

Local Plans (Burial Space) Bill [HL]

[AS INTRODUCED]

CONTENTS

PART 1

BURIAL SPACE REQUIREMENTS IN LOCAL PLANS

- 1 Duty to include burial space provision in local plans
- 2 Burial space needs assessment
- 3 Protected burial ground land
- 4 Long-term burial ground management plans

PART 2

MONITORING, REPORTING AND ENFORCEMENT

- 5 Monitoring and annual reporting
- 6 Burial ground capacity action plans

PART 3

SUPPLEMENTARY PROVISIONS

- 7 Guidance
- 8 Regulations
- 9 Extent
- 10 Commencement and transitional provision
- 11 Short title

[AS INTRODUCED]

A

B I L L

TO

Make provision about the inclusion of guaranteed burial ground space within Local Plans.

BE IT ENACTED the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

BURIAL SPACE REQUIREMENTS IN LOCAL PLANS

1 Duty to include burial space provision in local plans

- (1) A local planning authority must, in preparing or reviewing a local plan under section 15C of the Planning and Compulsory Purchase Act 2004 (local plans), include provision for guaranteed burial ground space in accordance with this Act. 5
- (2) The provision required under subsection (1) is referred to in this Act as a “burial space provision”.
- (3) A burial space provision must—
 - (a) identify sufficient land within the local planning authority’s area to meet the projected demand for burial ground space over the plan period; 10
 - (b) designate that land as protected burial ground land in accordance with section 3 of this Act;
 - (c) set out the local planning authority’s strategy for managing and developing burial ground space in accordance with sections 4 and 5 of this Act. 15
- (4) In preparing a burial space provision, a local planning authority must have regard to—
 - (a) current burial ground capacity within the authority’s area; 20
 - (b) projected demand for burial ground space over the plan period, including demand arising from all religious, cultural and secular burial practices;

- (c) the desirability of maintaining a range of burial options reflecting the diversity of communities within the authority’s area;
 - (d) the need to provide equitable geographic access to burial ground space across the authority’s area;
 - (e) any guidance issued by the Secretary of State under section 8 of this Act. 5
- (5) In subsection (4), “equitable geographic access to burial ground space” means ensuring that burial sites are spread out across the local planning authority’s area so that –
 - (a) residents in all areas are within a reasonable travel distance or travel time to a burial ground, and 10
 - (b) the locations of burial sites reflect the needs of different religious, cultural, or secular communities.

2 Burial space needs assessment

- (1) In preparing or reviewing a burial space provision, a local planning authority must consult its burial space needs assessment (“BSNA”). 15
- (2) A BSNA must assess –
 - (a) the existing capacity of all burial grounds within the authority’s area, expressed in years of remaining capacity;
 - (b) the projected demand for burial ground space over a period of not less than 25 years from the date of the assessment; 20
 - (c) the number, size and location of burial grounds required to meet that projected demand;
 - (d) the availability of land suitable for use as burial ground space;
 - (e) the burial needs and preferences of religious, cultural and ethnic communities within the authority’s area. 25
- (3) In carrying out a BSNA, a local planning authority must consult –
 - (a) the relevant burial authorities within the authority’s area;
 - (b) faith organisations and religious communities operating within the authority’s area; 30
 - (c) any registered provider of burial ground services within the authority’s area;
 - (d) any neighbouring local planning authority;
 - (e) such other persons as the authority considers appropriate.
- (4) A BSNA must be kept under review and must be updated at intervals of not more than five years. 35
- (5) A local planning authority must publish a BSNA and any update to it.

3 Protected burial ground land

- (1) Land designated as protected burial ground land in a local plan must not be developed for any purpose other than as a burial ground without the prior written consent of the Secretary of State.
- (2) The Secretary of State may grant consent under subsection (1) only if satisfied that – 5
 - (a) equivalent or greater burial ground capacity will be provided as a direct result of the proposed development, or
 - (b) there is no longer a need for burial ground space on the land in question, having regard to current BSNA for the area. 10
- (3) Before granting consent under subsection (2), the Secretary of State must – 15
 - (a) notify the local planning authority;
 - (b) publish the application put forward for the Secretary of State’s consent and invite representations on it;
 - (c) consider any representations received within such period as the Secretary of State specifies.
- (4) Where consent is granted under subsection (2)(a), the replacement burial ground capacity must be secured by planning obligation before any development may commence.

4 Long-term burial ground management plans 20

- (1) A local planning authority must prepare and publish a long-term burial ground management plan (“management plan”) in respect of its area.
- (2) A management plan must cover a period of not less than 25 years from the date of preparation and must include – 25
 - (a) a strategy for the phased development and opening of new burial grounds over the plan period;
 - (b) arrangements for the management and maintenance of existing burial grounds;
 - (c) provision for the extension, where practicable, of existing burial grounds; 30
 - (d) a strategy for maximising burial capacity within existing burial grounds, including through grave reuse in accordance with applicable legislation;
 - (e) arrangements to ensure adequate provision of burial ground space for all faith and cultural communities within the authority’s area; 35
 - (f) financial projections for the cost of implementing the management plan;
 - (g) arrangements for the monitoring and review of the management plan.
- (3) A management plan must be reviewed at intervals of not more than ten years.
- (4) Before preparing or reviewing a management plan, a local planning authority must consult the persons referred to in section 2(3) of this Act. 40

- (5) A management plan must be consistent with the burial space provision in the authority's local plan.

PART 2

MONITORING, REPORTING AND ENFORCEMENT

- | | | |
|----------|--|----|
| 5 | Monitoring and annual reporting | 5 |
| (1) | A local planning authority must monitor the implementation of— | |
| | (a) the burial space provision in its local plan; | |
| | (b) the management plan prepared under section 4. | |
| (2) | A local planning authority must prepare and publish an annual burial space monitoring report. | 10 |
| (3) | An annual burial space monitoring report must include— | |
| | (a) the current capacity of all burial grounds within the authority's area; | |
| | (b) an assessment of progress in implementing the burial space provision and the management plan; | |
| | (c) details of any new burial ground land identified, designated or developed during the reporting period; | 15 |
| | (d) projected remaining capacity, expressed in years, for each burial ground within the authority's area; | |
| | (e) any actions proposed to address shortfalls in burial ground capacity. | |
| (4) | Where an annual burial space monitoring report identifies that burial ground capacity within the authority's area is likely to be exhausted within ten years, the local planning authority must— | 20 |
| | (a) notify the Secretary of State within 28 days; | |
| | (b) prepare a burial ground capacity action plan within six months of making that notification. | 25 |
| 6 | Burial ground capacity action plans | |
| (1) | A burial ground capacity action plan prepared under section 5(4)(b) must set out the steps the local planning authority will take to address the shortfall in burial ground capacity, including— | |
| | (a) the identification and designation of new burial ground land; | 30 |
| | (b) the timetable for opening new burial ground capacity; | |
| | (c) any interim measures to be taken pending the provision of new capacity. | |
| (2) | A local planning authority must implement a burial ground capacity action plan, and ensure that new burial ground capacity is available before existing capacity is exhausted. | 35 |

PART 3

SUPPLEMENTARY PROVISIONS

7 Guidance

- (1) The Secretary of State must issue guidance to local planning authorities on the exercise of their functions under this Act. 5
- (2) Guidance issued under this section must include guidance about—
 - (a) the methodology to be used in carrying out a burial space needs assessment;
 - (b) the calculation of projected demand for burial ground space;
 - (c) the designation of protected burial ground land; 10
 - (d) the preparation and content of long-term burial ground management plans;
 - (e) standards for the provision of burial ground space to meet the needs of diverse faith and cultural communities.
- (3) The Secretary of State may consult such persons as the Secretary of State considers appropriate before issuing or revising guidance under this section. 15
- (4) A local planning authority must have regard to guidance issued under this section in exercising its functions under this Act.

8 Regulations

- (1) The Secretary of State may by regulations made by statutory instrument make such provision as the Secretary of State considers necessary or expedient for the purposes of, or in connection with, this Act. 20
- (2) Regulations under this section may—
 - (a) prescribe the form and content of burial space needs assessments, burial space provisions and management plans; 25
 - (b) specify the minimum period of burial ground capacity that must be identified in a burial space provision;
 - (c) make provision about the procedure for obtaining the Secretary of State's consent under section 3;
 - (d) make such incidental, supplemental, consequential or transitional provision as the Secretary of State considers appropriate. 30
- (3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

9 Extent

This Act extends to England and Wales and applies in relation to England only. 35

10 Commencement and transitional provision

- (1) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (2) Where, on the date on which this Act comes into force, a local planning authority is in the process of preparing or reviewing a local plan, the authority must—
 - (a) carry out a burial space needs assessment in accordance with section 2 within 12 months of that date;
 - (b) include a burial space provision in the local plan at the next available stage of the plan-making process.
- (3) Where a local plan adopted before the date on which this Act comes into force does not include a burial space provision, the local planning authority must—
 - (a) carry out a burial space needs assessment within 12 months of that date;
 - (b) review the local plan and incorporate a burial space provision within three years of that date.
- (4) A local planning authority must prepare its first management plan under section 4 within two years of the date on which this Act comes into force.

11 Short title

This Act may be cited as the Local Plans (Burial Space) Act 2026.

Local Plans (Burial Space) Bill [HL]

[AS INTRODUCED]

A

B I L L

TO

Make provision about the inclusion of guaranteed burial ground space within Local Plans.

Lord Mohammed of Tinsley

Ordered to be Printed, 2nd June 2026.

© Parliamentary copyright House of Lords 2026

*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright*

PUBLISHED BY THE AUTHORITY OF THE HOUSE OF LORDS