

MINUTES of the MEETING of the ALLOTMENTS & CEMETERIES SUB-COMMITTEE held at THE COUNCIL CHAMBERS, THE GROVE, SWANSCOMBE on TUESDAY 4 OCTOBER 2022 at 11.00AM

**PRESENT:** Councillor Maurice Weet (Chairman)  
Councillor Dr Jo Harman (substituting for Councillor Lesley Howes)  
Councillor Peter Harman

**ALSO PRESENT:** Martin Harding – Assistant Town Clerk/ RFO

**ABSENT:** There were none.

**172/22-23. ARRANGEMENTS AND CONSTRAINTS REGARDING FILMING OR RECORDING THE MEETING.**

The Chairman explained the arrangements and constraints relating to the filming or recording of the meeting.

**173/22-23. APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor Emma Ben Moussa, due to medical reasons.

An apology for absence was received from Councillor Linda Hall, due to other commitments.

An apology for absence was received from Councillor John Hayes, due to other commitments

An apology for absence was received from Councillor Lesley Howes, due to other commitments

**Recommended:** That the reasons for absence, for the Councillors listed, be formally accepted, and approved.

**174/22-23. SUBSTITUTES.**

Councillor Dr Jo Harman substituted for Councillor Lesley Howes.

**175/22-23. DECLARATIONS OF INTEREST IN ITEMS ON THE AGENDA.**

There were none.

***The Chairman gave the opportunity for the meeting to be adjourned at this point to accept questions from the public.***

**176/22-23. ITEMS DEEMED URGENT BY THE CHAIRMAN / MATTERS ARISING FROM PREVIOUS MINUTES AND THEIR POSITION ON THE AGENDA.**

There were none.

**177/22-23. TO CONFIRM AND SIGN THE MINUTES OF THE MEETING HELD ON 13 MARCH 2018.**

**Recommended:** That the Minutes of the Meeting held on 13 March 2018 be confirmed and signed as a true record.

**178/22-23. FELLING OF TREES NOT ON ALLOTMENT PLOTS.**

The Town Council had received a report that trees had been felled on New Burial Ground Allotments on 25 May 2022. No request had been received by the Town Council in relation to these tree works. Correspondence was sent to the Association requesting an explanation, the site was attended, and photos taken.

Members discussed the actions taken and it was unanimously agreed:

**Recommended:** That correspondence be sent to the Allotment Association stating:

1. That the Town Council were disappointed that the tree works had been undertaken without a request having been submitted, and subsequently agreed, by the Town Council in advance.
2. That any future requests be mindful of avoiding the nesting season for birds (March to September).
3. That any future request should be accompanied by a report, including pictures, indicating the need for the works along with the health of the trees involved.
4. That the Association should consider offering to plant a tree in lieu of all future requests to fell trees.

**179/22-23. ANNUAL ALLOTMENT SITE INSPECTION.**

Members considered the report from the visit to each allotment site by the ATC/RFO, Councillor Ben Moussa (Vice-Chairman of this Committee) and Linda Hall (Chairman of the Allotment Association) undertaken on 16 August 2022.

**Recommended:** That the contents of the report be noted and that a letter be sent to the Allotment Association thanking them for their continued work within the community in effectively managing the x 4 sites.

There being no further business to transact, the Meeting closed at 11.20 am.

Signed \_\_\_\_\_  
Chairman Date

AGENDA ITEM

PLC 25/10/23

6

(A)



June 2021









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## Graham Blew

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**From:** Dave Thomas <Dave.Thomas@dartford.gov.uk>  
**Sent:** 29 September 2023 09:55  
**To:** Graham Blew  
**Cc:** Jane Lilley  
**Subject:** RE: Swanscombe Cemetery  
**Attachments:** swanscombe cemetery.pdf

**[WARNING]** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Graham,

My Director is Peter Dosad and he is fully aware of the situation – our legal people are firmly of the view that we have no responsibility for the wall or gate.

Yes, we will continue to carry out grounds maintenance of the lower section.

Map of the cemetery attached – only the area highlighted in blue is owned by Dartford BC.

The contact details we have for the Diocese of Rochester are Diocesan Office, St Nicholas Church, Boley Hill, Rochester, Kent, ME1 1SL, 01634 560000, [enquiries@rochester.anglican.org](mailto:enquiries@rochester.anglican.org)

Hope this is all of some use,

Dave

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**From:** Graham Blew <graham.blew@swanscombeandgreenhithetowncouncil.gov.uk>  
**Sent:** 29 September 2023 08:39  
**To:** Dave Thomas <Dave.Thomas@dartford.gov.uk>  
Jane Lilley <Jane.Lilley@dartford.gov.uk>; Martin Harding <rfo@swanscombeandgreenhithetowncouncil.gov.uk>  
**Subject:** Swanscombe Cemetery  
**Importance:** High

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Dave

Thank you for your email

It is not a disappointment..

Can you advise who the Director is that made this decision?

Can you also advise whether Dartford Borough Council will continue maintaining the landscaping of the southern area of Swanscombe Cemetery (the area at the same end as the wall and gate).

Is it possible for DBC to supply a diagram of what areas it feels it is responsible for at Swanscombe Cemetery ?

In your previous email, dated 15 July 2023 you advised that "it was DBC belief that the Diocese of Rochester is responsible and that DBC were raising this with them again". Can you let me have details of the response you received from the DofR and the contact details you used?

Thanks.

*Graham*



LOCAL COUNCIL  
AWARD SCHEME  
FOUNDATION

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**From:** Dave Thomas <[Dave.Thomas@dartford.gov.uk](mailto:Dave.Thomas@dartford.gov.uk)>  
**Sent:** Thursday, September 28, 2023 9:28 AM  
**To:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>  
**Cc:** Jane Lilley <[Jane.Lilley@dartford.gov.uk](mailto:Jane.Lilley@dartford.gov.uk)>  
**Subject:** FW: Enquiruy: Prescriptive Rights of Access: Update: CofE responsible: 3: Update: Reply: Update: Swanscombe Cemetery

**[WARNING]** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Graham,

I have discussed the wall and gate issue with my director – we remain of the view that we have no responsibility for maintaining the wall and gate and therefore will not be taking any action on this matter.

I can only suggest that you raise the matter with the Diocese again yourself.

Sorry to disappoint.

Dave

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**From:** Dave Thomas  
**Sent:** 22 September 2023 11:22  
**To:** 'Graham Blew' <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>  
**Cc:** Dave Bennett <[Dave.Bennett@dartford.gov.uk](mailto:Dave.Bennett@dartford.gov.uk)>; Jane Lilley <[Jane.Lilley@dartford.gov.uk](mailto:Jane.Lilley@dartford.gov.uk)>  
**Subject:** RE: Enquiruy: Prescriptive Rights of Access: Update: CofE responsible: 3: Update: Reply: Update: Swanscombe Cemetery

Graham,

We can't advise on how the responsibility issue will be resolved – as you know our view is that responsibility for the gate and wall is not ours – but I will be raising the issue with our directors (hopefully next week) to get their view.

**From:** Dave Thomas <Dave.Thomas@dartford.gov.uk>  
**Sent:** Thursday, September 14, 2023 11:32 AM  
**To:** Graham Blew <graham.blew@swanscombeandgreenhithetowncouncil.gov.uk>  
**Cc:** Jane Lilley <Jane.Lilley@dartford.gov.uk>  
**Subject:** RE: Update: CofE responsible: 3: Update: Reply: Update: Swanscombe Cemetery

Graham,

I've looked back through all of the recent the correspondence and raised it with legal colleagues again and we remain firmly of the view that the Council is not responsible for repairing the wall or gate, as the land at that end of the cemetery has never been transferred to us.

We consider that the Diocese of Rochester is responsible but do recognise that they do not consider this to be the case.

I really do not know how to move this forward as we are at an impasse – but I will now raise with our Leadership Team to see what their view is and will let you know.

Thanks,

*Dave*

Dave Thomas  
Head of Waste, Public Realm and Enforcement Services  
[www.dartford.gov.uk](http://www.dartford.gov.uk)

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**From:** Dave Thomas <[Dave.Thomas@dartford.gov.uk](mailto:Dave.Thomas@dartford.gov.uk)>

**Sent:** 15 July 2022 07:26

**To:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>

**Cc:** Dave Bennett <[Dave.Bennett@dartford.gov.uk](mailto:Dave.Bennett@dartford.gov.uk)>

**Subject:** Dioceses of Rochester: Swanscombe Cemetery

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Graham,

Yes, they have.

Our belief is that the Diocese of Rochester is responsible and we are raising this with them again.

Thanks,

DAVE

**From:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>

**Sent:** 14 July 2022 12:18

**To:** Dave Thomas <[Dave.Thomas@dartford.gov.uk](mailto:Dave.Thomas@dartford.gov.uk)>

**Cc:** Dave Bennett <[Dave.Bennett@dartford.gov.uk](mailto:Dave.Bennett@dartford.gov.uk)>

**Subject:** Swanscombe Cemetery

**Importance:** High

Dave

Many thanks for that.

I also sent a hardcopy of previous emails regarding issues with the wall and maintenance responsibilities of the cemetery, to Dave Bennett as they were unable to be forwarded due to their size, can you confirm that these have been received?

Thanks.

*Graham*

**From:** Graham Blew  
**Sent:** 15 July 2022 08:48  
**To:** 'Dave Thomas' <Dave.Thomas@dartford.gov.uk>  
**Cc:** Dave Bennett <Dave.Bennett@dartford.gov.uk>; Martin Harding <rfo@swanscombeandgreenhithetowncouncil.gov.uk>  
**Subject:** Reply: Dioceses of Rochester: Swanscombe Cemetery  
**Importance:** High

Dave

Many thanks for this.

We have previous correspondence from the Diocese who thought it was the Town Councils responsibility from when the St Peter & St Pauls Churchyard was taken on (Lesley O'Reilly had copies of these on 25 Jan 2021) so I would look forward to getting details of your communications.

I am not sure why this issue has come about as the Town Council has never maintained any areas of the cemetery, we have only ever maintained the wall and closed graveyard of the church.

Obviously *if* it is our responsibility, it is something that will have a major impact on our finances, and resources, and will require budgetary planning. It would also raise issues as to why DBC have a sign at the south end of the cemetery on land that is not theirs (adjacent to the Lych Gate) and issues regarding access by DBC as both entrances (south and north) are across what would be Town Council land. *If* the south end is the Town Councils responsibility it could prove difficult as maintenance might be scheduled for when burials are taking place in other areas of the cemetery. There would also be different schedules for maintaining different parts of the cemetery which could give rise to public complaints ?

The area of wall that is damaged (attached) is not within the top area of the cemetery that was being explored so this is DBC regardless.

I look forward to hearing from you.

Thanks.

*Graham*



LOCAL COUNCIL  
AWARD SCHEME  
FOUNDATION



**From:** Graham Blew

**Sent:** 25 January 2021 13:57

**To:** Lesley O'Reilly <Lesley.OReilly@dartford.gov.uk>; Andrew Hall <Andrew.Hall@dartford.gov.uk>

**Cc:** Martin Harding <rfo@swanscombeandgreenhithetowncouncil.gov.uk>

**Subject:** Info: Update : Reply: Lichgate and roof - Swanscombe Cemetery.

**Importance:** High

Lesley

Thank you for this.

I have attached some of the documents from the Diocese of Rochester and DBC regarding this which will hopefully assist.

If the lich gate, wall and front areas of the Cemetery are indeed the responsibility of the Town Council then that is something we will have to take into account and plan for going forward but this would then raise further issues which would include things such as rights of way to use the lich gate and entrance, how will the management of the area be organised i.e. strimming and tree work whilst burials are taking place.

The new vicar, Revd. Charlie Lloyd-Evans can be contacted by email at [revcharlielloydevans@gmail.com](mailto:revcharlielloydevans@gmail.com)

I am very confused as to how this situation has arisen given that DBC have a sign at the entrance lich gate, DBC have maintained the front area of the cemetery for many many years. DBC have previously applied to the Diocese to carry out repairs to the lich gate.

I am hoping that we can sort an amicable solution to this problem and await further correspondence from you, and any more information you are able to obtain.

Thanks.

*Graham*



**From:** Lesley O'Reilly <Lesley.OReilly@dartford.gov.uk>

**Sent:** 25 January 2021 13:13

**To:** Graham Blew <graham.blew@swanscombeandgreenhithetowncouncil.gov.uk>; Andrew Hall

<Andrew.Hall@dartford.gov.uk>

**Subject:** RE: Update : Reply: Lichgate and roof - Swanscombe Cemetery.

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Hi Graham,

I have asked Andrew to look at what may be required and then at least the church or the borough can move forward in the future. Also to check the safety and whether the access needs to be stopped.

I know the new vicar is new to the church, so will make contact to look into their own records as I have asked this on many occasions before. Can you please advise on any names or contact details you may have for the church that I may contact directly.

The current situation with Covid has obviously increased my work load and I have had to priorities the work, however this hasn't been far from my thoughts.

I will need to go to the vaults of Canterbury cathedral to see what information they hold. However this will have to wait until we are back to some kind of normality, this will include the timeline of information you have requested as I only have the same details that you have at present.

The important part at present is the safety aspect and I have asked Andrew to look in to this.

Kind Regards  
Lesley



**From:** Lesley O'Reilly [mailto:Lesley.O'Reilly@dartford.gov.uk]  
**Sent:** 12 November 2019 10:15  
**To:** Graham Blew <graham.blew@swanscombeandgreenhithetowncouncil.gov.uk>; Andrew Hall <Andrew.Hall@dartford.gov.uk>  
**Cc:** Martin Harding <rfo@swanscombeandgreenhithetowncouncil.gov.uk>  
**Subject:** RE: Reply: Lichgate and roof - Swanscombe Cemetery.

Dear Graham,

Thank you for your emails, we shall conduct a further investigate in to this matter. Due to the forth coming election and Christmas creeping up on us, we are happy to arrange a meeting with you in the new year.

I will be in touch nearer the time to make a convenient date for all parties to try and resolve this issue.

Kind Regards  
Lesley

**From:** Graham Blew <graham.blew@swanscombeandgreenhithetowncouncil.gov.uk>  
**Sent:** 11 November 2019 16:20  
**To:** Andrew Hall <Andrew.Hall@dartford.gov.uk>; Lesley O'Reilly <Lesley.O'Reilly@dartford.gov.uk>  
**Cc:** Martin Harding <rfo@swanscombeandgreenhithetowncouncil.gov.uk>  
**Subject:** Reply: Lichgate and roof - Swanscombe Cemetery.  
**Importance:** High

Dear Andrew and Lesley

I am confused with all of this as I have been in touch with the Diocese of Rochester (DoR) who have advised that that the PCC would not be liable for the lichgate or front area of the cemetery. They also advised that from their historical documents that the only entrance to the cemetery was via the entrance where the lichgate is and that, according to Dartford Borough Council's website that is still the case.

<https://www.dartford.gov.uk/by-category/community-and-living2/deaths,-funerals-and-cremations/cemeteries/swanscombe-cemetery>

The DoR also advise that "It would seem unlikely that the church would have spent it funds on a lichgate to enter a closed churchyard on the other side of the road from the church, it is more likely that the lichgate was constructed by the Council at some stage albeit on the consecrated churchyard extension"

I have no recollection of the Town Council ever having maintained the area at the front of the cemetery and can only assume this has been being undertaken by DBC or the shrubbery etc. would be very very overgrown by now ?

I also assume that DBC lock and unlock the lichgate as per the times on the sign that is in place ?

The question of responsibility for the lichgate, wall and front of the cemetery also raise other questions such as any access rights to use the lichgate entrance, what is contained in the front section of the cemetery, there appears to be a trip of land to the right of the front piece of the cemetery that is not included so this may have separate maintenance responsibilities?

Are these things we can arrange to discuss on site to try and get a resolution ?

Yours sincerely,

Graham Blew  
Town Clerk

## Graham Blew

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**From:** Andrew Hall <Andrew.Hall@dartford.gov.uk>  
**Sent:** 11 November 2019 10:06  
**To:** Lesley O'Reilly; Graham Blew  
**Subject:** RE: Lichgate and roof - Swanscombe Cemetery.  
**Attachments:** Swanscombe cemetery proof litchgate not DBC.pdf

Morning all,

In the past there had been the understanding that DBC were responsible for the wall litchgate and we were looking into carrying out repairs to both. However further to the deeper investigations it appears a ruling by the home office stated the closed graveyard only is referring to the part immediately around the church and does not specifically mention the part across the road. I have also proven that the road was there prior to the graveyard closer from a map surveyed in 1863/4 (see attached)

Please see the email I send (below) 18/10/18. Paul Milan was aware of all this information and said he would forward this onto the diocese, I do not know if he did.

Regards,

Andrew Hall  
Corporate Building Surveyor  
Corporate Maintenance Dept.  
Dartford Borough Council  
Tel. 01322 343489  
[andrew.hall@dartford.gov.uk](mailto:andrew.hall@dartford.gov.uk)

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**From:** Lesley O'Reilly <Lesley.O'Reilly@dartford.gov.uk>  
**Sent:** 11 November 2019 09:25  
**To:** 'Graham Blew' <graham.blew@swanscombeandgreenhithetowncouncil.gov.uk>  
**Subject:** RE: Lichgate and roof - Swanscombe Cemetery.

Hi Graham,

This was looked at previously and I had been told that it wasn't the responsibility of the council and we wasn't to carry out any work.

I shall forward your email on, to those previously involved.

It is something that I wanted to be perfectly clear on , however unfortunately at this present time, there is only myself in the office, dealing with all matters and burials and unable to take time to further investigate and I have to abide by the decision that DBC had made until proven otherwise. I was hoping to take a visit to the vaults of Canterbury Cathedral to look in to this further, but as I said I don't have time available to do that at present.

Kind regards  
Lesley

**From:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>  
**Sent:** 08 November 2019 16:23  
**To:** Lesley O'Reilly <Lesley.O'Reilly@dartford.gov.uk>  
**Subject:** Lichgate and roof - Swanscombe Cemetery.

Lesley

I have been trying to ascertain who is responsible for the lichgate and wall at the entrance to Swanscombe Cemetery.

As you can see from the attached and below we were told by DBC that it was not DBC. I have since been in contact with the Diocese of Rochester whose response included the attached letter dated 24 Nov 2016 which seems to indicate DBC were making repairs to the lichgate. This letter and the fact that DBC have been cutting the grass in the front end of the cemetery would indicate that DBC undertook responsibility for these facilities ?.

Is this something you could look into/help with as I also understand the responsibility for the "front" of the cemetery is also unclear ?

Yours sincerely,

Graham Blew  
Town Clerk

Swanscombe & Greenhithe Town Council | Council Offices |  
The Grove | Swanscombe | Kent | DA10 0GA.  
Tel: 01322 385513 | Fax: 01322 385849

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**From:** Paul Milan [<mailto:Paul.Milan@dartford.gov.uk>]

**Sent:** 19 October 2018 14:47

**To:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>

**Subject:** Not DBC : Lichgate and roof + gravestone for Henry Stokes at Swanscombe Cemetery.

Hi Graham,

I know this came up previously but unfortunately it looks like the lichgate & wall is not the responsibility of Dartford Borough Council. Unsure as to how we proceed with this one but would maybe suggest contacting the church & Reverend Hurley directly.

With regard to Henry Stopes & the sloping memorial, this is a privately owned grave & has passed a memorial inspection & poses no obvious risk to the public. We don't as a rule of thumb repair/reinstate privately owned memorials but could write to the last known owner to see if they would agree to the works taking place.

Sorry I can't be of greater assistance in this matter.

Kind regards,

Paul Milan  
Bereavement Services Manager

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**From:** Andrew Hall  
**Sent:** 18 October 2018 14:34  
**To:** Paul Milan <[Paul.Milan@dartford.gov.uk](mailto:Paul.Milan@dartford.gov.uk)>  
**Subject:** RE: Lichgate and roof + gravestone for Henry Stokes at Swanscombe Cemetery.

Paul

See attached

Page 1 and 2 is the letter from the home office (20.06.1996) saying the area marked on the plan including the litchgate is not included in the churchyard closure of 1864. He points out if the road separating the litchgate piece of land was in place before the closure i.e 1864 then it is not included

Page 3 the plan showing the area in question as marked by the home office

Page 4 a map from 1895 (second edition) showing the road separating the litchgate land and the land surrounding the church

Page 5 the key at the bottom of the map showing the survey was carried out 1863-64 which proves the road was there before 1864 so the litchgate land on the other side is not included in the churchyard closure. Meaning the litchgate, boundary walls and the land is not under the responsibility of DBC but still the Diocese of Rochester.

Happy to discuss

Regards,

Andrew Hall

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**From:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>  
**Sent:** 18 October 2018 11:19  
**To:** Paul Milan <[Paul.Milan@dartford.gov.uk](mailto:Paul.Milan@dartford.gov.uk)>  
**Subject:** Lichgate and roof + gravestone for Henry Stokes at Swanscombe Cemetery.  
**Importance:** High

Paul

Could you please acknowledge receipt of this message by return email.

Thanks.

*Graham*



LOCAL COUNCIL  
AWARD SCHEME  
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**From:** Graham Blew  
**Sent:** 12 October 2018 10:36

To: 'Paul Milan' <[Paul.Milan@dartford.gov.uk](mailto:Paul.Milan@dartford.gov.uk)>

Cc: DBC Member - Richard Lees - Swanscombe <[richard.lees@dartford.gov.uk](mailto:richard.lees@dartford.gov.uk)>

Subject: Lichgate and roof + gravestone for Henry Stokes at Swanscombe Cemetery.

Importance: High

Paul

At the Town Council's meeting last night a member of the public attended and asked that the following items regarding Swanscombe Cemetery be raised with Dartford Borough Council :

1. The condition of the lichgate and roof have deteriorated and require restoration work. It is believed that these were installed in 1935 and have historic value
2. One of the gravestones within the cemetery (Henry Stokes, father of Mary Stokes) is leaning over quite considerably and, due to its local and national historic importance, could this be restored to its original upright position

I have copied Swanscombe Borough Councillor R J Lees in to this email as he too was present at our meeting last night.

Thank you.

Yours sincerely,

Graham Blew  
Town Clerk

Swanscombe & Greenhithe Town Council | Council Offices |  
The Grove | Swanscombe | Kent | DA10 0GA.  
Tel: 01322 385513 | Fax: 01322 385849

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From: Paul Milan [mailto:Paul.Milan@dartford.gov.uk]

Sent: 18 January 2019 09:58

To: Graham Blew <graham.blew@swanscombeandgreenhithe town council.gov.uk>

Cc: Andrew Hall <Andrew.Hall@dartford.gov.uk>

Subject: RE: Swanscombe Cemetery - repair required to wall - 17 Jan 2019



Graham,

Unfortunately after further investigation on another matter both our Corporate Property & Legal department are of the opinion that the boundary wall inclusive of the lych gate are not the responsibility of Dartford Borough Council.

*Attached - Page 1 and 2 is the letter from the home office (20.06.1996) saying the area marked on the plan including the lychgate is not included in the churchyard closure of 1864. He points out if the road separating the lychgate piece of land was in place before the closure i.e 1864 then it is not included*

*Page 3 the plan showing the area in question as marked by the home office*

*Page 4 a map from 1895 (second edition) showing the road separating the lychgate land and the land surrounding the church*

*Page 5 the key at the bottom of the map showing the survey was carried out 1863-64 which proves the road was there before 1864 so the lychgate land on the other side is not included in the churchyard closure. Meaning the lychgate, boundary walls and the land is not under the responsibility of DBC but still the Diocese of Rochester.*

Sorry to be evasive but this has been raised on a number of occasions & this was their conclusion.

May I suggest that you contact the Diocese of Rochester who may be able to assist you further.

Many thanks

Paul Milan  
Bereavement Services Manager

<Swanscombe cemetery proof litchgate not DBC.PDF><Cemetery wall - flints missing - 17 Jan 20'19.jpg>

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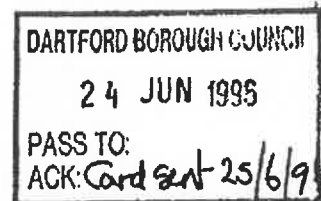
Direct Line 0171-273 2807  
Switchboard 0171-273 3000  
Facsimile 0171-273 4231

Your reference: LCW/LS98

Our reference: BCR/96 13/1/

Date: 20 June 1996

Mrs L Winchester  
Chief Executive's Department  
Dartford Borough Council  
Civic Centre  
Home Gardens  
**DARTFORD**  
Kent  
DA1 1DR



Dear Mrs Winchester

**SWANSCOMBE CEMETERY**

I am writing in continuation of my letter of 13 June.

A photocopy of the 1918 approval is attached, together with one of the accompanying map. This does not help in discovering the status of the piece of land edged green on the map enclosed with your letter, although it does show what appears to be a wall within the cemetery existing at that time. I have edged this with green - you will see that it bears some resemblance to the area which interests you. Possibly in 1864 it formed part of the churchyard and a road (called the High Street in 1918) was built later separating it from the rest of the churchyard. However, if the road were in existence before 1864 then I think it unlikely that the land in question would have been part of the closed churchyard. The 1864 Order makes no mention of the closure of any separated burial ground. In such circumstances I would have expected that an indication that separate burial grounds were involved would have been made in the Order, such as use of the phrase "in the old and new churchyards" or "in the old and new parts of the churchyard".

You are already in touch with the Diocesan Registry. Possibly their consecration records of the churchyard (and of any extensions) may be accompanied by plans which would show the areas consecrated and the date of consecration.

I am sorry that I cannot be of more assistance, but hope that you have more success with the Diocesan Registry

Yours sincerely

A handwritten signature in black ink, appearing to read "E. G. Rowe". The signature is written in a cursive style with a large, prominent "R" and "W".

E G Rowe



Recreation Ground

Cemetery

Chapel (Nonconformist)

Swanscombe Street

Gunn Road

St Peter and St Paul Church (C of E)

B M 39.84m

Swanscombe Street

Hall

Rectory

Ari-Marie Chavirit

Jupiter

Rectory Road

Butcher Walk

Manor Road

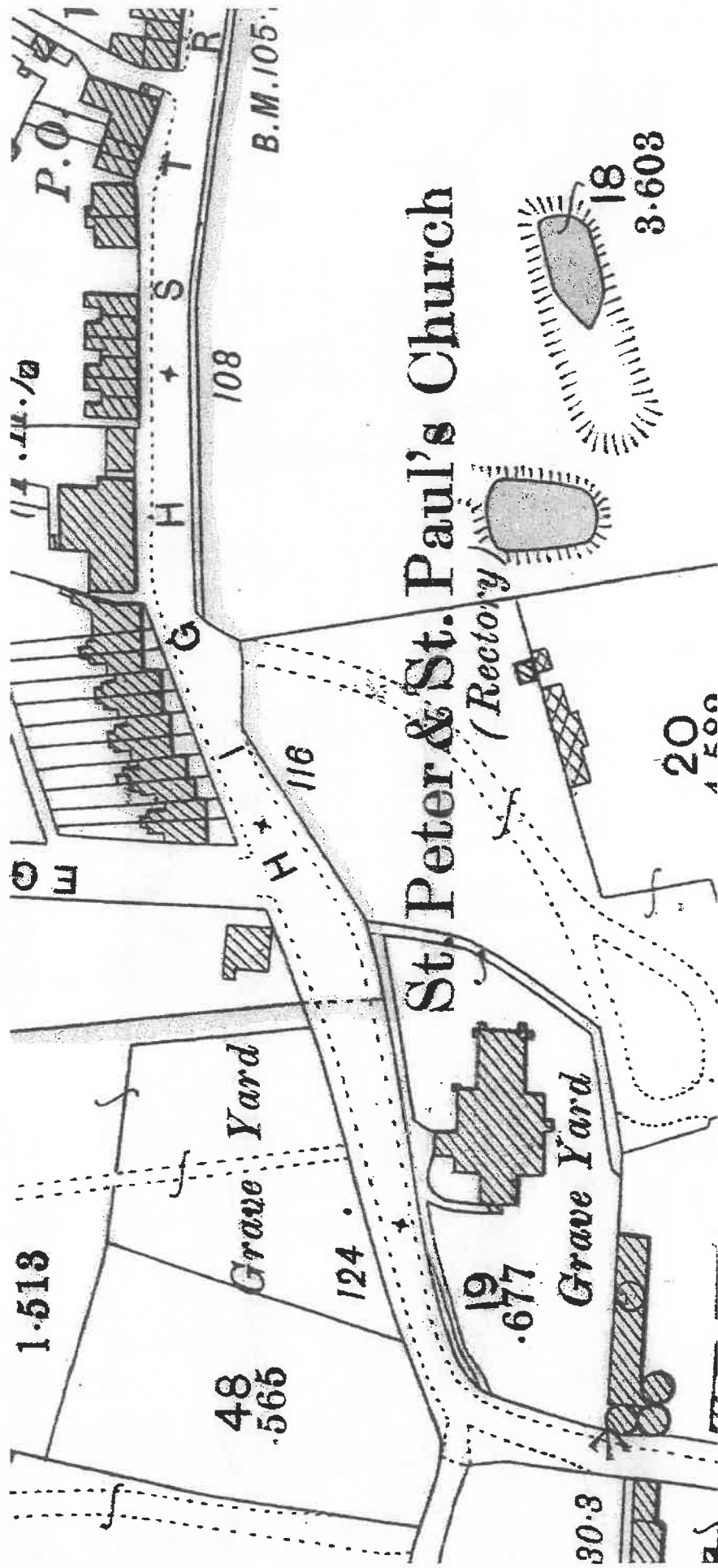
Manor Road County Primary School

B M 45.10m

Mitchell Walk

Gunn Road

43.3m



24 October 2019

Mr Graham Blew  
Town Clerk  
Swanscombe & Greenhithe Town Council  
Council Offices  
The Grove  
Swanscombe  
Kent  
DA10 0GA

Dear Graham

Swanscombe Cemetery – Repairs to Lychgate and boundary walls of closed churchyard adjacent to Swanscombe Cemetery

Thank you for your email of 18<sup>th</sup> January 2019, and subsequent emails, regarding the liability for the maintenance of the lychgate and the boundary walls of the closed churchyard adjacent to Swanscombe cemetery. I am sorry for the delay in writing to you on this.

I understand that Swanscombe Parish Council has asked Dartford Borough Council to undertake repairs to the flint boundary walls between the closed churchyard (adjacent to the Council's cemetery) and the road, and also repairs to the lychgate. I understand from Dartford Borough Council's website that the Lychgate is the main entrance to the cemetery, via the closed churchyard. However, Dartford Borough Council has told you that it is not responsible for the Lychgate as it was not included in the documents when the churchyard was closed.

Your email of 18 January 2019 included an attached email from Paul Milan, the Bereavement Services Manager at Dartford Borough Council, which in turn included a letter from the Home Office dated 20 June 1996. This referred to a plan and suggested that Swanscombe Street may have been built after 1864 to separate the burial ground from the rest of the Churchyard. The letter also states that it is unlikely that the churchyard extension would be included in the 1865 Order in Council to close the churchyard, as it does not refer to the "old and new churchyard".

On the basis of this, as I understand things, Dartford Borough Council are of the opinion that they do not have responsibility for the maintenance of the wall.

We hold on our files a lot of original documents and plans for the closed churchyard and also the cemetery, including legal documents relating to the consecration of various areas of the Council's burial ground between 1885 and 1914. I have set all these out in a separate document and copied plans from those original documents into that. I will forward you scans of these documents for your records.

Diocesan Office, St. Nicholas Church, Boley Hill, Rochester, Kent, ME1 1SL  
tel 01634 560000 email [enquiries@rochester.anglican.org](mailto:enquiries@rochester.anglican.org)

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Registered Office: St. Nicholas Church, Boley Hill, Rochester, Kent ME1 1SL - Registered Charity No. 249339

The timeline of events relating to the Churchyard is summarised below:

23 January 1865	Land transferred to church to create an extension to the churchyard
1 August 1865	Original churchyard around church closed by Order in Council
9 December 1865	Consecration of the Churchyard Extension
1885	Burial Board purchased land for Burial Ground
20 July 1886	Consecration of first area in the Burial Board's Burial ground
1887	Order in Council for the church to discontinue burials entirely (i.e. in the churchyard <i>and</i> in the churchyard extension which was consecrated in 1865.)
1 May 1900	Consecration of a second area in the Burial Authority's Burial Ground
23 December 1913	Confirmation from Swanscombe Borough Council that the whole area is now walled and dedicated as a Burial Ground
28 February 1914	Consecration of a third area in the Council's Burial Ground

From these documents, it is clear that the original churchyard around the church was closed in 1865, that a churchyard extension was created on the other side of an existing road in 1865, and that this churchyard extension was later closed in 1887 with an order "to discontinue burials entirely in the church and churchyard". As the 1865 Order had already closed the churchyard near the church, this further order must include the churchyard extension.

As the Churchyard is closed, the council has a responsibility for the maintenance of the boundary walls, lychgate, paths and the safety of the memorials as well as general maintenance.

You will also note that the road between the church and the churchyard extension/council's cemetery is shown on all these plans. It appears from these plans that the only entrance to the Council's Cemetery was via the entrance where the lychgate is, and according to Dartford Borough Council's website, this is still the case.

I agree it is possible that the lychgate was constructed by the church after the Churchyard extension was closed in 1887. However, I believe it is extremely unlikely that the church would spend its funds on a lychgate to enter a closed churchyard on the other side of the road from the church. If it had wished to build a lychgate it would surely have built this at the entrance to the church.

Rather, as this seems to be the main entrance to the Council cemetery and is described as such on Dartford Borough Council's website and has a sign just next to the Lychgate describing it as Swanscombe Cemetery, I believe it is more likely that the lychgate was constructed by the Council at some stage, albeit on the consecrated churchyard extension.

The letter from Swanscombe Parish Council dated 23 December 1913 confirms that "The Parish Council is the Burial Authority which was taken over from the old Burial Board in 1894....The whole of the site now walled in has been dedicated as a Burial Ground." This suggests that for over a century, the Council has maintained the whole area.

I enclose a letter written to Andrew Hall at Dartford Borough Council in 2016 regarding the Council's proposal to repair the lychgate. In this letter, I advised that the requirement for local councils to maintain closed churchyards was established under the Burial Act 1855 and more recently under the Local Government Act 1972. This requirement extends to the maintenance of boundary walls, lychgates and paths within a closed churchyard.

Although a closed churchyard (and its boundary) must be maintained by the Council, as it is consecrated land it comes under Faculty Jurisdiction and a faculty (ie permission) needs to be obtained from the Chancellor of the Diocese, who is a judge in charge of legal matters in the diocese. This process is laid down under Statute by parliament. The first step in this process is consultation with the Diocesan Advisory Committee.

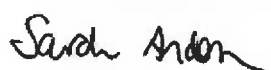
I note that you had also queried the safety of a memorial in the churchyard, and from the email from Dartford Borough Council, it sounds as if the headstone was leaning. I was pleased to note that this headstone has passed a memorial inspection and that the Council does not consider it to be a risk to its employees and the public.

For information, I have enclosed the following documents:

- i. My document with fuller details of the timeline of events;
- ii. PDF copies of the historical legal documents from our files;
- iii. A copy of my letter dated 24 November 2016 to Dartford Borough Council;
- iv. Copies of the documents attached to my letter of 24 November 2016
  - a. A note from the Legal Advisory Committee of General Synod;
  - b. The Legal Opinions on maintenance in closed churchyards;
  - c. A guidance note from the National Association of Local Councils

Once again, I apologise for the delay in writing to you, and look forward to receiving details of the repairs to the lychgate and walls in due course. If you would like to discuss this further, please do feel free to call me.

Yours sincerely



Sarah Anderson  
DAC Secretary

cc by email

Mrs Diane Bradbury (PCC Secretary)  
The Rev'd Mark Hurley (Priest-in-Charge)  
The Ven. Andy Wooding-Jones (Archdeacon of Rochester)

## Swanscombe St Peter and St Paul - Churchyard and cemetery

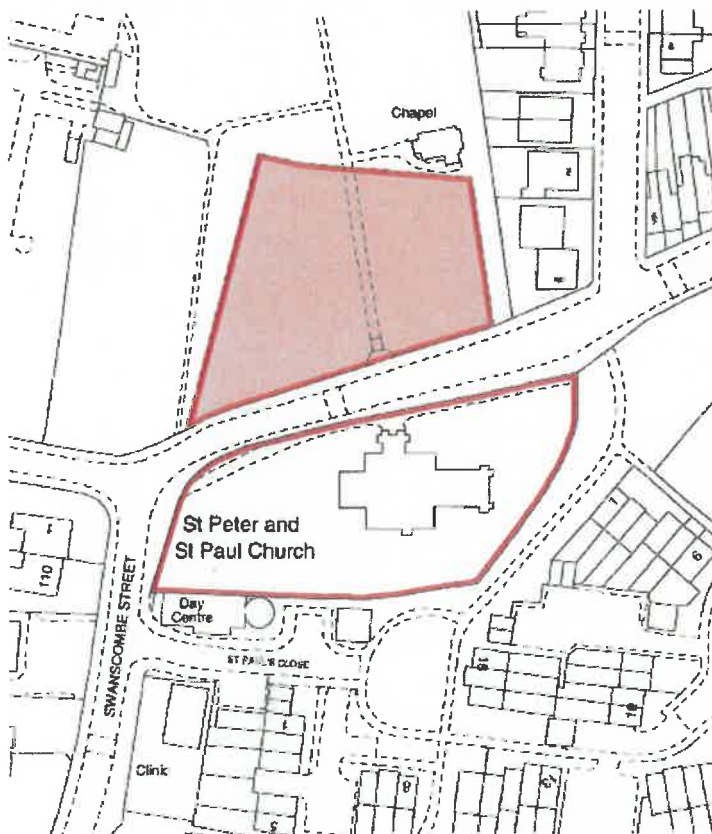


*Image from Google Streetview*

**Land Registry Title no TT1919** confirms that the church and churchyard shown on the plan below within the red lines are held by "The incumbent for the time being of the benefice of Swanscombe". The land to the east, west and north of the churchyard area shaded pink is owned by Dartford Borough Council and is Swanscombe Cemetery.

The land on the south side of the road is the original medieval church and churchyard.

The land shaded pink to the north of the road was transferred to the church in 1865.





## A: Property register

This register describes the land and estate comprised in the title.

KENT : DARTFORD

- 1 (22.03.2012) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being St Peter and St Paul Church and Churchyard, Swanscombe Street, Swanscombe.
- 2 (22.03.2012) The land tinted pink on the title plan has the benefit of the following rights granted by the Conveyance dated 23 January 1865 referred to in the Charges Register:-  
  
"Together with the rights members and appurtenances thereto belonging or appertaining"

## B: Proprietorship register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (22.03.2012) PROPRIETOR: THE INCUMBENT FOR THE TIME BEING OF THE BENEFICE OF SWANSCOMBE IN THE COUNTY OF KENT IN THE DIOCESE OF ROCHESTER AND THE INCUMBENT'S SUCCESSORS care of The Diocesan Office, St Nicholas Church, Boley Hill, Rochester, Kent ME1 1SL.
- 2 (22.03.2012) RESTRICTION: No disposition of the registered estate is to be registered unless made in accordance with the New Parishes Measure 1943 or some other Measure or authority.

## C: Charges register

This register contains any charges and other matters that affect the land.

- 1 (22.03.2012) By a Conveyance of the land tinted pink on the title plan dated 23 January 1865 made between (1) The Reverend George Cecil Renouard (2) The Master Fellows and Scholars of the College of the Lady Frances Sidney Sussex in the University of Cambridge (3) The Right Reverend Father in God Joseph Cotton Lord Bishop of Rochester (4) John Coveney and Samuel Charles Umfreville and (5) The Reverend George Cecil Renouard the land was conveyed subject to the following stipulations:-  
  
"to the intent that the said Plot of Land may be consecrated and for ever thereafter be taken held used and applied for the purpose of an additional Church Yard and Burial Ground for the said Parish of Swanscombe"

## End of register

### Summary timeline

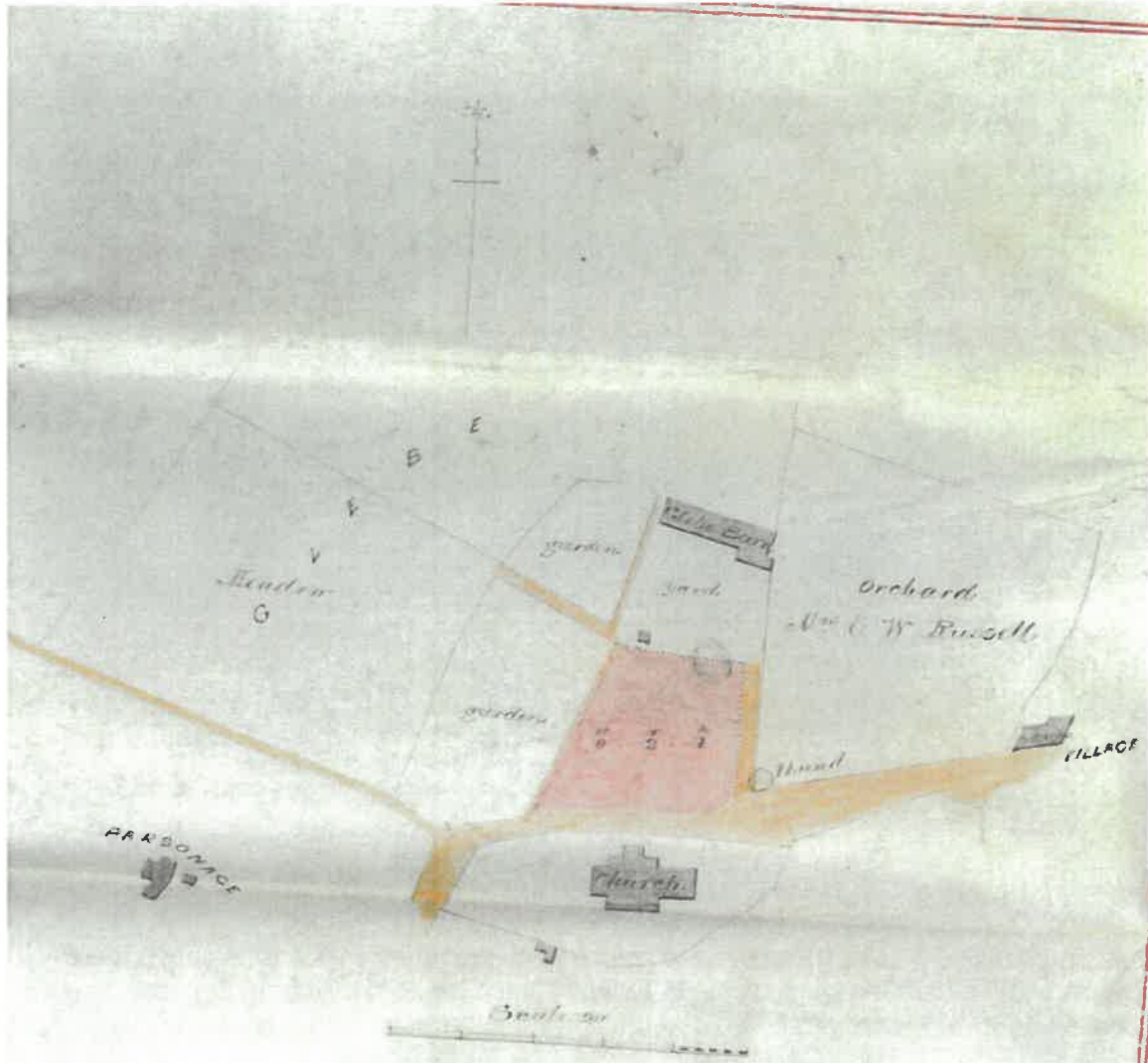
23 January 1865	Land transferred to church to create an extension to the churchyard
1 August 1865	Original churchyard around church closed by Order in Council <sup>9</sup>
December 1865	Consecration of the Churchyard Extension
1885	Burial Board purchased land for Burial Ground
20 July 1886	Consecration of first area in the Burial Board's Burial ground
15 September 1887	Order in Council for the church to discontinue burials entirely (i.e. in the churchyard <i>and</i> in the churchyard extension which was consecrated in 1865.)
1 May 1900	Consecration of a second area in the Burial Authority's Burial Ground
23 December 1913	Confirmation from Swanscombe Borough Council that the whole area is now walled and dedicated as a Burial Ground
28 February 1914	Consecration of a third area in the Council's Burial Ground

## Detailed timeline of events in churchyard and burial ground

### **23 January 1865 – Land transferred to church to create an extension to the churchyard**

The plan from the Conveyance document dated 23 January 1865 is copied below.

The area shaded pink is the land that was transferred to create an extension to the churchyard. This land is on the other side of the road from the church.



### **1 August 1865 - Closure of Churchyard**

An Order in Council dated 1<sup>st</sup> March 1864 states that there will be no burials in the churchyard after 1<sup>st</sup> February 1865. This Order must relate to the churchyard to the south of the road as the land for the "new" churchyard on the other side of the road from the church was only transferred to the church in 1865.

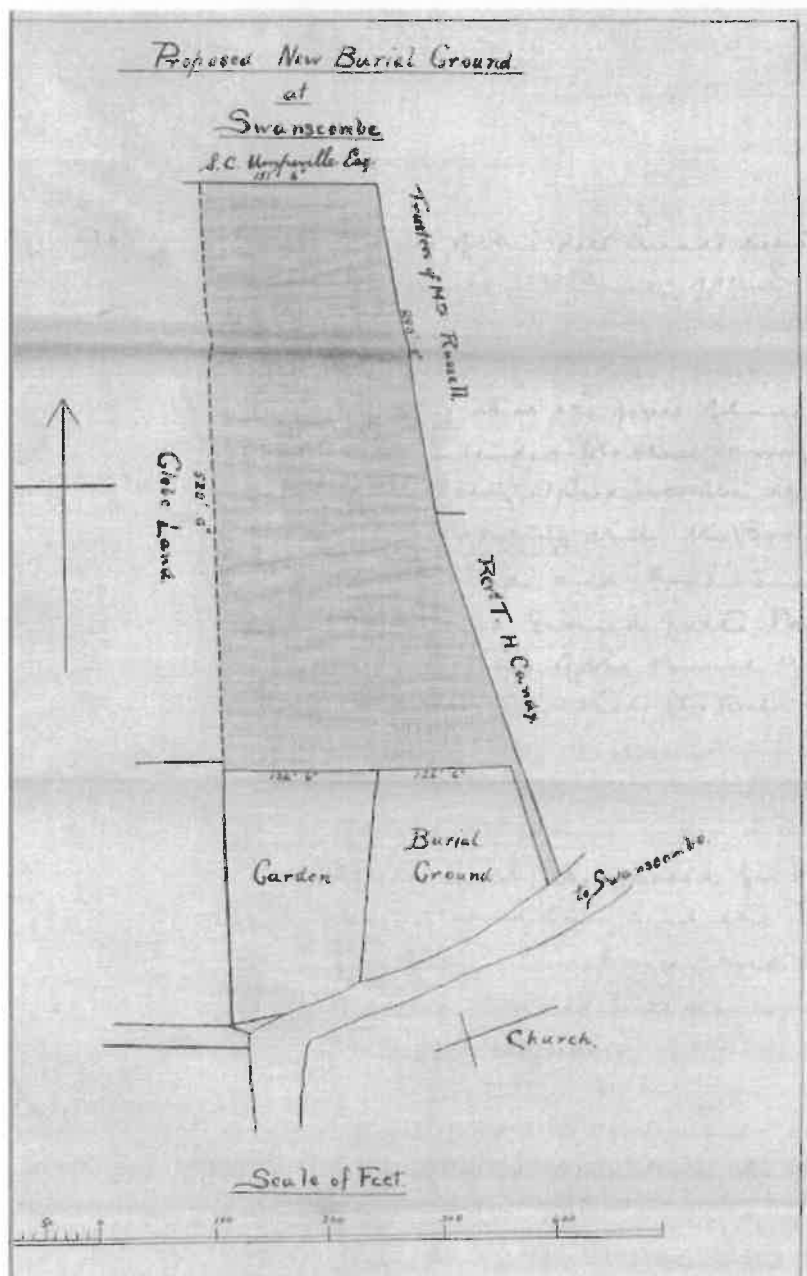
Further Orders postpone the closure of the churchyard until 1<sup>st</sup> June 1865 with a further postponement to 1<sup>st</sup> August 1865.

## 9 December 1865 - Consecration of the Churchyard Extension

The Churchyard extension was consecrated on 9th December 1865. The draft petition includes a note to insert the wording that Churchyard was fenced on all sides with "a brick wall and oaken fence". However, on the actual petition, this appears to be mis-read as "brick wall and open fence", and this wording was used on the petition. Whichever, it is clear that there was a brick wall in place when the churchyard was consecrated.

## 1885 – Draft Conveyance for Burial Board’s Burial Ground

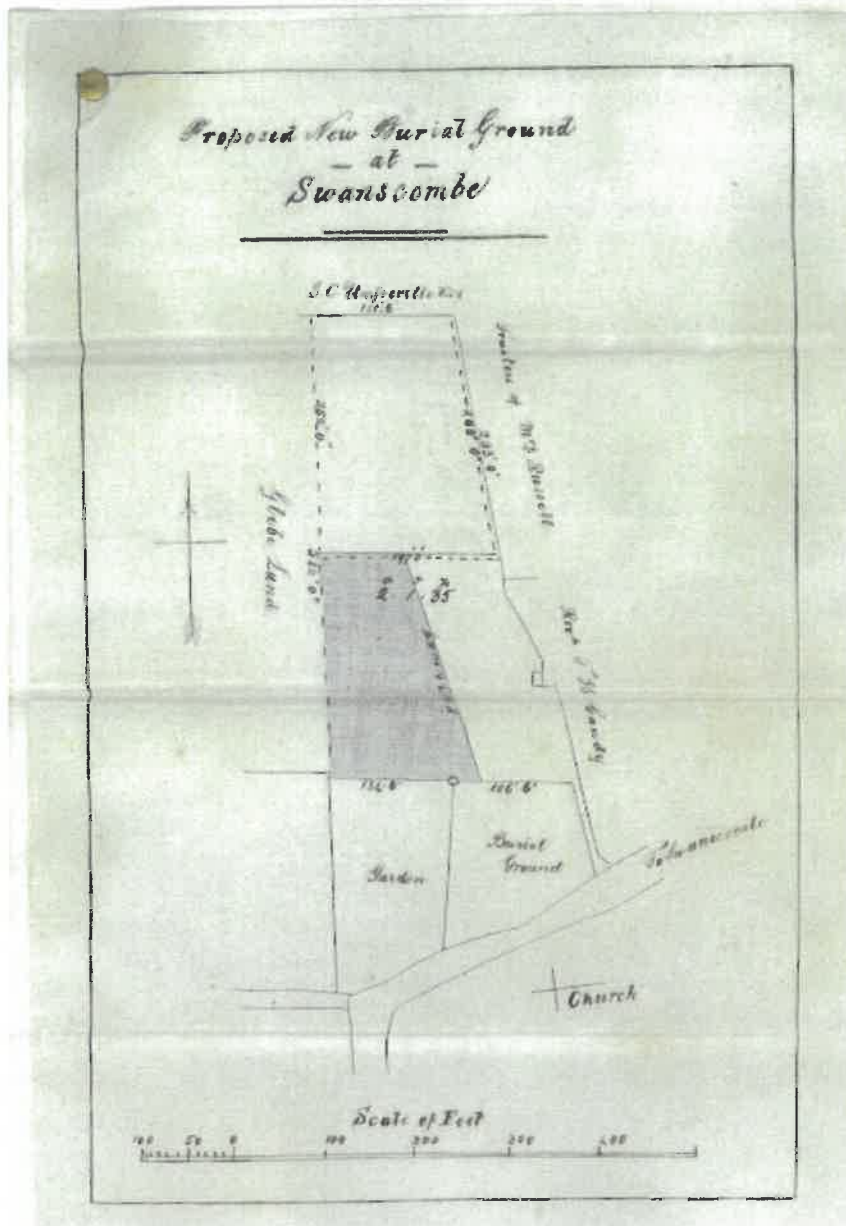
The draft conveyance dated 1885 includes a plan showing the plan of the new Burial Ground, adjacent to the Churchyard extension.



## 20 July 1886 – Consecration of first area in the Burial Board's Burial ground

In 1886, the Burial Board for Swanscombe requested the consecration of an area of the Burial Board's Burial Ground, which is adjacent to the church's churchyard extension.

A Plan from the Sentence of Consecration is copied below. The Burial Board for the parish of Swanscombe requested that the land shaded blue on this plan be consecrated.



**1887 – Order in Council for the church to discontinue burials entirely** (i.e. in the churchyard *and* in the churchyard extension which was consecrated in 1865.)

The Order in Council dated 15<sup>th</sup> September 1887 states:

Her Majesty by and with the advice of Her Privy Council, is pleased to order and it is hereby

ordered: That burials be discontinued forthwith and entirely in the Parish church of Swanscombe, in the County of Kent; and also in the churchyard”.

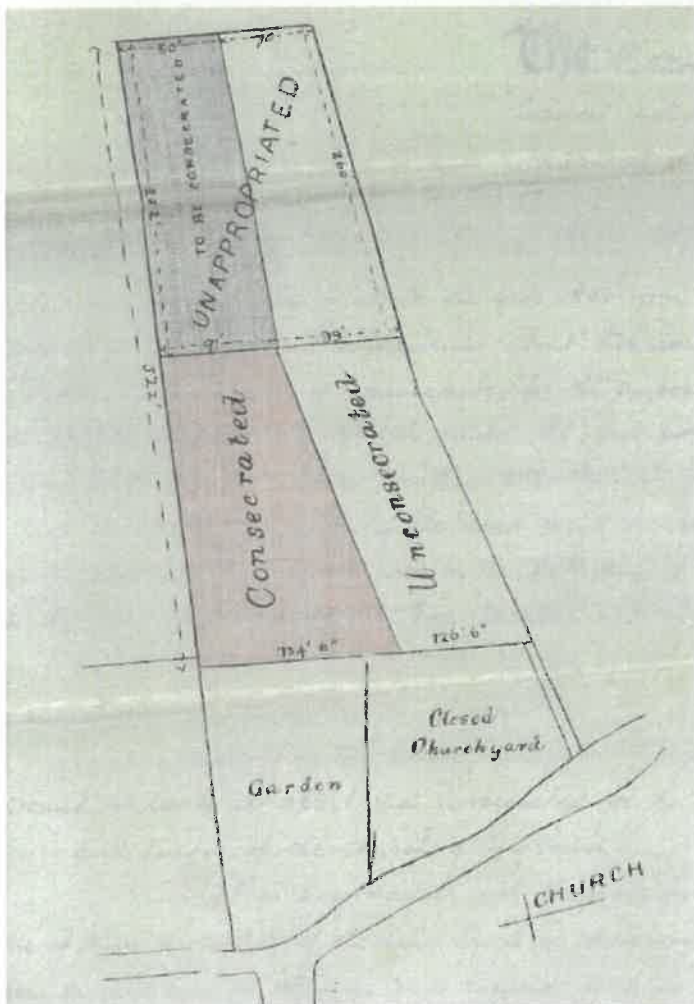
The order includes some standard exceptions to permit burials in existing family graves.

At this point, the responsibility for the maintenance of the closed churchyard, including the boundary walls would have been passed to Swanscombe Parish Council.

**1 May 1900 – consecration of a second area in the Burial Authority’s Burial Ground**

A Petition dated 6<sup>th</sup> March 1900 was submitted for the Consecration of Extra land in the Burial Ground, shaded blue on the plan below, was submitted by Swanscombe Parish Council acting as the Burial Authority. The land was consecrated on 1<sup>st</sup> May 1900

*The Petition of the Swanscombe Parish Council acting as the Burial Authority for the parish of Swanscombe in the County of Kent and your Lordships Divines.*



**23 December 1913 – Letter sent by Swanscombe Parish Council to the Diocesan Registry.**

This confirms that the Council does not need approval from the Home Office to consecrate any area in the Burial Ground, and also confirms that "The whole site of the site now walled in has been dedicated as a burial ground."

**Swanscombe Parish Council.**

Galley Hill, Swanscombe, Kent.

M. H. HEYS, CLERK.

23rd. December 1913

Council meets second Tuesday in each month

Francis H. Day, Esq.,  
Diocesan Registry, Rochester.

Dear Sir,

I have just received a notice from the Home Office stating that it is not necessary under the present Burial Act to obtain from them permission to Consecrate any portion of the Burial Ground.

The Home Secretary suggests "That the best course is for the clergyman representing the Church of England to approach the Council if they wish to have a portion of the ground consecrated and to discuss with them the details."

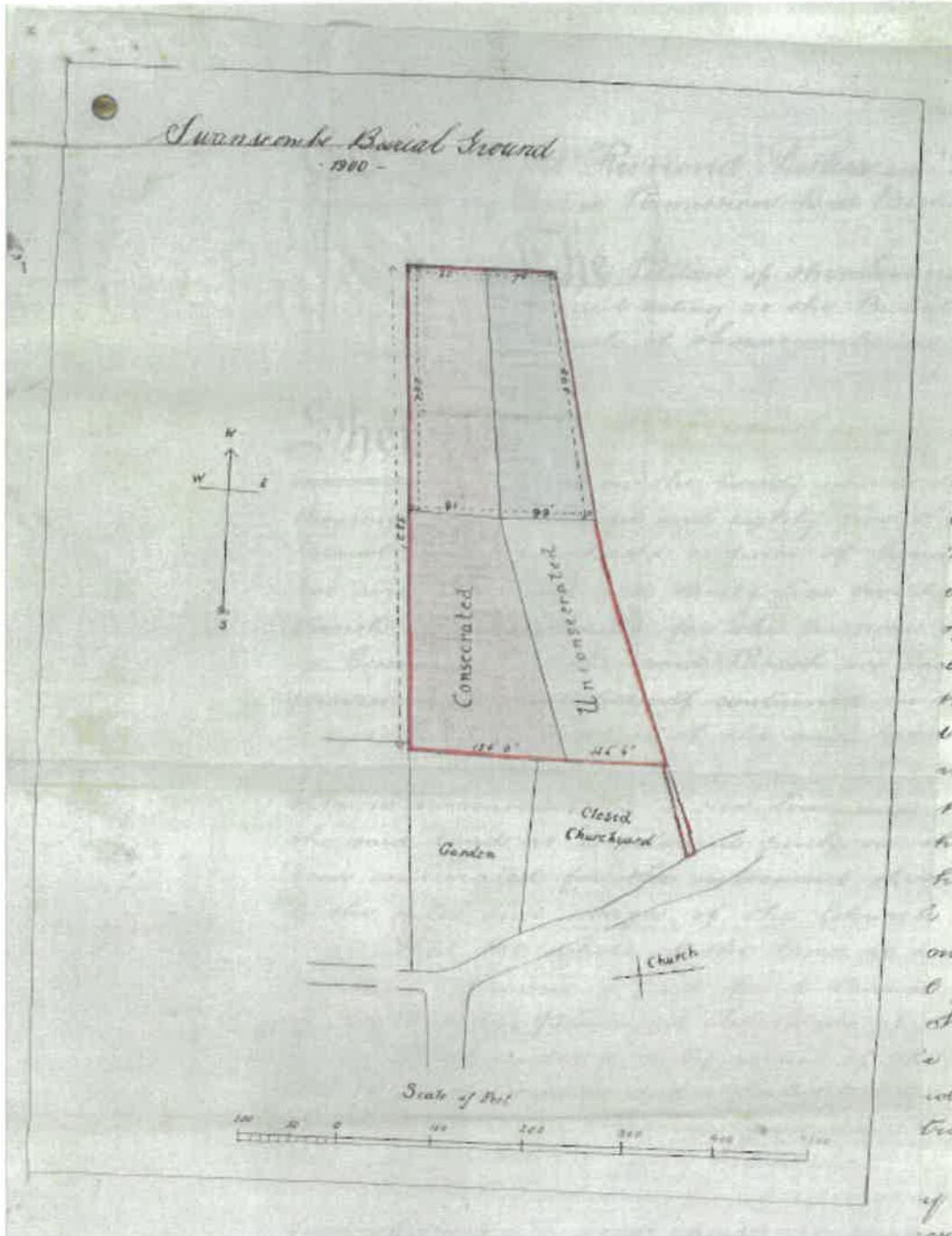
The Parish Council is the Burial Authority which was taken over from the old Burial Board in 1894. and I believe with the approval of the Secretary of state. The whole of the site now walled in has been dedicated as a Burial Ground. Hitherto every thing has been done under the Burial Adceptive Act. As far as I can see there is nothing to prevent all parties concerned to proceed at once with preparations for Consecration.

Yours faithfully,

*M. H. Heys*  
Clerk.

### 1914 – Consecration of a third area in the Council's Burial Ground

A Petition dated 10<sup>th</sup> February 1914 was submitted by the Burial Authority for the Consecration of the area shaded blue in the plan below. This land was consecrated on 28<sup>th</sup> February 1914.



## 1930 - Postcard showing lychgate and flint walls



### Lych Gate

Publisher 2, circa 1930.

2019 - Extract from Dartford Borough Council's website confirms that access to the cemetery is via the lychgate.

<https://www.dartford.gov.uk/by-category/community-and-living2/deaths,-funerals-and-cremations/cemeteries/swanscombe-cemetery>

Swanscombe Cemetery

dartford.gov.uk/by-category/community-and-living2/deaths,-funerals-and-cremations/cemeteries/swanscombe-cemetery

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### Swanscombe Cemetery


Open every day

8am - 7pm 1st April - 1st October  
8am - 4pm October - March

The Swanscombe Burial Ground was opened in 1885 and purchased at a cost of £493; the first burial being Ada Ayra Cleaves on 3 April 1887.

Within the Cemetery is a small but charming chapel built in 1905.

The well maintained 4.5 acre site features an avenue of mature trees, shrubs and rose beds with an informal lav out



Entrance at the Swanscombe Street end is via a traditional Lychgate opposite the historical St Peter & St Paul's Church.

Swanscombe Urban District Council were responsible for this Cemetery until approx 1973 when it was then taken over by Dartford Council.

Last Updated: 28th February 2019





## Graham Blew

**From:** Sarah Anderson <Sarah.Anderson@rochester.anglican.org>  
**Sent:** 25 October 2019 11:06  
**To:** Graham Blew  
**Cc:** secretary@swanscombechurch.org.uk; markcsb@gmail.com  
**Subject:** RE: Who is liable : Swanscombe Cemetery - repair required to wall and lych gate - DAC letter  
**Attachments:** Closed churchyards - note on law.pdf

Graham,

I'd really written my letter from the perspective that as the Churchyard is closed, the PCC (ie the church) does not have to do the maintenance, but the council does. Which level of council (i.e. local or district) isn't really in my remit to give any advice on.

This guidance note which was attached yesterday is probably the most helpful in explaining the process. My understanding is that for churchyards which are closed now, it is closed, the PCC of a church would serve a s215 notice under the Local Government Act 1972 on the local Parish or Town council to take over the maintenance of the closed churchyard. That Parish or Town Council then has a window within which they can transfer liability to the district council after a churchyard is closed.

Clearly when a churchyard has been closed for over a century, this wouldn't be the case, as presumably Swanscombe PC was maintaining it before the 1972 act came into force with all the requirements for serving notice on the council, and from the PCC's point of view there is an argument that liability had been accepted under s.18 of the Burial Act 1855 (now repealed) and so should continue.

I'm afraid I don't know the answer. I've forwarded the question to the Diocesan Registrar who may have some advice to offer. Alternatively, would NALC be able to help?

Kind regards

Sarah

Sarah Anderson  
DAC Secretary

Tel: 01634 560000  
Email: [sarah.anderson@rochester.anglican.org](mailto:sarah.anderson@rochester.anglican.org)



Diocese of Rochester, St Nicholas Church, Boley Hill, Rochester, ME1 1SL

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**From:** Graham Blew <graham.blew@swanscombeandgreenhithetowncouncil.gov.uk>  
**Sent:** 25 October 2019 08:35

**To:** Sarah Anderson <Sarah.Anderson@rochester.anglican.org>

**Cc:** secretary@swanscombechurch.org.uk; markcsb@gmail.com; Andrew Wooding Jones <andrew.wooding.jones@rochester.anglican.org>

**Subject:** Who is liable : Swanscombe Cemetery - repair required to wall and lych gate - DAC letter

**Importance:** High

Sarah

I am confused.

We (the town/parish Council have been maintaining the churchyard for some time (certainly more than the 13 years I have been here) whilst Dartford Borough Council have always maintained the cemetery which is located opposite the church and the churchyard).

So the question is, who is responsible for the boundary wall of the cemetery and its lychgate?

Yours sincerely,

Graham Blew  
**Town Clerk**

Swanscombe & Greenhithe Town Council | Council Offices |  
The Grove | Swanscombe | Kent | DA10 0GA.  
Tel: 01322 385513 | Fax: 01322 385849

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**From:** Sarah Anderson [<mailto:Sarah.Anderson@rochester.anglican.org>]

**Sent:** 24 October 2019 17:52

**To:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>

**Cc:** secretary@swanscombechurch.org.uk; markcsb@gmail.com; Andrew Wooding Jones <andrew.wooding.jones@rochester.anglican.org>

**Subject:** PCC not liable : Swanscombe Cemetery - repair required to wall and lych gate - DAC letter

Dear Graham

Please find attached a copy of my letter to you about the boundary wall and lychgate in the closed churchyard at Swanscombe.

I've also attached a copy of my letter to Dartford Borough Council in 2016 with attachments about the responsibilities of councils where closed churchyards are concerned; the email you had received from

Dartford Borough Council which included a letter from the 1990s from the Home Office; and a document which includes a detailed timeline with extracts/copies from the documents we have on file here.

Looking at all the information we have on file, I consider that **the PCC would not be liable** for the maintenance of this as it is a closed churchyard, and has been maintained by the Council since it was closed in 1887.

I'll email you separately pdfs of those documents, as they may be interesting for your records. (I will copy the PCC Secretary and the Rev Mark Hurley in on these further documents but not the Archdeacon.)

I've copied in Diane Bradbury, (PCC Secretary), the Rev'd Mark Hurley (Priest in Charge) and also the Archdeacon of Rochester.

Kind regards

Sarah

Sarah Anderson  
DAC Secretary

Tel: 01634 560000

Email: [sarah.anderson@rochester.anglican.org](mailto:sarah.anderson@rochester.anglican.org)



Diocese of Rochester, St Nicholas Church, Boley Hill, Rochester, ME1 1SL

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**From:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>

**Sent:** 23 October 2019 09:33

**To:** Sarah Anderson <[Sarah.Anderson@rochester.anglican.org](mailto:Sarah.Anderson@rochester.anglican.org)>

**Cc:** Beryl Mayes <[Beryl.Mayes@rochester.anglican.org](mailto:Beryl.Mayes@rochester.anglican.org)>

**Subject:** 4: 3: 2: Reply: Enquiry : Swanscombe Cemetery - repair required to wall and lych gate - 17 Jan 2019

**Importance:** High

Dear Sarah and Beryl

Could you please confirm, by email reply, the receipt of this message.

Yours sincerely,

Graham Blew  
Town Clerk

Swanscombe & Greenhithe Town Council | Council Offices |  
The Grove | Swanscombe | Kent | DA10 0GA.  
Tel: 01322 385513 | Fax: 01322 385849

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**From:** Graham Blew

**Sent:** 10 October 2019 11:06

**To:** 'Beryl Mayes' <[Beryl.Mayes@rochester.anglican.org](mailto:Beryl.Mayes@rochester.anglican.org)>

**Subject:** 4: 3: 2: Reply: Enquiry : Swanscombe Cemetery - repair required to wall and lych gate - 17 Jan 2019

**Importance:** High

Dear DAC Secretary

Are you able to respond regarding this matter as we have also been informed that the first 200 yards (approximately) of the graveyard is NOT the responsibility of Dartford Borough Council (the authority that maintains the rest of the graveyard).

Is this something that your organisation could also clarify ?

I look forward to receiving your response.

Yours sincerely,

Graham Blew

**Town Clerk**

Swanscombe & Greenhithe Town Council | Council Offices |

The Grove | Swanscombe | Kent | DA10 0GA.

Tel: 01322 385513 | Fax: 01322 385849

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**From:** Graham Blew

**Sent:** 02 August 2019 16:54

**To:** 'Sarah.Anderson@rochester.anglican.org' <[Sarah.Anderson@rochester.anglican.org](mailto:Sarah.Anderson@rochester.anglican.org)>

**Subject:** 3: 2: Reply: Enquiry : Swanscombe Cemetery - repair required to wall and lytch gate - 17 Jan 2019  
**Importance:** High

Sarah

Have you any further update on this matter?

Yours sincerely,

Graham Blew  
**Town Clerk**

Swanscombe & Greenhithe Town Council | Council Offices |  
The Grove | Swanscombe | Kent | DA10 0GA.  
Tel: 01322 385513 | Fax: 01322 385849

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---

**From:** Graham Blew

**Sent:** 18 April 2019 15:14

**To:** 'Sarah Anderson' <[Sarah.Anderson@rochester.anglican.org](mailto:Sarah.Anderson@rochester.anglican.org)>

**Subject:** RE: 2: Reply: Enquiry : Swanscombe Cemetery - repair required to wall and lytch gate - 17 Jan 2019

**Importance:** High

Sarah

Further to your email below, attached is a photo of the cemetery wall which shows how it is degrading.

Yours sincerely,

Graham Blew  
**Town Clerk**

Swanscombe & Greenhithe Town Council | Council Offices |  
The Grove | Swanscombe | Kent | DA10 0GA.  
Tel: 01322 385513 | Fax: 01322 385849

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LOCAL COUNCIL  
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**From:** Sarah Anderson [<mailto:Sarah.Anderson@rochester.anglican.org>]

**Sent:** 08 February 2019 12:16

**To:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>

**Subject:** RE: 2: Reply: Enquiry : Swanscombe Cemetery - repair required to wall and lytch gate - 17 Jan 2019

Dear Graham,

I have, and have unearthed and scanned a lot of original documents from our files relating to the extensions to the cemetery and requests by the then Burial Authority/Parish Council to consecrate areas of the council cemetery.

I'd like to put together a summary document, listing all the dates, and including copies of the plans etc, so all the information is in one document, but I've not had a chance to do that yet. I also want to check the details with the Diocesan Registry, and any advice they have on this before coming back to you formally.

So, it's not been overlooked, but I want to make sure I've got all the information in a more easily readable summary before replying.

Kind regards

Sarah

Sarah Anderson  
DAC Secretary

Tel: 01634 560000

Email: [sarah.anderson@rochester.anglican.org](mailto:sarah.anderson@rochester.anglican.org)



Diocese of Rochester, St Nicholas Church, Boley Hill, Rochester, ME1 1SL

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**From:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>

**Sent:** 08 February 2019 11:25

**To:** Sarah Anderson <[Sarah.Anderson@rochester.anglican.org](mailto:Sarah.Anderson@rochester.anglican.org)>

**Subject:** 2: Reply: Enquiry : Swanscombe Cemetery - repair required to wall and lytch gate - 17 Jan 2019

**Importance:** High

Dear Sarah

Have you had a chance to look at this yet ?

Yours sincerely,

Graham Blew  
Town Clerk

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---

**From:** Graham Blew  
**Sent:** 18 January 2019 11:42  
**To:** 'Sarah Anderson' <[Sarah.Anderson@rochester.anglican.org](mailto:Sarah.Anderson@rochester.anglican.org)>  
**Cc:** Bonnie Appleton <[bonnie.appleton@rochester.anglican.org](mailto:bonnie.appleton@rochester.anglican.org)>  
**Subject:** Reply: Enquiry : Swanscombe Cemetery - repair required to wall and litch gate - 17 Jan 2019  
**Importance:** High

Dear Sarah

The cemetery is Swanscombe Cemetery, Swanscombe Street, Swanscombe, Kent and is on the other side of the road directly opposite St Peter & St Paul Church. The cemetery is separate from the Church and the churchyard. The cemetery is managed by Dartford Borough Council but they are saying that the litch gate and flint wall are not their responsibility and have supplied the attached which they say indicates that the litchgate and wall were NOT included when responsibility for the cemetery was handing over to them.

<https://www.achurchnearyou.com/church/9918/>

Yours sincerely,

Graham Blew  
Town Clerk

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**From:** Sarah Anderson [<mailto:Sarah.Anderson@rochester.anglican.org>]  
**Sent:** 18 January 2019 11:06  
**To:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>  
**Cc:** Bonnie Appleton <[bonnie.appleton@rochester.anglican.org](mailto:bonnie.appleton@rochester.anglican.org)>  
**Subject:** RE: Enquiry : Swanscombe Cemetery - repair required to wall and lytch gate - 17 Jan 2019

Dear Graham,

Please could you email me copies of any maps and the correspondence referred to in the first email in the thread. I'm completely in the dark on this, and am not sure where the cemetery is. Cemeteries (rather than churchyards) tend to be the responsibility of the local council so a bit of background would be helpful in the first instance. Or does this relate to churchyard near a church (and if so, which one!)?

Just to clarify, the Diocese doesn't actually undertake or arrange repairs. I only deal with the necessary approvals for any works. If the wall in question is a boundary to a church, then this is the responsibility of the PCC to that church. If you can let me have some details in the first instance, I can pass on the contact for that church.

Kind regards

Sarah

Sarah Anderson  
DAC Secretary

Tel: 01634 560000  
Email: [sarah.anderson@rochester.anglican.org](mailto:sarah.anderson@rochester.anglican.org)



Diocese of Rochester, St Nicholas Church, Boley Hill, Rochester, ME1 1SL

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**From:** Bonnie Appleton  
**Sent:** 18 January 2019 10:18  
**To:** Graham Blew <[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk)>  
**Cc:** Sarah Anderson <[Sarah.Anderson@rochester.anglican.org](mailto:Sarah.Anderson@rochester.anglican.org)>  
**Subject:** Re: Enquiry : Swanscombe Cemetery - repair required to wall and lytch gate - 17 Jan 2019



Hi Graham

If this is the responsibility of the Diocese of Rochester the person you want to contact is Sarah Anderson who is the secretary of the Diocesan Advisory Committee for the Care of Churches. I've copied Sarah into this email and she will hopefully be able to answer any questions you have on this.

I hope this helps.

Blessings

**Bonnie**

Rev Bonnie Appleton MA

Diocese of Rochester

[bonnie.appleton@rochester.anglican.org](mailto:bonnie.appleton@rochester.anglican.org)

07941822601

On 18 Jan 2019, at 10:13, Graham Blew

[graham.blew@swanscombeandgreenhithetowncouncil.gov.uk](mailto:graham.blew@swanscombeandgreenhithetowncouncil.gov.uk) wrote:

Bonnie

I wanted to seek your assistance in ensuring this enquiry is received and dealt with by the correct person within the Diocese of Rochester.

We have made enquiries to Dartford Borough Council regarding the following issues at Swanscombe Cemetery and, as you can see, they have advised that this part of the cemetery is not their responsibility and that the Diocese of Rochester should be contacted.

1. The condition of the lichgate and roof have deteriorated and require restoration work. It is believed that these were installed in 1935 and have historic value
2. Please see the attached which shows flints that require replacing in the wall at the church end of the cemetery in Swanscombe.

Thank you in advance for any assistance you are able to offer.

Yours sincerely,

Graham Blew  
**Town Clerk**

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Tel: 01322 385513 | Fax: 01322 385849

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<image001.png> <image002.png> <image003.jpg> <image004.jpg>

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24 November 2016

Mr Andrew Hall  
Dartford Borough Council  
Civic Centre  
Home Gardens  
Dartford  
DA1 1DR

Dear Andrew

**St Peter & St Paul's Church, Swanscombe: Grade I: T – Repairs to lychgate in closed cemetery – DAC meeting held on 8 September 2016**

Thank you for sending in details of the proposed repairs to the lychgate in the churchyard of St Peter and St Paul's Church, Swanscombe as detailed in your email dated 22 July 2016, drawings no 20979-001 and -/02 prepared by Roger Stagg Consulting Engineer and photographs. You had sent these on behalf of Dartford Borough Council as the Churchyard is closed for further burials and therefore the Council has liability for the maintenance of the churchyard walls and lychgate.

The proposed works were considered by the Diocesan Advisory Committee (DAC) at its meeting on 8 September 2016. I apologise for the delay in writing to you.

As the application was in connection with a closed churchyard I double checked the records with the Ministry of Justice before writing after the meeting (which is why my letter is rather delayed) and have also looked at the land registry documents we hold on file here.

It appears that a closure order was made in relation to Swanscombe Parish church on 1864, originally to take effect on 1 February 1865. The date in which this closure order was to come into force was postponed and came into force in 1865.

In the meantime, land on the other side of the road from the church was transferred to the parish in 1865.

A further Order was made in 1887, to vary the original 1865 order. This orders that "burials be discontinued forthwith and entirely in the Parish Church of Swanscombe...and also in the Churchyard" (which as I understand it, includes the land which was conveyed in 1865). This order lists some exceptions to existing graves and vaults.

The Ministry of Justice also confirmed that their files include an application to open another burial area "15 acres, 3 roods adjoining the existing burial ground" and this was finally approved in 1918 by the Secretary of State under the provision of s5 of the Burial Act 1853. I presume this relates to the Council's cemetery.

I am sorry for the delay in writing to you, but I wanted to be absolutely sure that Dartford Borough Council was being asked to maintain a churchyard that was definitely closed.

As you are aware, although the Churchyard (and boundary) is maintained by the Council, as it is consecrated land it comes under Faculty Jurisdiction, and a faculty (ie permission) needs to

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tel 01634 560000 email [enquiries@rochester.anglican.org](mailto:enquiries@rochester.anglican.org)

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be obtained from the Chancellor of the Diocese, who is a judge in charge of legal matters in the diocese. This process is laid down under Statute by parliament.

The first step in this process is consultation with the Diocesan Advisory Committee. The committee includes among its members a number of architects, conservation architects and conservation surveyors. The proposed repairs were discussed by the DAC and I am now writing to pass on the Committee's formal advice.

The Committee supported the need for the repairs, noting that the photographs show that the lychgate is distorted due to movement.

However, the Committee was not convinced by the proposed method of stabilising the lychgate by fixing steel braced framework across the timber arches, nor was it happy with the use of what appeared to be flint faced blocks. Members commented that it appeared to be a very elaborate scheme, and could be over-engineered to meet the need.

The Committee did not recommend approval to the repairs as proposed. Instead, it was suggested that you consult an engineer sympathetic to existing buildings such as Morton Partnership, who may produce a simpler, more appropriate and possibly less expensive repair solution without the need to introduce steelwork.

To move this forward therefore, I look forward to receiving an amended proposal as advised above.

In your email of 16 August 2016, in response to mine passing on initial comments, you asked "As the ownership of the lychgate structure is still the Diocese of Rochester's can you please confirm if you have buildings insurance cover, in particular covering structural movement and/or Force Majeure of which costs could be claimed against to help with the unbudgeted financial burden of the Council?"

I confirm that the Diocese of Rochester does not own the lychgate (or indeed the church). Ownership lies with the incumbent of the church for the time being, and it is up to the PCC to arrange insurance. You would need to liaise with the PCC Secretary, Mrs Diane Bradbury, to see if it is possible to make a claim against this. Was the movement caused by one specific event (eg a car hitting it)?

The requirement for local councils to maintain closed churchyards was originally established under the Burial Act 1855, and more recently under the Local Government Act 1972. I enclose a note from the Legal Advisory Committee of General Synod; the Legal Opinions on maintenance in closed churchyards; and a guidance note from the National Association of Local Councils all of which explain far better than I can the reasons behind the requirement for councils to maintain closed churchyards (including paths and boundaries).

Yours sincerely

Sarah Anderson (Mrs)  
DAC Secretary

cc Rev Mark Hurley  
Mrs Diane Bradbury (PCC Secretary)

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## **CHURCHYARDS: CLOSED**

### **Meaning of “closed churchyard”**

1 A “closed churchyard” is generally taken to mean a churchyard which has been closed for burials by an Order in Council under the Burial Acts, and the term is used in that sense in this opinion. A churchyard may have been entirely disused for many years but it would not on that account be described as a closed churchyard, nor would a churchyard where all further burials have been prohibited by a local Act of Parliament.

2 On the other hand the fact that a churchyard is a closed churchyard does not necessarily mean that no burials may legally take place there, as this will depend upon the exact terms of the Order (or Orders) in Council applicable to it. In some, all further burials are entirely prohibited; in others, the burial of relatives of those already buried in the churchyard may take place, subject to there being three, four or five feet of soil between the coffin lid and the surface of the ground: occasionally, with a tender regard for the individual, the Order provides that the burial of a named person shall be permitted. Burials in vaults are often excepted subject to special conditions. Sometimes part of a churchyard is closed.

3 The proviso to section 3(1) of the Church of England (Miscellaneous Provisions) Measure 1992 provides that a person shall not have a right of burial of his cremated remains in a closed churchyard in the absence of a particular or general faculty authorising such interment.

4 The Ministry of Health (as it then was) expressed the view many years ago that a churchyard which is closed with exceptions is nevertheless a “closed churchyard” for the purpose of recovery of expenses from a local authority.

### **Tracing Orders in Council**

5 If a PCC or a local authority is not sure whether a particular churchyard has been closed or not, or wishes to find the exact terms of the Order in Council, the following are the lines of enquiry which are suggested:

(a) there will probably be a copy of the Order in Council, or of the issue of the London Gazette in which it appeared, in the church chest, or with the local authority's records;

(b) the Index to the London Gazette 1839-1883 (available in the bigger reference libraries) will mention the Order if made before 1884;

(c) if made between 1884 and 1891 it could be traced through the quarterly indices to the London Gazette;

(d) if made after 1891, the Order will be listed at the end of the annual volumes of Statutory Rules and Orders or Statutory Instruments, but this involves a tiresome search unless the approximate year is known; and

(e) in the last resort enquiries may be made from the Home Office, ABC Unit, Room 972, 50 Queen Anne's Gate, London SW1H 9AT (telephone 0207 273 2883).

### **New Orders in Council**

6 Most of the Orders in Council for the discontinuance of burials (with or without exceptions or qualifications) in churchyards were made in the middle of the 19<sup>th</sup> century for the protection of the public health at a time when open sewers and the absence of a piped water supply made it particularly important to prevent the seepage of offensive matter from decomposing bodies into wells or streams likely to be used for drinking water. But section 1 of the Burial Act 1853 does not in fact restrict the making of Closing Orders to cases where this is necessary for the protection of the public health. The legal advisers of the Ministry of Housing and Local Government (as it then was) agreed with this view of the law, but in practice the Minister will almost invariably only make representations to Her Majesty in Council for the making of a Closed Order where the Minister is satisfied that discontinuance of burials, with or without exceptions or qualifications, is necessary for reasons of public health, thus adhering to the practice of his predecessors, namely the Ministry of Health, the Local Government Board and the Home Secretary.

7 This does not mean that no Closing Orders are made today, but orders never have been made for the sole purpose of relieving the ecclesiastical authorities of the burden of maintaining a churchyard.

8 Notice of the representation which the Secretary of State proposes to make and of the date when it will be considered by the Privy Council must be given in the London Gazette and by notices affixed to the doors of the churches affected, and notice is also given to the incumbent and to the local authority. This does not mean that the relevant Department seeks the consent of the local authority; the notice is sent to it because it has succeeded to the civil powers of the vestry to whose clerk notice had to be sent under section 1 of the Burial Act 1853. The Department often arranges for the churchyard to be visited by one of its civil engineering inspectors.

### **Restriction on the making of Closing Orders**

9 The former prohibition on making an Order in Council closing a burial ground which had been opened with the approval of the Secretary of State has been abolished for Greater London, but still applies to churchyards outside Greater London (Local Government Act 1972, Sch 26 para 15). Where an Order in Council provided that the opening of a new burial ground required the Secretary of State's approval it must be presumed in the absence of evidence to the contrary that the law was complied with and that the required approval was sought and granted. But if there is any evidence to prove that approval to the opening of the churchyard extension or a new churchyard was not given, the relevant Department may consider the possibility of a Closing Order being made.

### **Revocation and variation of Closing Orders**

10 The Secretary of State has received advice from the Law Officers of the Crown to the effect that it is not possible to revoke an Order in Council closing a churchyard. The Law Officers' reasons are that there is no express statutory power to do so, and that the power under section 1 of the Burial Act 1855 to "vary" a previous Order in Council does not extend to revoking the Order altogether, although it can be used, for example, to redefine the boundaries of the churchyard where they have been inaccurately described, or to change the categories of burial which are still allowed.

11 In reliance on that opinion, the relevant Department is not willing to entertain applications to re-open a closed churchyard by revoking the Closing Order. In view of this, a parish thinking of applying for such an Order should be advised to consider carefully whether the churchyard or part of it may be needed for burials at some stage in the future. However, the Department has on occasion been willing to vary an Order to permit specific new burials or categories of burials.

## **Responsibility of local authorities for closed churchyards**

12 The justification for the provision of section 18 of the Burial Act 1855 and the way in which it has led to the transfer of the responsibility for closed churchyards to local authorities was not intended to confer any privilege upon the Church of England but was a recognition of the fact that until the Burial Acts of 1852 and 1853 churchyards or additional churchyards were the only burial places available, apart from commercial cemeteries and a few denominational burial grounds belonging to trustees. More important, churchyards were (as they still are) the common burial places of the parishioners of any denomination and none. As the churchyard was available for the whole community, and in the first half of the 19<sup>th</sup> century had sometimes been provided, or extended, by means of a compulsory church rate, it was considered reasonable that when it was closed in the interest of the community, the expense of keeping it in decent order should be reimbursed to the churchwardens from what was then the poor rate.

13 Section 18 of the Burial Act 1855, which was slightly amended for Greater London, and which was repealed by the Local Government Act 1972, s272, Sch 30, except as to the City of London, provided as follows:

“In every case in which any Order in Council has been or shall hereafter be issued for the discontinuance of burials in any churchyard or burial ground, the burial board or churchwardens, as the case may be, shall maintain such churchyard or burial ground of any parish in decent order, and also do the necessary repair of the walls and other fences thereof; and the costs and expenses shall be repaid by the overseers, upon the certificate of the burial board or churchwardens, as the case may be, out of the rate made for the relief of the poor of the parish or place in which such churchyard or burial ground is situate, unless there shall be some other fund legally chargeable with such costs and expenses.”

14 On that basis it was for the local authority, which succeeded to the functions of the overseers, to reimburse the PCC, which succeeded the churchwardens in this regard.

## **Transferring responsibility for closed churchyards to a local authority**

15 From 1 April 1974 section 215 of the Local Government Act 1972 has provided a much simpler procedure for a PCC to request a local authority at three months' notice to take over the maintenance of a closed churchyard, and section 18



of the Burial Act 1855 (except in its application to the City of London) has been repealed from that date.

16 Where extensive repairs are required to the churchyard three months' notice is too short and can cause difficulties for the local authority's budget. It has been agreed with the Local Authorities Association that, in future, the practice should be to give twelve months' informal notice to the local authority of an intention to serve the three months' statutory notice under section 215 of the 1972 Act.

17 The effect of acting under section 215 is to transfer the functions and liabilities of the PCC with respect to the maintenance and repair of the churchyard to the local authority. This does not mean that the churchyard itself is transferred to the local authority nor are any functions or liabilities transferred except those of the PCC with respect to maintenance and repair. Other rights and powers remain unaffected and the churchyard remains under the control of the incumbent subject to the overriding control of the bishop's consistory court, and the incumbent with the concurrence of the PCC has as free a hand as was the case before the transfer except where questions of maintenance and repair are involved. For example, the local authority cannot restrict the parishioners' access to the churchyard at all reasonable times, this being a matter for the incumbent to decide.

18 A disused churchyard can only become an open space under the Open Spaces Act 1906 by mutual agreement between the incumbent and the PCC and the local authority and usually with the sanction of a faculty from the consistory court (see ss6, 9, 11). But the obtaining of a Closing Order and transfer of responsibility for maintenance to a local authority may well be the prelude to a subsequent agreement and faculty for its conversion into an open space.

19 Quite apart from conversion into an open space, neither the incumbent, nor the lay rector (if there is one, as happens in some ancient parishes), nor the PCC nor the local authority may alter the layout of a churchyard, whether it is closed or not, without a faculty. Where the responsibility for maintenance has been transferred to the local authority and the incumbent and churchwardens seek a faculty for some alteration to the churchyard which might result in an increase of expenditure to the local authority, the Legal Board (the predecessor of the Legal Advisory Commission) advised many years ago that the local authority should be given notice of the petition in accordance with current faculty procedure.

20 A local authority's responsibility for the maintenance and repair of a closed churchyard is unaffected by the grant of a faculty for the interment of cremated remains within part of the churchyard. The local authority cannot be relieved of its obligation for any part of the churchyard. The interment of ashes in a closed churchyard does not itself make the churchyard or that part of it open again for burials (see also Church of England (Miscellaneous Provisions) Measure 1992, s3).

21 The practical effect of the transfer of the functions and liabilities of the PCC with respect to the maintenance and repair of a closed churchyard to the local authority is that it is for the local authority to decide how and when and by whom the work shall be done. This of course does not preclude a mutual arrangement between the local authority and the PCC whereby the latter voluntarily undertakes some "extra" work in the churchyard such as the planting of bulbs or flowers, care of particular memorials etc.

#### **What is involved in the maintenance and repair of closed churchyard by a local authority?**

22 From the preceding paragraph it will be appreciated that when the responsibility for a closed churchyard is transferred to a local authority it succeeds to the functions and liabilities of the PCC. Section 18 of the Burial Act 1855 (see paragraph 13 above) laid down that the churchwardens (now the PCC) "shall maintain such churchyard ... in decent order, and also do the necessary repair of the walls and other fences thereof". It is generally relatively easy to determine what is involved in the necessary repair of walls and other fences, but it is sometimes hard to determine what is involved in maintaining the churchyard "in decent order". According to Prideaux's *Churchwardens Guide* (16<sup>th</sup> edn, 1895), p99, the duty of churchwardens (which would seem to apply to a PCC and a local authority) is:

"... to see that [the churchyard] be kept in a decent and fitting manner, that it be cleared of all rubbish, muck, thorns, briars, shrubs and anything else that may annoy parishioners when they come into it ...".

23 Sometimes an incumbent and his PCC feel that the local authority ought to devote more labour or spend more money on a particular closed churchyard than it does, or, on the other hand, a local authority sometimes feels that the incumbent and PCC are expecting too much and assuming that maintenance in decent order necessarily involves the same standard which it would adopt where a churchyard has been transferred for use as an open space under the Open Spaces Act 1906. Also sometimes a local authority takes refuge in the fact that a neighbouring churchyard,

whether closed or not, for which another PCC is responsible is in a worse state than the one about which complaint is made. But although many questions reach the Legal Advisory Commission about closed churchyards, it is significant that relatively few relate to serious disputes about the practical questions of maintenance, and tribute should be paid to the understanding way in which most local authorities see that this task is carried out, especially as it is often difficult and unrewarding.

24 The Legal Advisory Commission appreciates the difficulty of making any general application of opinions given on particular facts, but it may be of assistance to mention that in its view the duty of a local authority to maintain a churchyard in decent order includes the maintenance and repair of the paths and gates, and also the renewal of a gate when, according to the ordinary rules of good management, it should be replaced. On the other hand, if drains which run under the churchyard and whose sole function is to carry off water from the downspouts and gutterings of the church itself become obstructed, the removal of the obstruction is not, in the Legal Advisory Commission's view, part of the duty of maintaining the churchyard in decent order and, therefore, is the responsibility of the PCC and not of the local authority.

25 Trees and herbage sometimes give rise to peculiar difficulties inherent in the freehold of a churchyard being vested in the incumbent (or lay rector if any). But generally speaking keeping the churchyard in decent order will involve dealing with saplings and bushes as coming within the "thorns and shrubs" mentioned in the quotation from Prideaux above, especially if their continued growth may cause damage to a memorial; it also involves dealing with long rank grass and weeds and brambles, particularly of course any grass overhanging the paths. Exceptionally in rural areas it may occasionally happen that the incumbent (or the lay rector if any) may wish to exercise his rights to have the herbage, and therefore there should be consultation before the grass is cut, to allow the owner of the herbage the opportunity to exercise that right. No licence is required under the Forestry Act 1967 for felling trees in a churchyard (s9(2)(b)), and consent to felling etc by the Diocesan Parsonages Board is no longer required (Care of Churches and Ecclesiastical Jurisdiction Measure 1991, s6(4)); a faculty will, however, be required. If a tree has fallen by act of nature in a closed churchyard for which a local authority is responsible, the authority should remove it unless the owner of the tree (normally the incumbent or the lay rector, if there is one) wishes to do so. As regards trees, see also section 13 of the Church of England (Miscellaneous Provisions) Measure 1995.

26 The Legal Advisory Commission is of the opinion that the local authority's responsibility to keep a churchyard in decent, and therefore safe, order can be no greater than that of the PCC. The obligation to maintain the churchyard extends to

all things attached to the realty, which includes tombs, monuments, war memorials, churchyard crosses and walls and fences. Decent order will be a matter for the local authority to decide, but if the PCC considers that the authority's standard is too low, the incumbent and PCC may seek to enforce the local authority's duty by proceedings in the county court.

**Petition for faculty for removal of dangerous item**

27 The PCC may petition for a faculty for the removal of a dangerous item from the churchyard. (This procedure is probably also available if the churchyard is closed.)

For tombs, monuments, and churchyard crosses see *also* CHURCHYARDS and CHURCHYARDS: OWNERSHIP OF MONUMENTS AND TREES.

(Revised 2003)



Room P1/146



**Department of the Environment**  
2 Marsham Street London SW1P 3EB

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Mrs E Johnson  
Assistant Town Clerk  
Swanscombe and Greenhithe  
Town Council  
Manor House  
SWANSCOMBE  
Kent  
DA10 OBS

Your reference  
EJ  
Our reference  
LG1/V/2789  
Date  
**3** August 1981

Dear Madam

CHURCHYARD AND BOUNDARY WALL OF THE CHURCH OF  
SS PETER AND PAUL, SWANSCOMBE

1. Thank you for your letter of 24 July and enclosures.
2. I regret that this is not a matter in which the Department can assist. At this stage, it is for your Council, together with Dartford Borough Council, to determine how the question of the maintenance of the Churchyard may best be resolved. It might be possible for arrangements to be made under section 101 of the Local Government Act 1972 or section 1(1) of the Local Authorities (Goods and Services) Act 1970.

Yours faithfully

E G ROWE

ENC

<b>SWANSCOMBE U.D.C.</b>
CLERK & ...
OFFICE ...
REC. - 5 AUG 1981
REF. ... TO
FILED

Mr. J. H. Stevens  
The Parsonage  
North Street  
Town Clerk

24th July 1961

Dept. of the Environment  
21st Floor  
100 Wood Lane  
London W12 3PP

Dear Sirs

Please find enclosed copies of correspondence between this Council and the Hartford Borough Council regarding the churchyard and boundary wall of the Church of St. Peter and Paul Stanscombe.

The members of the Town Council are very concerned that, through no fault of this Council and due to a care lapse in correspondence between the Parsonage Church Council and the Borough Council the Borough Secretary has not informed that the Town Council were outside the required three months when seeking advice for the Borough Council to assume responsibility for the Churchyard and Boundary Wall.

Could you please advise any further action the Town Council can take with regard to requesting the Borough Council to assume this responsibility.

Yours sincerely

Assistant Town Clerk.



**DARTFORD**  
Borough Council

Council Offices, High Street  
Dartford, Kent DA1 1DR  
Telephone Dartford 27286 Ext. 140

John M. Wilson Solicitor—Borough Secretary

Please ask for: Mrs Cox

Mrs A D Stevens  
Town Clerk  
Swanscombe and Greenhithe Town  
Council  
Manor House  
SWANSCOMBE  
Kent  
DA10 0BS

My Ref L2/P&R.84  
Your Ref

16 Jul 81

Dear Mrs Stevens

CHURCHYARD AND BOUNDARY WALL - SS PETER AND PAUL  
CHURCH SWANSCOMBE

Thank you for your letter of 29 June. Unfortunately, the contents of your letter of 19 February did not come to my notice until 8 April and I am therefore unable to accept that I gave your authority insufficient time within which to deal with this matter.

It was, of course, for you to satisfy yourself as to the requirements of Section 215(3) of the Local Government Act 1972 when the original notice was served by the Parochial Church Council.

I regret, therefore, that I cannot assist you further.

Yours sincerely

Borough Secretary

Mr. J. P. Stevens

Assistant  
Town Clerk

52

23rd June 1931

Mr. W. H. Wilson  
Borough Secretary  
Bartford Borough Council  
Council Offices  
BARTFORD

Dear Mr. Wilson

CHURCHYARD AND BOUNDARY WALL - AS PERMITS AND WALL C. 100, 101, 102

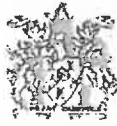
With reference to your letter of 17th June 1931, I have been instructed to enquire why the Council did not receive the letter from you, informing of the necessary procedure for requesting the Borough Council to assume responsibility for the Churchyard and Boundary Wall, until 20th April 1931, which apparently was even then only a few days within the required three months?

As you know our letter to the Parochial Church Council was sent on the 19th February 1931, and the fact that we did not receive any notification from you until 20th April made it impossible to put the matter before the Council in the required time.

Yours sincerely

Assistant Town Clerk





**DARTFORD**  
Borough Council

Council Offices, High Street  
Dartford, Kent DA1 1DR  
Telephone Dartford 27266 Ext. 141

John M. Wilson Solicitor—Borough Secretary

Please ask for: Mrs Cox

My Ref L2/P&R.84

Assistant Town Clerk  
Swanscombe & Greenhithe Town Council  
Manor House  
SWANSCOMBE  
Kent

Your Ref EJ

17 June 81

Dear Madam

CHURCHYARD AND BOUNDARY WALL - SS PETER AND PAUL

I thank you for your letter of 15 June. However, your notice requiring the Council to take over responsibility for the future maintenance of the burial ground is out of time.

According to my file the Parochial Church Council served notice under the Local Government Act 1972 on your Authority on the 2 February last. Section 215(3) of the Local Government Act 1972 provides that notice should be served on the Borough Council within a period of three months from that date, and I therefore look forward to receiving your comments.

Yours faithfully

*John M. Wilson*

Borough Secretary

<p>SWANSCOMBE U.D.C. CLERK &amp; FINANCIAL OFFICER'S DEPARTMENT RECEIVED 17 JUN 1981 REFERRAL TO FILED</p>
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SWANSCOMBE & GREATHEATH TOWN COUNCIL  
XX

Mrs. A.L. Stevens  
~~XX~~  
~~XX~~  
Town Clerk

15th June 1981

Mr J. Wilson  
Borough Secretary  
Bartford Borough Council  
Council Offices  
DARTFORD  
Kent

Dear Mr Wilson

CHURCHYARD AND BOUNDARY WALL - ST PETER AND PAUL CHURCH, SWANSCOMBE

With reference to your letter of 27th April 1981, I reported the matter to the Members of the Town Council at their Recreation and Amenities Committee Meeting on 11th June 1981, and they have instructed me to inform you that they have resolved to request the Borough Council to assume responsibility for the Churchyard and Boundary Wall at St Peter and Paul Church, Swanscombe.

I would be grateful, therefore, if you could advise me if any further notice is required from the Town Council.

Yours sincerely

Assistant Town Clerk

LOK



# DARTFORD

Borough Council

Council Offices, High Street  
Dartford, Kent DA1 1DR  
Telephone Dartford 27266 Ext. 140

John M Wilson, Solicitor—Borough Secretary

Please ask for: Mrs Cox

Mrs A D Stevens  
Clerk of the Council  
Swanscombe Parish Council  
Manor House  
SWANSCOMBE  
Kent  
DA10 0ES

My Ref L2/P&R.84

Your Ref ADS/EJ

27 Apr 81

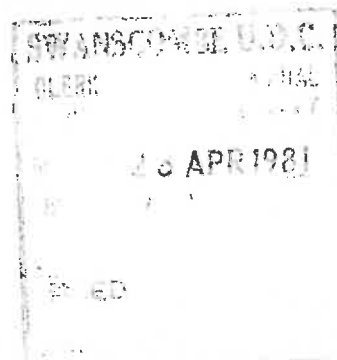
Dear Madam

### CHURCHYARD AND BOUNDARY WALL ST PETER & ST PAUL

The Secretary of the Parochial Church Council has forwarded to me a copy of your letter dated 19 February concerning maintenance of the boundary wall and churchyard of St Peter and St Paul. Although I agree with you that the Borough Council is responsible for the maintenance of Swanscombe Cemetery and Manor Park this is only due to ownership of this land having been vested in the Authority with effect from 1 April 1974. This is not the case so far as the churchyard at St Peter and St Paul is concerned. The Secretary of the Parochial Church Council is quite correct in serving Notice on the Swanscombe Parish Council in accordance with section 215(2) of the Local Government Act 1972 requiring your Authority to assume responsibility for maintenance. However, you will see from sub-section 3 of that section that the Parish Council may in turn resolve to request the Borough Council to assume responsibility. In the event of such resolution being passed the relevant Notice must be given and the Borough Council must accept responsibility for its future maintenance. In the circumstances, therefore, I would suggest that you seek instructions from your Authority.

Yours faithfully

Borough Secretary



Mrs. A.D. Stevens  
XXXXXXXXXX

158/23

Mrs J Armour  
~~158/23~~  
SWANSCOMBE  
Kent DA10 0EN

19th February 1981

Dear Mrs Armour

CHURCHYARD BOUNDARY WALL

Thank you for your letter of 2nd February concerning the responsibility of repair to the Churchyard and Boundary Wall of St. Peter & St. Paul's Church, Swanscombe.

I fully agree with your comments but am surprised the Borough Council did not make it quite clear to you that they are the Authority owning and in complete charge of maintenance, since 1974, of the Cemetery and of the Manor Park itself.

Therefore if you consider it necessary to serve a Notice, then it is not to the Swanscombe Parish Council, who have no claim to ownership or maintenance but to the Borough Council that you must apply.

Yours faithfully

Clerk of the Council

ST. PETER & ST. PAUL, SWANSCOMBE

Swanscombe,  
Kent.  
DALO OEH

2nd February 1981

Mrs. A. Stevens,  
Clerk to Swanscombe Parish Council,  
Manor House,  
Swanscombe,  
Kent. DALO OBS

Dear Mrs. Stevens,

CHURCHYARD AND BOUNDARY WALL OF ST. PETER & ST. PAUL'S CHURCH, SWANSCOMBE

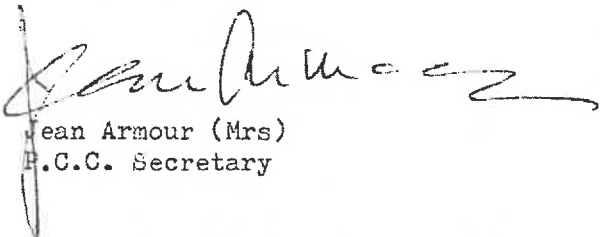
I have recently been in correspondence with Dartford Borough Council in an endeavour to establish whose responsibility it is for the upkeep of the churchyard and boundary wall, in view of the fact that this is a closed churchyard and the Parks and Cemetery staff have for many years maintained the grass areas. This has arisen because the boundary wall on the side bounding on Swanscombe Street is now in a bad state of disrepair and reaching a stage where it could be dangerous, should the flintstones become dislodged and fall out on the road side.

It can only be assumed, as the grass areas and the wall on the Manor House Park side have been maintained by the local authority, that the other part of the wall is also the responsibility of the Council. It is quite likely that the records which would have established this responsibility were destroyed in the fire of 1977.

I am advised that it is open to the Parochial Church Council to serve a notice on Swanscombe Parish Council under section 215(2) of the Local Government Act 1972, requesting that the Council assumes responsibility for the maintenance and, in the absence of any documental proof, I am therefore instructed by the P.C.C. to serve such a notice.

I shall be pleased to have your comments in due course. In the meantime, I am obtaining an estimate of the cost of the repairs to the wall.

Yours sincerely,

  
Jean Armour (Mrs)  
P.C.C. Secretary

SWANSCOMBE U.D.C.
CLERK & OFFICE OF FINANCIAL DEPARTMENT
RECEIVED - 9 FEB 1981
REF: MR TO
FILED

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Title Number : TT1919

This title is dealt with by HM Land Registry, Nottingham Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 11 NOV 2019 at 16:16:56 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: TT1919
Address of Property	: St Peter and St Paul Church and Churchyard, Swanscombe Street, Swanscombe
Price Stated	: Not Available
Registered Owner(s)	: THE INCUMBENT FOR THE TIME BEING OF THE BENEFICE OF SWANSCOMBE IN THE COUNTY OF KENT IN THE DIOCESE OF ROCHESTER AND THE INCUMBENT'S SUCCESSORS care of The Diocesan Office, St Nicholas Church, Boley Hill, Rochester, Kent ME1 1SL.
Lender(s)	: None

## Title number TT1919

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 11 NOV 2019 at 16:16:56. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

## A: Property Register

This register describes the land and estate comprised in the title.

KENT : DARTFORD

- 1 (22.03.2012) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being St Peter and St Paul Church and Churchyard, Swanscombe Street, Swanscombe.
- 2 (22.03.2012) The land tinted pink on the title plan has the benefit of the following rights granted by the Conveyance dated 23 January 1865 referred to in the Charges Register:-

"Together with the rights members and appurtenances thereto belonging or appertaining"

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (22.03.2012) PROPRIETOR: THE INCUMBENT FOR THE TIME BEING OF THE BENEFICE OF SWANSCOMBE IN THE COUNTY OF KENT IN THE DIOCESE OF ROCHESTER AND THE INCUMBENT'S SUCCESSORS care of The Diocesan Office, St Nicholas Church, Boley Hill, Rochester, Kent ME1 1SL.
- 2 (22.03.2012) RESTRICTION: No disposition of the registered estate is to be registered unless made in accordance with the New Parishes Measure 1943 or some other Measure or authority.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (22.03.2012) By a Conveyance of the land tinted pink on the title plan dated 23 January 1865 made between (1) The Reverend George Cecil Renouard (2) The Master Fellows and Scholars of the College of the Lady Frances Sidney Sussex in the University of Cambridge (3) The Right Reverend Father in God Joseph Cotton Lord Bishop of Rochester (4) John Coveney and Samuel Charles Umfreville and (5) The Reverend George Cecil Renouard the land was conveyed subject to the following stipulations:-

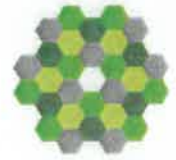
"to the intent that the said Plot of Land may be consecrated and for ever thereafter be taken held used and applied for the purpose of an additional Church Yard and Burial Ground for the said Parish of Swanscombe"

End of register

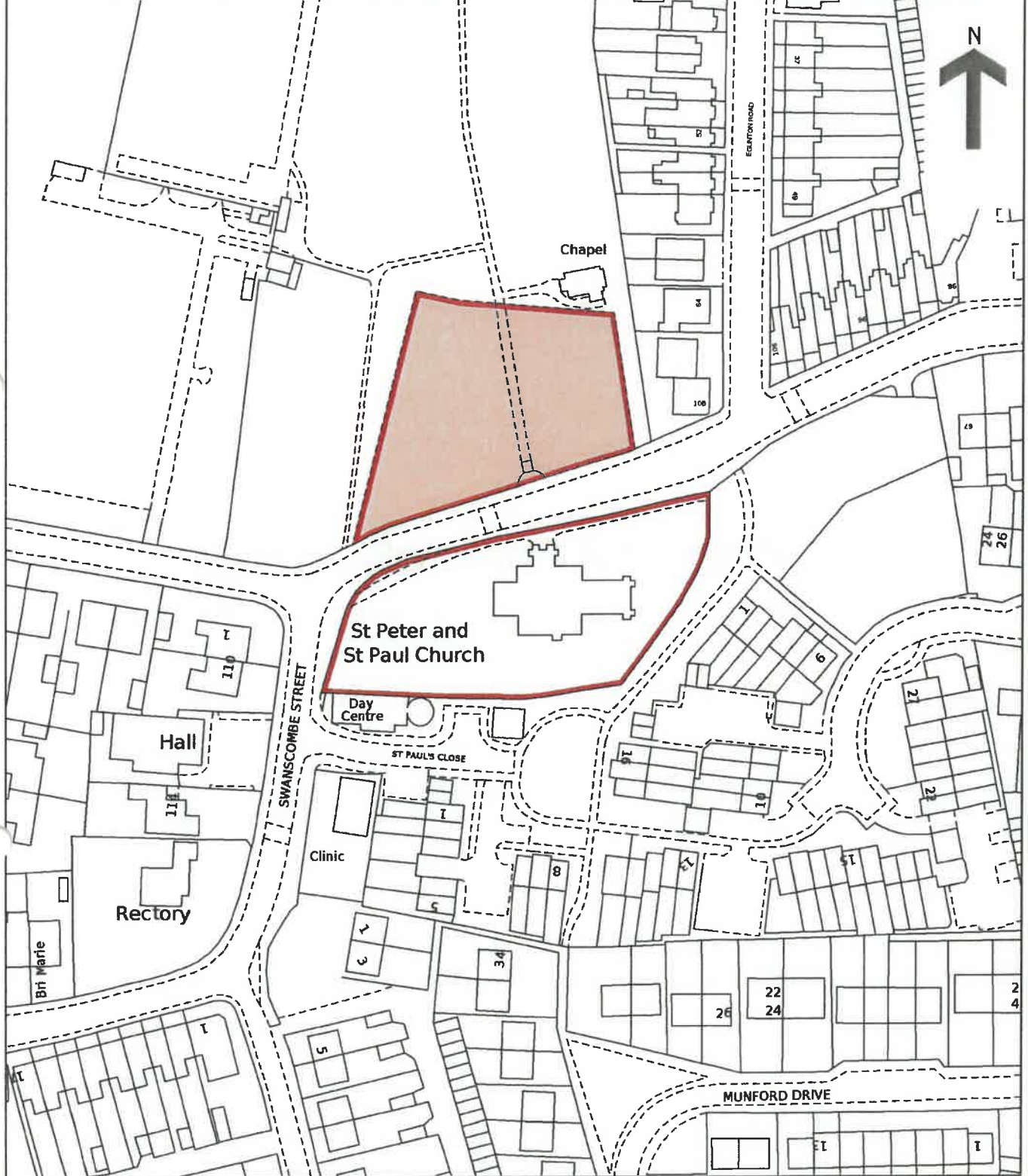


# HM Land Registry Current title plan

Title number **TT1919**  
Ordnance Survey map reference **TQ6074SW**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Kent : Dartford**



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This is a copy of the title plan on 11 NOV 2019 at 16:16:56. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

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**ANNUAL ALLOTMENT SITE VISIT** **AGENDA ITEM 7**  
**11 OCTOBER 2023 AT 11.00AM** *ATC 25/10/23*

Present:

Linda Hall (LH) – Allotment Association (Chairman)

Christine Morris (CM) – Allotment Association (Committee Member)

Councillor Hazel Stephens (HS) – Swanscombe & Greenhithe Town Council

Martin Harding (MH) – Swanscombe & Greenhithe Town Council (ATC)

Site name:	No of plots:	Comments or observations
Craylands Lane	8	No issues were raised. One plot was being given up shortly and would ne filled from the waiting list.
New Burial Ground	31	No issues were raised. CM advised of the work being undertaken to clear the final two plots that remain from the old orchard area.
Keary Road	41	MH advised of the proposed pathway funding being sought for the site. LH set out the plots which had received notices and which had recently been let.
Lewis Road	2	Nothing identified.

LH confirmed that the current waiting list stood at 39 across all sites.

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**ANNUAL ALLOTMENT SITE VISIT**

**11 OCTOBER 2023 AT 11.00AM**



**ANNUAL ALLOTMENT SITE VISIT**

**11 OCTOBER 2023 AT 11.00AM**

