

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Tuesday, 7 th February 2023
Report Subject	Open Spaces and Highway Memorial Policy
Cabinet Member	Cabinet Member for Climate Change and Economy
Report Author	Chief Officer for Planning, Environment and Economy
Type of Report	Operational

EXECUTIVE SUMMARY

Due to the increasing demand for memorials in a openspace, countryside or highway setting, it is necessary to draw up a policy to ensure memorials are in keeping with the character of the local setting and its many and varied uses and users. This report details the proposed policy and principles to ensure a consistent and sensitive approach to the provision of memorial requests.

RECOMMENDATIONS

1	That Cabinet approves the policy
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REPORT DETAILS

1.00	EXPLAINING THE OPENSACES MEMORIAL POLICY
1.01	It is part of all human culture to mark memorable occasions such as birthdays, deaths and anniversaries. Members of the public often wish to mark such occasions in areas of openspace with something more permanent. They may also wish to contribute to the wider natural environment and benefit others. There is also an increasing tendency for relatives and friends to place flowers and other tributes at the scene of fatal road traffic accidents, which can be a source of comfort. There have

	also been requests for more permanent memorials and this report is intended to advise on this very sensitive subject.
1.02	There is no legislative requirement for the provision of memorial items although it is accepted that they provide a useful and valued public amenity and are also valued by the individuals and families who make the requests. Flintshire County Council has provided opportunity in the past on an ad-hoc basis for people to purchase trees or benches in memory of a loved one.
1.03	Due to the increasing demand for memorials in an openspace or a countryside setting, it is necessary to draw up a policy to ensure memorials, permanent or otherwise, are in keeping with the character of the local countryside and its many and varied uses and users. A memorial site to one individual is a very different site to another, and these diverse interests should be respected. Additionally, there is no specified cut-off time for when grieving should end, and each individual case should be considered on its own unique merits. Above all, the countryside should remain a place for all to enjoy, as well as a place of significance for those wishing to remember occasions and loved ones.
1.04	This policy recognises the need for a consistent and sensitive approach to the provision of memorial requests and acknowledges that the demands for memorials may be far greater than some sites can accommodate. It is recognised that this is a sensitive issue and the proposed policy seeks to balance concerns about safety, environmental sustainability and the wishes of those who may want to lay flowers or place memorials as a mark of respect.
1.05	This policy allows for memorials outside of the traditional cemetery setting, but should not be seen as a replacement. Cemetery memorials are governed by specific regulations and policies, which can be found through this link: https://www.flintshire.gov.uk/en/Resident/Funerals,-Cremations--Bereavement/Memorials.aspx
1.06	Memorial Policy Statement Requests for memorials in openspace, countryside or highway settings, whether physical structures or natural features, are welcomed. They should be a feature that conserves or enhances the character of the setting and people's enjoyment of the outdoors as a recreational resource and place of quiet enjoyment. There may be exceptions to this for reasons of road safety or if the memorial interferes with highway maintenance or causes a distraction or obstruction to other road users, such as pedestrians or cyclists. In such cases, sensitive approaches should be made to those who have placed the memorials to explain the situation. Where the person responsible for placing the memorial is unknown and it presents a road safety risk, it may have to be removed; however, as outlined above, each case should be considered on its individual merits. In principle, providing that the memorial has no detrimental effect on road safety and it does not affect the ability to carry out highway maintenance then it may be acceptable.

1.07	<p>Policy principles</p> <p>There are 13 principles which will be applied in considering requests and making decisions or memorials and will also set out the principles of the type of memorial to be approved, the location, its safety and future maintenance and replacement.</p>
1.08	<p>The principals also contain reference to the prohibition of releasing of balloons and lanterns due to the potential risks and impact to the countryside of litter fire, animal welfare and wildlife.</p>
1.09	<p>Other Information</p> <p>Examples of appropriate memorials could include:</p> <ul style="list-style-type: none"> • Planting an un-marked tree • Planting a hedge or small orchard • Contributing to a woodland planting • Benches • Kissing Gate or small bridges • Installing bird or bat boxes • Conservation of a historic feature • Wildflower planting • Sponsoring an event
1.10	<p>Legacy donation</p> <p>Alternatively someone may just prefer to give a donation to the Countryside Service to help maintain and enhance the landscape that people use and enjoy.</p> <p>Examples of donations could include:</p> <ul style="list-style-type: none"> • Restoring a section of stone wall. • Improving eroded path • Restoring a wildlife feature

2.00	RESOURCE IMPLICATIONS
2.01	Potential positive resource implication through additional income
2.02	Potential costs for removal of inappropriate memorials

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Internal colleagues in the Streetscene & Transportation portfolio.

4.00	RISK MANAGEMENT
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4.01	This can be a very sensitive issue and, if handled badly, can cause distress, upset and potential reputational damage to the Authority, however there is minimal risk associated with the proposed policy.
4.02	There are conflicting issues with memorials placed within the highway. The placement and maintenance of memorials can in itself involve a road safety risk. A memorial can act as a warning to road users of the possible dangers at the location, but it can also create a hazard to other road users, either as a distraction to passing motorists or as an obstruction to pedestrians and cyclists. There may also be a risk to grieving friends or relatives who attend the location to pay their respects or maintain the memorial, particularly on high speed roads.
4.03	Memorials that are placed inappropriately may also interfere with routine maintenance of the highway, such as grass cutting. There may also be a risk to maintenance operatives for the removal / maintenance of memorials within the highway, depending upon the location.

5.00	APPENDICES
5.01	Appendix 1 – Openspaces & Highway Memorial Policy

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Contact Officer: Tom Woodall, Access & Natural Environment Manager Telephone: 01352 703902 E-mail: tom.woodall@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
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