Report – DEFRA “Consultation on Amendments to the Environmental Permitting (England and Wales) Regulations 2016 as applied to Groundwater Activities and related Surface Water Discharge Activities

02 November 2021

# Overview

DEFRA have published a consultation regarding groundwater and surface water discharge activities which could have an affect on burials in the new burial ground.

NALC have requested responses to the consultation by 26 November 2021.

Responses made directly to DEFRA must be sent by 22 December 2021.

# Associated documents

NALC – PC7-21 Environmental Permitting (England and Wales) Regulations 2016

DEFRA – Consultation on Amendments to the Environmental Permitting (England and Wales) Regulations 2016 as applied to Groundwater Activities and related Surface Water Discharge Activities

DEFRA – Annex B – Draft exemption conditions for small-scale cemetery developments in low-environmental risk settings

# Implications for Leafield Burial Ground

As a “small-scale cemetery” Leafield burial ground would be eligible for exemption from the permitting scheme, but the conditions listed below would need to be adhered to.

Conditions

1. A burial within a cemetery must not cause pollution of surface water or groundwater.
2. A burial within a cemetery must not be within 10 metres of any field drain, including any dry ditch.
3. A grave must have at least 1 metre clearance between the base of the grave and the top of the water table and must not have any standing water in it when dug.
4. A burial must not be undertaken directly into groundwater.
5. A grave must not be dug in unaltered or unweathered bedrock.
6. A grave must not be dug in an area susceptible to groundwater flooding.
7. A grave must be deep enough so at least 1 metre of soil will cover any part of the coffin or body.
8. A grave plot must not be less than 5m2 in area.

Potential implications:

1. Reduced number of plots available, as plot size would need to increase to a minimum of 6’ x 9’.
2. Issue of standing water in dug graves, and the water table level.
3. Swale may be classified as a dry ditch – in which case no plots can be within 10 metres of it.

# Clerk recommendations

* That council notes the consultation and decides whether to respond, and if a response is agreed, whether to send to NALC, DEFRA or both.
* That council resolves to delegate authority to the Clerk to work in consultation with the Burial Ground Administration Working Group to devise a suitable response to the consultation, to be put to council, via email, for approval, before being sent to NALC and DEFRA.
* That the Burial Administration Working Group investigates implications to the burial ground if council has to follow the proposed conditions for exempt “small-scale” cemeteries, and reports back to council.