

**STATEMENT
ON
TOWN PLANNING, HERITAGE
AND
GREEN BELT MATTERS**

**IN SUPPORT OF AN APPLICATION
FOR FULL PLANNING PERMISSION
FOR THE CHANGE OF USE OF LAND TO
PROVIDE AN EXTENSION TO
EXISTING CHURCHYARD**

at

**ST JOHN THE BAPTIST'S CHURCH
ETON WICK ROAD
ETON WICK
SL4 6JA**

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- 2 Historic England List Entry for St John the Baptist Church, Eton Wick**
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1. INTRODUCTION

- 1.1 This statement on town planning and heritage matters has been prepared to accompany a full planning application for the change of use of land to provide an extension to the existing churchyard on land to the east of St John the Baptist's Church, Eton Wick Road, Eton Wick.
- 1.2 This application follows an earlier scheme for the same development submitted in 2015 which was withdrawn in September 2015. Further information was required by the Environment Agency and this has now been prepared. The same proposal was approved in 2008.
- 1.3 This application is accompanied by the following drawings and supporting documents:
- This Statement on Town Planning, Green Belt matters, and Heritage
 - Flood Risk Assessment
 - Tier 1 Geo-environmental Desk Study
 - Ground Water Investigation
 - Drawing 1 rev 2 proposed churchyard extension
 - OS site plan
 - Illustration of proposed 1.8m chain link fence
 - Draft Burial Management Plan
- 1.4 The statement includes a review of the Development Plan in the light of current Government policies in the National Planning Policy Framework and sets out the Very Special Circumstances required where development in the Green Belt is inappropriate.

2. THE APPLICATION SITE AND SURROUNDINGS

- 2.1 The application site is located within a rural area on the edge of Eton Wick and adjacent to St John the Baptist Church, Eton Wick Road, which is a Grade II Listed Building. The land to the north and east is used as paddocks and to the south on the opposite side of Eton Wick Road, there is arable farmland. To the northwest are the grounds of Eton Wick C of E First School. To the west is the existing churchyard of St John the Baptist church.
- 2.2 The site comprises a rectangular area of paddock measuring 25m by about 30m, approximately 0.07ha. It is generally flat and grassed over. It is the same area as that permitted in 2008. A mixed hedge runs along the southern boundary adjacent to Eton Wick Road.
- 2.3 Access to the proposed churchyard extension will be from Eton Wick Road via the existing gates to the west and through the existing churchyard.
- 2.4 This is a Church of England churchyard however anyone, whether they are baptised or not, who was residing or staying in the Parish of Eton, Eton Wick, and Boveney when they died, or who is on the electoral roll of the Church, has the right to be buried in the churchyard.

3. RELEVANT PLANNING HISTORY

3.1 The relevant planning history is as follows:

08/00916	Extension of existing graveyard plus chain link boundary fence	Approved 29/05/2008 NOT IMPLEMENTED
15/01991	Extension of existing graveyard	WITHDRAWN 03/09/2015

4. THE APPLICATION PROPOSAL

- 4.1 The application proposes the change of use of this area of paddock to create an extension to the existing churchyard for burials or interment of ashes of parishioners or persons eligible to be buried in the churchyard at St John the Baptist Church, Eton Wick. An opening will be formed in the existing boundary fence to allow the central grass path to be extended into the new graveyard. A new 1.8m chain link fence will be erected along the northern and eastern boundaries. The existing chain link fence on the southern boundary will be retained inside the hedge. It is also proposed to retain the existing hedge along Eton Wick Road and manage it by trimming and shaping it.
- 4.2 Any monuments or ledger stones erected or placed on the site ancillary to its use as a churchyard must comply with the Diocese of Oxford Churchyard Regulations 2016 (attached as Appendix 1). This means that a gravestone will be no bigger than 1220mm in height by 915mm in width with a thickness no greater than 155mm. Ledger stones to commemorate the interment of ashes must be no larger than 460mm by 460mm and must be laid so that it is flush with the ground. Monuments and ledger stones must be made of natural stone or hardwood. Other than the monuments and ledger stones the churchyard will be left as grass. Bulbs and annual plants are allowed to be planted on graves.
- 4.3 The existing access from Eton Wick Road and parking arrangements will be maintained. As is current practice the coffins and caskets will be carried into the Churchyard by pall bearers from the hearse parked at the existing gates.

5. POLICY CONSIDERATIONS

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where the development plan contains relevant policies, applications for development which are in accordance with the plans should be allowed unless material considerations indicate otherwise. For the purposes of Section 38(6) the Development Plan comprises the saved policies of the adopted Royal Borough of Windsor and Maidenhead (RBWM) Local Plan (incorporating alterations) 2003.

The National Planning Policy Framework

- 5.2 The National Planning Policy Framework (NPPF) was published in March 2012. Paragraph 11 reinforces the requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 Paragraphs 79 to 93 deal with the Green Belt. Paragraph 79 is clear that the Government attaches great importance to Green Belts and that:
"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."
- 5.4 Paragraph 80 sets out the five purposes of the Green Belt whilst paragraph 81 goes on to state that local planning authorities should plan positively to enhance the beneficial use of the Green Belt such as retaining and enhancing landscapes, visual amenity and biodiversity or to improved damaged land.
- 5.5 Paragraph 87 is clear that:
"As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances"
- 5.6 Paragraph 88 continues that when considering planning applications Local Planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.7 Paragraphs 89 and 90 set out the types of development which may be considered as not inappropriate development. The change of use of land is not one of the exceptions.

- 5.8 Under Paragraph 103 when local planning authorities consider planning applications they must ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, having regard to a site-specific Flood Risk Assessment, it can be demonstrated that vulnerable development is located within the site in the area of lowest flood risk and development is appropriately flood resistant and resilient. Paragraph 104 states that applications for changes of use are not normally subject to the Sequential or Exception Tests but must still provide a Flood Risk Assessment. A churchyard is not a vulnerable use and no property or lives are put at risk. The flood risk would not be increased elsewhere.
- 5.9 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 water pollution. Ground water investigations have been carried out and supplied in a separate report.
- 5.10 The setting of a Listed Building is to be protected from harm under policies set out in Part 12. Alterations to the setting of a heritage asset can harm its significance. Under paragraph 134 where a development proposal will lead to less than substantial harm to a heritage asset this harm should be weighed against the public benefits of the proposal. A heritage statement as required by Paragraph 128 is set out in Section 6 of this statement.

Royal Borough of Windsor and Maidenhead Local Plan

- 5.11 The RBWM Local Plan was adopted in June 2003. Certain policies have been 'saved' and some are relevant to this application where they are consistent with the NPPF.
- 5.12 Policy GB1 relates to development in the Green Belt and explains that unless very special circumstances apply, approval will only be given for specific types of development including "for cemeteries, and for other uses of land which preserve the openness of the Green Belt". This policy is no longer fully compliant with the NPPF. Policy GB2 advises that permission for new development within the Green Belt will not be granted for proposals which would have greater impact on openness or the purposes for including land within the Green Belt than existing development on the site.
- 5.13 'Saved' Policy CF2 supports proposals for new community facilities which meet the needs of local residents and the whole community.

6. HERITAGE STATEMENT

- 6.1 The Church of St John the Baptist was Listed in 1950 as Grade II. It was built in 1866-7 by Sir Arthur Blomfield who was a leading Church Architect. The reason for Listing the Church is given as:

“It is a good example of an attractive, small, mid-Victorian church by a leading church architect displaying typical characteristics of the time in terms of style and the use of building materials. The interior is substantially intact.”

The full Listing from Historic England is attached as Appendix 2.

- 6.2 The Church was originally set in a churchyard which was previously extended in the 1960s when the burial space next to the Church was full. This application proposes to extend the churchyard again as the current churchyard is nearly full. The extended churchyard is appropriate to the setting of the Church and does not detract from its significance. If, however it is considered that the change of use of the paddock to provide an extension to the churchyard will lead to harm this will be less than substantial harm and should be weighed against the public benefit, which in this case will allow parishioners to be buried or interred in the Parish. This accords with NPPF paragraph 134. The proposal has the support of the whole community.

7. PLANNING ASSESSMENT

- 7.1 The proposed scheme can be assessed against the NPPF and planning policies set out above.

Heritage

- 7.2 The churchyard extension is within the setting of a Listed Building. The Church of St John the Baptist was originally surrounded by a churchyard. As the available space has been used up the churchyard has been extended to accommodate those people who are eligible to be buried here. An extension was created in the 1960s. Another extension to the churchyard is considered to be entirely appropriate to the setting of the Church. Although it represents a change to the setting this is considered to have a neutral effect on the significance of the Grade II Listed Building. If any harm is perceived this is less than substantial and outweighed by the public benefit which allows for anyone, whether they are baptised as a member of the Church of England or not, who was residing or staying in the Parish of Eton, Eton Wick, and Boveney when they died, or who is on the electoral roll of the Church, to be buried in the churchyard. The proposal has the support of the whole community. The application conforms to policies regarding the conservation and enhancement of the historic environment.

Flooding

- 7.3 The site is within Flood Zone 3 however the proposal is not a vulnerable use which puts lives and property at risk. The development does not include any buildings. Monuments or headstones, which are ancillary to the use as a churchyard, do not represent an obstruction to flood water and will not increase the risk of flooding elsewhere. According to NPPF paragraph 104 applications for changes of use, such as this application, should not be subject to the Sequential or Exception Test. A Flood Risk Assessment has been supplied.

Groundwater

- 7.4 Since the previous application for the same development was approved in 2008, but unfortunately not implemented, the Applicant has recognized that other issues that have arisen must now be addressed. In this case the Applicant has commissioned a groundwater assessment by JOMAS Associates Ltd. This report found that the site is within a Type 2 Source Protection Zone (SPZ2). There are no groundwater, surface water or potable water abstractions reported within 500m of the site and no potable water

abstractions within 1km. The nearest river entry is 144m to the north and surface water feature 143m also to the north. Borehole investigations found that groundwater was struck at a depth between 1.75m and 1.83m below ground level which allows for slight variances in ground level.

- 7.5 The report goes on to state that the proposal is an extension to an existing churchyard which has been present since at least 1869. The current burial rate is about 5 per annum with a similar number of interments of ashes. The conclusion is drawn that:-

“While the site is located above a principal aquifer of likely high groundwater flow, in view of the limited size of the proposed extension to the graveyard, it is not considered likely that transportation of significant quantities of pollutants over the distance required to impact any receptors (abstractions and surface waters) will occur, in view of the distance required to these receptors. In addition, the lack of reported pollution incidents within the vicinity of the site would indicate that impacts to controlled waters have not occurred during the 100 years plus of usage of the site as a burial ground.”

- 7.6 The Applicant sought pre-application advice from the Environment Agency. The response in a letter dated 9th June 2017 is attached at Appendix 3. The EA’s response raised concerns about possible adverse impacts on groundwater quality and that without mitigation against this possibility they were likely to recommend against the application to the Royal Borough of Windsor and Maidenhead.

- 7.7 The Applicant recognizes that raising the ground level would not be acceptable mitigation because the site is within Flood Zone 3; however other measures have been considered to address concerns raised by the EA. These have been included in a proposed Burial Management Plan (BMP) which is submitted with this application. Specifically the following issues have been addressed.

- 7.8 Contamination from decomposing bodies and chemicals used in embalming
The BMP states that no embalming of bodies is allowed. The burials are restricted to people who live or die in the Parish. Therefore burials are usually conducted by a limited number of local Funeral Directors. They are familiar with current restrictions set out in the Churchyard Regulations and will be informed of the new BMP before the churchyard extension is brought into use. The BMP also requires that coffins/caskets or shrouds will be made of biodegradable, natural products and that the use of MDF will not be acceptable.

There have been no reported incidences of pollution from the existing

churchyard which has been operating as a burial ground for over 100 years.

In addition the number of burials and interments conducted each year is very low as shown in the following table.

YEAR	BURIALS	INTERMENTS
2014	5	6
2015	3	10
2016	4	8
2017	3	4

It is considered the possibility of polluting groundwater would be very unlikely and the BMP will ensure embalming and other unacceptable chemicals are not present.

7.9 Possibility of shallower graves

The legal depth of a grave is set out in Schedule 2 of the Local Authorities' Cemeteries Order 1977 which states at Part 1, paragraph 2 that:

"2. No body shall be buried in a grave in such a manner that any part of the coffin is less than three feet below the level of any ground adjoining the grave:

Provided that the burial authority may, where they consider the soil to be of suitable character, permit a coffin made of perishable materials to be placed not less than two feet below the level of any ground adjoining the grave."

In November 2017 the EA issued "*The Environment Agency's approach to groundwater protection: November 2017 Version 1.1*". It sets out the EA's current position statements regarding groundwater protection and states "*Many of the approaches set out in the position statements are not statutory but may be included in, or referenced by, statutory guidance and legislation.*" (Our underlining).

The position on cemetery developments, including extensions of existing cemeteries, includes guidance that "*For individual burials that are spaced out over time, the risks to groundwater are likely to be low and the de minimis exclusion in the EPR (Environmental Permitting (England and Wales) Regulations 2010) applies.*" It is argued that the proposal should be considered as low risk because the number of burials is low, usually between 3 and 5 per year. The number of eligible people able to be buried or interred is restricted to people who live or die in the Parish and those on the electoral roll of the Church, and the burials are generally spaced out over time, following the historic pattern of burials for the Parish.

Further guidance is set out on the Gov.uk website at <https://www.gov.uk/guidance/cemeteries-and-burials-prevent-groundwater-pollution> which provides the following advice for burial sites as:

A burial site must be:

- outside a source protection zone 1 (SPZ1)
- at least 250 metres from any well, borehole or spring supplying water for human consumption or used in food production – for example at farm dairies
- at least 30 metres from any spring or watercourse not used for human consumption or not used in food production
- at least 10 metres from any field drain, including dry ditches

The site follows this advice. The guidance given for burials is:

All graves must:

- have at least 1 metre 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
- not be dug in bedrock or areas susceptible to groundwater flooding
- be deep enough so at least 1 metre of soil will cover the top of the coffin, body or animal carcass

Always allow for any potential rise in the water table, including seasonal variations and extreme rainfall.

The requirement for 1m above the coffin is considered excessive. The legal requirement is 0.91m (3 feet). The requirement for 1m clearance between the base of the grave and the water table is also excessive. The typical depth of a coffin or casket is 380mm making the depth of a burial only 1.29m. This would allow for a single burial above the ground water level with about half a metre soil depth beneath the coffin/casket. The BMP includes a requirement that burials will not take place in standing water, even if this may cause a delay in holding the funeral.

The EA's pre-app advice also suggested that a 1.8m grave would deter scavenging animals and protect from odours. Neither of these issues has occurred in the past. The EA also acknowledged that a slightly shallower depth of 1.3m below ground level may be acceptable for a green burial and the BMP includes provisions similar to those used at green burial sites. However planting of shrubs to prevent disturbance by animals would not comply with the Diocese of Oxford Churchyard Regulations 2016 and in any event disturbance by animals has never occurred and has not been a problem in the past.

The borehole investigation shows that the groundwater table will just be encountered at 1.8m. Shallower graves and the requirements of the BMP will

ensure that burial into standing water will be avoided. Given the number of burials and the provisions of the BMP burials will be able to take place without causing pollution to the groundwater. The requirement to use the BMP can be secured by a condition on the planning permission. The Gov.uk guidance confirms that planning conditions may be set to protect groundwater.

Development in Green Belt

- 7.10 As noted in Section 5 above the NPPF recognizes that inappropriate development in the Green Belt is likely to be unacceptable. The change of use of land is not one of the exceptions which may not be inappropriate. Therefore Very Special Circumstances must exist to outweigh the harm to the Green Belt and any other harm for the proposal to change the use of the land to form an extension to the Churchyard to be approved. The Very Special Circumstances are discussed in detail below.

Impact of proposals on Openness of the Green Belt

- 7.11 Paragraph 79 of the NPPF states that one of the essential characteristics of Green Belts is their openness. The NPPF does not define "openness" and there is little guidance on its meaning in planning case law but is usually accepted to mean the lack of buildings. The use of the land as an extension to the existing churchyard would involve the erection of monuments or headstones, although they will be erected at a rate of 3 or 4 a year together with on average about 7 interments. The height, width and thickness of monuments is restricted under the Diocese of Oxford Churchyard Regulations 2016 to no higher than 1220mm, no wider than 915mm, and no thicker than 155mm. Ledger stones are laid flush with the ground and would have no impact. Other than the monuments and ledger stones the churchyard will be grassed over, with some planting of bulbs and annuals permitted. Consideration of the previous planning permission in 2008 concluded that, subject to a condition restricting the size of monuments, the impact of the change of use to churchyard on openness of the Green Belt would be minimal. The same considerations apply in this case. The churchyard will be screened from Eton Wick Road by the existing hedge and the new chain link fence along the north and east boundaries will allow views through to the grazing land beyond and would also have minimal impact on openness.

Impact on character of the area

- 7.12 The change of use of the site to form an extension to the churchyard would have a neutral impact on the character of the area which already includes a churchyard. The existing hedge will be retained and managed and will screen the churchyard from view from the road.

Very Special Circumstances

- 7.13 The primary very special circumstance is need. The churchyard was previously extended in the 1960s. At current rates of burial and interment it is anticipated that the existing churchyard will be full in 2 to 3 years time. Residents of the Parish still wish to be buried here after 2020 because it is close to their homes and families. There is great concern particularly from older residents who understand that the churchyard is nearly full but still want to be buried in the Parish. They do not wish to be buried in another part of the Borough or elsewhere. Only people who live or die in the parish, which covers Eton Wick, Eton and Boveney and those on the electoral roll of the Church can be buried here. Therefore the number of people who may be eligible is very low. The Table on Page 11 shows that over the past 4 years there have only been between 3 and 5 burials a year. The Table also indicates that interment of ashes is more popular.
- 7.14 There is considerable support for the proposal from all sections of the community who may be eligible for burial or interment here and follow the Diocese of Oxford Churchyard Regulations 2016.
- 7.15 There has been a preliminary search for other sites in and around the Parish but any suitable available plots are also in the Green Belt. The proposed site has the advantage of being adjacent to the existing churchyard and able to use the Church and other facilities already in place for the existing Churchyard. It can be more easily supervised and maintained. A separate site would appear more incongruous in the Green Belt.

Balancing exercise

- 7.16 The proposal is inappropriate development in the Green Belt, which by definition is harmful. Substantial weight should be given to any harm caused to the Green Belt by reason of inappropriateness.
- 7.17 The overall impact on openness from monuments/gravestones and chain link fence would be minimal. The implications for the appearance of the area would be minimal with the area remaining grassed over.
- 7.18 The impact on the setting of the Listed Building would be neutral.
- 7.19 The development would have a marginal affect on flooding from the erection of monuments or headstones. Flood water would not be held back or displaced and no lives or properties will be put at risk.

- 7.20 The possibility of ground water pollution is considered to be very limited. There have been no reports of contamination from the existing churchyard over the past 100 years. The number of burials per year will continue as before and is very small because the number of people eligible to be buried here is limited. The proposed BMP will also ensure that any possibility of contamination is minimised however this harm, however small, is weighed against the proposal.
- 7.21 The current churchyard will be full in 2 to 3 years. The whole community supports the proposal because many wish to be able to be buried or bury loved ones nearby. The churchyard is available to all eligible residents in the Parish. This consideration has considerable weight and is supported by Development Plan policy CF2 which supports proposals for new community facilities which meet a local need.
- 7.22 There are no other suitable and available sites in the Parish that are not in the Green Belt and a separate graveyard from the existing church and churchyard would be more difficult to supervise and maintain.
- 7.23 It is considered that the quantitative and qualitative need for the churchyard extension clearly outweighs the harm to the Green Belt by reason of inappropriateness and any other harm, and that very special circumstances exist to justify allowing the development
- 7.24 The EA is a Statutory Consultee to any planning application but it is the Local Planning Authority who makes the decision on any application having weighed all the factors. The Applicant and the Parish asks the Planning Authority to support this application which has the support of the whole Parish and grant planning permission subject to conditions. A suggested wording to ensure the churchyard is managed in accordance with the draft Burial management Plan could read as follows.

The churchyard extension hereby approved shall be managed and maintained in accordance with the agreed Burial Management Plan submitted on _____.

Reason: To ensure that adequate groundwater protection measures are provided in the interests of public safety.

8. CONCLUSIONS

- 8.1 This proposal for the change of use of the site will provide an extension to an existing churchyard.
- 8.2 The development does not harm the setting of St John the Baptist Church, Eton Wick, which is a Listed Building.
- 8.3 The proposal would not have any discernible impact on the flood plain. No lives or property would be put at risk and it would not increase the risk of flooding elsewhere.
- 8.4 The likelihood of groundwater contamination is considered to be minimal and can be further minimized through the implementation of the Burial Management Plan which can be secured by condition.
- 8.5 The proposal is acknowledged to be inappropriate development in the Green Belt which by definition is harmful.
- 8.6 The proposed development will have minimal impact on the openness of the Green Belt.
- 8.7 The proposal would have a neutral impact on the character of the area.
- 8.8 It is considered that Very Special Circumstances exist to justify allowing the development. These are the need for the churchyard extension, given that the existing churchyard will be full in 2 to 3 years; the support from the whole community; the churchyard is available to everyone who lives or dies in the Parish and those on the electoral roll of the Church, irrespective whether they are baptized or not; current policy supports the provision of community facilities such as the proposal; there are no other suitable and available sites that are not in the Green Belt.
- 8.9 The Local Planning Authority can determine the planning application based on all material considerations and the Parish of Eton and Eton Wick ask for the Councils support and approval of the application.

APPENDICES