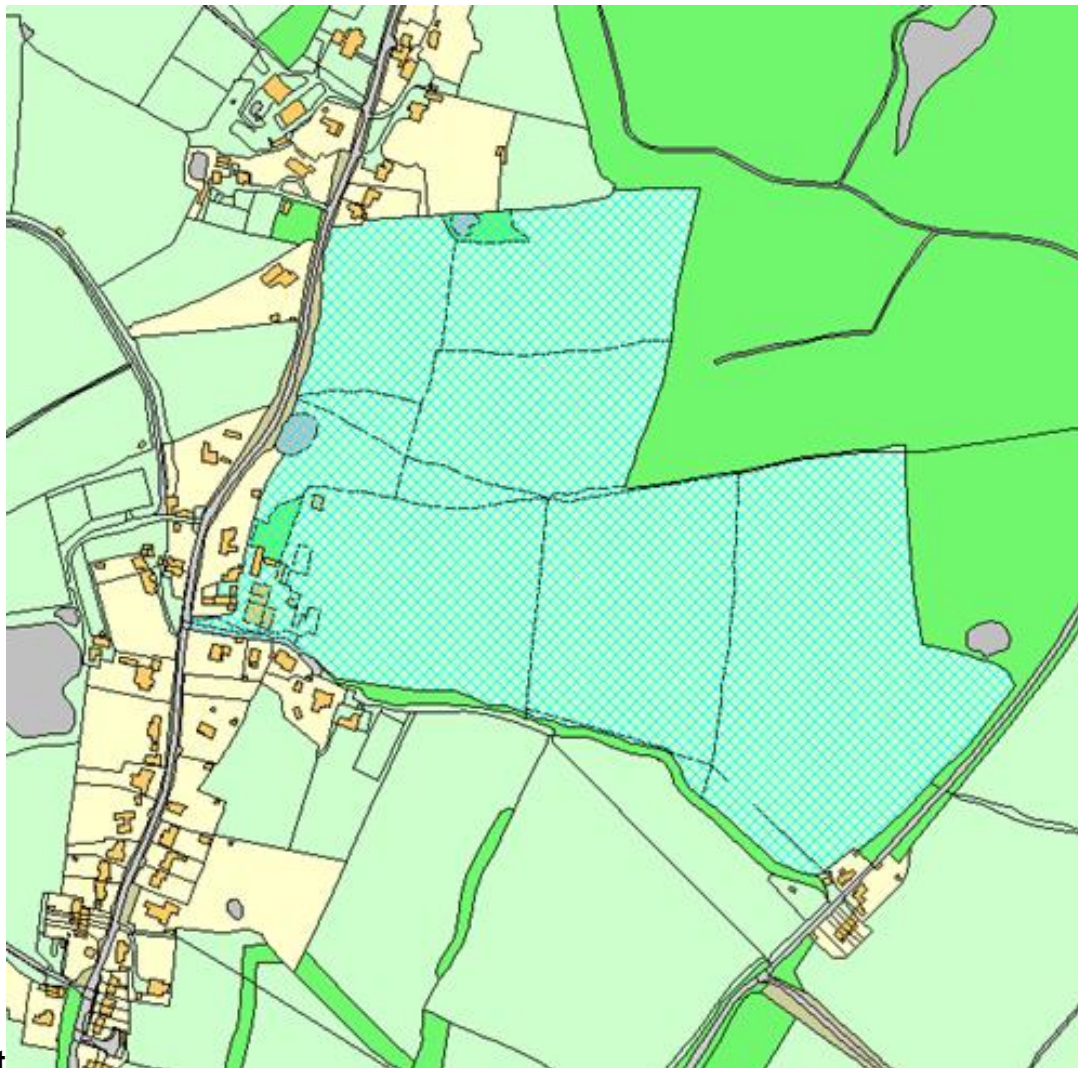


Report to: Planning Applications Committee
Date: 19 April 2023
Application No: LW/21/0880
Location: Burtenshaw Farm, Spithurst Road, Barcombe
Proposal: Change of use from agricultural land to a natural burial ground.
Applicant: Mr J Wells
Ward: Chailey, Barcombe & Hamsey
Recommendation: Grant Planning Permission.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is Not CIL Liable

Site Location Plan



Sit

1.	Executive Summary
1.1	<p>This application seeks approval to create a natural burial ground on land that is currently used as pasture, (low-grade agricultural land). Local Plan policy allows for farm diversification, and the Council supports carbon emissions reductions and other relevant national and local planning policies.</p> <p>Woodland or natural burials are a sustainable and ecological alternative to traditional interments or cremations. The deceased's body is buried in a biodegradable casket or shroud, then placed in a grave which will be marked by a memorial tree.</p> <p>The site is currently used for pasture and the applicant wishes to reduce the number of livestock on the farm and eventually re-wild and plant trees in much of the area to enlarge the existing woodland area to the north and east of the site.</p>
1.2	<p><u>Planning Balance</u></p> <p>The site is located outside of the planning boundary. Community facilities should normally be located within planning boundaries. However, policy CP7 does permit exceptions where a location outside the planning boundary is required and that the location is well located to an existing settlement. The site is just over 1km from Barcombe. Whilst not particularly close to a neighbour settlement, and not a “necessary” use of the land – farm diversification is supported by the Lewes Plan and natural burials offer a sustainable market choice and need countryside locations.</p> <p>CP13 seeks to reduce car journeys and encourage alternative means of transport. Although the site is walkable within 15 minutes or so of Barcombe and the bus route, it is more likely that people attending funerals will arrive by car. However, it is also possible that attendees will car share, (not un-common for funerals).</p> <p>As noted in paragraph 8.7 below, woodland/natural burials are more sustainable than traditional alternatives and reduce overall carbon emissions. Furthermore, there will be an increase in trees on the site.</p> <p>NPPF para 85 (Rural Economy) accepts that economic development in rural areas may need to be beyond settlement boundaries, not well served by public transport. National policy advises “sensitive locations... and no unacceptable impact on the road network”. NPPF para 105 (Sustainable Transport) recognises that there will be a “difference in sustainable transport solutions between urban and rural areas”.</p> <p>It is considered that overall, the benefits of the proposal outweigh the disbenefit of being in a location outside of the planning boundary. Approval is recommended.</p>
1.3	Approval is recommended, subject to conditions.

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>6. Building a strong, competitive economy</p> <p>8. Promoting healthy and safe communities</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p>
2.2	<p><u>Lewes District Local Plan:</u></p> <p>CP7 – community infrastructure</p> <p>CP10 - Natural Environment and Landscape</p> <p>CP13 – Sustainable transport</p> <p>CP14 - Renewable and Low Carbon Energy and Sustainable Use of Resources</p> <p>DM9 – Farm diversification</p> <p>DM20 – Pollution Management</p> <p>DM22 – Water Resources and Water Quality</p> <p>DM24 – Protection of Biodiversity and Geodiversity</p> <p>DM27 – Landscape Design</p>
2.3	<p><u>Neighbourhood Plan:</u></p> <p>Barcombe does not have a neighbourhood plan.</p>
3.	Site Description
3.1	<p>The site is located to the east of Spithurst Road, Barcombe and covers an area of approximately 2.7ha. It is part of the larger Burtenshaw Farm complex, located to the south of the area under consideration. It is located approximately 1km north of Barcombe Cross.</p>
3.2	<p>The application site comprises fields used for livestock grazing. It is mainly flat, laid to grass and interspersed with young trees planted by the applicant.</p> <p>Immediately to the east of the site is an area of Ancient Woodland and falls within its 500m buffer zone. It is also within a SSSI Impact Risk Zone. A Public Footpath runs along the southern boundary of the site. The site is bounded with mature hedgerows and trees.</p>
3.3	<p>The land at Burtenshaw Farm is thick clay, not suitable for arable crops, so has been used for livestock grazing. The applicant wishes to reduce livestock production for environmental reasons, by putting the field to an alternative use.</p>

3.4	Access to the proposed burial ground will be from an existing gated entrance. ESCC requires alterations to the access, which can be secured by condition.
4.	Proposed Development
4.1	<p>Full planning permission is sought for the change of use of the land from agricultural to woodland burial ground. In a woodland or natural burial grounds, the deceased's body is buried in a single plot in a biodegradable wicker or cardboard casket. A memorial tree is planted on the site of the grave. There are no headstones, just small engraved oak plaques on the trees. The site covers an area of approximately 2ha; at a rate of 50 burials per year, it would take 60 years to fill the site.</p> <p>The applicant plans to plant additional trees as well as those planted at the burials, to re-wild and create a new woodland to enlarge that surrounding the site to the north and east.</p>
4.2	The existing gated access will be adapted as necessary to accommodate the required sight lines as required by ESCC Highways. A car park for up to 25 vehicles will be created, using recycled plastic mesh. Details of the access, turning area and the car park will be secured by condition. From the car park, an all-weather path will lead to the burial ground, approximately 150m to the east. The site is flat, so will be suitable for wheelchairs and buggies/prams.
4.3	The applicant also plans to plant more trees on and around the site and to create wildflower meadows to create an enhanced ecological environment. The enhancements and initial landscape plan will be secured by conditions.
4.4	<p>The applicant anticipates one burial per month for the initial year, rising to two per week as the business becomes more established. Hours of use/opening will be 11:00-15:00 on weekdays only, throughout the year. No lighting is proposed.</p> <p>As the business becomes more established, the applicant may seek further planning permission for a shelter of appropriate design. To be clear, no permission for any buildings or shelters forms part of this application.</p>
5.	Relevant Planning History:
5.1	Nonrelevant to this proposal.
6.	Consultations:
6.1	<p><u>Green Consultancy – Contaminated Land</u></p> <p>Main consideration is the ground water protection at the site. Recommends three planning conditions and informative.</p>
6.2	<p><u>ESCC Landscape Officer</u></p> <p>No response.</p>
6.3	<p><u>Green Consultancy – Ecology and Biodiversity</u></p> <p>Comments awaited</p>

6.4	<p><u>Planning Policy Team</u></p> <p>No response</p>
6.5	<p><u>Southern Water:</u></p> <p>No response</p>
6.6	<p><u>East Sussex Highways:</u></p> <p>This section of the C8 has a speed limit of 40 mph. In accordance with the Design Manual for Roads and Bridges, the required sight lines on a road with this speed limit is 120m in both directions with a setback point of 2.4 meters from the edge of the carriageway.</p> <p>The applicant has conducted a speed survey at this location, the findings from this are included within the Transport Statement that has been submitted with this application. The survey confirms that the average vehicle speed is 38 mph in a northbound direction and 39 mph in a southbound direction. Therefore, I am happy that the speed limit at this location is adhered to and feel that visibility splays of 120 meters are adequate at this location.</p> <p>The plans that have been submitted with this application show that visibility of 120 meters either side of the access is achievable.</p> <p>The site is located on the C8 Spithurst Road. This section of the C8 is in a semi-rural location and is subject to a speed limit of 40mph. Spithurst Road does not have any pedestrian footways so walking in this area may be problematic or dangerous. However, I feel that due to the nature of this proposal, pedestrian footfall on the public highway would be minimal.</p> <p>I am satisfied that 30 parking spaces would be adequate for this type of development. The East Sussex County Council Guidance states that individual parking spaces shall measure at least 2.5m by 5m for standard spaces and 3.6m by 5.5m for disabled spaces, these dimensions will need to be taken into consideration when the parking area is installed, but I feel that this is achievable within the realms available.</p> <p>The applicant has stated that the parking area will be created from a recycled plastic mesh which will be laid over the turf so the grass can accommodate vehicles. This would be acceptable on the proviso that the surface can be used in all weather conditions without vehicles transferring mud or surplus materials onto the public highway when leaving the site. If the applicant can demonstrate that they are able to comply with this requirement, then this type of material would be acceptable.</p> <p>Vehicles entering the site will need to be able to enter and exit the site in a forward gear, so turning provisions will need to be included for all vehicles.</p> <p>This may also include a hearse and or accompanying funeral vehicles (each measuring up to 6 meters) therefore the layout and dimensions of the parking will need to provide adequate turning facilities for all vehicles.</p> <p>The current access and track road onto the field is a single-track access which appears to be made of mot type subbase material. This type of material may have been adequate for occasional agricultural trips associated with this land.</p>

	<p>However, I feel that the current access requires reconstructing, widening and licencing in accordance with the ESCC specification to ensure that it is able to accommodate the additional vehicles trips and two way traffic associated with this proposal.</p> <p>The access also crosses a highway drainage ditch so consent from the Flood Risk Team is required in the form of an Ordinary watercourse consent because these works involve carrying out work on a watercourse that could affect the flow of water.</p> <p>I have concerns relating to the width of the access at this location and feel that it will need to be widened to accommodate two-way traffic. This has been included within the conditions required for approval.</p> <p>No objection subject to conditions.</p>
6.7	<p><u>Environment Agency</u></p> <p>No objection. Site is located on Weald Clay, which is designated as unproductive, it has claystone bands within it, which are designated as Secondary A aquifers. The proposal does not appear to present and inherent considerable risk to controlled waters. Applicant's attention is drawn to other regulations regarding burial ground proposals.</p>
6.8	<p><u>ESCC SuDS</u></p> <p>No response</p>
6.9	<p><u>Barcombe Parish Council</u></p> <p>PC is negative towards the application and would like greater clarity on further development on the site, number of burials, overspill parking, hours of opening, has a traffic survey been carried out, why were wildlife surveys carried out during one season only.</p>
7.	Other Representations:
7.1	<p><u>Neighbour Representations and Officer Response (OR)</u></p> <p>21 Objections received from residents on the following grounds (officer responses in red):</p> <p>Increase in traffic movements and road safety, no traffic survey included in application</p> <p>OR: A Transport Statement was submitted to address local concerns. This has been considered by ESCC Highways, who have no objection. See paragraph 6.6 above.</p> <p>Loss of farming jobs</p> <p>OR: There are no employees. The farm is run by the applicant and his family.</p> <p>Light pollution from future buildings</p> <p>OR: Not relevant at this stage. When the applicant decides to apply for planning permission for buildings/structures on the site, lighting will be taken into consideration.</p> <p>Nearby watercourse contamination, Hydrology report only deals with summer months, drainage.</p>

OR: No objection raised by the Environment Agency.

Insufficient information about buildings/buildings would be unacceptable in a rural area, plans not clear

OR: No buildings proposed

Insufficient parking, concern about overspill parking on the road

OR: ESCC Highways is satisfied with the proposal.

Not the right location for the use

OR: The nature of the proposed use requires a rural location.

Negative effect on house values

OR: Not a planning matter.

Unnecessary facility, no evidence has been put forward regarding demand/need, there are burial sites in the local church.

OR: There is no requirement in this case for the applicant to demonstrate demand. The facility will provide an option for those who do not want a churchyard burial or cremation.

Walkers crossing the site on the right of way would disturb burial ceremonies

OR: The distance from the footpath to the burial site is enough to avoid disturbance.

Not enough information about number of funerals

OR: The Business Plan states that once the business is established, no more than two per week is anticipated.

Scale of proposal has been underplayed.

OR: Adequate information was submitted for the council to consider the application.

Applicants have not engaged with the local community.

OR: All residents that would be potentially affected by the proposal and the Parish Council have been consulted, plus site notices were displayed.

No information on ecology assessment, concern about wildlife, in particular badgers potentially foraging burial site, loss of trees

OR: A Preliminary Ecological Assessment was submitted with the application.

Visual intrusion to houses along Spithurst Road

OR: The activities associated with the ceremonies will be deep into the site and away from nearby properties, which are set back some distance from the road.

Concern that camper vans, caravans and lorries will drive onto the site.

OR: Suitable signage will be installed, but only after an application for permission

No public transport in the area

	<p>OR: It is anticipated that most mourners will arrive by car.</p> <p>Burial ground should be located closer to the farm, access not in a good place, should use existing farm entrance</p> <p>OR: It would be inappropriate for the use to be closer to the farm and the activities involved are not compatible. The proposed access is the most direct and shortest route to the facility.</p> <p>Loss of agricultural land, impact on food security</p> <p>OR: The land is not suitable for arable farming. The farm will continue to produce livestock.</p>
7.2	<p><u>Other Representations:</u></p> <p>None received.</p>
8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Principle</p> <p>Transport and parking</p> <p>Impact on landscape and ecology of the area</p> <p>Loss of agricultural land</p> <p>Drainage/pollution</p>
8.2	<p><u>Principle:</u></p> <p>Policy DM9 supports farm diversification subject to the following criteria:</p> <p>(1) the proposed development will stimulate new economic activity with a use appropriate to its rural location;</p> <p>(2) wherever possible, new or replacement buildings are located within or adjoining an existing group of buildings;</p> <p>(3) any new building responds sensitively to its rural setting, in terms of its scale, layout, design, and use of materials;</p> <p>(4) the proposed development would not create an unacceptable impact on the local road network or require highway improvements that would harm the landscape or ecological value of rural roads in the area.</p> <p>Paragraphs 84 – 85 of the NPPF (section 6 - Building a strong, competitive economy) requires local planning authorities to support the rural economy:</p> <p><i>‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.</i></p> <p><i>In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).</i></p>

	<p><i>The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'</i></p> <p>It is considered that the proposal broadly meets the requirements of these local and national policy objectives.</p> <p>The agricultural land that is to be utilised is classified as category 3 which is defined as <i>'Good to moderate quality agricultural land. Land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2.'</i></p> <p>The applicant has stated that the land is not suited to arable and has been using it for livestock.</p> <p>Policy CP7 supports community uses such as proposed here, and that they should only be exceptionally located outside the planning boundary: <i>"In exceptional circumstances, such facilities may be located outside of these areas where it can be demonstrated that this is the only practicable option and the site is well related to an existing settlement"</i></p> <p>The concept of a 'Woodland' or natural burial is that it takes place in a tranquil location, which could be in an existing cemetery or a rural setting such as proposed here. The site is within a 15 minute walk from Barcombe and a 2 minute car journey. There are buses to Barcombe from Lewes, but they do not run past the site.</p>
8.3	<p><u>Impact on Character and Landscape:</u></p> <p>In terms of policies CP10 and DM27, the impact on the character of the landscape will be positive, due to the trees that the applicant intends to plant as part of a landscape plan that will be secured by condition, as well as the memorial trees that will be planted on burial plots.</p>
8.4	<p><u>Ecology and Biodiversity:</u></p> <p>In order to comply with policy DM24, a Preliminary Ecological Assessment was submitted with the application, which includes suggested enhancements. These can be secured by condition.</p>
8.5	<p><u>Drainage and Pollution</u></p> <p>The Environment Agency has raised no objection to the proposal. It should also be noted that all burial grounds are subject to compliance with Environmental Permitting (England and Wales) Regulations 2016 regarding groundwater pollution.</p> <p>The council's pollution officer has recommended conditions based on the applicant's Ground Report.</p>
8.6	<p><u>Transport and Parking:</u></p> <p>The applicant has demonstrated to the satisfaction of ESCC Highways that the proposal is acceptable in respect of traffic generation, access and parking arrangements.</p>

8.7	<p><u>Sustainability:</u></p> <p>Woodland burials more sustainable than cremations, which use a lot of electricity and release toxins such as carbon dioxide and mercury (from fillings) into the air, and traditional interments, which use chemical embalming fluids.</p> <p>Cemetery burials often use hardwood or MDF coffins. Natural burials use biodegradable coffins or shrouds and often have trees planted on the plots which are nourished by the natural process of decomposition.</p> <p>Nearly half of existing sites for conventional burials will be full within 20 years.</p> <p>The reduction in the raising of livestock on the farm will also contribute to carbon emissions in the area.</p> <p>Although policy CP14 is aimed at reducing carbon emissions generated by residential development, it is considered that this proposal complies with the overarching objective of the policy:</p> <p><i>To ensure that the district reduces locally contributing causes of climate change and is proactive regarding climate change initiatives.</i></p>
8.8	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
8.9	<p><u>Conclusions:</u></p> <p>The proposal is considered to be acceptable in terms of national and local planning policy and will provide a sustainable alternative to more traditional funeral options. Approval is therefore recommended.</p>
9.	<p>Recommendations</p>
9.1	<p>That planning permission is granted subject to conditions.</p>
10.	<p>Conditions:</p>
10.1	<p>Contaminated Land 1</p> <p>No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:</p> <p>Additional site investigation scheme, based on preliminary risk assessment already undertaken (Land Science report LS 5757 dated 30 July 2021) to provide information for a detailed assessment of the risk to all receptors, that may be affected , including those off site and hydrogeological risk.</p>

	<p>The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>
10.2	<p>Contaminated Land 2</p> <p>No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a 'long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>
10.3	<p>Contaminated Land 3</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p>

	<p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>
10.4	<p>Highways 1</p> <p>No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.5	<p>Highways 2</p> <p>The proposed use shall not commence until a parking area has been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway</p>
10.6	<p>Highways 3</p> <p>The proposed use shall not commence until a turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.7	<p>Ecology</p> <p>No response received at the time of writing.</p>
10.8	<p>Landscape scheme</p> <p>The proposed use shall not commence until details of a landscape and planting scheme has been submitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP10 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.9	

	<p>Hours of operation:</p> <p>The site shall not be open for burial ceremonies outside the hours of 11:00-15:00 on Monday to Friday, and not at all on Saturday, Sunday or Bank Holidays.</p> <p>Reason: To protect residential amenities having regard to policies CP11 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework</p>		
10.10	<p>Informative 1</p> <p>Section 184 Agreement of Highways Act, 1980 – New Access</p> <p>The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place</p>		
10.11	<p>Informative 2</p> <p>All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner.</p>		
10.12	<p>Informative 3</p> <p>The applicant is advised that any signage may require Advertisement Consent.</p>		
10.13	<p>Informative 3</p> <p>This planning permission relates to the change of use and operations relating to improvements to the access, and formation of a car park and pathway only.</p>		
10.14	<p>Informative 4</p> <p>The applicant is advised to ensure that prior to the implementation that they comply with all aspects of other legislation and licensing regimes that exist to regulate this form of development.</p>		
11.	Plans:		
11.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Proposed Block Plan	17 January 2022	Proposed Site Plan
	Location Plan	17 November 2021	Site Location Plan
	Additional Documents	17 November 2021	Preliminary Ecological Appraisal Survey
	Land Contamination	17 November 2021	Ground Investigation Report
	Additional Documents	17 November 2021	Parking Plan

	Planning Statement/Brief	17 November 2021	Planning Statement
	Additional Documents	17 November 2021	Burtenshaws Meadow Business Plan
	Landscaping	17 November 2021	Landscaping and Tree Species
12.	Appendices		
12.1	None		
13.	Background Papers		
13.1	None		