

Application No: 24/4112/VOC
Application Type: Variation of Condition
Location: Santune Meadows, Main Road, Shavington Crewe, CW2 5DU
Proposal: Variation of conditions 2 and 18 on application 21/1920N - Installation of an ecological burial ground with associated access, car parking and infrastructure with ancillary facilities
Applicant: Mr Simon Clutton,
Expiry Date: 05-February 2025

Summary

The use of the site as a burial ground has previously been accepted and this application seeks to amend the existing conditions to allow coffin burials to take place and this will require a change in the land levels on the site.

It has previously been accepted that there is an opportunity to create new cemeteries to support the desire for woodland/ecological burial grounds (as identified within the Cemetery Strategy in the Medium Term). There is no such provision within the southern part of the Borough and 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. This is a benefit of the proposed development.

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 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 would not cause such amenity harm to warrant the refusal of the application.

There are no objections in terms of the flood risk/drainage implications of the development. The Environment Agency is now satisfied with the application (subject to the imposition of conditions), and as such there would be no harm in terms of groundwater pollution.

There are no implications in terms of the impact upon trees, protected species and habitats. It has previously been accepted that the use of the site will provide ecological benefits.

The minor harm to the Green Gap would be outweighed by the benefits of the scheme in terms of the provision of the natural burial ground in this part of the Borough as well as the ecological benefits of the development. On this basis the application is recommended for approval.

Summary recommendation

Approve subject to following conditions

1. Reason for Referral

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

'Reasons for the call in is the lack of an Environmental Agency report. The Environmental Agency position as of 20 June 2024, application 24/0214N was that the updated report did not satisfactorily address their earlier concerns as set out in their objection dated 12 March 2024.'

3.8 Surface Water Flooding: Source: A Tier 2 Groundwater Risk Assessment Report for Forget Me Not Fields

Any construction/development works which might increase the risk of flooding on or off site need to be identified and the 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. There is a response from LLFA stating "I would ask for details of any proposed infilling material once confirmed please. I imagine this could be covered via Condition 16(v) if you'd prefer it is covered this way." I would prefer an in-depth FRA via a site visit given recent flooding in Shavington as result of the building of recent developments. There is a need to ensure that the raising of land and subsequent runoff of surface water does not have a detrimental impact on neighbouring homes at a lower level than the proposed raised land levels'

2. Proposed Development

2.1. Planning application 21/1920N gave planning permission for the development of 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.

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

2.3. 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'

2.4. 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).

2.5. 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 1.98m 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.

3. Site Description

3.1. 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.

3.2. The site 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.

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

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

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

4. Relevant Planning History

4.1. 24/0214N - Variation of conditions 2 and 18 on application 21/1920N: To allow for coffin burials to respond to demand – Withdrawn 26th July 2024

4.2. 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 10th January 2024

4.3. 21/1920N - Installation of an ecological burial ground with associated access, car parking and infrastructure with ancillary facilities – Approved 5th July 2021

4.4. 20/5236N - Installation of an ecological burial ground with associated access, car parking and associated infrastructure with ancillary facilities – Refused 4th March 2021

4.5. 20/5237N - Advertisement Consent for an entrance sign – Approved 14th September 2021

4.6. 16/5849N - Proposed Development of Three Detached Dwellings – Refused 30th January 2017

4.7. 14/5883N - New Control kiosk, hardstanding and permanent access – Approved 9th March 2015

4.8. 7/04145 - Siting of residential caravan – Approved 29th June 1978

5. National Planning Policy

5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration for the purposes of decision making.

6. Development Plan Policy

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

- 1.SADPD Policy PG 12: Strategic green gaps boundaries
- 2.SADPD Policy GEN 1: Design principles
- 3.SADPD Policy ENV 16: Surface water management and flood risk
- 4.SADPD Policy ENV 2: Ecological implementation
- 5.SADPD Policy ENV 3: Landscape character
- 6.SADPD Policy ENV 5: Landscaping
- 7.SADPD Policy ENV 6: Trees, hedgerows and woodland implementation
- 8.SADPD Policy HOU 12: Amenity
- 9.SADPD Policy INF 1: Cycleways, bridleways and footpaths
- 10.SADPD Policy INF 3: Highway safety and access
- 11.SADPD Policy REC 5: Community facilities
- 12.CELPS Policy MP 1: Presumption in favour of sustainable development
- 13.CELPS Policy PG 2: Settlement hierarchy
- 14.CELPS Policy PG 5: Strategic green gaps
- 15.CELPS Policy PG 6: Open countryside
- 16.CELPS Policy PG 7: Spatial distribution of development
- 17.CELPS Policy SD 1: Sustainable development in Cheshire East
- 18.CELPS Policy SD 2: Sustainable development principles
- 19.CELPS Policy IN 1: Infrastructure
- 20.CELPS Policy IN 2: Developer contributions
- 21.CELPS Policy SE 1: Design
- 22.CELPS Policy SE 12: Pollution, land contamination and land instability
- 23.CELPS Policy SE 13: Flood risk and water management
- 24.CELPS Policy SE 2: Efficient use of land
- 25.CELPS Policy SE 3: Biodiversity and geodiversity
- 26.CELPS Policy SE 4: The landscape
- 27.CELPS Policy SE 5: Trees, hedgerows and woodland
- 28.CELPS Policy SE 6: Green infrastructure
- 29.CELPS Policy CO 1: Sustainable travel and transport

6.3. Neighbourhood Plan

The Shavington Neighbourhood Plan (SNP) was made on 28th July 2021.

ENV1 – Footpaths and Cycleways

ENV2 – Trees and Hedgerows

ENV3 – Water Management and Drainage

TRA1 – Sustainable Transport

TRA2 – Parking

ECON1 - Economy

7. Relevant supplementary planning documents or guidance

7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

7.2. Ecology and Net Gain SPD

7.3. Environmental Protection SPD

7.4. SuDS SPD

8. Consultation Responses

8.1. **Environment Agency:** No objection.

8.2. **United Utilities:** Offer the following comments for this application:

- UU are satisfied that the earthworks now slope to the north and promote drainage away from the 24" trunk main.
- The proposed earthworks provide a 1m unsaturated zone together with a 300mm buffer.
- Reduce the risks of contaminants reaching the local groundwater table.
- Sub-surface drainage should be to a northerly direction.
- No further comments are proposed in relation to the risks of groundwater contamination.
- Easements will be required along the UU trunk main.
- The existing groundwater monitoring wells will need to be left in place for continued ground water monitoring following the land raising exercise.
- The land raising will be undertaken in stages using Cl:aire protocols. This will ensure that imported materials are tested and proven to be uncontaminated before they arrive on site.
- The drainage strategy for the site is acceptable and can be secured via a condition.
- SuDS management and maintenance can be controlled via a condition.
- A condition is suggested in terms of the protection of the watermain.

8.3. **Head of Strategic Transport:** No objection subject to the imposition of a planning condition.

8.4. **CEC PROW:** It appears unlikely that the proposal will affect the PROW and an informative is suggested.

8.5. **Flood Risk Manager:** No objection subject to details of the filling material.

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

9. Views of the Town or Parish Council

9.1. **Shavington Parish Council:** Shavington cum Gresty Parish Council support the application, on the basis that the appropriate building and planning regulations are in place and enforced by Cheshire East Council.

10. Representations

10.1. Letters of objection have been received from 4 households raising the following points:

- There has not been enough notice or engagement given for residents to comment on this application.

- There is a lack of evidence relating to the impact upon groundwater.
- The groundwater risk assessment highlights that burials will cause a risk to local surface water and the underlying aquifer, and the surrounding areas are at moderate risk.
- There are no assurances in terms of monitoring of water contamination outside the site, such as microbes, heavy metals, potential nuclear components (from medical devices or nuclear based therapies). These may leach into the surrounding areas through surface water run off and contaminate local gardens, vegetation, fruit and wildlife.
- There is no mention of how the proposed burial limit will be restricted.
- Contamination testing should be published every 6 months.
- Lack of information in terms of surface water drainage. There is no proof that the local pond could accommodate the surface water run-off.
- Impact upon aquatic wildlife (frogs and newts).
- Further supporting information should be provided as part of this application.
- The proposal does not represent sustainable development and the benefits would not outweigh the impacts.
- There is no proof that the proposal would achieve the required groundwater clearance and no calculation of the cumulative impact of 25 burials per year.
- There is conflicting information within the application in terms of the site name (Forget Me Not Fields or Santune Meadows).
- Incorrect maps are provided (do not match those requested by the EA).
- The management plan and other documents such as the transport documents are ambiguous.
- The land levels increase vary within the documents.
- The importation of soil will not be 6 weeks, but approximately 20 months.
- Some of the plans are contrary to conditions.
- The impact of funeral services on residents.
- The tree barrier would cover a residential access
- The car-park is unclear and unachievable.
- The parking area will impact upon privacy and it has not been widened to 5m over its full length.
- The traffic flows do not allow for a larger number of mourners as part of coffin burials.
- Some funerals could have 100s of attendees.
- There is no safe pedestrian access into the site, and the same access is used by farm vehicles and UU.
- Vehicles will need to reverse onto Main Road as the access is not wide enough for vehicles to pass.
- The HGV movements do not allow for the 3 stages of development.
- A GCN survey is required.
- The loss of trees and hedgerows.
- Harm to the character and appearance of the area.
- Loss of outlook.
- Change to the character of the public footpath.
- The application does not provide all of the information required by the Environment Agency as part of the previous application.
- There is no allocation for the addition of climate change.
- The application includes further paths and car-parking which will increase flooding.
- The FRA does not allow for the embankment to the south, west and east being lower than the 2m land increase.
- Where will the water and soil go from the HGV wheel washing process.
- No details have been provided in terms of the source of the importation of soil.
- Lack of information in terms of contamination/land stability.
- The application is not clear on the number of coffin burials per year.
- Lack of consultation responses submitted (including the Environment Agency).
- The increase in ground levels will raise groundwater levels.

- The additional parking is in an area where UU vehicles have needed to be positioned in the past to clean drains.
- What will happen if land levels are increased and coffin burials take place, and there is an impact upon groundwater pollution.
- The plan to deliver soil to the site (over 3 phases) will require 2,000 HGV movements along Main Road. A detailed risk assessment is required. Potential impact upon a school route.
- Who will monitor the development?
- How will coffin burials be restricted?
- This application is effectively a change of use.
- High volumes of traffic using Main Road, there has been a massive increase in traffic due to recent housing developments.
- Increased risk of traffic accidents.
- This proposal will increase traffic.
- The Environment Agency (EA) consultation response is not available to view on the file.
- What regulations, requirements and restrictions will be imposed by the EA and who will monitor these.
- Who monitors the requirements of the operating permit.
- Who will monitor ground water levels? How will groundwater metrics be reported?
- What will the impact be from the earth compaction.
- Lack of clarification on the site plan.
- The Construction Risk Assessment Method Statement is from 2020 and is not relevant and needs to be updated.
- What is the water discharge rate from the drain in the west of the site into the pond?
- The Southern Planning Committee should visit the site.
- There is no evaluation of the use of food production on the surrounding land.
- Photographs of the pond on site have not been added to the portal.

10.2. Letters of support have been received from 22 households which raise the following points:

- This is a much-needed facility which meets community needs.
- This proposal is a necessity in the area.
- Where are loved ones to be laid to rest.
- Burial grounds are diminishing regionally.
- The proposal offers a sustainable funeral service, in a peaceful location.
- The proposed burial plots will compliment the urn internments which take place at the site.
- The service offered is not readily available in Cheshire East.
- The site is professionally run, and the work will be carried out in a thoughtful and environmentally friendly manner, which is mindful of the views of the local community.
- The woodland and wildflower meadows on site are maintained to an impeccable standard.
- The site is an asset to the village.
- Allowing coffin burials would allow burials for couples who are having a combination of cremation and coffin burial on the same site.
- The site provides a secular space for burials.
- The site offers wildlife habitat.
- The proposal is a great use of the previous agricultural land.
- Other graveyards are at capacity.
- People would like to be buried at the site but cannot currently be due to the restriction.

10.3. A petition of support has been received which has been signed by 76 people.

11. Officer Appraisal

Principle of Development and Key issues

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

11.2. 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

11.3. 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.

11.4. 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.

11.5. 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 pathways 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.

11.6. 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.

11.7. 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

11.8. 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.

Design/Landscape

11.9. 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.

11.10. The main design/landscape issue is the increase in the land levels on the central part of the site. The proposed levels would be 70cm higher than the highest existing level on the site and due to the undulating nature of the site it is no considered that the levels increase would be out of character or cause harm to the character and appearance of the wider area. To aid this assessment some sectional drawings through the site have been provided.

11.11. 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.

11.12. 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

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

Amenity

11.14. 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.

11.15. 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.

11.16. 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.

11.17. 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.

Trees

11.18. The application site comprises of former pastureland now in use as a burial ground 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.

11.19. 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).

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

11.21. There is no objection to the application in terms of the tree implications subject to the imposition of a standard condition.

Highways

11.22. 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.

11.23. 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.

11.24. 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.

11.25. 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.

11.26. 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.

Public Rights of Way (PROW)

11.27. 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.

Ecology

11.28. A number of ponds are located within 250m of the proposed development. The application site however offers limited habitat for great crested newts and does not support any features likely to be utilised by newts for shelter and protection and the proposed development would not result in the fragmentation or isolation of great crested newt habitat.

11.29. The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk, the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'

11.30. If these reasonable avoidance measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application. If planning permission is granted a condition will be imposed in relation to Great Crested Newts.

11.31. 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 Council's Ecologist has confirmed that he has no objection to this planning application.

Groundwater pollution

11.32. The approved development only allows for the interment 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.

11.33. The applicant has submitted a Groundwater Risk Assessment (GRA) with this application. This states that groundwater was encountered across the borehole monitoring which took place at the site.

11.34. The pathway for the burial contamination would be through underlying gravelly sand and sandy clay soils. This would offer a significant degree of protection to the controlled waters (aquifers and surface water features).

11.35. For burials there is a requirement to maintain a minimum 1m unsaturated zone. As a result of the shallow groundwater and the ground levels the land levels within the burial area will need to be raised between 1.4m to 1.7m (an additional 0.3m increase is recommended to provide an additional buffer). The imported materials will be clean and certified for use under a Material Management Plan and a 30m non-burial buffer would be provided to the pond in accordance with EA good practice guidance.

11.36. A conceptual model to assess the impact of burials on the site finds that there would be a low risk in terms of the impact upon aquifers and services (the trunk main) and a moderate risk upon surface water features (the pond on the northern site boundary). The total rating score is of a moderate risk and when assessed against a burial rate of 10, 25 and 50 per annum, the risk is rated as moderate risk based on burial numbers of 10 and 25 per annum and a high risk where burials exceed 40 burials per annum.

11.37. The impact in terms of groundwater pollution is assessed by the Environment Agency (although in this case the matter has also been considered by United Utilities). The case officer has met with the Environment Agency to discuss the previous groundwater contamination concerns. From these discussions the control and management of materials used for the proposed ground raising would follow the CL:AIRE protocols (CL:AIRE is a voluntary auditable system used widely across the construction industry which enables

developers to demonstrate that the materials proposed in projects are acceptable for use without being classified as a waste product and therefore does not trigger the need for a Waste Permit)

11.38. Following consideration of the GRA, the EA have confirmed that groundwater monitoring will continue at the site as the land levels are raised in three phases. Groundwater monitoring will then also take place once the land levels have taken place and before any burials take place. This will enable the impact of the raised land level on the groundwater table to be thoroughly assessed. The Environment Agency are of the view that the impact post groundwater monitoring is likely to be minimal. A decision on whether the proposal will require an Environment Agency permit for burial will be made after the construction of the mound, when the groundwater monitoring results will be available and it will be clear whether the raised land levels are sufficient to adequately protect the groundwater from pollution arising from any burials and will demonstrate whether the Environment Agency exemptions have been met. Should the Environment Agency exemptions not be met, then an Environment Agency permit for burial will be required before any burials can take place (this may require a further management plan which would be dealt with separately via the Environment Agency permit).

11.39. The view of the Environment Agency is on the basis of a number of conditions which can be imposed as part of the planning permission. These are as follows:

- A restriction on the number of coffin burials of 25 per annum.
- The submission of the groundwater monitoring scheme.
- The results of any groundwater monitoring to be submitted together with any necessary mitigation as a result of the monitoring.
- No coffin burials to take place until the 3 stages of land level raising have taken place.

11.40. Finally, the Environment Agency have confirmed that should any groundwater issues arise after burials take place, then this would be investigated by themselves.

11.41. Based on the above, the impact upon groundwater is considered to be acceptable and does not represent a constraint to this development.

Flood Risk/Drainage

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

11.43. As part of the previous application the Councils Flood Risk Officer objected due to a number of issues relating to the drainage details for the site being unresolved. The applicant has now provided a drainage strategy which identifies that surface water drainage will be redirected via new land drains into the existing pond and drainage ditch. This solution has been considered by the Councils Flood Risk Officer who raises no objection to the application.

11.44. 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. UU have considered the application have confirmed that they have no objection in terms of the drainage impact and the impact upon their infrastructure.

Other issues

11.45. 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.

12. Planning Balance/Conclusion

12.1. The use of the site as a burial ground has previously been accepted and this application seeks to amend the existing conditions to allow coffin burials to take place and this will require a change in the land levels on the site.

12.2. It has previously been accepted that there is an opportunity to create new cemeteries to support the desire for woodland/ecological burial grounds (as identified within the Cemetery Strategy in the Medium Term). There is no such provision within the southern part of the Borough and 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. This is a benefit of the proposed development.

12.3. The proposed development will not be incongruous or adversely affect the landscape character. The development is also considered to be of an acceptable design.

12.4. 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.

12.5. The proposed development would not cause such amenity harm to warrant the refusal of the application.

12.6. There are no objections in terms of the flood risk/drainage implications of the development. The Environment Agency is now satisfied with the application (subject to the imposition of conditions), and as such there would be no harm in terms of groundwater pollution.

12.7. There are no implications in terms of the impact upon trees, protected species and habitats. It has previously been accepted that the use of the site will provide ecological benefits.

12.8. The minor harm to the Green Gap would be outweighed by the benefits of the scheme in terms of the provision of the natural burial ground in this part of the Borough as well as the ecological benefits of the development. On this basis the application is recommended for approval.

13. Recommendation

APPROVE subject to the following conditions;

- 1. Approved Plans**
- 2. Compliance with the Great Crested Newt Reasonable Avoidance Measures**
- 3. Landscaping to be submitted**
- 4. Landscaping to be implemented**
- 5. Burial plots shall not occur within RPA's of retained trees on the site**
- 6. No more than two burials a day (coffin and urn burials) and no burials to take place on a Sunday**
- 7. Parking spaces to provided prior to the first use of the coffin burials area**

- 8. Prior to commencement of the land level works a Construction Management Plan should be submitted and approved which provides details of HGV movements, HGV routing and vehicle type, and wheel washing facilities**
- 9. Compliance with the submitted drainage strategy**
- 10. SUDS management and maintenance strategy**
- 11. Details of the importation of soil**
- 12. Protection measures for UU infrastructure**
- 13. No burials within the UU easement**
- 14. Compliance with the submitted Management Plan**
- 15. Restriction on the number of coffin burials of 25 per annum and No coffin burials to take place until the 3 stages of land level raising have taken place.**
- 16. The submission of the groundwater monitoring scheme.**
- 17. The results of any groundwater monitoring to be submitted together with any necessary mitigation as a result of the monitoring.**

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 her 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

