

Application No: 24/0214N

Location: SANTUNE MEADOWS, LAND ADJACENT TO OLD PUSEYDALE, MAIN ROAD, SHAVINGTON, CW2 5DU

Proposal: Variation of conditions 2 and 18 on application 21/1920N: To allow for coffin burials to respond to demand

Applicant: Mr Simon Clutton

Expiry Date: 02-Aug-2024

## **SUMMARY**

The use of the land as a burial site has been accepted and this application seeks to allow for coffin burial to take place in addition to the internment of ashes. This requires an increase in the land levels on part of the site.

The proposed development will not be incongruous or adversely affect the landscape character. The development is also considered to be of an acceptable design. The proposed development complies with Policy SE4; the landscape requirements of Policy PG5, SE1, SD1 and SD2 of the CELPS and GEN1 of the SADPD.

The highways impact will be minimal, and the improved access and parking provision are acceptable. The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the local highway network. The proposed development complies with policies INF3 of the SADPD, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF. It is accepted that there could be some disturbance caused by the construction phase of the development, but this could be controlled via the imposition a Construction Management Plan condition.

The proposed development would not cause such amenity harm to warrant the refusal of the application. The proposed development complies with Policy HOU12 of the SADPD.

There are no implications in terms of the impact upon trees, protected species and habitats. The proposed development complies with Policy SE3 of the CELPS, ENV2 of the SAPPD and ENV2 of the SNP.

Despite the above, the application does not demonstrate that the risks to groundwater pollution can be satisfactorily managed or that the proposal would effectively manage and reduce the risk of surface water/overland flow. The proposed development conflicts with Policies SE12 of the CELPS, ENV16 and ENV17 of the SADPD and ENV3 of the SNP. On this basis the application is recommended for refusal.

## **RECOMMENDATION**

**REFUSE**

## REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Buchanan for the following reasons:

*'Section 3.8 Surface Water Flooding "any works that might increase risk of flooding on or off the site need to be identified and risks assessed and mitigated using a suitable SUDS compliant approach". This is very much in line with Shavington-cum-Gresty PC Neighbourhood Plan and reinforces our 9.17 requirements. The application does not have an FRA for surface water and impact on ground water flow patterns.*

*Section 3.7 Meteorological Data indicates that 2021 and 2022 rainfalls were low and the local water table and soil moisture were "below average" for the time of year when the investigation took place. This could potentially require ground raising to higher than currently stated levels. This needs to be considered when undertaking a FRA*

*Site Level Increase Requirements does not provide sufficient information to accurately estimate the required imported soil volumes, not the associated tipper truck traffic.*

*Referenced Environment Agency consultation with CDS, in the covering letter, is not included as part of the submitted documentation supporting the application'*

## PROPOSAL

Planning application 21/1920N gave planning permission for the change of use of land to be used as an ecological burial ground. The Supporting Planning Statement for application 21/1920N identified that the site has capacity to offer up to 5500 urn burial plots covering 2.185 hectares of the site. The plot sizes would measure 2.5m x 1.5m.

The application site is accessed via Main Road to the east of the site.

This application seeks to vary conditions 2 and 18 attached to application 21/1920N. These are as follows:

2. Compliance with the approved plans

18. Compliance with the submitted 'Natural Burial Ground Management Plan'

The reason for the application is to allow coffin burials to take place at the site rather than just urn burial plots. The revised plans identify an area of the site for coffin burials and the application advises that the coffin burials on site would be restricted to 1480 of the overall maximum allowance of 5500 burial plots (leaving 4020 urn burial plots).

In addition to this change the above change the application proposes the following alterations:

- Levels within the coffin burial zone would be raised by a maximum of 1.68m from existing levels.
- Additional on-site parking and a hearse access track that runs from the western side of the site to the centre of the coffin burial zone. An excess parking area will also be provided within the site.

## **SITE DESCRIPTION**

The application site extends to 3.24 hectares and is located to the west of Main Road, Shavington within the Open Countryside and Green Gap.

The site is relatively flat and includes a number of trees, hedgerows, pond and open ditches. There are four trees to the north-eastern boundary of the site which are protected by a Tree Preservation Order.

The nearest residential properties are located to the east and north-east of the site and front onto or are accessed off Main Road.

To the southern boundary of the site is a PROW Rope FP4.

The approved development as part of application 21/1920N has commenced on the site and is operational.

## **RELEVANT HISTORY**

23/4722N - Variation of conditions 2 and 18 on existing permission 21/1920N; Installation of an ecological burial ground with associated access, car parking and infrastructure with ancillary facilities – Withdrawn 10<sup>th</sup> January 2024

21/1920N - Installation of an ecological burial ground with associated access, car parking and infrastructure with ancillary facilities – Approved 5<sup>th</sup> July 2021

20/5236N - Installation of an ecological burial ground with associated access, car parking and associated infrastructure with ancillary facilities – Refused 4<sup>th</sup> March 2021

20/5237N - Advertisement Consent for an entrance sign – Application Undetermined

16/5849N - Proposed Development of Three Detached Dwellings – Refused 30<sup>th</sup> January 2017

14/5883N - New Control kiosk, hardstanding and permanent access – Approved 9<sup>th</sup> March 2015

7/04145 - Siting of residential caravan – Approved 29<sup>th</sup> June 1978

## **NATIONAL & LOCAL POLICY**

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 – Presumption in Favour of Sustainable Development

PG2 – Settlement Hierarchy

PG5 – Strategic Green Gaps

PG6 – Open Countryside

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 3 - Biodiversity and Geodiversity  
SE 4 – The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 6 – Green Infrastructure  
SE 12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
IN1 – Infrastructure  
IN2 – Developer Contributions  
CO1 – Sustainable Travel and Transport

### **Site Allocations and Development Policies Document (SADPD)**

The relevant Saved Policies are:

PG12 – Strategic Green Gap Boundaries  
GEN1 – Design Principles  
ENV2 – Ecological Implementation  
ENV3 – Landscape Character  
ENV5 – Landscaping  
ENV6 – Trees, Hedgerows and Woodland Implementation  
ENV16 – Surface Water Management and Flood Risk  
ENV 17 – Protecting water resources  
HOU12 – Amenity  
INF1 – Cycleways, Bridleways and Footpaths  
INF3 – Highway Safety and Access  
REC5 – Community Facilities

### **Neighbourhood Plan**

The Shavington Neighbourhood Plan (SNP) was made on 28<sup>th</sup> July 2021.

ENV1 – Footpaths and Cycleways  
ENV2 – Trees and Hedgerows  
ENV3 – Water Management and Drainage  
TRA1 – Sustainable Transport  
TRA2 – Parking  
ECON1 - Economy

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of relevance are paragraphs:

11. Presumption in favour of sustainable development.

### **CONSULTATIONS**

**Environment Agency:** Object to the planning application, as submitted, because the risks to groundwater from the development are unacceptable.

**CEC PROW:** There is no objection to the current application however it is advised that consideration be given to the boundary and security in the vicinity of the public footpath (southwest boundary).

**United Utilities:** A large diameter trunk main crosses the site and UU will not permit building over it – an access strip will be required in accordance with the ‘Standard Conditions for Works Adjacent to Pipelines’. A planning condition is suggested.

**Flood Risk Manager:** Raise the following comments:

- Can details of the improvements to the existing pond please be provided? is this being dredged? Capacity changed?
- Suds must be incorporated in accordance with NPPF Para 175
- The hydrobrake must be instead restricted to 2l/s (to mitigate blockage risk)
- Post-infill, an updated groundwater assessment must be provided to assess the updated groundwater level on site.
- Details of the proposed infilling soil are to be provided, including void ratios of the soil, and details of how any displaced water will be attenuated on site.
- The EA also detailed the removal of land drains on site, can the applicant please confirm details of any land drains that have been removed?
- To mitigate overland flow risk from infilling the land and creating steeper gradients, the maximum angle of any land infilled must be no more than 1in3.
- There are surface water runoff routes at the Northwest of the development showing runoff flowing off-site. (as well as risk of any upwelling groundwater to runoff here too). Can boundary drainage be implemented here to mitigate overland flow risks?

**Head of Strategic Infrastructure:** No objection subject to the imposition of a condition relating to a Construction Management Plan.

**Environmental Health:** No comments to make.

## **VIEWS OF THE TOWN COUNCIL**

**Shavington Parish Council:** The Parish Council offer the following comments:

- *The Clerk has been instructed to contact the Shavington Ward Councillor to formally request a call-in of the application.*
- *That, with reference to the Cheshire East Council internal consultation on flood risks, the Planning Authority should request the applicant to provide a flood risk assessment.*
- *That the Parish Council reiterates all comments and observations already submitted in the previous main application 21/1920N.*
- *That a recommendation should be made to restrict the maximum number of burials to 25 per annum, with reference to the Groundwater risk assessment.*
- *That a recommendation is made to Highways to consider restrictions in parking on the main highway.*
- *That the applicant should be required to supply missing or lacking information to ensure clarity and transparency in the assessment process.*

## REPRESENTATIONS

Letters of objection have been received from 2 households raising the following points;

- A large part of the site will be raised by 1.5-1.7m which will increase the risk of flooding. A Flood Risk Assessment is required to determine the impact and any necessary mitigation measures.
- The proposal is contrary to policies SE13 of the CELPS and ENV3 of the SNP.
- It is unclear in terms of the proposed material required to raise the levels of the site and contradictory information has been provided.
- The importation of soil and the traffic numbers should be provided as part of the application. It is necessary to consider the impact upon local roads, safety and pollution (estimate that this could be as high as 1752 truckloads).
- Main Road is a principal route to the primary and secondary school with hundreds of pupils using Main Road. There is a safety risk and an enforceable Traffic Management Plan will be required.
- The increased land levels will affect hydrology and groundwater levels as well as surface water runoff and potential increase flooding.
- The LLFA consultation response is inadequate.
- Running sand will exacerbate subsurface hydrology changes impacted by the overburden of raising land levels.
- The use of lower ground water levels to determine land raising levels are problematic for burial excavations.
- The developers own documents flag up the potential flooding issues.
- Made ground levels will be less stable and hand dug graves may require mitigation measures.
- Regular monitoring for increases in potentially hazardous and toxic organics will be required.
- Potential increase in ground water pollutants. Burials should be limited to 25 per year and permanent groundwater testing wells should be installed and regularly tested and reported.
- The coffin burial area should be reduced to eliminate encroachment into the pipeline easement.
- Pumping may be required to mitigate the pollution of ground and surface water runoff.
- The number of parking spaces is 300-400% more than the parking provision than the average figures stated (12 vehicles average for a burial and 18 vehicles average for a crematorium).
- Following a burial traffic is likely to leave in a 5–10 minute period (not 30 minutes as stated). The information provided is misleading. If a service used all 52 spaces then this would cause traffic problems on Main Road.
- The Environment Agency comments cannot be viewed on the website.
- Insufficient information contained within the application (e.g. plans are not clearly labelled, contradictory statement, lack of clarity, the urn burial area appears too small, it is not clear why the land levels will be raised, timescale for the importation of soil).
- More consultation time should be provided.
- Risk of ground water flooding and potential contamination.
- Raising/relevelling of land for burials is unproven.
- The raising of land levels does not consider climate change and soil compaction.
- Failure to identify the many field drains on site which discharge into the pond on site.
- Unable to understand the ground water run off rate.

- Failure to identify historic wells and springs.
- No clarification that the sole use will remain as natural urn and coffin burials.
- The adjacent land is used for livestock and the growing of crops.
- There should be a full tier 3 ground water assessment with consultation with the Environment Agency to confirm that there is no risk to ground water flooding or contamination.
- Additional traffic and parking spaces in front of residential property.
- The plan is not too scale.
- There is not enough room for the additional parking spaces.
- The suggestion of 18 cars per burial is not robust.
- Traffic generation could be significantly higher.
- There are PROW running through the site and a UU pumping station.
- Increased noise and disturbance.
- Increased road conflict.
- Impact upon privacy and outlook.
- Inability to manoeuvre safely at the site entrance.
- The gateway should not be moved further forward and should be in the position shown on application 21/1920N.
- The site should be restricted to natural burials only and no more than 25 burials per year.
- There should be a maximum of 2 burials per day (one in the morning and one in the afternoon).
- The speed limit should be reduced to 20mph.
- Loss of trees and hedgerows (including a historic hedgerow). All hedgerows and trees should be retained.
- There has already been a significant loss of trees on the site.
- There are TPO trees on the site.
- There is reference to a 1.5m stone on site.
- A single grid reference has been used.
- The proposal will affect the landscape, intrude into the countryside and affect the outlook of residential properties.
- The character of the site should be retained and used for sheep grazing.
- Levels will increase by 1.72m-1.98m and this will require over 2000 tipper truck movements along Main Road. This raises traffic safety concerns.
- The pond will need to be included within the regular monitoring program to ensure that water run-off is maintained at a moderate risk.
- The different drainage systems referenced within the Flood and Surface Water Assessment are not shown on the submitted plans.
- The southern area is lower than the site.
- Land raising activity will require vigilant monitoring and enforcement during all related activities (topsoil stripping and storage, soil fill placement techniques, moisture content, limits for placement during wet weather, lift depths and compaction, specific equipment uses and restrictions and grade level tolerances).
- Is the technical note for the 'Surfacing materials for access and parking Areas' to be approved?
- Information requested by the EA has not been provided. A tier 3 ground water assessment is required, no off-site ground water assessment has been provided, no land drain assessment has been provided, no ground water monitoring plan has been provided.
- The previously approved land drains have not been installed.

- The land drains and ditches discharge into a pond and this has resulted in an increased flooding on neighbouring land.
- Ground contamination from human burials.
- Visual impact from raising land levels.
- Repositioning the access gates will be a highway safety hazard.
- There is a farm access easement which means that all of the proposed parking spaces will not be achievable.
- There are inconsistencies between the land levels plan and the landscape plans.
- Loss of hedgerows and trees.
- Raising land levels will prevent disabled person access.
- The management plan does not refer to Santune Meadows
- Traffic movement figures are for average numbers attending services only.
- There is no traffic plan for vehicles used United Utilities or farm vehicles.

Letters of support have been received from 19 households which raise the following points;

- The area created is beautiful.
- Residents currently have to travel to Winsford to bury loved ones by coffin.
- The burial grounds at Weston and Wybunbury are full.
- There is a demand for a Natural Burial site.
- This proposal would benefit the local community.
- Local people should have a choice in terms of burial plots available.
- People should be able to bury loved ones close to their homes.
- There is a clear lack of burial sites around Crewe and Nantwich, this is a necessity which Cheshire East cannot ignore.
- Given its financial issues Cheshire East is unlikely to provide its own burial sites at its own cost.
- People are having to travel to Winsford or Keele for natural or woodland burials. Public transport is not an option to these locations.
- Santune Meadows is a peaceful site with excellent landscaping and on-site facilities.
- Some cremations have occurred due to the lack of local cemeteries.
- Existing and future generations will benefit from this application.
- The site is already open and is functioning as a natural burial site.
- Shavington has an elderly population and there is a need for coffin burial sites.
- The application makes a positive use of an accessible site.
- Emotional impact of not being able to provide a burial plot for a loved one.
- Restricting burials to 25 a year does not make sense.

One letter of general observation has been received which raises the following points;

- Support the proposal to establish a coffin burial site in Shavington.
- Shavington has a high water table and the application requires an increase in land levels on the site. The risk of flooding should not be increased.
- Flood mitigation measures should be incorporated into the development.
- Concern that there is insufficient parking provision for large gatherings which may result in parking taking place on Main Road.
- Main Road is narrow at the entrance to the site and parked vehicles would obstruct access.
- H bars and double yellow lines should be provided for driveways along Main Road



## **APPRAISAL**

### **Principle of Development**

Excluding a small part of the proposed access the site lies in the Green Gap and Open Countryside, as designated in the Development Plan.

Policy PG5 of the CELPS identifies that the construction of new buildings or the change of use of land will not be granted where the development would;

- Result in the erosion of a physical gap between any of the settlements named in policy (this includes Willaston/Rope/Shavington/Crewe)
- Adversely affect the visual character of the landscape
- Significantly affect the undeveloped character of the Green Gap, or lead to the coalescence between existing settlements

The site is also subject to Policy PG6 of the CELPS, and it is identified that other uses appropriate to a rural area will be permitted. A burial ground is appropriate in a rural area and was consented as part of application 21/1920N. The consented development gave permission to provide urn burials only and this application seeks to allow coffin burial on part of the site, this would require a raise in land levels on part of the site as well as additional on-site parking and a hearse access track.

Each plot will be marked on a topographical survey of the land so that a GIS System can be cross referenced to ensure that accurate identification of the plots.

There is the option for a small natural stone or a tree (in the designated tree planting area to the north-west of the site which would not cover the area for the coffin burials) to remember the deceased. There are two types of pathway within the site; main pathways (1.5m in width and formed of compacted gravel) and secondary paths (1m in width and maintained mowed grass). The impact of the burial plots, headstone and pathways upon the physical gap between the settlements and the undeveloped character of the Green Gap would be neutral.

The main impact upon the Green Gap would be from the hearse access track and the increased parking areas. These are clearly ancillary elements of the development and represent a very small part of the development which would be viewed in the context of the existing parking area and amenity building. The level of harm is considered to be very minor due to the small size of the carpark and hearse access and that these elements are an ancillary part of the development.

The proposed development would not conflict purpose of the Strategic Green Gaps or the Open Countryside as identified within Policies PG5 and PG6 of the CELPS.

### **Need for the Development**

As noted, as part of application 21/1920N the ecological burial ground will complement the other traditional cemeteries in the south of the Borough and offer choice to the residents of Cheshire East. The need for this type of development is a benefit which will be weighed within

the planning balance and this application would allow a further choice for those seeking coffin burials.

## **Amenity**

There are residential properties to the east facing onto Main Road and there are dwellings located off the access to the site (55, 57 Main Road and Old Pusey Dale), with other dwellings facing onto Main Road and Pusey Dale Close.

The use of the site as a burial ground would not cause any harm to residential amenity. Such uses are often located alongside residential properties and do not raise issues such as noise and disturbance.

The proposed access and carpark do have the potential to impact upon residential amenity. However, the level of use and the low level of vehicular movements associated with this use would mean that the proposed access and carpark would not cause such harm to warrant the refusal of the application on amenity grounds.

The construction phase of the development which includes the vehicle movements to deposit soil on the site could also have the potential to cause an amenity issue. However, this temporary disruption could not be used as a reason to resist development and the matter could be controlled via the imposition of a condition relating to a construction management plan.

## **Design/Landscape**

The wider application site is undulating pastureland (there is an approximate level change of 5.5m across the existing site) that covers an area of approximately 3.2 hectares with a variety of boundary features including hedgerows, trees and some fencing. There are a number of trees towards the central part of the site and along the rear of properties that lie between the site and Main Road. Footpath FP 4 Rope follows runs along the south-western boundary of the application site.

The main design/landscape issue is the increase in the land levels on the central part of the site. The proposed levels would be just 10cm higher than the highest existing level on the site and due to the undulating nature of the site it is not considered that the levels increase would be out of character or cause harm to the character and appearance of the wider area.

The proposed extension to the car-parking area would be acceptable and would not cause any harm to the wider landscape given its small extent and that it would be seen in the context of the existing parking areas and reception/store building.

The proposal will not be incongruous in relation to the surrounding landscape character and that the proposals will not adversely affect the character of the area and the visual impacts will be negligible.

## **Contaminated Land**

The application site has a history of agricultural use and therefore the land may be contaminated. A standard condition is suggested in relation to unexpected contamination on the site.

## **Trees**

The application site comprises of pastureland which benefits from established hedgerows, small groups of younger trees and occasional mature trees. Several mature Oaks located along the southeastern boundary of the site to the rear of Pusey Dale Close are afforded formal protection by the Borough of Crewe & Nantwich (Main Road, Shavington) Tree Preservation Order 1985.

There would be some minor tree/hedgerow losses associated with the increase in land levels, but these trees are not protected, and their loss is accepted (it should also be noted that the wider site has seen a large amount of tree planting associated with the extant scheme).

The trees which are the subject of a Tree Preservation Order would all be retained and would be unaffected by this application.

The tree officer has considered the application and has confirmed that she has no objection to the application subject to the imposition of a standard condition.

## **Highways**

As with the original approval for a burial ground on this site (21/1920N), the access has sufficient visibility and width, and this remains the case as part of this application.

As with the previous application the applicant states that there will be up to 2 burials per day with one in the morning and another in the afternoon.

Traffic surveys of other similar sites have been used to give an indication of the number of vehicle trips these burials will generate. Coffin burials are expected to increase the number of vehicles compared to urn burials and the data indicates an average attendance of 20 vehicles. Additional spaces have been provided to cater for this plus extra for the odd occasion of exceptional demand. Main Road is one of the main roads through Shavington and is capable of accommodating this additional traffic, and services will typically be outside of usual network peak times.

To allow this development there will be a level change within the site and therefore additional construction traffic as a result. It has been estimated to be 3 HGVs per hour (6 movements) for an approximate 10-week period. A construction management plan should be conditioned which confirms these numbers and on which days, as well as HGV routing, vehicle type, and wheel washing facilities.

The highways impact will be acceptable (including the parking provision). The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the

local highway network. The proposed development complies with policies INF3 of the SADPD, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF.

## **Ecology**

The landscape which has been provided as part of the proposed development and which would be provided within the tree burial plots has provided an ecological improvement for this site. The Councils Ecologist has confirmed that he has no objection to this planning application.

## **Groundwater Pollution**

The approved development only allows for the internment of ashes at the site. The proposal seeks to allow body/coffin burials which has the potential to impact upon groundwater. Body and coffins buried within the site will decay which results in polluting fluids being released and moving downwards to the underlying groundwater (nitrate, ammonia and bacterial pollution). The shorter the time over which burials occur and the higher the number of burials the more groundwater pollution can occur. The amount of polluting fluids below the burial sites and in the groundwater will decline with time and distance from the burial.

The applicant has submitted a Groundwater Risk Assessment (GRA) with this application. This states that significant groundwater was encountered during the across the borehole monitoring which took place at the site, and that longer term monitoring has indicated relatively shallow groundwater across the site. The GRA states that there would not be the required minimum 1m unsaturated zone and that the burial area would need to be raised by 1.7-2m on the site (although the submitted plans show that levels would be raised by 1.51-1.68m).

A conceptual model has been carried out at this site and this indicates that:

- There are no existing sources of contamination.
- Embalming is not proposed for the burials and as such formaldehyde is not a contaminant of concern.
- The pathway for the source of migration is through clay/sand based till soils, which would offer some protection due to low permeability.
- The receptor at risk is the underlying secondary superficial and bedrock aquifers.

Based on a proposed burial rate of 10 or 25 burials per annum, the calculated environmental risk is considered to be moderate. The risk would fall into the high category if burials exceeded 40 per annum.

In terms groundwater pollution, this is an issue which is assessed by the Environment Agency (EA). In this case the application has been assessed by the Environment Agency who have confirmed that they object to the application and recommend that the application is refused as the applicant has failed to demonstrate that the risks to groundwater can be satisfactorily managed. The Environment Agency have raised the following issues:

- The site within its current state would represent a high risk to groundwater, this is due to the very shallow groundwater levels.
- Whilst the EA consider there to be a high risk to groundwater as opposed to the medium risk suggested within the GRA, the proposals would demonstrate that the minimum acceptable criteria could be met through the proposed ground land raising and that it would be possible to develop this site as a natural burial ground.

- The application should be accompanied by further groundwater monitoring data and a detailed plan and method statement for raising and reprofiling the land. The method statement should include details of the type of material that will be used and imported onto the site, how it will be laid, along with verification of the finished ground levels.
- The land levels as proposed only take into account the groundwater monitoring between October 2022 and April 2023. The period of January 2022 to March 2023 saw very little rain and the observed groundwater levels may not fully represent the highest natural groundwater level that may be achieved during a wet winter. There is also potential for higher variations and higher groundwater levels in the future when considering the impacts of climate change.
- There are some discrepancies with the labelling of the submitted drawings.
- The EA is aware that three land drains in the field that discharge into the ditch and pond. Further information is required to where the drains were positioned and when they were removed. It is likely that the land drains were providing some control over the maximum groundwater levels across the site, and therefore their removal may lead to an increase in groundwater levels.
- Good practice states that human burials must not take place within 10m of a field drain. If field drains are found, then they need to be removed/disconnected. If the field drains are removed/disconnected then this may lead to a rise in shallow groundwater on the site.
- The applicant should confirm whether two wells within 250m of the site are no longer in use for potable supply.
- Once the land raise has been completed the land raise itself will likely hold water and therefore, we must understand the natural groundwater level once the land raise has been completed and so we need evidence of the groundwater level changes post land raise.
- The addition of gypsum may also contribute to leachate formation and, because of the impermeable clay under the site, there is a possibility that any leachate generated from the site including from the graves would need some sort of leachate management. If this is required, it would mean that the site would require a bespoke permit under the new guidance.

The applicant has written to the Council to dispute some of the comments made within the EA consultation response. However, the issues are not covered within the submitted GRA, and the applicant has failed to address those concerns to the satisfaction of the EA.

As a result of the above the application fails to demonstrate that demonstrate that the risks to groundwater can be satisfactorily managed. The proposed development is contrary to policies SE12 of the CELPS and ENV17 of the SADPD

### **Flood Risk/Drainage**

The application site is located within Flood Zone 1. This land is defined as having a low probability of flooding.

As noted within the consultation from the Councils Flood Risk Officer a number of issues relating to the drainage details for the site remain unresolved. As a result a satisfactory drainage solution for the site has not been provided and there are concerns that the proposed development could result in an increase in drainage issues at the site, including surface water run-off flowing off-site.

The proposed development fails to comply with Policies SE12 of the CELPS, ENV16 and ENV17 of the SADPD, and ENV3 of the SNP.

A United Utilities (UU) water main crosses the site and the submitted plans show that the proposed coffin burial area and the associated level changes will be outside the UU easement. A standard condition could be imposed to safeguard the water main on the site and a condition could also be imposed to ensure there will be no burials within the easement.

## **PROW**

PROW Rope FP4 is located to the south of the site and would not be affected by the development. An informative will be attached to any approval to protect the PROW.

## **Other issues**

The site will have to adhere to the Institute of Cemetery and Crematorium Management (ICCM) and Government legislation to operate legally. The site will be managed in accordance with the Ministry of Justice's guidance for Natural Burial Ground Operators (2009) and a Management Plan has been provided to confirm this. This will be controlled via the imposition of a planning condition.

The letters of representation raise a number of issues that relate to the principle of the use of the site for burials. The use of the site for burials has previously been accepted and cannot be reconsidered, this application seeks to allow coffin burials and the officer report considers the implications of that.

## **CONCLUSION/PLANNING BALANCE**

The use of the land as a burial site has been accepted and this application seeks to allow for coffin burial to take place in addition to the interment of ashes. This requires an increase in the land levels on part of the site.

The proposed development will not be incongruous or adversely affect the landscape character. The development is also considered to be of an acceptable design. The proposed development complies with Policy SE4; the landscape requirements of Policy PG5, SE1, SD1 and SD2 of the CELPS and GEN1 of the SADPD.

The highways impact will be minimal, and the improved access and parking provision are acceptable. The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the local highway network. The proposed development complies with policies INF3 of the SADPD, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF. It is accepted that there could be some disturbance caused by the construction phase of the development, but this could be controlled via the imposition a Construction Management Plan condition.

The proposed development would not cause such amenity harm to warrant the refusal of the application. The proposed development complies with Policy HOU12 of the SADPD.

There are no implications in terms of the impact upon trees, protected species and habitats. The proposed development complies with Policy SE3 of the CELPS, ENV2 of the SAPPD and ENV2 of the SNP.

Despite the above, the application does not demonstrate that the risks to groundwater pollution can be satisfactorily managed or that the proposal would effectively manage and reduce the risk of surface water/overland flow. The proposed development conflicts with Policies SE12 of the CELPS, ENV16 and ENV17 of the SADPD and ENV3 of the SNP. On this basis the application is recommended for refusal.

## **RECOMMENDATION**

**REFUSE for the following reasons:**

- 1. The application site is the subject of shallow groundwater levels and the proposed body/coffin burials has the potential to impact upon groundwater. The application fails to demonstrate that the risks to groundwater can be satisfactorily managed. The proposed development is contrary to policies SE12 of the Cheshire East Local Plan Strategy and ENV17 of the Site Allocations and Development Policies Document and the NPPF.**
- 1. The application includes insufficient information to demonstrate that the proposed development would effectively manage and reduce the risk of surface water/overland flow. It is not possible to conclude that the proposed development would not result in flooding due to the increased land levels. The proposed development fails to comply with Policies SE13 of the Cheshire East Local Plan Strategy, ENV16 and ENV17 of the Site Allocations and Development Policies Document, and ENV3 of the Shavington Neighbourhood Plan and the NPPF.**

**In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in their absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice**

