

**Item No 04:-**

**16/02407/FUL (CT.8494/B)**

**All Saints Church  
Church Road  
Down Ampney  
Gloucestershire  
GL7 5QW**

**Change of use from agricultural land to burial ground/churchyard including new enclosures and repair of existing drystone wall at All Saints Church Church Road Down Ampney Gloucestershire GL7 5QW**

<b>Full Application 16/02407/FUL (CT.8494/B)</b>	
Applicant:	Reverend John Swanton
Agent:	
Case Officer:	Joe Seymour
Ward Member(s):	Councillor David Fowles
Committee Date:	10th May 2017
<b>RECOMMENDATION:</b>	<b>REFUSE</b>

**Main Issues:**

- (a) Groundwater Contamination
- (b) Impact on the Historic Environment

**Reasons for Referral:**

Cllr David Fowles has referred this application to be determined by the Planning Committee for the following reasons:-

*- The churchyard has been in Down Ampney for centuries which is nearer the Ampney brook than the proposed extension. People are still being buried in this yard and there is no problem with contamination.*

*- If we don't grant consent then people will no longer be able to be buried in Down Ampney since the cemetery will close forever which would be a great blow.*

**1. Site Description:**

Church of All Saints in Down Ampney is an Anglican parish church that was consecrated in the year 1285. The church spire dates from the 14th century and the porch from the 15th century with later additions made in the 19th century. The church is listed Grade I and is therefore considered to be of exceptional historic and architectural interest.

The nearby rectory Down Ampney House is also listed Grade I and many of the headstones within the church grounds are listed Grade II. The site is also the principal focal point within the Down Ampney Conservation Area, which only covers the aforementioned buildings and a few others in close proximity to the church, instead of the main village of Down Ampney which lies to the north.

The church is accessed from a pathway to the east which leads through the church grounds and the existing cemetery. The proposal is to extend the cemetery to the south and pedestrian access to the proposed extension would be through a currently open space between an old estate wall and a wall of the churchyard. A metal five-bar estate railing would enclose the proposed cemetery extension.

**2. Relevant Planning History:**

None.

### 3. Planning Policies:

LPR32 Community Facilities  
NPPF National Planning Policy Framework  
LPR05 Pollution and Safety  
LPR09 Biodiversity, Geology and Geomorphology  
LPR15 Conservation Areas

### 4. Observations of Consultees:

Environment Agency (EA): Objects to the application because the risks to groundwater from the development are unacceptable. The EA's full response is included in the appendix.

Historic England: The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Gloucestershire County Council Archaeologist: No objection.

Biodiversity Officer: No objection, subject to conditions.

Conservation Officer: No objection, subject to conditions.

### 5. View of Parish Council:

No response.

### 6. Other Representations:

None.

### 7. Applicant's Supporting Information:

Archaeological Evaluation  
Design and Access Statement  
Ecological Survey  
Tier 1 Risk Assessment

### 8. Officer's Assessment:

#### (a) Groundwater Contamination

The proposal seeks planning permission to change the use of land adjacent to the church so that it can extend the graveyard. Government guidance on the subject of burials advises the following:

"Burials must not pollute groundwater. Groundwater can be at risk of pollution from burials where the numbers are sufficient and if the site is in a sensitive or vulnerable area. Measures to prevent or limit pollution must be appropriately considered, given the sensitivity and risks posed." (source: [www.gov.uk](http://www.gov.uk))

Burials must not cause pollution and therefore should not take place below the water table. Burials below the water table limit the capacity for attenuation and there must be no direct input of hazardous substances to groundwater. The Tier 1 Risk Assessment recorded a maximum measured water table of 0.9 metres below ground level at Down Ampney House, which the Environment Agency consider to be unsuitable for double burials and is also potentially unsuitable for single burials.

Therefore, existing cemeteries like the one at Down Ampney would need some form of intervention to control groundwater levels in order to create an extended graveyard, such as

artificial drainage and abstraction for removal, for example. Any artificially drained groundwater must be collected, treated as contaminated, and disposed of properly as foul water. This requires an environmental permit unless permission is obtained from Thames Water to discharge directly to mains foul drainage. However, none of these measures have been proposed by the applicant.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Cotswold District Local Plan Policy 5 states permission will not be given for development that would result in an unacceptable risk to public health or safety, the environment, general amenity or existing land uses because of its location or due to the potential pollution of air, water, land or sky.

Whilst there is no objection to the principle of extending the existing graveyard, insufficient mitigation measures have been provided to prevent the contamination of groundwater to the levels required by the Environment Agency. Thus, the health and safety of the environment, nearby watercourses, wildlife and the general public cannot be guaranteed. Consequently, the proposal is considered to be contrary to the guidance outlined in NPPF paragraph 109 and Local Plan Policy 5.

#### **(b) Impact on the Historic Environment**

The church is accessed from an easterly direction via a gravel pathway which is lined with headstones either side forming part of the graveyard. The proposal seeks to extend the graveyard to the south of the church. Graveyards and headstones contribute to the setting of churches as they form an important part of their history. Subject to securing appropriately designed boundary treatments (which would be a combination of metal estate fencing and rebuilding of an existing stone wall) there are no objections to the proposal in conservation terms. Furthermore, Policy 32 (Community Facilities) supports the expansion of community facilities (which includes churches and cemeteries) that are well related to the existing facility and are accessible, particularly by foot and public transport, to the local community.

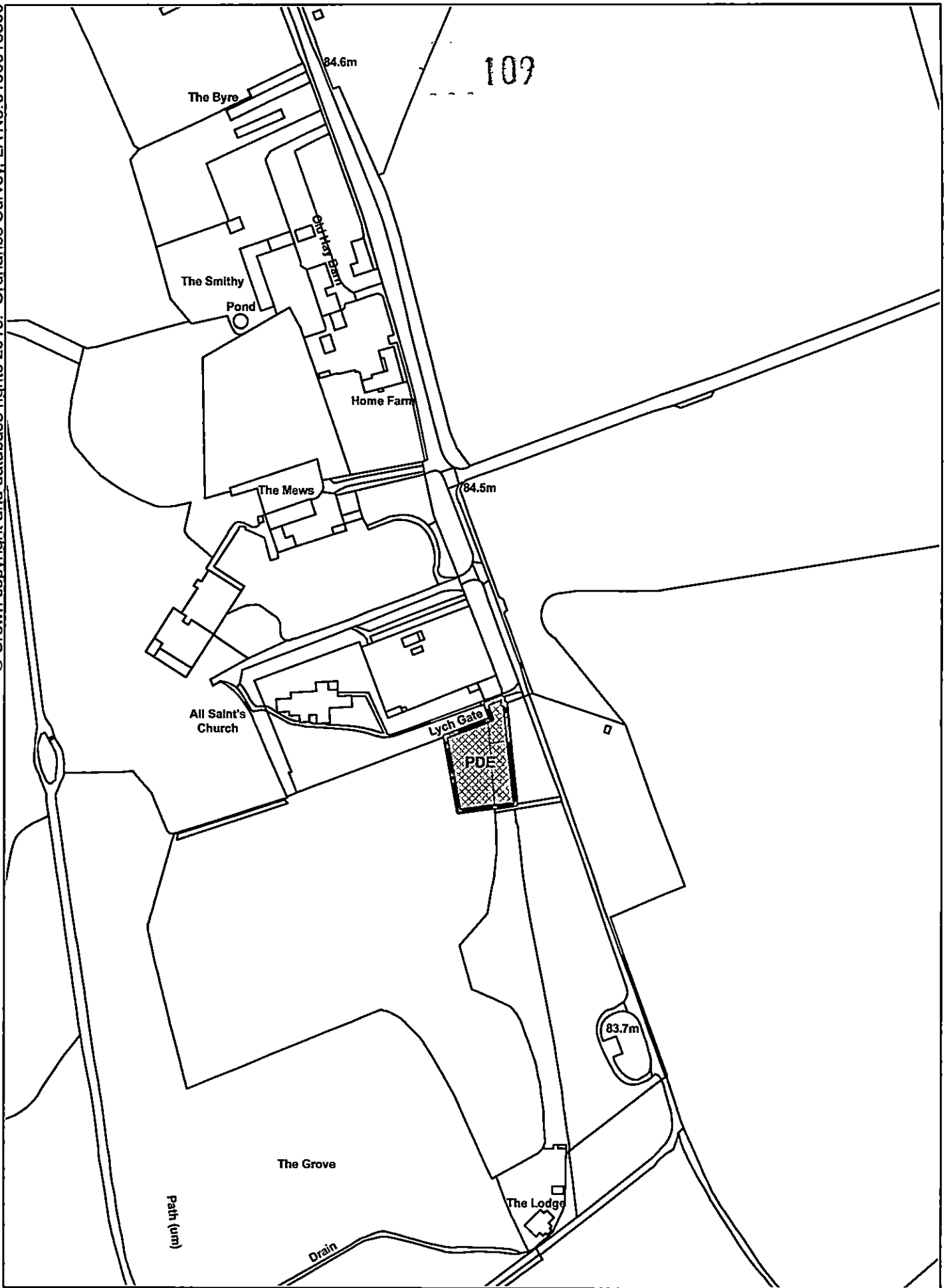
It is considered the proposed graveyard extension would preserve the character and appearance of the Down Ampney Conservation Area and it would also preserve the setting of the Grade I listed church and other nearby listed buildings. The proposal therefore complies with NPPF Section 12 and Local Plan Policy 15.

#### **9. Conclusion:**

The application is recommended for refusal for the following reason.

#### **10. Reason for Refusal:**

1. Insufficient mitigation measures have been provided to prevent the contamination of groundwater to the levels required by the Environment Agency. A maximum measured water table of 0.9 metres below ground level at Down Ampney House is considered to be unsuitable for double burials and is also potentially unsuitable for single burials. Therefore, the health and safety of the environment, nearby watercourses, wildlife and the general public cannot be guaranteed, contrary to the guidance outlined in paragraph 109 of the National Planning Policy Framework and Cotswold District Local Plan Policy 5.



**All Saints Church Down Ampney**

Organisation: Cotswold District Council

Department:

Date: 26/04/2017

Scale: 1:2500

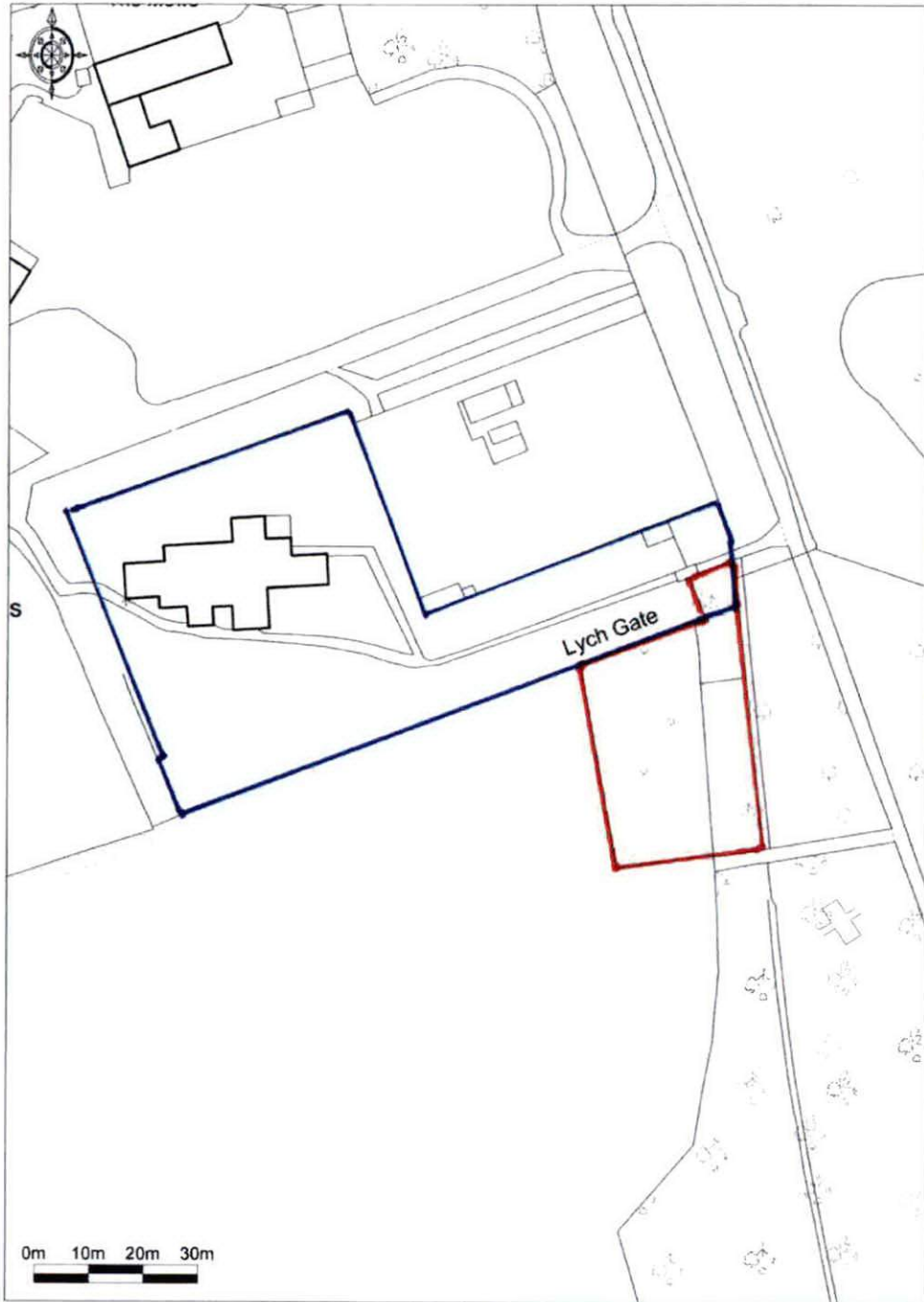


**COTSWOLD**  
DISTRICT COUNCIL



ANNEXE Z. 110

LOCATION PLAN - PROPOSED BURIAL GROUND /  
CHURCHYARD EXTENSION  
DOWN AMPNEY



0m 10m 20m 30m

**Promap**

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Licence number: 100022432. Plotted Scale: 1:1250

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Joe Seymour  
Cotswold District Council  
Development Control  
Council Offices Trinity Road  
Cirencester  
Gloucestershire  
GL7 1PX

**Our ref:** WA/2016/122701/02-L01  
**Your ref:** 16/02407/FUL  
**Date:** 11 April 2017

Dear Mr Seymour

**Change of use from agricultural land to burial ground/churchyard including new enclosures and repair of existing drystone wall**

**All Saints Church, Church Road, Down Ampney, Gloucestershire GL7 5QW**

Thank you for consulting us on the additional information submitted regarding the proposed development noted above. We have reviewed the BWB Consulting All Saints Church Down Ampney Tier 1 Risk Assessment dated 20 March 2016.

**Environment Agency position**

We **maintain our objection** to the application as submitted because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in accordance with the precautionary principle.

The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

Our approach to groundwater protection is set out in Groundwater Protection: Principles and Practice (GP3). In implementing the position statement 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. We seek to enable development by ensuring that applicants 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.

In this case we consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

Cont/d..

For your information the new version of GP3 can be found on:-

<https://www.gov.uk/government/publications/protect-groundwater-and-prevent-groundwater-pollution>

This states that 'All cemetery developments and burials must maintain an unsaturated zone below the level of the base of the grave(s)'.

The new version of the Cemeteries Guidance can be found at:-

<https://www.gov.uk/guidance/cemeteries-and-burials-prevent-groundwater-pollution>

This new guidance states that:-

'All graves must have at least 1 m clearance between the base of the grave and the top of the water table – they shouldn't have any standing water in them when dug'.

'Depth to the water table – you should allow for any potential rise in the water table. There must be no direct input of hazardous substances to groundwater and non-hazardous pollutants must be limited to avoid pollution'.

Anecdotal evidence presented in this Tier 1 Risk Assessment states that water ingress was rare for double burials but this still means that the water table **has** been encountered on occasions in the existing graveyard. The water table is likely to fluctuate under the burial ground in the same way as recorded at Down Ampney House where groundwater levels were measured between 0.9 m and 1.2 m bgl. Therefore even for a single burial at a depth of 1.3 m there is insufficient unsaturated zone to prevent burials under the water table.

This winter 2016/17 has been relatively dry and whilst there may have been a torrential down-pour in November 2016 (just before the grave was dug in the existing cemetery) the period before this was dry and this rainfall event would have been insufficient recharge to replenish the groundwater within the sand and gravel aquifer. A copy of the Water Situation Report produce monthly by the Environment Agency is available through our Customers and Engagement Team.

Reference has been made in this Tier 1 Risk Assessment to the potential for groundwater dilution of the leachate exuded from the cadaver. However, whilst there is a fluctuating water table in the sands and gravels, there will be a similar amount of leachate being produced by the cadaver all year round. In the summer there will be less potential for dilution and there is therefore the potential for concentrated nutrients to reach the Ampney Brook.

The use of attenuation materials, as suggested in this report, is to hold and thus delay the release of leachate. This may be suitable where burials are directly located over a sensitive aquifer but not where burials are likely to be below the water table as is potentially the case at this site (albeit for some of the year).

We understand that the Institute of Cemetery and Crematorium Management Policy Relating to Shallow Depth Graves dated May 2004 is for guidance on the depth of a grave to prevent the corpse being dug up by animals and this guidance is not related to groundwater protection.

Whilst we are aware that the watercourse of the Ampney Brook has been modified and straightened we have no record of it being canalised and we therefore need to see the documented evidence for this assertion that groundwater does not connect with the brook. Maps of drift geology show that there is alluvium associated with the Ampney Brook but not the Down Ampney Park Stream. Down Ampney Park Stream is likely to



be an artificial ditch but we consider that the Ampney Brook is a natural water course that is base fed by groundwater from the sand and gravel aquifer. Until we see this evidence we still consider that the Ampney Brook is a receptor for the leachate produced by corpses.

**Overcoming our objection**

Given a maximum measured water table of 0.9 m bgl at Down Ampney House we consider that this site is unsuitable for double burials and is also potentially unsuitable for single burials.

Is there scope for land raising on this proposed cemetery extension? Raising the land could artificially lower the water table to a level suitable for at least single burials. Have other options other than conventional burials (such as mausoleums) been considered for this plot?

**Final comments**

Once again, thank you for contacting us. Our comments are based on our available records and the information submitted to us. Please use our reference number in any future correspondence.

If you have any questions please contact me.

Yours sincerely

**Mr Oliver Rathmill**  
**Sustainable Places | Planning Advisor**