

Application to the Bishop of Blackburn remove the legal effects of consecration from parts of Calderstones Cemetery in the Parish of Whalley, Lancashire

Introduction

1. Calderstones Cemetery was consecrated on 30 June 1916 by the Bishop of Whalley for the burial of former residents of the adjacent hospital for people with learning difficulties, originally known (in the language of the time) as Whalley County Lunatic Asylum. During the First World War the hospital was requisitioned and known for a period as The Queen Mary Military Hospital. Latterly the hospital has been known as Calderstones Hospital. There are records of 1171 burials (marked red on the attached map) and the interment of 221 sets of ashes. The last burials were in 1989, at which time there were approximately 800 vacant graves (marked green on the attached map).
2. Adjoining it is a separate military cemetery managed by the Commonwealth War Graves Commission, in which are buried 42 military personnel. These graves belong to those who died of wounds when the hospital was being used as a military hospital. The status of this military cemetery is unaffected by this application.
3. Following the decision to close Calderstones Hospital, the hospital cemetery was sold by the Regional Health Authority in October 2000 to a private developer. Planning permission was granted by Ribbles Valley Borough Council on 16 January 2009 to build a crematorium on the site. Preparatory work was begun during which most of the existing gravestones were removed and disposed of without faculty permission. The developers did not continue with their plans.
4. The land was eventually sold to the current owners on 13 January 2014. However they do not appear to have realised that the site was consecrated until 11 January 2018. A director of Buildings of Remembrance International Ltd, wrote to me on 13 February 2018, asking me to apply to you for the legal effects of consecration to be removed from those parts of the site in which we have no record of any burials.
5. According to section 92 of the *Ecclesiastical Jurisdiction and Care of Churches Measure 2018*, you may decide to grant my application if you are satisfied that (1) the land is not held or controlled by any ecclesiastical corporation or the DBF; and (2) no purpose will be served by its remaining subject to the legal effects of consecration. You may impose such conditions or requirements as you think fit regarding the preservation or disposal of any human remains, and any tombstones or memorials, and the maintenance of orderly behaviour on the land so affected (see *Halsbury's Laws of England*, vol. 34, para. 844).

Research undertaken

6. I visited the site with the Diocesan Registrar, the Revd Paul Benfield, on 6 March 2018 and met Angela Dunn, General Manager, and Danny Henry director, of All Faiths International Remembrance Ltd. It was clear that the graves of the former residents of Calderstones Hospital have undoubtedly been neglected and badly treated, and gravestones should not have been removed by the previous owners without faculty permission.
7. I was impressed by the diligent work which had been undertaken by the current owners to research burial records and gain a complete picture of all burials that had taken place and their precise location – a job made much harder by the removal of gravestones and markers by the previous owners. Ms Dunn and Mr Henry stressed the company's intention to respect all existing graves, to retain the remaining grave markers, to maintain this area to a very high standard, and to provide a memorial and virtual book of remembrance in one of the original brick chapels.
8. However I pointed out to the developers on that initial visit that the Garden of Remembrance (where 221 sets of ashes were buried) was most unlikely to be located where the developers thought it was, namely on top of existing graves in the south-east corner of the cemetery. We were shown an inscription stone and monuments which appeared to show the location of the Garden of Remembrance as being in the middle of the main area of graves towards the far right hand side of the cemetery, on top of existing graves.
9. It seemed to me highly unlikely that the Garden of Remembrance had been located by the hospital authorities on top of other graves, as it would have entailed the disturbance and removal of many gravestones. This would hardly have been necessary when there was still a large area of the cemetery unused. From photographs subsequently supplied by Michelle Simmonds of the Friends of Calderstones Hospital, it would appear that the ornamental urns and planting were placed in this location and an original inscription stone 'Garden of Remembrance' moved to this spot after the gravestones had been removed by the previous developer; the intention being presumably to provide a general memorial to all the former residents of the hospital buried on the site, well away from the area where the new crematorium would be built.
10. I have seen photographs of the original register of ashes, and plan showing the numbered plots, but there is no record of the location where they were buried. In correspondence Dennis Buckley told me that he had spoken to witnesses who affirmed that the Garden of Remembrance was in the consecrated area of cemetery but much closer to the entrance, nearer to the two small brick chapels. He had spoken to two former members of staff who remember urns being interred, and had signed statements to that effect, but their testimonies seemed to contradict each other as they put the garden of remembrance on opposite sides of the main path. The original plan of ashes plots shows no path running through the middle of the garden of remembrance.

11. Having invested a lot of time in trying to solve the riddle of the location of the 221 sets of ashes, without success, on 19 April 2018 I applied to you to lift the legal effects of consecration on the parts of the cemetery where there were no graves. My hope was that in the subsequent public consultation further evidence from the public may come to light, which might enable the site of the garden of remembrance to be definitely located.
12. During the consultation period, in a detailed submission dated 16 May 2018, the Friends of Calderstones Cemetery produced two photographs which seem to clearly show the Garden of Remembrance close to the South Chapel on the site. The Friends also produced three signed witness statements from individuals who remembered seeing ashes being interred in the cemetery. Although these statements did not agree (two identified a location south of the path, one north of the path), the photographs along with these statements caused me to withdraw my application, pending further research.
13. The developers then did a survey of the site which convinced them that the site shown in the photograph was indeed where the Garden of Remembrance was located. This area was then cordoned off by them.
14. I then met with Dennis Buckley and representatives of the Friends on 23 August 2018. At this meeting it was clear that the Friends still contested the size of the Garden of Remembrance and its precise location, and still believed that some ashes may have been buried in other parts of the site. One of those present made the helpful suggestion that a proper archaeological survey would resolve this issue one way or the other.
15. A detailed thermal imaging survey of the site has subsequently been carried out by the developers. I asked Peter Iles, who is the archaeological adviser to the Diocesan Advisory Committee for the Care of Churches (DAC for short), and of course well-known to Ribble Valley Borough Council (RBVC), to independently examine the results of the surveys on my behalf. His report, which he has kindly made public, shows that he is satisfied that the two surveys were undertaken to the highest professional standards and that they have clearly demonstrated two things.
16. The first is that the size of the Garden of Remembrance was larger than the developers had contended, extending further towards the chapels. It showed that the hardstanding which has been laid by the developers on a geotextile membrane originally covered a significant part of the Garden of Remembrance. This was most unfortunate, however the surveys show that there is no evidence of disturbance below the geotextile membrane. Once the size of the Garden of Remembrance had been established, there was clearly insufficient room for vehicles to pass between the Garden of Remembrance and the graves of the Booth Hall babies adjacent to the South Chapel. The developers accordingly submitted revised plans, which were approved by RBVC on 14 March 2019.

17. The second finding was that there is no evidence of human remains being buried anywhere else on the parts of the site on which the developers wish to develop, apart from the Garden of Remembrance. In my judgement this removed a significant area of concern, raised by the Friends in their submission, namely whether there might have been other burials or interments of ashes elsewhere on the site for which no records exist.
18. I arranged for Peter Iles and myself to meet Dennis Buckley, chair of the Friends, on 19 February 2019, along with Nigel Ingham and Councillor Ian Brown, so that Peter could brief them on his findings, and so that they could question him in detail. In this meeting Dennis informed us that they accepted the findings of the survey that there is no evidence of human remains on the north side of the cemetery, and told us that the one witness statement that had alleged this had now been withdrawn.
19. One outstanding area of concern that Mr Buckley raised was that the more detailed dual frequency test was only carried out on that part of the site where the single frequency test had shown the Garden of Remembrance to be. He argued that there could be a margin of error if perhaps some ashes were interred on the edge of the Garden of Remembrance but not in the area which was subject to the dual frequency test. Peter felt the risk of this was small, but as an extra safeguard I have insisted that a larger buffer area around the Garden of Remembrance remain subject to the legal effects of consecration, to protect the ground from disturbance.
20. Following my meeting on 19 February my one remaining area of concern was that there appeared to be no buffer between the row of Booth Hall graves adjacent to the North Chapel and the first row of parking spaces. This would have made it hard for people parking their cars in the spaces immediately next to the graves and opening the boot of their car not to stand on one of the graves. At my request RVBC Planning Committee have insisted on adjustments to the parking area to provide a buffer between these graves and the car park, and the developers have suggested making this a hedge to provide a seemly barrier between those graves and the adjacent parking spaces. This will in my judgement greatly enhance the dignity of these graves and also reassure the Friends that the graves spaces occupied by the Booth Hall babies and staff will not be trampled on.
21. I have worked as an independent party with both the Friends and the developers over these past two years to enable dialogue and to seek to find a way through the areas of dispute. My overriding concern as Archdeacon has been to establish where human remains are buried and ensure that they are respected and protected for the future. I have also been concerned to seek a sustainable future for this site which would ensure the grounds become properly maintained and cared for, with easy access for relatives and friends to visit the graves and the Garden of Remembrance. Following the approval of revised plans by RVBC I now believe a satisfactory outcome has been achieved.
22. I believe that if you decide to lift the legal effects of consecration to allow a crematorium to be built, subject to clear conditions and safeguards, this would be a

significant improvement on the status quo. The company has undertaken that the whole site would be open daily, attractively landscaped, with access to existing graves and interpretative information and memorials to tell the history of the site and assist those who want to locate the grave of a loved one. A crematorium is a fitting use for the unused part of the cemetery, which is no longer needed for its original purpose, to provide burials for residents of the now closed Calderstones Hospital. A crematorium would provide a valuable service to residents in the Ribble Valley and enable a sustainable income stream to maintain and staff the cemetery in a sensitive and fitting manner for years to come.

23. If on the other hand you decide not to lift the legal effect of consecration, that would prevent the building of a crematorium. The owner would be left with a site that had little market value, and would have no income or incentive to maintain the site or provide access and assistance to visitors.

Recommendation

I therefore submit that no useful purpose will be served by the unused grave spaces on this site remaining subject to the legal effects of consecration, and ask you:

To lift the legal effects of consecration on the land known as Calderstones Cemetery in the Parish of Whalley apart from the areas shaded pink on the attached plan, subject to the following conditions:

- 1. That all existing grave markers and gravestones are retained, that all areas in which there are graves and the area of the Garden of Remembrance are clearly marked and maintained in a dignified way;*
- 2. That the areas that remain consecrated shall be clearly marked and securely fenced off before construction work on a Crematorium begins to avoid construction vehicles trespassing on these areas;*
- 3. That once construction is complete the site is opened daily, and assistance provided to those who wish to locate the graves of those who are buried or ashes in the Garden of Remembrance;*
- 4. That the Christian heritage of the site is respected, and remaining Christian symbols are retained (including the wrought iron cross linking the chapels and the uninterrupted view from the chapels to the memorial cross in the Commonwealth War Graves military cemetery);*
- 5. That no statues or artefacts of other faiths be positioned in the grounds;*
- 6. That no structures be placed on the land that remains consecrated without a faculty from the Chancellor of the diocese.*

The areas shaded pink on the attached plan include all existing graves and the Garden of Remembrance, together with areas adjacent to them. The legal effects of consecration will remain in force in these areas.

I further ask that you give public notice of your intention to lift the legal effects of consecration and that you give those who wish to make representations 28 days in which to do so.

A copy of the Registrar's Public Notice to this effect is attached.

The Venerable Mark Ireland, Archdeacon of Blackburn
30 March 2019

PUBLIC NOTICE

RE: CALDERSTONES CEMETERY

I hereby give notice that the Archdeacon of Blackburn has applied to the Bishop of Blackburn for an order under section 92 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018 that the consecrated land known as Calderstones Cemetery in the Parish of Whalley (apart from the areas shaded pink on the attached plan) shall not be subject to the legal effects of consecration, with the following conditions:

- 1. That all existing grave markers and gravestones are retained, that all areas in which there are graves and the area of the Garden of Remembrance are clearly marked and maintained in a dignified way;*
- 2. That the areas that remain consecrated shall be clearly marked and securely fenced off before construction work on a Crematorium begins to avoid construction vehicles trespassing on these areas;*
- 3. That once construction is complete the site is opened daily, and assistance provided to those who wish to locate the graves of those who are buried or ashes in the Garden of Remembrance;*
- 4. That the Christian heritage of the site is respected, and remaining Christian symbols are retained (including the wrought iron cross linking the chapels and the uninterrupted view from the chapels to the memorial cross in the Commonwealth War Graves military cemetery);*
- 5. That no statues or artefacts of other faiths be positioned in the grounds;*
- 6. That no structures be placed on the land that remains consecrated without a faculty from the Chancellor of the diocese.*

The areas shaded pink on the attached plan include all existing graves and the Garden of Remembrance, together with areas adjacent to them. The legal effects of consecration will remain in force in these areas.

Any person who wishes to make any representations to the bishop concerning the application should send them in writing to me within 28 days of the date hereof at the address below.

A copy of the Archdeacon's application may be seen on the Diocese of Blackburn website at www.blackburn.anglican.org.

30 March 2019

The Revd Paul Benfield
Registrar of the Diocese of Blackburn

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