

Hinckley & Bosworth Borough Council  
Development Services  
Hinckley Hub Rugby Road  
HINCKLEY  
Leicestershire  
LE10 0FR

**Our ref:** LT/2024/128528/01-L01  
**Your ref:** 24/00248/FUL  
**Date:** 23 April 2024

Dear Sir/Madam

**CHANGE OF USE OF ALLOTMENTS TO EXPAND BURIAL GROUND ST PHILIP  
AND ST JAMES C OF E PARISH CHURCH CHURCH LANE RATBY LEICESTER  
LEICESTERSHIRE LE6 0JE**

We have the following comments to make on this application (24/00248/FUL) which relate to the protection of controlled waters only. Queries relating to human health should be directed to the relevant department of the Local Authority.

The 1:50,000 scale geological map indicates that the bedrock underlying the site is the Cotgrave Sandstone Member, which is designated as a Secondary Undifferentiated aquifer. A small portion of the site is also underlain by the Gunthorpe Mudstone Member which is Secondary B aquifer.

Given the above geological setting, the application is considered to be low risk, however, the application does not meet all of the exemptions listed in the following: [Low environmental risk cemeteries: exemption conditions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/low-environmental-risk-cemeteries-exemption-conditions) as the applicant has not provided evidence of groundwater levels on the site.

There must be at least 1 metre clearance between the base of a grave and the top of the water table. You must make sure that you can meet this condition at all times of the year, including when groundwater levels are seasonally high. For example, after winter rainfall. To determine the groundwater levels on site the applicant must conduct groundwater investigations using intrusive methods, such as trial pits or boreholes. You should employ a competent environmental consultant to investigate groundwater levels.

You will need information such as groundwater levels to support your planning application. For the detail you will need to provide, see the section on 'information to support planning applications' in the guidance on protecting groundwater from human burials.

At this stage of the proposed development, as the applicant has not submitted any supporting evidence to show how deep groundwater levels are to show that they are sufficient for a burial ground, we wish to object to this development as follows.

**Environment Agency position**

We object to the planning application, as submitted, because the proposed cemetery development would pose an unacceptable risk of pollution of groundwater. We recommend that planning permission should be refused on this basis, in line with paragraph 180 of the National Planning Policy Framework.

**Reason(s)**

Environment Agency  
Trent Side North, West Bridgford, Nottingham, NG2 5FA.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](https://www.gov.uk/environment-agency)

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Our approach to groundwater protection is set out in 'The Environment Agency's approach to groundwater protection'. In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater especially where the risks of pollution is high and the groundwater asset is of high value.

To ensure development is sustainable, the applicant must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance, the applicant has failed to provide this information and we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because the clearance between the base of the graves and the water table has not been investigated.

Please note that current guidance on risk assessments is available online here: <https://www.gov.uk/guidance/cemeteries-and-burials-groundwater-risk-assessments>.

### **Overcoming our objection**

The applicant should provide a scheme to assess the risks to groundwater and identify appropriate mitigation to manage those risks. The scheme must include the following detailed information:

1. Tier 1: Risk screening in accordance with the current guidance
2. Where required by the tier 1 assessment, a tier 2: Preliminary quantitative risk assessment with detailed desk study and preliminary site investigation
3. Where required by a tier 2 assessment, a tier 3: Detailed quantitative risk assessment
4. Where required by any stage of the risk assessment, a method statement, based on that agreed risk assessment, for construction and operation of the proposed development.
5. A completion statement to demonstrate that work specified in the method statement has been suitably carried out.

Should this scheme demonstrate that any risks identified can be satisfactorily managed through a method statement we will be able to withdraw this objection.

### **APPENDIX – Advice to Applicant**

We wish to provide the following information to the applicant. The applicant should note that in accordance with Government policy detailed in the National Planning Policy Framework (paragraph 183), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination subsequently become apparent then responsibility will remain with these parties.

### **Cemeteries outside of source protection zones and more than 250 metres from a well, borehole or spring used for the supply of water for human consumption.**

Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. These measures are set out in our comments below. The local planning authority should consider whether they wish to secure specific measures through appropriate planning conditions. The development of new cemeteries in high vulnerability areas should be avoided, except where the thickness and nature of the unsaturated zone, or the impermeable formations beneath the site, protect groundwater; or where the long-term risk is mitigated by appropriate engineering methods. We recommend that reference should be made to cemetery section in the 'The Environment Agency's approach to groundwater protection' and information on the Natural Death Centre website. A hydrogeological risk assessment must be undertaken to show that there are minimal

risks to the environment either at time of burial, or in the future. Reference should be made to the Environment Agency document 'Assessing the Groundwater Pollution Potential of Cemetery Developments'. Relevant best practice guidance must be followed, and the design should be appropriate for the local circumstances and should be based on-site investigation.

In principle any new cemetery or the extension of any existing cemetery must:

- be at least 250 metres from a well, borehole or spring used to supply water that is used for human consumption, or for use in dairy farms
- be at least 30 metres from any other spring or watercourse and at least 10 metres from any field drain
- have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the remains
- have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained)

If you wish to discuss any of these issues the Environment Agency can be contacted on 03708 506 506 or by [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

Environment Agency guidance on 'Cemetery Developments' is set out in our *Approach to Groundwater Protection*. More information can be found here: [Low environmental risk cemeteries: exemption conditions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/low-environmental-risk-cemeteries-exemption-conditions)

#### **NGW I 05      'The Environment Agency's approach to groundwater protection'**

We would like to refer the applicant/enquirer to our groundwater position statements in '[The Environment Agency's approach to groundwater protection](#)', available from gov.uk.

This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps
- Cemetery developments
- Drainage

Yours faithfully

**Ms Huda Al Tahhan**

**Planning Advisor**

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