

27 OCTOBER 2021

PC7-21 | ENVIRONMENTAL PERMITTING (ENGLAND AND WALES) REGULATIONS 2016

Summary

The Department for the Environment, Food and Rural Affairs (DEFRA) has recently launched a consultation into amending the Environmental Permitting (England and Wales) 2016 Regulations. Effectively the consultation as it affects those local (parish and town) councils which are burial authorities, has specific regard to amending the regulations around activities which affect groundwater. In essence this consultation will affect all burial authorities and existing cemeteries / burial grounds. Most significantly, if the current proposals are implemented it could reduce the remaining burial capacity of cemeteries and burial grounds by almost 50%.

The government's stated objective with this consultation is to update the Environmental Permitting Regulations to improve the way in which groundwater activities, and some related surface water discharge activities, are regulated. The main consultation document can be downloaded [here](#). The consultation closes at DEFRA on 22 December 2021.

Context

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.

DEFRA also makes certain proposals regarding ground-source heat pumps which can be seen here: [Annex C Draft exemption conditions for closed loop ground source heat pump activities in low environmental risk settings.pdf \(defra.gov.uk\)](#). The proposals if implemented will restrict the installation of such pumps within certain distances of watercourses, springs, and protected nature sites. These

restrictions may impede the drive towards 'green energy', including community-based solutions.

In one local council cemetery NALC has been informed of, a standard burial plot is 4' x 8' i.e. 32sq feet / 3.0 square metres. To increase the size of a burial plot to 5 square metres would mean increasing the size of a burial plot by two-thirds i.e. to 6' x 9' (see GBR 8 in [annex B](#) to the consultation document).

Additionally, the proposed General Binding Rules appear to preclude the use of 'bricked' graves where it is not possible to achieve a minimum depth of soil of at least 1 metre above any part of the coffin (Part 1 of Schedule 2 of the Local Authorities Cemetery Order 1977 contains specific provisions for the use of walled or bricked graves where the minimum depth of soil cannot be achieved).

There are also potential implications of amending these regulations for anyone who has or is planning to have a ground-source heat pump and/or a septic tank. There are also implications for communities with elderly sewage systems which have to carry storm as well as foul water.

Respondents from the local council sector are advised strongly to read Annex B to the main consultation document linked above which contains the detail of draft exemption conditions for small-scale cemetery developments in low-environmental risk settings with possible future effect. See [here](#) Annex A a glossary of terms relevant to this consultation.

NALC's current policy positions

NALC will be arguing very strongly to DEFRA that it must be very careful to listen to the evidence presented by local councils and burial authorities as to why these proposals could reduce the remaining burial capacity of cemeteries and burial grounds by almost 50% - and should do all in its power to ensure maximum possible capacity for cemeteries and burial grounds managed by local councils - whilst still improving the way that ground water activities where essential, are regulated.

We will also be arguing that some of the proposals which Annex C refers to regarding ground-source heat pumps may impede the drive towards 'green energy', including community-based solutions.

Consultation Questions

The main consultation questions NALC will be responding to in this consultation are as below and NALC seeks the views of county associations and member councils in response to these questions to help inform its own submission to DEFRA:

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.

Your evidence

Please email your responses to this consultation to chris.borg@nalc.gov.uk by 17.00 on Friday 26 November, 2021. County associations are asked to forward this briefing onto all member councils in their area.

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Annex A: Glossary

EA	Environment Agency
FOI	Freedom of Information
GBRs	General Binding Rules
MPPs	Mobile Plant Permits
OO&G	Onshore Oil and Gas
SRPs	Standard Rules Permits
SSD	Small Sewage Discharge

Annex B

DRAFT Exemption conditions for small-scale cemetery developments in low-environmental risk settings with effect from [Date] [Month] [Year].

The following conditions apply to any burials of human remains, other than a burial of human ashes from crematoria, within any existing operational cemetery or proposed new cemetery development.

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.

The following conditions also apply to any proposed new cemetery development started on or after [Date] [Month] [Year].

9. The cemetery must not be located within a groundwater [Source Protection Zone 1](#).
10. The cemetery must not be located within 250 metres of any well, spring or borehole that is used to supply water for domestic drinking or food production purposes.
11. The cemetery must not be within 30 metres of any spring or watercourse.
12. The cemetery must be located either:
 - 12.1 Entirely on strata which is unproductive strata.

OR

12.2 Entirely on strata which is a Secondary B aquifer or entirely on strata which is Secondary undifferentiated rocks, where the number of burials being less than 100 burials per annum.

OR

12.3 Entirely on a Secondary A aquifer, where the number of burials being less than 50 burials per annum

OR

12.4 Entirely on a Principal Aquifer AND not in a Source Protection Zone 2 where the number of burials being less than 30 burials per annum

OR

12.5 On any combination strata mentioned in condition 12.1, 12.2, 12.3 and 12.4, subject to condition 13.

13. Where a cemetery is, pursuant to condition 12.5, partly located on strata mentioned in 12.2, 12.3 or 12.4, the restrictions on numbers of burials per annum in condition 12.2, 12.3 or 12.4 (as the case may be) apply to the area of the cemetery located on that strata.

14. The cemetery must not be in, or within 50 metres of, a Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site or biological Site of Special Scientific Interest (SSSI), and must not be in an Ancient Woodland.

15. The cemetery must not need ongoing active control measures to be in place to protect the environment.

For the purposes of these conditions, the following definitions apply:

Principal Aquifer means “geological strata that exhibit high intergranular and/or fracture permeability. They usually provide a high level of water storage and can support water supply and/or base flow to rivers, lakes and wetlands on a strategic scale.”

Secondary A Aquifer means “permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers, lakes or wetlands.”

Secondary B Aquifer means “predominantly lower permeability strata which may in part have the ability to store and yield limited amounts of groundwater by virtue of localised features such as fissures, thin permeable horizons and weathering.”

Secondary undifferentiated means “rock deposits (or strata) with variable permeability and storage properties that are neither consistently Secondary A nor Secondary B.

Unproductive strata means “geological strata with low permeability that have negligible significance for water supply or river base flow. They consist of deposits that naturally offer protection to any aquifers that may be present beneath.”

Groundwater flooding means “When the water table beneath the ground rises and causes water to seep out at ground level. This is often seasonal.”

Annex C

DRAFT Exemption conditions for closed loop ground source heat pump activities in low-environmental risk settings with effect from [Date] [Month] [Year].

The following conditions apply to closed loop ground source heat pump activities, including closed loop ground source heating and cooling schemes.

1. The system must be closed loop only and have no discharge of pollutants other than transfer of heat to the environment.
2. The system must not cause pollution of surface water or groundwater
3. The system must not be either entirely or partly within a groundwater Source Protection Zone 1 or within 50 metres of a well, spring or borehole used for supply water for domestic or for food production purposes.
4. The system must not be within the following distance of a wetland designated as a Site of Special Scientific Interest, European site or Ramsar site:
 - 4.1 Not within 20m for a single domestic system (assuming 45kW as defined by the Micro-generation Certification Scheme (MCS))
 - 4.2 Not within 50m for a group of 4 or more houses or a single community building or
 - 4.3 Not within 250m for a factory or large office
5. The system must not be within 10m of a watercourse.
6. The installation of the system must not mobilise any contaminants potentially present in the subsurface to the extent that pollution of groundwater occurs.
7. The system must not be adjacent to a septic tank or cesspit, including the infiltration system.
8. All equipment installed in relation to the system must comply with the relevant design and manufacturing standards set down in the British Standard that is in force and with the standards issued by the Ground Source Heat Pump Association at the time of the coming into effect of these conditions [Date] [Month] [Year].
9. The operator must ensure the system is appropriately decommissioned when it ceases to be in operation so that there is no risk of pollutants or polluting matter entering groundwater.

For the purposes of these conditions, the following definitions apply:

Closed loop means "a system that is fully sealed and takes no water from the environment and discharges no water or fluids to the environment. Boreholes used for these systems are fully sealed and have no direct connection with any groundwater in the formation into which it is installed"

Relevant British Standards mean:

BSI, 2008 Refrigerating systems and heat pumps. Safety and environmental requirements. Installation site and personal protection.

BS EN 378-3:2008 BSI 2007. Heating systems in buildings - Design of heat pump heating systems. British Standards BS EN 15450:2007.

BSI, 2000. Water supply. Requirements for systems and components outside buildings. British Standards BS EN 805:2000.

BSI, 1999 + Amendment 2: 2010. 5. Code of practice for site investigations. BS5930:1999 + Amendment 2:2010

Standards issued by the Ground Source Heat Pump Association mean:

GROUND SOURCE HEAT PUMP ASSOCIATION 2016. Closed Loop Vertical Borehole: Design, Installation and Materials Standards

GROUND SOURCE HEAT PUMP ASSOCIATION 2016. Thermal Pile Borehole: Design, Installation and Materials Standards

GROUND SOURCE HEAT PUMP ASSOCIATION 2016. Shallow Ground Source: Design, Installation and Materials Standards

HSE, 1991. Protection of workers and the general public during the development of contaminated land. Health and Safety Executive guidance HSG 66 (1991)

IGSHPA, 2007: Closed-loop/geothermal heat pump systems: design and installation standards (most relevant to individual loops).

A photograph of a cemetery. In the center is a large, ornate stone monument with a cross on top. The monument has an inscription that reads: "IN MEMORY OF THE REV. J. B. BISHOP D.D. 1842-1918". To the right of the monument is a smaller, rectangular stone marker. The area is enclosed by a chain-link fence. In the background, there are dense trees and a building. The ground is covered with grass and some small plants.



04/11/2021

Chepping Wycombe Parish Council

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Detailed Income & Expenditure by Budget Heading 04/11/2021

Month No: 6

Committee Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent
<u>Works & Service</u>						
301 <u>Works Depot, Office & Wardens</u>						
1004 Service Charges	0	200	200			0.0%
Works Depot, Office & Wardens :- Income	<u>0</u>	<u>200</u>	<u>200</u>			<u>0.0%</u>
4011 Rates	7,984	8,133	149		149	98.2%
4012 Water	330	500	170		170	66.0%
4014 Electricity	688	1,750	1,062		1,062	39.3%
4015 Gas	642	1,500	858		858	42.8%
4017 Cleaning & Refuse	70	300	230		230	23.3%
4036 Property Maintenance	1,344	2,000	656		656	67.2%
4037 Grounds Maintenance	19	300	281		281	6.4%
4038 Maintenance Contract	555	1,250	695		695	44.4%
Works Depot, Office & Wardens :- Indirect Expenditure	<u>11,633</u>	<u>15,733</u>	<u>4,100</u>	<u>0</u>	<u>4,100</u>	<u>73.9%</u>
Net Income over Expenditure	<u>(11,633)</u>	<u>(15,533)</u>	<u>(3,900)</u>			
304 <u>Vehicles Tools & Equipment</u>						
4010 Staff Costs Misc	216	600	384		384	36.0%
4041 Equipment Hire	0	3,500	3,500		3,500	0.0%
4042 Equipment Maintenance	470	2,500	2,030		2,030	18.8%
4043 Vehicle Maintenance	1,532	1,500	(32)		(32)	102.1%
4044 Vehicle Fuel	2,312	5,000	2,688		2,688	46.2%
4045 Vehicle Tax & Insure	275	3,100	2,825		2,825	8.9%
4046 Small Tools & Equipment	294	2,000	1,706		1,706	14.7%
4050 Chemicals	0	200	200		200	0.0%
Vehicles Tools & Equipment :- Indirect Expenditure	<u>5,098</u>	<u>18,400</u>	<u>13,302</u>	<u>0</u>	<u>13,302</u>	<u>27.7%</u>
Net Expenditure	<u>(5,098)</u>	<u>(18,400)</u>	<u>(13,302)</u>			
305 <u>Litter, Rubbish & Graffiti</u>						
4017 Cleaning & Refuse	1,999	2,000	1		1	99.9%
4018 Litter	0	500	500		500	0.0%
Litter, Rubbish & Graffiti :- Indirect Expenditure	<u>1,999</u>	<u>2,500</u>	<u>501</u>	<u>0</u>	<u>501</u>	<u>79.9%</u>
Net Expenditure	<u>(1,999)</u>	<u>(2,500)</u>	<u>(501)</u>			
311 <u>Cemeteries</u>						
1031 Burial & Memorials Income In	4,166	5,750	1,584			72.5%
1032 Burial & Memorials Income Out	11,220	12,000	780			93.5%
Cemeteries :- Income	<u>15,386</u>	<u>17,750</u>	<u>2,364</u>			<u>86.7%</u>

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Detailed Income & Expenditure by Budget Heading 04/11/2021

Month No: 6

Committee Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent
4011 Rates	391	391	0		0	99.9%
4012 Water	33	180	147		147	18.3%
4037 Grounds Maintenance	638	1,000	362		362	63.8%
Cemeiteries :- Indirect Expenditure	<u>1,061</u>	<u>1,571</u>	<u>510</u>	<u>0</u>	<u>510</u>	<u>67.6%</u>
Net Income over Expenditure	<u>14,325</u>	<u>16,179</u>	<u>1,854</u>			
<u>314 War Memorial & Closed Churchya</u>						
4036 Property Maintenance	0	1,200	1,200		1,200	0.0%
4037 Grounds Maintenance	403	1,000	597		597	40.3%
War Memorial & Closed Churchya :- Indirect Expenditure	<u>403</u>	<u>2,200</u>	<u>1,797</u>	<u>0</u>	<u>1,797</u>	<u>18.3%</u>
Net Expenditure	<u>(403)</u>	<u>(2,200)</u>	<u>(1,797)</u>			
<u>321 Footpaths & Street Furniture</u>						
4036 Property Maintenance	258	500	242		242	51.7%
Footpaths & Street Furniture :- Indirect Expenditure	<u>258</u>	<u>500</u>	<u>242</u>	<u>0</u>	<u>242</u>	<u>51.7%</u>
Net Expenditure	<u>(258)</u>	<u>(500)</u>	<u>(242)</u>			
<u>322 Footway Lighting</u>						
4014 Electricity	2,225	6,300	4,075		4,075	35.3%
4066 Footway Light Repairs	0	5,000	5,000		5,000	0.0%
Footway Lighting :- Indirect Expenditure	<u>2,225</u>	<u>11,300</u>	<u>9,075</u>	<u>0</u>	<u>9,075</u>	<u>19.7%</u>
Net Expenditure	<u>(2,225)</u>	<u>(11,300)</u>	<u>(9,075)</u>			
<u>341 Partnership Working</u>						
4061 Partnership Working	4,253	15,000	10,747		10,747	28.4%
Partnership Working :- Indirect Expenditure	<u>4,253</u>	<u>15,000</u>	<u>10,747</u>	<u>0</u>	<u>10,747</u>	<u>28.4%</u>
Net Expenditure	<u>(4,253)</u>	<u>(15,000)</u>	<u>(10,747)</u>			
Works & Service :- Income	15,386	17,950	2,564			85.7%
Expenditure	26,931	67,204	40,273	0	40,273	40.1%
Movement to/(from) Gen Reserve	<u>(11,545)</u>					
Grand Totals:- Income	15,386	17,950	2,564			85.7%
Expenditure	26,931	67,204	40,273	0	40,273	40.1%
Net Income over Expenditure	<u>(11,545)</u>	<u>(49,254)</u>	<u>(37,709)</u>			
Movement to/(from) Gen Reserve	<u>(11,545)</u>					

WORKS SERVICES

Works

	20/21 Actuals	Actual Yr to Date (Month 6)	Prorate month 6+ (times 12/5)	Budget View 21/22	Budget View 22/23	Comments 22/23	Variance	Variance %
301 Works Depot, Office & Wardens								
4011 rates	7,984	7,984	19,162	8,170	8,303	+4% on actuals	133	2%
4012 water	433	330	792	500	500		0	0%
4014 electricity	1,316	688	1,651	1,750	2,450	+40% on budget	700	40%
4015 gas	1,356	642	1,541	1,500	2,100	+40% on budget	600	40%
4017 cleaning & refuse	383	70	168	300	400	prior year experience	100	33%
4036 property maintenance	2,005	1,344	3,226	2,000	2,000		0	0%
4037 grounds maintenance	52	18	43	300	300		0	0%
4038 maintenance contract	1,348	555	1,332	1,250	1,400		150	12%
Works etc exp	14,878	11,632	27,917	15,770	17,453		1,683	11%
1004 Service Charges	200	0	0	200	200		0	0%
Works etc inc	200	0	0	200	200		0	0%
304 Vehicles Tools & Equipment								
4010 misc staff costs	362	216	518	600	600		0	0%
4041 equipment hire	2,270	0	0	3,500	3,000	prior year experience	-500	-14%
4042 equipment maintenance	2,846	470	1,128	2,500	2,500		0	0%
4043 vehicle maintenance	1,413	1,532	3,677	1,500	2,500	general increases	1,000	67%
4044 vehicle fuel	3,618	2,312	5,549	5,000	5,000		0	0%
4045 vehicle tax & insure	3,232	275	660	3,100	3,300	general increases	200	6%
4046 small tools & equipment	1,729	294	706	2,000	2,000		0	0%
4050 chemicals	158	0	0	200	200		0	0%
Vehicles etc exp	15,628	5,099	12,238	18,400	19,100		700	4%
305 Litter, Rubbish and Graffiti								
4017 cleaning & refuse	2,915	1,999	4,798	2,000	3,500	Covid experience	1,500	75%
4018 parish litter scheme	-19	0	0	500	500		0	0%
Litter etc exp	2,896	1,999	4,798	2,500	4,000		1,500	60%
311 Cemeteries								
4011 rates	340	391	938	354	407	+4% on actuals	53	15%
4012 water	75	33	79	180	180		0	0%
4037 grounds maintenance	1,024	638	1,531	1,000	1,000		0	0%
Cemeteries exp	1,440	1,483	3,558	1,534	1,587		53	3%
1031 income burials & memorials in	3,463	4,166	9,998	5,750	7,000	Prior history	1,250	22%
1032 income burials & memorials out	24,274	11,220	26,928	12,000	18,000	Prior history	6,000	50%
Cemeteries inc	27,737	15,386	36,926	17,750	25,000		7,250	41%
Net exp over inc								
314 War Memorials & Closed Churchyards								
4012 water	2	0	0	0	0		0	

APPENDIX D

WORKS SERVICES

4036	property maintenance	216	0	0	1,200	1,200	0	0%
4037	grounds maintenance	436	403	967	1,000	1,000	0	0%
	War Memorials etc exp	654	403	967	2,200	2,200	0	0%
321	Footpaths and Street Furniture							
4036	property maintenance	72	258	619	500	500	0	0%
	Footpaths etc exp	72	258	619	500	500		
322	Footway Lighting							
4014	electricity	4,266	2,225	5,340	6,300	6,500	200	3%
4038	maintenance contract	0	0	0	0	0	0	0%
4066	footway light repairs/maintenance	5,430	0	0	5,000	5,000	200	2%
	Footway etc exp	9,696	2,225	5,340	11,300	11,500		
341	Partnership Working							
4061	Partnership & Projects exp	2,853	4,253	10,207	15,000	0	-15,000	
1079	Miscellaneous	0	0	0	0	0	0	

Gross exc EMR exc Projects								
Income					67,204			-10,864
Net					17,950			7,250
					49,254			-18,114
								-16%
								40%
								-37%

	Budget View	Budget View	Budget View	Budget View	Budget View	Budget View	Budget View	Budget View	Budget View
	21/22	22/23	21/22	22/23	21/22	22/23	21/22	22/23	21/22
9323	EMR office refurbishment	6,300	3,000	3,000	3,000	3,000	0	0	0%
9325	EMR Depot 2020	3,000	3,000	3,000	3,000	1,500	-1,500	-1,500	-50%
9327	EMR street lighting	6,500	6,500	6,500	6,500	6,500	0	0	0%
9329	EMR benches and signs (all areas)	6,000	3,000	3,000	3,000	0	-3,000	-3,000	-100%
9323 (1 of 2)	EMR memorial maintenance	3,000	1,000	1,000	1,000	500	-500	-500	-50%
9323 (2 of 2)	EMR cemetery improvements	3,000	3,000	3,000	3,000	3,000	0	0	0%
	EMR Closed Graveyards	3,000	5,000	5,000	5,000	5,000	0	0	0%
9321 also	EMR Hand held Machinery	13,000	12,000	12,000	12,000	11,000	-1,000	-1,000	-8%
9321	EMR vehicle replacement	??	1,000	1,000	1,000	1,500	500	500	50%
9330	EMR Wardens House	??	1,000	1,000	1,000	1,000	0	0	0%
9323	EMR Office equipment								
	EMR Totals	40,800	36,500	38,500	38,500	33,000	-5,500	-5,500	-14%
	Projects	6,000	15,000	15,000	15,000				