility**

As Churchwarden of St Nicholas Church, Great Kimble HP17 0XS I write to give you notice of the Kimbles' Parochial Church Council intention to apply to close St Nicholas Churchyard to further burials and transfer the maintenance responsibility.

I therefore attach:

1. A copy of the duly completed Ministry of Justice Form
2. The Notes accompanying the form
3. Two copies of a map - the first marked with the boundaries of the churchyard of St Nicholas Church and the second being an unmarked copy

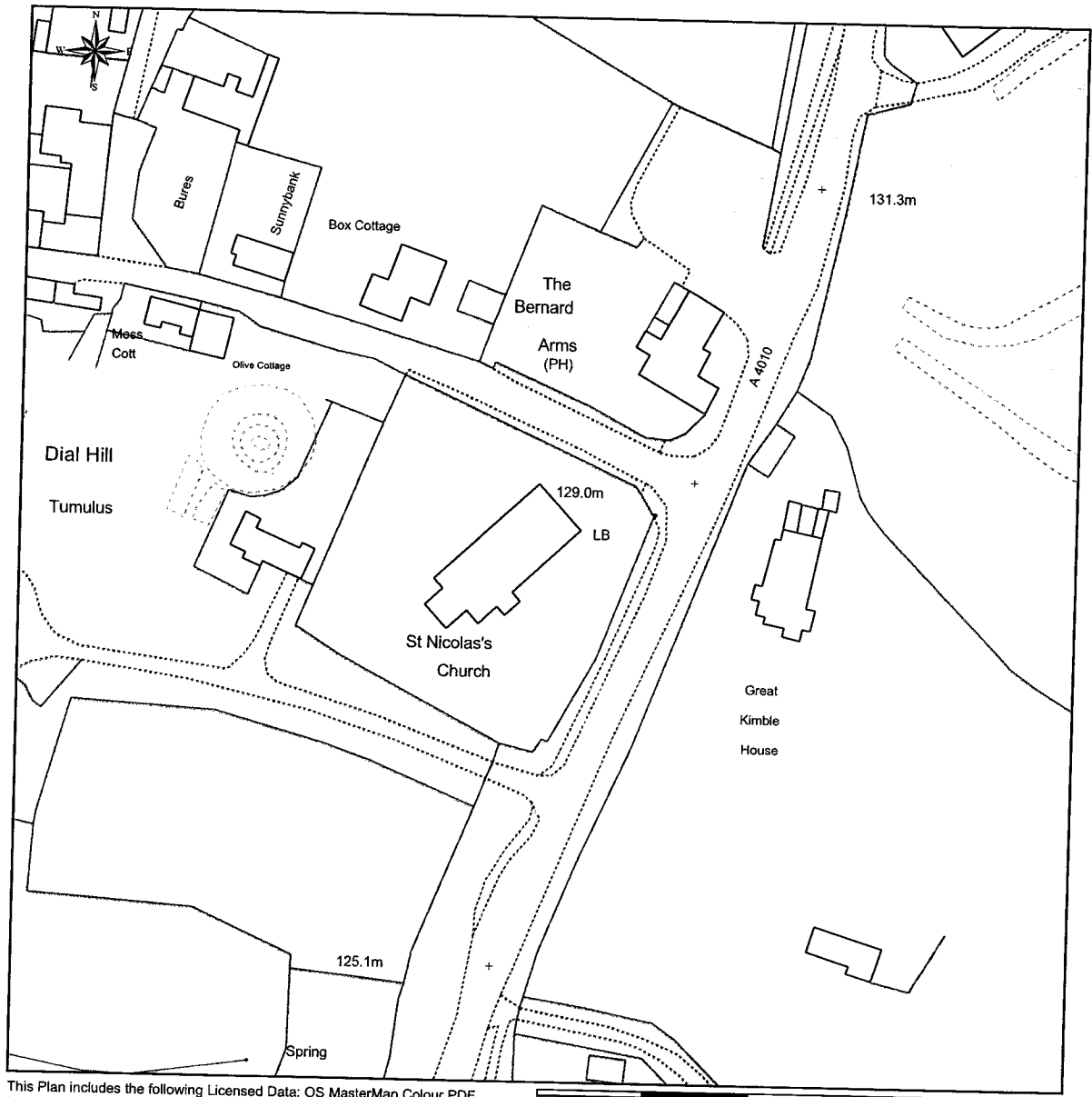
Kimbles PCC is seeking a closure order because there is no further proper room for new graves and that is the ground under which the application is being made.

We believe the condition of the churchyard is properly described in the application as "Fair".

Please complete Question B4 on the form and if you do not agreed with the ground cited explain why and then return the completed form to Kimbles PCC care of the above address.

Yours sincerely

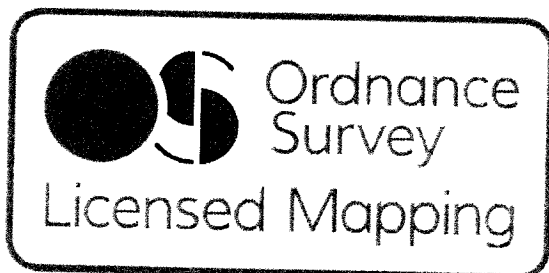
  
Matthew Halton  
Churchwarden



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4



**plans ahead** by **emapsite™**

Prepared by: Matthew Halton, 05-12-2017



# Ministry of **JUSTICE**

## **CLOSURE OF CHURCH OF ENGLAND CHURCHYARDS TO FURTHER BURIALS**

1. These notes provide guidance to applicants wishing to close formally a Church of England churchyard to further burials by Order in Council under the provisions of section 1 of the Burial Act 1853. 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. A statutory process for discontinuing burials in non-Church of England churchyards is not required as such burial rights do not apply.
2. The procedure and guidance notes have been agreed with the Church of England, the Local Government Association, the National Association of Local Councils and the Society of Local Council Clerks.

### **GROUNDS FOR CONSIDERATION**

3. It has been agreed that an Order may be sought where one or more of the following circumstances pertain:
  - there is no usable space for new graves;
  - further burials would be contrary to decency;
  - discontinuance of burials would prevent or mitigate nuisance;
  - further burials would constitute a health risk.
4. The first of these grounds applies where the churchyard is full, and there is no further usable land where graves could reasonably be made (e.g. areas where the land is too steep, waterlogged or has insufficient depth to be used, or where use would unreasonably encroach on or interfere with existing buildings, paths or other structures). Closure on these grounds need not prevent burials in existing graves which have sufficient room. Where the other grounds for closure apply, which will be rare, it would be likely to be necessary to cease burials in the churchyard altogether even if there is room for new graves or still some space in existing graves
5. Orders are not normally made to close part of a churchyard on the grounds that it is full. This is because any burial rights could and should continue to be exercised in any remaining open part of the churchyard or in any other open church burial grounds in the parish in which relevant parishioners have rights of burial and which have space for further interments. However, where part of a churchyard has already been closed by Order, applications will be considered for the closure of the remainder of the site.
6. In some cases it may not be possible to close a churchyard, or part of it, for legal reasons (for example, where the burial ground was opened with 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.
7. Applications for Orders will not be considered if made only to enable responsibility for maintenance to be transferred to the local authority. If financial support is needed to maintain a burial ground (of any kind), local authorities already have discretionary powers to provide such support.

## Exceptions

8. A churchyard will be considered eligible for an Order in Council on the grounds that it full if there is no space for new graves. By default, provision will be made for burials to continue to be allowed:
- 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;
  - 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.

unless the parochial church council requests burial to be discontinued in such graves or spaces.

9. All of these exceptions will therefore be included in the order unless the appropriate box on the application form is ticked to indicate the graves are not to be included.
10. If, unusually, a parochial church council considers that other exceptions to a closure order should apply, a request to this effect, with reasons, should be submitted with the application.

## Cremated Remains

11. The closure of a churchyard under the Burial Act 1853 is understood not to prevent the interment of cremated remains, but such interments require a faculty and if existing interments are likely to be disturbed could also require a Ministry of Justice licence.

## Condition of the Churchyard

12. Unless the churchyard is closed and the maintenance responsibility has been transferred to the local authority, it is the legal responsibility of the parochial church council to maintain the grounds, and walls and fences, in decent order. Further details can be found in "Responsible Care For Churchyards: A brief practical guide for parishes", available at

<http://www.cofe.anglican.org/about/churchcommissioners/pastoralandclosedchurches/pastoral/churchproperty/careofchurchyards.doc>

13. Although there is provision for this maintenance responsibility to be transferred by the parochial church council to the local authority at any time once the churchyard has been closed by Order, it is considered good practice, and only fair and reasonable, for any parochial church council contemplating such a transfer of responsibility to ensure that the churchyard and its walls and fences are in good condition at the time of the application. If such an application is likely to be made soon after a closure Order has been obtained, it would be helpful for the parochial church council to have identified and carried out any remedial work necessary, including in relation to memorials.
14. Guidance on memorial maintenance can be found in the General Synod Legal Advisory Commission document 'The Maintenance Of Monuments In Closed Churchyards' published in January 2007. This can be found at:

<http://www.cofe.anglican.org/about/churchlawlegis/guidance/monumentmaintenance.rtf>

15. The Ministry of Justice has also published guidance on memorial safety entitled 'Managing the safety of Burial Ground Memorials', and has also produced a set of FAQs

on the subject. A copy of both documents can be gained on application to the address at the bottom of this guidance or by downloading them from:

<http://www.justice.gov.uk/guidance/burials.htm>

## War Graves

16. The Commonwealth War Graves Commission (CWGC) is responsible for the care of war graves. Where the Ministry of Justice makes representations to the Privy Council for a closure Order, the CWGC will be advised so that it can take any action it considers necessary in respect of such graves if a change in responsibility for maintenance of the churchyard occurs. In the meantime, where a parochial church council contemplates transferring maintenance responsibility to the local authority on obtaining a closure Order, it would be helpful if details of any war graves could be brought to the attention of the local authority when giving notice of the intention to apply for an Order.

## THE APPLICATION PROCESS

17. The decision to apply for closure of the churchyard must first be agreed by the parochial church council, along with whether or not to transfer the responsibility for maintenance, and an appropriate resolution passed.

### The application form

18. Applications are requested to be made using the form available from the Ministry of Justice. The form should be completed, in block capitals, by the secretary of the parochial church council, giving all appropriate information.

*Where the parochial church council intends to request transfer of the maintenance responsibility*

19. Local authority representatives have requested that if the parochial church council intends to transfer the maintenance responsibility in the event of the application being successful, the parochial church council should give at least twelve months' notice to enable appropriate budgetary provision to be made.
20. To assist this, both forms at Part B should be completed and sent with a covering letter to the relevant council(s) (i.e. the Town or Parish Council, or the chairman of the parish meeting if there is one, and the council of the district, metropolitan district, London borough or unitary authority, as appropriate). A map of the churchyard (see paragraphs 31 - 32) should be included to make clear the boundaries of the churchyard subject to the application.
21. The covering letter to the council(s) should:
- explain why a request for a closure Order is being made, bringing to the council's attention the grounds under which the application is being made;
  - explain that the condition of the churchyard is described in order to assist with planning for the provision of maintenance, although the condition does not provide grounds for objecting to the closure;
  - request the council to complete question B4, and if they do not agree with the grounds cited, to explain why;
  - ask for the form to be returned to the parochial church council within a reasonable time once it has been completed (e.g. one month).
22. This early notification of the intention to request transfer of maintenance responsibility (which does not replace the statutory power to request such a transfer after an Order in Council is made) will provide the councils with an opportunity to comment on the proposed grounds for closure. Before doing so, they may want to satisfy themselves

that the churchyard is full, or that there is evidence of the other grounds cited, and may wish to visit the site. Parochial church councils are asked to facilitate any reasonable enquiries from local councils.

23. Early notification of the application will also enable the councils to consider the practical, as well as the budgetary, implications of a transfer of maintenance responsibility. To assist with this, Part B asks the applicant to describe the overall condition of the churchyard using one of the definitions provided. Provision is made for this information to be supplemented with additional detail, such as in respect of the churchyard's pathways, walls and fences, memorials and trees.
24. If in response either of the councils object to the proposed grounds of the application, and the objections cannot be resolved directly between the parochial church council and the local authority councils, it remains open to the parochial church council to pursue the application but in that event it should be submitted to the Ministry of Justice with details of the nature of the objections and the steps taken to seek resolution.
25. Either way, when the Part B forms have been completed and returned to the parochial church council, they should be reattached to Part A and both parts sent to the Ministry of Justice, together with a copy of the resolution of the parochial church council regarding closure, any comments from the local authorities and two copies of a map of the churchyard (see paragraphs 31 - 32 below), ensuring that all the information requested has been provided.
26. The Ministry of Justice will then consider the application. However, where the parochial church council intends to request transfer of maintenance responsibility, the Ministry of Justice will defer the timing of any representations for an Order in Council in order to ensure that the full notice period has elapsed.

*Where the parochial church council intends to retain maintenance responsibility*

27. If the parochial church council intends to retain maintenance responsibility for the churchyard, the forms at Part C should be completed and sent with a covering letter to the relevant council(s) (i.e. the Town or Parish Council, or the chairman of the parish meeting if there is one, and the council of the district, metropolitan district, London borough or unitary authority, as appropriate). A map of the churchyard (see paragraphs 31 - 32) should be included to make clear the boundaries of the churchyard subject to the application.
28. The covering letter to the council(s) should
  - explain why a request for a closure Order is being made, bringing to the council's attention the grounds under which the application is being made;
  - explain that the PCC intend to retain the responsibility for the maintenance of the churchyard themselves;
  - request the council to complete question C2, and if they do not agree with the grounds cited, to explain why;
  - ask for the form to be returned to the parochial church council within a reasonable time once it has been completed (e.g. one month).
29. If in response either of the councils object to the proposed grounds of the application, and the objections cannot be resolved directly between the parochial church council and the local authority councils, it remains open to the parochial church council to pursue the application but in that event it should be submitted to the Ministry of Justice with details of the nature of the objections and the steps taken to seek resolution.
30. Either way, when the Part C forms have been completed and returned to the parochial church council, they should be reattached to Part A and both parts sent to the Ministry of Justice, together with a copy of the resolution of the parochial church council regarding closure, any comments from the local authorities and two copies of a map of the

churchyard, ensuring that all the information requested has been provided. The Ministry of Justice will then consider the application.

### **Maps**

31. Applications should be accompanied by two copies of a map clearly showing the location of the churchyard. The first should be marked with the boundaries of the site to be closed. If, unusually, part only of a churchyard is to be closed (see paragraph 5 above), it would be helpful for the map to show which part of the site is the subject of the application, and the status of the remaining part (or parts) of the churchyard. This would be particularly helpful in cases where a churchyard has been successively enlarged by extensions. It would also be helpful for the map to indicate where there may be an adjacent burial ground (e.g. a parish cemetery). The second copy should be an unmarked copy of the same map.
32. A suitable scale for the Ministry of Justice's purpose is 1:1250. If there are difficulties obtaining such a map, the planning department of the local authority may be able to assist.

### **Consultation with parishioners**

33. If satisfied that the application can properly proceed, the Ministry of Justice will ask the parochial church council informally to bring the proposals to the attention of local parishioners and to invite any comments to be sent direct to the Ministry of Justice within a suitable length of time, not less than one month. It will be open to the parochial church council to decide how best to proceed, but options may include placing a suitable notice in or around the church, in a parish newsletter or website, or in a local newspaper. Whatever option(s) are adopted, the Ministry of Justice will provide suitable wording. The Ministry of Justice should be sent a copy of the advertisement once it has been published, and told when the date for the receipt of comments is to expire.

### **Consideration of objections**

34. Objections or comments may be made either by parishioners or local authorities. They will only be considered valid if they relate to the grounds for closure (for example, there is believed to be space available for new graves, or that further burials will not cause a health hazard or otherwise be undesirable). Where the Ministry of Justice receives any valid objections, the parochial church council is likely to be asked for its comments before any decision is taken.
35. Concerns about the condition of the churchyard or the financial implications of any transfer of maintenance are not issues which are relevant to an application for a closure Order. Any such issues should normally have been raised and considered before an application is made to the Ministry of Justice, and consideration of the application will not normally be deferred pending resolution of such issues.
36. Misunderstandings about the effect of a closure Order sometimes arise and parochial church councils may find it helpful to make clear to parishioners and other local people that burials can usually continue in existing graves or spaces reserved by faculty. Moreover, a closure Order in itself has no effect on public access to the churchyard or the rights and responsibilities of the parochial church council in relation to the churchyard.

### **Notice of intention to apply for an Order**

37. If there are no valid objections, the Ministry of Justice will give the parochial church council at least ten days' notice of the intention to apply to the Privy Council for a closure Order. This is to comply with the requirements of the legislation and to provide a further opportunity for comments or objections.

## **Consideration by the Privy Council**

38. After the Privy Council Office has received the Secretary of State's representations it will publish a notice in the London Gazette of the date on which Her Majesty in Council has ordered the application to be considered. It will send copies of the notice to the parochial church council and local authorities concerned. This notice will need to be posted on the church door and other conspicuous places in the parish for at least one month before the date of consideration.
39. Once a closure Order has been made, copies of the Order will be sent to the church and local authorities by the Privy Council. A copy of the Order will also be sent by the Ministry of Justice to the relevant Diocesan Registry.

## **STATUTORY PROCEDURE FOR THE TRANSFER OF MAINTENANCE**

40. If a parochial church council wishes maintenance responsibility for a churchyard closed by Order in Council to be taken over by the local authority, it will need to serve a written request to this effect on the town or parish council or, if there is none, the district council (or equivalent). It would be helpful for any such request to be accompanied by details regarding the current condition of the churchyard (see paragraphs 19 – 26 above).
41. Where such a request is served on the town or parish council, that council must take over maintenance within three months or must have transferred the request, within that period, to the district council or equivalent, and have notified the parochial church council that it has done so. Once those three months have expired, and the request has been validly served, the district council must take over the responsibility for maintenance.

## **ENQUIRIES**

42. Enquiries about these notes may be made to:

Coroners and Burials Division  
Ministry of Justice  
102 Petty France  
London SW1H 9AJ

Tel: 0203 334 6390

Fax: 0203 334 2233





# Ministry of JUSTICE

For office use only		
	Yes	No
OiC		
OwA		

**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)**

**Please read the attached guidance notes and then complete  
the form in BLOCK CAPITALS**

**Part A – Churchyard Details**

1.	Name and address of PCC Secretary: <b>Mrs Victoria Marshall</b> _____ <b>Sunnybank, Church Lane</b> _____ <b>Great Kimble, Aylesbury</b> _____ Post code: <b>HP17 9TH</b> _____ Daytime telephone number: <b>07791088182</b> _____ Email address: <b>queenvictoria7@hotmail.com</b> _____ Fax number: _____
2.	Name and address of churchyard or burial ground: <b>St Nicholas Churchyard</b> _____ <b>Great Kimble</b> _____ <b>Aylesbury</b> _____ Post code: <b>HP17 0XS</b> _____ <b>Please provide <u>two</u> A4 maps of the burial ground (scale 1:1250), one clearly showing the boundaries of the area to be closed and any area already closed or NOT to be closed, and one unmarked copy.</b>
3.	Name of the relevant Diocese and address of the Diocesan Registry: <b>Oxford Diocese</b> _____ <b>The Diocesan Registrar</b> _____ <b>16 Beaumont Street</b> _____ <b>Oxford</b> _____ Postcode <b>OX1 2LZ</b> _____

4. Please state grounds for closure (please ✓ as appropriate):

- a) There is no proper room for new graves.
- b) Further burials would be contrary to decency.
- c) Discontinuance of burials would prevent or mitigate a nuisance
- d) Further burials would constitute a health risk
- e) Other

If a) ONLY then please go to Q.5. If any of b) – e) please provide in a covering letter further information as to why burials should be discontinued. Then please go to Q.11.

5. Date of last burial in a new grave:

6. If you have any unused grave spaces not reserved by faculty please state:  
how many:  how long you estimate it will be before they are used:

7. If you have any grave spaces reserved by faculty please state:  
how many:

8. Any Order to discontinue burials in a churchyard on the grounds that it is full will be made subject to exceptions allowing further burials in existing reserved grave spaces, vaults, walled graves or earthen graves provided they have sufficient room.  
If you do not wish to have such exceptions made in the Order please ✓ as appropriate:  
Discontinue burial in grave spaces reserved by faculty   
Discontinue burial in vaults and walled graves   
Discontinue burial in existing family, earthen graves

9. Is the Parochial Church Council responsible for any other churchyards? (please ✓ one of the boxes)  
Yes  Go to Q10  
No  Go to Q11

10. If there are other churchyards please state how many unused or unreserved grave spaces there are in total.

11. Name of the Civil Parish (if applicable):

Great & Little Kimble cum Marsh

Name and address of the Clerk or Chair of the Parish Council or Parish Meeting or Town Council:

Julie Bunker, Clerk to Great & Little Kimble Cum Marsh Parish Council

20 Kimble Park

Little Kimble, Aylesbury

Post code: HP17 0UG

Daytime telephone number: 01296 614423

Email address: juliebunker@btinternet.com

12. Contact details for the District Council, London Borough, Metropolitan District or unitary authority in whose area the burial ground lies:

Name: Wycombe District Council Adrian Thompson

Department: Litigation, Contract and Property Section

Address: Wycombe District Council, Queen Victoria Road, High Wycombe  
Buckinghamshire

Post code: HP11 1BB

Daytime telephone number: 01494 421 515

Email address: adrian.thompson@wycombe.gov.uk

13. Signed (secretary of the PCC)

Signature: 

Date: 9/2/1~~8~~8

**Please now complete Parts B or C (depending on whether you wish to transfer the maintenance responsibility) and send the appropriate forms with a covering letter to the relevant local authorities.**

Before submitting your application to the Ministry of Justice please ensure that all necessary boxes on this form have been completed, and the following documentation is attached:

- A copy of the resolution of the PCC to close the churchyard.
- Two appropriate maps of the burial ground in 1:1250 scale.
- Part B forms completed by the local authorities (if a request to transfer maintenance responsibility is to be made in due course).
- Part C forms completed by the local authorities (if there are no plans to request the transfer of maintenance responsibility in the immediate future).

Then send the application to:

Coroners and Burials Division  
Ministry of Justice  
102 Petty France  
London, SW1H 9AJ

**Part B(i)**  
**Notice of intention to apply to transfer maintenance responsibility**  
(To be sent to the appropriate Town / Parish council or parish meeting)

In the event that an Order in Council is made to discontinue burials in

St Nicholas churchyard,  
The Kimbles Parochial Church Council

hereby gives notice of its intention to request

Great & Little Kimble cum Marsh Town / Parish council or parish  
meeting (*delete as applicable*) to take over maintenance responsibility for the churchyard in  
accordance with the provisions of section 215 of the Local Government Act 1972.

Signed (Secretary of PCC):  Date: 9/2/18

**B1** The grounds for closure\* are (PCC to ✓ as appropriate):

- a) There is no proper room for new graves.
- b) Further burials would be contrary to decency.
- c) Discontinuance of burials would prevent or mitigate nuisance
- d) Further burials would constitute a health risk
- e) Other

Additional information regarding the reasons for discontinuing burials is / is not attached

\* Grounds (a) to (d) have been agreed by the Ministry of Justice, Church of England and local government representative organisations as potential grounds for justifying closure.

**B2** The churchyard contains (PCC to ✓ as appropriate):

- war graves
- earth graves with space for the burial of additional family members
- vaults/walled graves with space for additional burials
- graves reserved by faculty

B3

The overall condition of the churchyard is:

Fair

**NB:** Please use one of the definitions provided below.

Further information covering the churchyard's pathways, walls and fences, memorials and trees is set out in the attached document.

B4

Does the Council have any objections to the closure of the burial ground, on the grounds given above at B1:

Yes

No

Please now return this form to the Parochial Church Council explaining, if necessary, why it is considered that the burial ground should not be closed under the grounds at B1.

Definitions for overall churchyard condition for Question B3.

Good	The churchyard is in an acceptable condition for the maintenance responsibility to be transferred now. The trees, walls and fences are in a reasonable state of repair, and the monuments have been assessed for safety within the last 2 years.
Fair	The churchyard and/or the trees, walls and fences require some attention, but no major work, restoration or clearance. For example the trees might need trimming, some repairs might be required to the walls or fences, and/or the memorials may not have been assessed recently or are known to include some which need to be made safe.
Poor	The churchyard requires capital investment or essential repairs or restoration work.

**Part B(ii)**  
**Notice of intention to apply to transfer maintenance responsibility**  
(To be sent to the appropriate District council)

In the event that an Order in Council is made to discontinue burials in

St Nicholas churchyard,

The Kimbles Parochial Church Council

hereby gives notice of its intention to request

Wycombe District Council Town / Parish council or parish

meeting (*delete as applicable*) to take over maintenance responsibility for the churchyard in accordance with the provisions of section 215 of the Local Government Act 1972

This is being brought to your attention as under s.215(3), if a request to take on the maintenance of a closed churchyard is served on a parish or community council or the chairman of a parish meeting they may decide, within three months of that notice, to give written notice to the council of the district of their intention to pass on the responsibility to that council.

Signed (Secretary of PCC):  Date: 9/2/18

B1 The grounds for closure\* are because (PCC to ✓ as appropriate):

- |   |                                     |
|---|-------------------------------------|
| a) There is no proper room for new graves.                      | <input checked="" type="checkbox"/> |
| b) Further burials would be contrary to decency.                | <input type="checkbox"/>            |
| c) Discontinuance of burials would prevent or mitigate nuisance | <input type="checkbox"/>            |
| d) Further burials would constitute a health risk               | <input type="checkbox"/>            |
| e) Other  | <input type="checkbox"/>            |

Additional information regarding the reasons for discontinuing burials is / is not attached

\* Grounds (a) to (d) have been agreed by the Ministry of Justice, Church of England and local government representative organisations as potential grounds for justifying closure.

B2 The churchyard contains (PCC to ✓ as appropriate):

- |   |                                     |
|---|-------------------------------------|
| war graves  | <input type="checkbox"/>            |
| earth graves with space for the burial of additional family members | <input checked="" type="checkbox"/> |
| vaults/walled graves with space for additional burials              | <input type="checkbox"/>            |
| graves reserved by faculty  | <input type="checkbox"/>            |

B3 The overall condition of the churchyard is:

Fair

**NB:** Please use one of the definitions provided below.

Further information covering the churchyard's pathways, walls and fences, memorials and trees is set out in the attached document.

B4 Does the Council have any objections to the closure of the burial ground, on the grounds given above at B1:

Yes

No

Please now return this form to the Parochial Church Council explaining, if necessary, why it is considered that the burial ground should not be closed under the grounds at B1.

Definitions for overall churchyard condition for Question B3.

Good	The churchyard is in an acceptable condition for the maintenance responsibility to be transferred now. The trees, walls and fences are in a reasonable state of repair, and the monuments have been assessed for safety within the last 2 years.
Fair	The churchyard and/or the trees, walls and fences require some attention, but no major work, restoration or clearance. For example the trees might need trimming, some repairs might be required to the walls or fences, and/or the memorials may not have been assessed recently or are known to include some which need to be made safe.
Poor	The churchyard requires capital investment or essential repairs or restoration work.

Part C(i)  
**Notice of intention to apply for a closure Order**

**Maintenance responsibility to be retained by PCC**  
(To be sent to the appropriate Town / Parish council or parish meeting)

The \_\_\_\_\_ Parochial Church Council has  
applied to the Ministry of Justice to discontinue burials in  
\_\_\_\_\_ churchyard,

This is being brought to your attention as the local authority responsible for the area in which the churchyard is located.

Should a closure Order be granted, the PCC intends to retain the maintenance responsibility for the churchyard and has no current plans to transfer it to the local authority.

The PCC is fully aware that should it wish to transfer maintenance at some future date, local authorities have asked that they be given at least twelve months notice of this.

Signed (Secretary of PCC): \_\_\_\_\_ Date: \_\_\_\_\_

<b>C1</b>	<p>The grounds for closure* are because (PCC to ✓ as appropriate)::</p> <p>a) There is no proper room for new graves. <span style="float: right;"><input type="checkbox"/></span></p> <p>b) Further burials would be contrary to decency. <span style="float: right;"><input type="checkbox"/></span></p> <p>c) Discontinuance of burials would prevent or mitigate nuisance <span style="float: right;"><input type="checkbox"/></span></p> <p>d) Further burials would constitute a health risk <span style="float: right;"><input type="checkbox"/></span></p> <p>e) Other <span style="float: right;"><input type="checkbox"/></span></p> <p>Additional information regarding the reasons for discontinuing burials is / is not attached</p> <p>* Grounds (a) to (d) have been agreed by the Ministry of Justice, Church of England and local government representative organisations as potential grounds for justifying closure.</p>
<b>C2</b>	<p>Does the Council / chairman of the parish meeting have any objections to the closure of the burial ground, on the grounds given above at C1:</p> <p style="text-align: center;">Yes <input type="checkbox"/>                      No <input type="checkbox"/></p>

Please now return this form to the Parochial Church Council explaining, if necessary, why it is considered that the burial ground should not be closed under the grounds at C1.



Part C(ii)  
**Notice of intention to apply for a closure Order**

**Maintenance responsibility to be retained by PCC**  
(To be sent to the appropriate District Council)

The \_\_\_\_\_ Parochial Church Council has  
applied to the Ministry of Justice to discontinue burials in  
\_\_\_\_\_ churchyard,

This is being brought to your attention as the district authority responsible for the area in which the churchyard is located.

Should a closure Order be granted, the PCC intends to retain the maintenance responsibility for the churchyard and has no current plans to transfer it to the local authority.

The PCC is fully aware that should it wish to transfer maintenance at some future date, local authorities have asked that they be given at least twelve months notice of this.

Signed (Secretary of PCC): \_\_\_\_\_ Date: \_\_\_\_\_

<b>C1</b>	<p>The grounds for closure* are because (PCC to ✓ as appropriate):</p> <table style="width: 100%;"><tr><td style="padding-left: 20px;">a) There is no proper room for new graves.</td><td style="text-align: right;"><input type="checkbox"/></td></tr><tr><td style="padding-left: 20px;">b) Further burials would be contrary to decency.</td><td style="text-align: right;"><input type="checkbox"/></td></tr><tr><td style="padding-left: 20px;">c) Discontinuance of burials would prevent or mitigate nuisance</td><td style="text-align: right;"><input type="checkbox"/></td></tr><tr><td style="padding-left: 20px;">d) Further burials would constitute a health risk</td><td style="text-align: right;"><input type="checkbox"/></td></tr><tr><td style="padding-left: 20px;">e) Other</td><td style="text-align: right;"><input type="checkbox"/></td></tr></table> <p>Additional information regarding the reasons for discontinuing burials is / is not attached</p> <p>* Grounds (a) to (d) have been agreed by the Ministry of Justice, Church of England and local government representative organisations as potential grounds for justifying closure.</p>	a) There is no proper room for new graves.	<input type="checkbox"/>	b) Further burials would be contrary to decency.	<input type="checkbox"/>	c) Discontinuance of burials would prevent or mitigate nuisance	<input type="checkbox"/>	d) Further burials would constitute a health risk	<input type="checkbox"/>	e) Other	<input type="checkbox"/>
a) There is no proper room for new graves.	<input type="checkbox"/>										
b) Further burials would be contrary to decency.	<input type="checkbox"/>										
c) Discontinuance of burials would prevent or mitigate nuisance	<input type="checkbox"/>										
d) Further burials would constitute a health risk	<input type="checkbox"/>										
e) Other	<input type="checkbox"/>										
<b>C2</b>	<p>Does the Council have any objections to the closure of the burial ground, on the grounds given above at C1:</p> <p style="text-align: center;">Yes <input type="checkbox"/>                      No <input type="checkbox"/></p>										

Please now return this form to the Parochial Church Council explaining, if necessary, why it is considered that the burial ground should not be closed under the grounds at C1.