



Draft Burial Ground Bye-Laws 2023

Report to the Transport &
Infrastructure Management Strategic
Policy Committee

4th September 2023

Introduction



Fingal County Council Draft Burial Ground Bye-Laws were presented to:

- **Transport & Infrastructure Management Strategic Policy Committee 2022**
- **Area Committees:**
 - Blanchardstown-Mulhuddart/Castleknock/Ongar on 25th November 2021
 - Howth/Malahide Area on 1st December 2021
 - Balbriggan/Rush-Lusk/Swords Area on 9th December 2021
- **The Committees noted the reports and agreed that the public consultation process should commence**



Public Consultation Process

The public consultation process commenced on the 3rd August 2022 by way of a notice in the public press and details uploaded to the Public Consultation Portal at <https://consult.fingal.ie>

The notice informed the public that particulars of the Draft Burial Ground Bye-Laws were available for inspection from 3rd August 2022 at County Hall, Main Street, Swords and Fingal Civic Offices, Grove Road, Blanchardstown, Dublin 15, libraries and through the Public Consultation Portal, and that submissions could be made to Fingal County Council no later than 14th September 2022.

Submissions Received



A total of 8 no. submissions were received during the public consultation process. A summary of submissions received can be found below:

Submission Ref.	Name	Observation	Recommendation
FIN-C507-1	Ian Lennon	• sandblasting, abrasive damage to headstones; • request to add reference to Department Guidelines relating to best practice in care and management; • issues relating to planting of shrubs and conifers.	Provision has now been made in the Bye-Laws at 19.1 following consultation with Heritage Officer. Provision has been made relating to shrubs and flowers in Section 4.5 of the Bye-Laws.
FIN-C507-2	Kevin F Bury	Issues relating to height of Celtic Cross Memorials.	Recommendation is standard size for all headstones 5ft 6in above ground level and increase for Celtic Cross to 7ft above ground level
FIN-C507-3	James T. Doyle	Request to change measurements to metric measurements.	Included in Bye-Laws

Submissions Received (continued)



Submission Ref.	Name	Observation	Recommendation
FIN-C507-4	Fingal Memorials & Monuments Ltd	Issues relating to height of Celtic Cross Memorials	Recommendation is standard size for all headstones 5ft 6in above ground level and increase for Celtic Cross to 7ft above ground level
FIN-C507-5	Fingal Memorials & Monuments Ltd	Issues relating to maximum height of Celtic Crosses	Recommendation is standard size for all headstones 5ft 6in above ground level and increase for Celtic Cross to 7ft above ground level
FIN-C507-6	Kirwan Funeral Directors	Issues relating to burial ground opening hours	Burial Ground Visiting Hours (Gates Open/Vehicular access): 9am – 4pm (Mon – Fri); Burial Times: 10am – 2pm (Mon – Fri) 10am – 2pm Saturday *24hr Pedestrian Access is maintained outside of Opening / Visiting Hours

Submissions Received (continued)



Submission Ref.	Name	Observation	Recommendation
FIN-C507-7	Fingal Memorials & Monuments Ltd	Issues relating to burial ground opening hours	Burial Ground Visiting Hours (Gates Open/Vehicular access): 9am – 4pm (Mon – Fri); Burial Times: 10am – 2pm (Mon – Fri) 10am – 2pm Saturday *24hr Pedestrian Access is maintained outside of Opening / Visiting Hours
FIN-C507-8	Fingal Memorials & Monuments Ltd	Issues with wording relating to Sale of Articles within Cemeteries Advertisement of grave maintenance works by Council employees	Bye-Law is sufficient to control the sale of articles as this is also covered by way of the Fingal Casual Trading Bye-Laws. Further clarification on Fingal's Maintenance responsibilities has been made under 11.1 Maintenance of Plots

Recommended Amendments to Draft Bye-Laws



Following the public consultation process as outlined, and following submissions received, the following amendments are recommended to the Draft Burial Ground Bye-Laws 2023.

Amendment Number	Section	Detail of Amendment
1	1	1. Interpretation of Terms Plinth shall mean where it is already provided in a Cemetery, the reinforced concrete foundation designed as a continuously supported ground beam to support Headstones or Memorials.
2	6	6.1 First Interment Each grave, when opened for the first interment therein, shall be sunk to the perpendicular depth of 2.44m/8ft at least, or in case the nature of the sub-soil will not permit the grave being sunk to such depth, then to such lesser depth which the council shall specify.
3	12	Maintenance of Plots 12.1 The Council is responsible for the maintenance, upkeep and cleaning of the public realm areas only of the burial ground. 12.2 The Council does not provide a maintenance service to plot owners. 12.3 The upkeep of a vault, grave, headstone or monument is the responsibility of the owner of the grave / plot.

Recommendations (continued)



Amendment Number	Section	Detail of Amendment
4	15	15.2 Erection of Monuments An application form to erect a headstone and kerbing or to replace an existing headstone and kerbing must be submitted to the Council. The maximum height for headstones/monuments inclusive of all works associated therewith in all burial grounds or extensions is 1.68m/5ft 6in above ground level. The maximum height for Celtic Crosses inclusive of all works associated therewith in all burial grounds or extensions is 2.13m/7ft above ground level.
5	15	15.3 Specification of Monuments The headstone is to be of natural stone only, viz. marble, limestone or granite and is to be erected on a proper concrete foundation at a normal minimum depth of two feet. The actual depth will depend on ground conditions encountered. Surround when constructed should be to edge of haunching 2.74m x 1.22m/9' x 4' (single space) and 2.74m x 2.44m/9' x 8' (double space) and should have continuous concrete foundation.

Recommendations (continued)



Amendment Number	Section	Detail of Amendment
6	Schedule 1	Fingal Burial Grounds Schedule 1 of Bye-Laws provides for 24hr pedestrian access to all burial grounds listed
7	Schedule 2	Operating Times <u>Burial Ground Visiting Hours (Gates Open)</u> 9am – 4pm (Mon – Fri) <u>Burial Times</u> 10am – 2pm (Mon – Fri) 10am – 2pm Saturday *24hr Pedestrian Access is maintained outside of Office / Visiting Hours

Recommendations (continued)



Following internal consultation with the Heritage & Conservation Officer, during the consultation process, the following amendment is recommended in relation to Section 19 of the Draft Burial Bye-Laws 2023.

19.1 Historic Graveyards Protected Status

There are 54 historic graveyards within Fingal. Most if not all of the historic graveyards contain the remains of older churches and gravestones or markers that are protected as archaeological monuments, known as Recorded or National Monuments, by National Monument legislation and are generally also designated Protected Structures under the Planning and Development Act 2000 (as amended). These protections are noted by icons on the Fingal County Development Plan Maps and so these maps can be checked to clarify the status of the sites (see <https://www.fingal.ie/council/service/development-plans>). New works or changes made within these sites need to be sensitive to and appropriate for the historic setting and structures and to any archaeological remains below ground.

19.2 New Grave Spaces and Headstones/Markers

The opening of new grave spaces within an active historic graveyard should adhere to the guidance provided under Section 4 Grave Spaces and Section 6 Internments.

19.3 Opening of or Repair of Existing Historic Graves

The opening of a grave within an existing historic plot for a new burial shall only be permitted where a Right of Burial still applies. Care needs to be taken not to damage the historic gravestone or marker to the plot. The repair of historic gravestones or markers where the graveyard is a recorded archaeological monument need to adhere to the requirements of National Monument legislation.

19.4 Other Works within Historic Graveyards

New facilities or improvement works within historic graveyards or in the vicinity of the historic boundary (such as paths, kerbing, lighting, drainage, waste facilities, signage) need to adhere to the requirements of National Monument legislation.



Recommendation

Following consideration of the report on the public consultation as set out, the Draft Bye-Laws were brought to the Area Committee's again for noting.

- Blanchardstown Mulhuddart/Castleknock/Ongar on 27th April 2023
- Balbriggan/Rush-Lusk/Swords Area on 11th May 2023
- Howth/Malahide Area on 7th June 2023

Recommendation



We ask that this Transport and Infrastructure SPC recommend that these Bye-Laws be brought to the Corporate Policy Group and Full Council for approval.