

Meeting of the Environment & Leisure Committee

Monday 15 November 2021

Agenda Item 7.4

TO CONSIDER THE AMENDMENTS BEING PROPOSED BY DEFRA TO THE ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2016 (as applied to groundwater activities and related surface water discharge activities)

1.0 Background

- 1.1 NALC (the National Association of Local Councils) has recently approached parish and town councils in relation to an amendment being proposed by DEFRA in their Environmental Permitting Regulations 2016. The consultation on these proposed amendments closes on 22 December 2021.
- 1.2 The full details of the amendments being proposed and consultation can be found online. There are nine proposed amendments which NALC are concerned could affect parish and town councils who have cemeteries and act as burial authorities. <https://consult.defra.gov.uk/water-quality/amendments-to-the-epr-for-groundwater/>
- 1.3 In particular NALC have advised that:
“Effectively the consultation...has specific regard to amending the regulations around activities which affect groundwater. It will affect all burial authorities and existing cemeteries/burial grounds.” They thought that the proposals could reduce the remaining burial capacity of cemeteries and burial grounds by almost 50%.
- 1.4 NALC stated the following:

The proposals include an exemption from the permitting scheme for small cemeteries i.e. those with fewer than 100 burials per year. However, to qualify as an ‘exempt facility’ a cemetery will have to comply with the General Binding Rules (GBRs), one of which is that the minimum size of a grave plot will be no smaller than 5 square metres.

DEFRA also proposes to prohibit burials within 10m of a field drain or dry ditch, or within 30m of a spring or watercourse, or within 50m of certain protected nature sites, or within 250m of any well, spring or borehole used for domestic consumption or food production purposes.
- 1.5 Uckfield Town Council usually undertakes in the region of 20 to 30 burials and interments in the northern cemetery – 2020/21 saw 33. In the old cemetery (southern cemetery) we see in the region of 10. Although the past financial year is likely to have seen more. Even so the number of burials/interments should hopefully see that Uckfield Town Council is exempt from their amended proposals on this basis. This would mean that the Town Council would have to comply with the restrictions and guidance based on their agreed guidance.
- 1.6 Uckfield being located on a flood plain does experience issues with the water table on occasion, particularly after heavy rain. This has been previously apparent in the area of New Town. It is therefore imperative that both councillors and officers fully reviews the proposals to understand the potential impact to the Town Council on Town Council owned land.

1.7 NALC have put forward a number of questions to assist them in responding to the DEFRA consultation:

Q3a: To what extent do you agree with the proposal to make General Binding Rules available for small-scale cemetery developments in low-environmental risk settings? If this question is not applicable to you, please select N/A.

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree
- f. N/A

Please provide details to explain your answer.

Q3b: To what extent do you agree that the draft exemption conditions for small-scale cemetery developments in low-environmental risk settings in Annex B are appropriate?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

Please provide details to explain your answer.

Q3c: To what extent do you agree with the proposal to make General Binding Rules available for closed loop ground source heat pump activities in low-environmental risk settings?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

Please provide details to explain your answer.

Q3d: To what extent do you agree that the draft exemption conditions for closed loop ground source heat pump activities in low-environmental risk settings in Annex C are appropriate?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

Please provide details to explain your answer.

Q3e: To what extent do you agree that the draft exemption conditions for closed loop ground source heat pump activities in low-environmental risk settings in Annex C should apply to all sizes of such activities?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

Please provide details to explain your answer.

Q3f: If you think that the draft exemption conditions for closed-loop ground source heat pump activities in low-environmental risk settings in Annex C should include a size threshold (energy in kWh per year), what size limit do you think is reasonable?

Q6: To what extent do you agree with the proposal to add these new rules to the General Binding Rules for Small Sewage Discharges to ensure that multiple discharges should not be located in close proximity to each other?

- a. Strongly agree
- b. Agree
- c. Neither agree nor disagree
- d. Disagree
- e. Strongly disagree

Please provide details to explain your answer.

2.0 Recommendation

2.1 Members are asked to note the report and advise the Clerk if they wish to provide a response to the consultation either through NALC or DEFRA direct.

Contact Officers: Holly Goring