

**IN THE CONSISTORY COURT OF THE DIOCESE OF LICHFIELD**

**ST CHAD, BAGNALL**

**ON THE PETITION OF Mr PETER CHARLES MILLARD and Other**

**JUDGMENT**

1. I grant a Faculty in this petition for the creation of a new, dedicated area for the burial of cremated remains (“ABCR”), but upon strict conditions which must be complied with and which can be enforced by this Consistory Court in circumstances of breach.
2. St Chad’s church, Bagnall, is a Grade II listed building located in a conservation area. The current building is essentially 19<sup>th</sup> century and is well-sited in an attractive churchyard. The management of the churchyard has proved problematic recently, with a Faculty previously granted to regularise and revise arrangements. This has prompted the petition for a Faculty for an ABCR, in the name of the churchwardens and a Parochial Church Council (“PCC”) member; the churchyard being closed to coffin burial, but one area remaining suitable for the interment of ashes.
3. The provision and location of the proposed ABCR enjoys the support of the Diocesan Advisory Committee (“DAC”) and has attracted no opposition. The current proposals are, however, not recommended by DAC. For the reasons set out below, I consider that the objections by DAC are well-founded, but can be accommodated by the proper imposition of conditions in the use of the ABCR.
4. The site for the ABCR is an irregular triangular plot (14 metres x 11 metres x 9 metres) located in consecrated ground adjacent to hedges to neighbouring residential properties and some distance from the highway at Clewloes Bank (with graves intervening), but rather nearer the Church to its south. The plot slopes away from the church and is currently somewhat rough grassland.
5. The PCC have previously interred ashes in either existing graves or, absent a suitable family grave, in a dedicated plot marked with a headstone; albeit, a headstone smaller than those for historic coffin burials. The PCC wish to extend this practice into the new ABCR, and with headstones compliant with the current Churchyard Regulations for the Diocese (2013) for coffin interments. The PCC

also want to accommodate these in approximately seven rows of diminishing length; the longest accommodating 8 plots for ashes. Each plot would be 1.2 metres square, consistent with the former practice with interment of cremated remains, so as to accommodate a walkway between plots, and to accommodate the sloping ground and avoid terracing.

6. The PCC justify individual markers because there is no appropriate form of wall which could be used to record interments: the walls being traditional Staffordshire Moorlands drystone with semicircular copings. Other forms of collective memorial do not enjoy local support and would mark a distinct change from previous practice of marking plots.
7. Insofar as this proposal may be modelled on previous practice, I note that that practice was not in accordance with the Churchyard Regulations and was initiated without proper authority. Whilst that has since been made good, it was not without corrective steps being taken (albeit, mitigated to avoid unnecessary levels of distress to bereaved families).
8. The DAC approve the location for the ABCR and also agree that memorials on a wall or a garden of remembrance would not be suitable models for this churchyard. I respectfully accept the proposals of the PCC and the advice from DAC.
9. The DAC do not approve the plot size and the use of headstones. The plot size is larger than required and the use of flat memorial stones is preferred, by reason of such stones accommodating movement around, and maintenance, of the ABCR. This is consistent with the Churchyard Regulations, which deprecate the use of plaques in general as limiting the capacity of an ABCR both spatially and in terms of potentially inhibiting reuse, but which, logically and in exceptional circumstances, would accommodate plaques of a small nature and unlikely to create a paved appearance.
10. I consider that the objections of DAC are well made out. The interment of cremated remains is not the same as interment of a coffin and the features of memorialising a coffin burial should not be replicated. Indeed, the reuse of plots is likely to arise sooner in respect of the interment of ashes than in respect of coffin burial. Although only one interment of ashes is currently expected per year in the ABCR, this may increase and, of course, people from outside the parish may seek interment of relatives there. It cannot be assumed that space will not be much in demand and that generous plots should be made available. That an irregular practice has been accommodated for a time elsewhere in the churchyard is not a justification for normalising it throughout and in a new location. Further, the ABCR is a discrete area and can have its own features and

characteristics. For all these reasons I reject the proposals of the PCC for plot size and memorials.

11. The question then becomes whether to refuse the petition entirely or to grant a Faculty on strict terms. Since there is currently no consecrated ground for coffin burial or burial of ashes in Bagnall, the case for the authorisation of an ABCR is a strong one, supported by PCC, DAC and the local community (as evidenced by the history of such interments). I consider, therefore, that a faculty should be granted but on strict conditions that: (i) the only memorial at the point of interment that may be permitted is a plaque installed flush to the surface of the ground. The ground may be terraced, if necessary (This condition does not preclude other memorials not located at the point of interment, like a Book of Remembrance); (ii) no plaque shall be larger than 450mm in its longest dimension; (iii) individual plots (which may accommodate more than one set of ashes) shall be no more than 600mm in their longest dimension and arranged in rows of contiguous plots; (iv) Interments shall normally be directly into the ground. The Incumbent may authorise the use of a container on pastoral grounds in exceptional cases. However, if a container is used the same must be of perishable material; and (v) No interments of cremated remains are to be allowed in any part of the churchyard other than the area set aside by this faculty unless authorised by further faculty. Provided that insofar as the churchyard remains opens for the burial of the cremated remains, such remains may be interred without further faculty in a grave within which a relative of the persons whose remains are to be interred has already been interred.
12. Any memorials that are located at the site of interment, otherwise than in accordance with the foregoing conditions, will be liable to removal at the Order of this Court and as more fully set out in the notice to this Faculty.

*Dr ANTHONY VERDUYN*

CHANCELLOR OF THE DIOCESE OF LICHFIELD

18<sup>th</sup> August 2025