
Case Number	19/01274/FUL
Application Type	Full Planning Application
Proposal	Use of agricultural land as a woodland/natural burial ground including laying out of parking area off Riggs High Road (Additional Information Submitted)
Location	Land Opposite The Griffs, Between Riggs Low Road And Riggs High Road Sheffield S6 6GB
Date Received	02/04/2019
Team	West and North
Applicant/Agent	Simon Elliott Associates
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

- Site Plan published 5th April 2019
- Site Layout Plan published 23rd April 2019
- Management Plan published 9th October 2019
- Supporting Information published 1st November 2019

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. Prior to the commencement of development, an ecological and landscape management plan shall be submitted to the local planning authority for approval in writing. This plan shall include survey details of the important habitats species and

their location on site, and shall incorporate the recommendations of the Preliminary Ecological Appraisal (Whitcher Wildlife Ltd. Ecological Consultants) - Ref 190108/1. Date 25th July 2019. The habitats and species shall thereafter be managed in accordance with the ecological and landscape management plan with clear requirements for mitigation of impacts and avoidance strategies and includes the following:

- Aims and objectives of management
- Detailed surveys of important grassland and woodland habitats.
- Detailed location, management and enhancement measures for important ecological features.
- Identification of protected species using site and avoidance/protection measures.
- Operational methods for the burial ground that will minimise impacts on habitats and wildlife.
- Guidelines for the planting of additional trees throughout the site including species, planting specifications and locations.
- Details of root protection areas of veteran trees, to form basis of exclusion zones for burial areas.

Reason: In the interests of biodiversity.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- The parking of vehicles of site operatives and visitors;
- Means of access for construction traffic;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interests of highway safety.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

5. The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) details of which shall be submitted to and approved by the Local Planning Authority.

The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for that sole purpose at all times.

Reason: to ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic.

Other Compliance Conditions

6. All surface water run off shall be collected and disposed of within the site and not allowed to discharge onto the public highway.

Reason: In the interests of road safety.

7. Tree planting on site shall comprise native species only, and any tree planting shall be carried out in strict accordance with the Ecological and Landscape Management Plan required by condition 3.

Reason: In the interests of biodiversity and visual amenity of the area.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. You are advised to adhere to the Cemetery Section within The Environment Agency's approach to groundwater protection and information on the Natural Death Centre website.

Further information can be found at the following websites:

<https://www.gov.uk/guidance/cemeteries-and-burials-prevent-groundwater-pollution>

<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

<http://www.naturaldeath.org.uk/>

If you wish to discuss any of these issues the Environment Agency can be contacted on 03708 506 506 or by enquiries@environment-agency.gov.uk.

3. The Environment Agency advise that a hydrogeological risk assessment will be required to ensure burials do not cause pollution.

Further information can be found at the following website:

<https://www.gov.uk/guidance/cemeteries-and-burials-prevent-groundwater-pollution>

<https://www.gov.uk/guidance/groundwater-risk-assessment-for-your-environmental-permit#develop-your-conceptual-model>

If you wish to discuss any of these issues the Environment Agency can be contacted on 03708 506 506 or by enquiries@environment-agency.gov.uk.

4. The applicant is advised that the Local Planning Authority has reason to believe that the application site may contain bats which are protected by law. Separate controls therefore apply, regardless of this planning approval. Further information can be found at the following website:

<https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence>

If protected species are encountered at any point, then please contact Sheffield City Council's Ecology Unit on Telephone Number 0114 250 0500.

All site contractors should be briefed as to the possibility of bats being present. If a bat (or bats) are found, all work in that area should cease immediately and advice sought from an appropriately licensed ecologist. If a bat is in imminent danger of injury or death it should be carefully removed from potential harm and placed in a dark container with adequate air holes. Thick work gloves should be worn to handle bats.

5. No removal of trees, shrubs or scrub vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared.

All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

6. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

7. The Coal Authority records indicate that, within or within 20m of the planning boundary, there are two recorded mine entries. However, their records indicate that these mine entries are fireclay shafts, not coal shafts. As the remit of The Coal Authority only extend to coal mining legacy issues they cannot advise definitively whether these fireclay shafts will cause any land instability / public safety issues. You are therefore advised it remains the responsibility of the applicant / developer to ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.
8. The developer must contact Sheffield City Council's Highway Department prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of vehicular accesses to the highway.

Contact details:

0114 273 4567

Highways
Howden House
1 Union Street
Sheffield
S1 2SH

9. You are advised that Cadent Gas state there is an intermediate pressure gas pipeline running through the site on which Cadent Gas hold easement. Cadent will need to be

informed about any proposed development in the vicinity on the IP gas pipeline as plant protection measures may be necessary and stand off distances will apply- regards

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

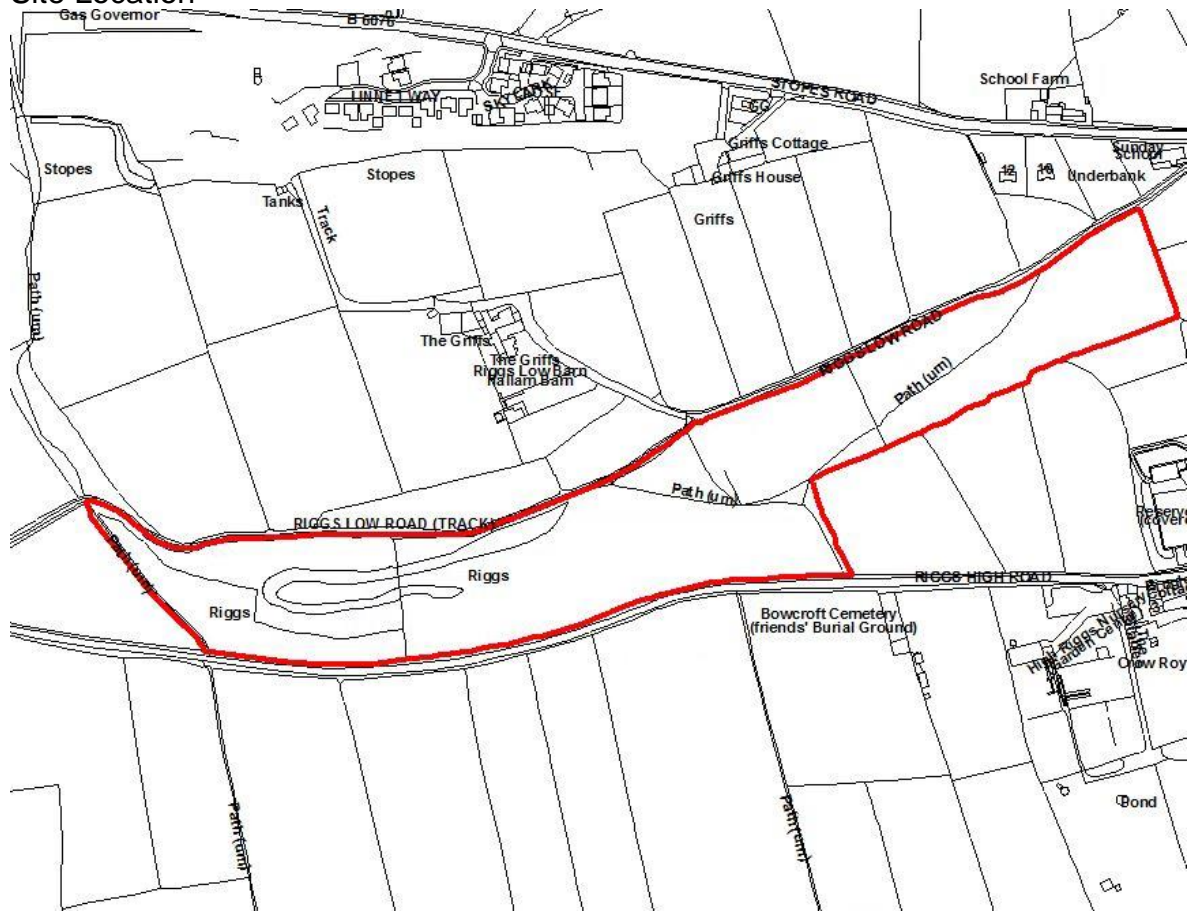
Email: plantprotection@cadentgas.com
Tel: 0800 688 588

10. On freehold land, or leasehold land which has more than 90 years left to run, the owner can voluntarily create public access rights by dedicating the land under section 16 of the CROW Act. This dedication is permanent (or, where appropriate, lasts for the duration of the long lease), so the rights will continue to apply when the current owner sells the land.

You are advised to consider dedicating the land under section 16 of the CROW Act. Further information can be found at the following website:

<https://www.gov.uk/guidance/open-access-land-management-rights-and-responsibilities>

Site Location



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LOCATION AND PROPOSAL

The application site relates to an area of agricultural land west of Stannington comprising an area of over 6 hectares. The land is classed as Grade 4 (poor) agricultural land as defined under the Agricultural Land Classification Map by Natural England. The site is frequently used by ramblers for recreational purposes as the site benefits from a right to roam under the Countryside and Rights of Way Act 2000 (CROW Act). The site also benefits from a public right of way connecting Riggs High Road down towards Riggs Low Road.

The site is significantly elevated on the southern side along Riggs High Road, however the site drops a significant gradient down to Riggs Low Road to the north, part of which has a steep terrain and is not readily accessible on foot. The site benefits from access via a public footpath/bridleway from Riggs Low Road allowing pedestrian access from Stannington Road. To the western side of the site are a belt of trees forming a small woodland.

To the east is the suburb of Stannington, comprising predominantly housing. There is a small Quaker Burial Ground opposite the site on Riggs High Road. The northern, western and majority of the southern boundaries adjoin open countryside.

Planning permission is sought for use of agricultural land as a woodland/natural burial ground including layout out of a parking area with access from Riggs High Road.

The document entitled 'Guidance for Operators – Natural Burial Grounds' published by the Ministry of Justice defines a natural burial ground as the following:

A natural burial is a term used to describe the burial of human remains where the burial area creates habitat for wildlife or preserves existing habitats (woodland, species rich meadows, orchards, etc.), sustainably managed farmland, in-situ or adjacent aquatic habitats or improves and creates new habitats which are rich in wildlife (flora and fauna). Where a funeral precedes such burial, it would typically seek to minimise environmental impact. The terms 'green burial', 'green funeral' and 'woodland burial' are also sometimes used.

Planning considerations are assessed within this report, however Members should be aware that natural burial grounds are controlled by and are subject to several legislations outside the scope of planning, as outlined within the Ministry of Justice guidance. The operator of any natural burial ground will need to follow this guidance and ensure that the burial ground abides by all applicable legislation. The applicable legislation consists of but is not limited to the following:

- Burial Law
- Ecclesiastical Law
- Authority for Burial
- Health & Safety
- Contract and employment
- Environmental and wildlife law.

Description of Proposed Use

A management plan and submitted site plan shows 14 phases of the burial ground within the site. Exact burial plots within each phase cannot be determined as they are dependent upon a number of factors such as ground conditions, trees and terrain for example. The management plan does however specify burial plots of between 400 and 500 within each phase, although this is an approximate figure. Each burial plot is to be marked with the planting of a tree or the placement of a small memorial stone. The applicant states that an individual burial plot would be approx. 2m x 1m with a separation between each plot of between 60cm and 90cm.

Additional spacing between plots is also proposed to ensure footpaths are provided allowing access to all areas of the burial ground. The footpaths are to remain grassland, but mown to create informal routes through. A small car parking area comprising 14 spaces is also proposed to the south side of the site utilising an existing field gate from Riggs High Road.

Burial exclusion zones are also proposed to safeguard existing trees and wildlife habitats, which will limit the number of plots in some phases. The management of the site is to be controlled by the operator to ensure that legislation is heeded and that the management of the site is implemented in strict accordance with the management plan and any subsequent planning permission.

SUMMARY OF REPRESENTATIONS

Bradfield Parish Council has recommended refusal of the application as they have concerns regarding effects on protected species in the area and environmental issues. Concerns are also raised that the car park would be out of character with the natural area. They further state that the car parking is insufficient and concerns are raised with regards to access and egress causing traffic congestion.

Sheffield & Rotherham Wildlife Trust has commented with the following:

- Insufficient information on potential impacts to Local Wildlife Site.
- The proposal could have the potential to even benefit the site if undertaken sensitively.
- Policy CS73 and Policy G1 protects Local Wildlife Sites.
- Ecological survey carried out at sub-optimal time of year but welcome recommendation of repeat botanical surveys.
- No map in the Ecological Survey showing which areas are which habitats.
- Unimproved grassland sites have declined in Sheffield as per the Ecological Survey, this scarce habitat should be retained if present.
- Would not wish for trees to be planted on grassland habitat.
- Support retention of veteran pussy willow tree and would like hedgerow restored.
- Planting plan to secure appropriate trees and guide it away from grassland areas.
- An ecological management plan is recommended – to prevent harm to ecological/wildlife interest of the site and improve management of habitats.

Loxley Valley Protection Society has commented with the following:

- No objection, but have concerns as to whether the site is suitable.
- It is a prominent site in an Area of High Landscape Value, within Green Belt and borders the Peak District.
- It is a parcel of Access Land with footpaths.
- Ecology & tree reports should be heeded. Wildlife enhancement and avoidance of most sensitive areas should be carried out.
- Would not support the whole red line area being used for burials.
- A good proportion of the site is steep, rough and uneven making it unsuitable and not accessible to all visitors.
- New accesses could impact wildlife.
- Allowing vehicles on site raises concerns that routes to burial sites will be upgraded leading to more tarmacking and disturbance.
- The site has several footpaths, meaning the car park will be used by walkers leading to more pressure on available parking for the use.
- Ministry of Justice Guidance for operators of Natural Burial Grounds should be followed.
- Concerns that non-biodegradable items left as tributes will lead to littering of the site.

Peak & Northern Footpaths Society has objected with the following:

- People walking across a natural burial ground is not acceptable to either walkers or the relatives of the dead buried there.
- Concerns of the impact on the public footpath.
- Impact upon public access to Open Access Lane under Part 1 of the CROW Act 2000.

Sheffield Local Access Forum has commented with the following:

- Concerns that public access will be restricted and the change of use could lead to loss of its status as 'public access land' – under such circumstances the forum object.

Members of the public - 9 letters of representation have been submitted and are summarised below:

Material planning considerations

- Submitted information is insufficient.
- Agreement with the points raised by Loxley Valley Protection Society.
- Lack of clarity over site boundary and proportion used for burial ground.
- Parking pressures from recreational visitors.
- Danger of littering from non-biodegradable tributes left at graves.
- Concerns about wildlife and natural features.
- Concerns that the natural wild landscape will be altered.
- Concerns with regards to existing rights of access over the land.
- Concerns with small headstones in a natural burial ground – man-made infrastructure should be as minimal as possible.

- Headstones and formally maintained footpaths would give appearance of conventional cemetery destroying the wild nature of the site.
- Whilst public right to roam may remain, pleasure could be removed through burials restricting access across the current open landscape.
- Access rights could be lost as the land could be classed as 'excepted land' following a change of use.
- Risk of losing CROW Act access rights as result of changing vegetation.
- Guidance from Ministry of Justice specifies that operators of burial grounds can voluntarily dedicate their land for public access under the CROW Act – this would be a benefit for the public.
- Concerns that the land level is to be altered to cater for burials. Terrain is unsuitable for a burial ground.
- Concerns about effect on local walking amenities.
- Ecological appraisal and tree survey were undertaken during the winter months when much of the flora and fauna would not have been apparent.
- Views into and out of the valley are protected by the Loxley Valley Design Statement (LVDS)
- Disastrous consequences for the Local Wildlife Site.
- Wildlife species on the site listed under a representation – concerns about impact upon them.
- Additional vehicles would spoil people's rights to peaceful enjoyment of the countryside.
- Roads are congested when there are services at Underbank Unitarian Chapel, another burial ground will increase traffic with a road infrastructure that cannot handle it.
- It will have a detrimental impact upon the village character of Stannington.
- The site is one of the best examples of unimproved acid grassland in Sheffield.
- The site is frequented by numerous wild mammals.
- It will cause irrevocable damage to existing features of ecological interest.
- No mention of drainage from the development.
- The site exceeds 1ha, therefore a Flood Risk Assessment may be required.
- Permeable geology may be present, raising the possibility of groundwater from the site leaching to Storrs Brook.
- Has a hydrogeology assessment been considered?

Non-material planning considerations

- As the site is open there is scope for fly-tipping or drug abuse which has occurred previously.
- The carpark area would need to honour SCC's SuDS guidance in discounting infiltration by testing and establishing a point of discharge for surface water from the site in accordance with Building Regulations H(3), while providing adequate storage up to the 1 in 100-year +40% rainfall event.

PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are

determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is a material consideration (paras 2 and 212 of the NPPF).

The documents comprising the Council's development plan pre-date the NPPF, but paragraph 213 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF. The NPPF provides that the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The site is designated as Green Belt and an Area of High Landscape Value as defined by the Sheffield Unitary Development Plan (UDP). The site is also located entirely within the Underbank Local Wildlife Site.

Impact upon Green Belt

The application site lies within the Green Belt as defined by the Sheffield Unitary Development Plan (UDP). UDP Policies GE1, GE2, and GE4 of the UDP apply. Policy GE1 states that development will not be permitted where it would lead to unrestricted growth of the built up area, contribute towards merging of existing settlements, lead to encroachment of urban development in the countryside or compromise urban regeneration.

Policy GE2 seeks the protection and improvement of the Green Belt landscape. Policy GE4 requires the scale and character of any development to be in keeping with the area and, wherever possible conserve and enhance the landscape and natural environment.

Core Strategy Policy CS71 is also applicable which seeks to protect Green Belt land. The above Local Plan Green Belt policies are considered consistent with Green Belt Policy outlined within the NPPF and therefore weight is afforded to them.

The construction of new buildings within the Green Belt is by definition inappropriate as stated within the National Planning Policy Framework (NPPF), however it does specify exceptions when development is not considered inappropriate. One of these exceptions is specified under paragraph 146 e) of the NPPF which states that material changes in use of land for cemeteries and burial grounds is not inappropriate. In addition to this, paragraph 145 b) of the NPPF allows the provision of facilities in connection with the use of land for cemeteries and burial grounds, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Paragraph 145 b) clarifies that the provision of these facilities relates to both existing uses and changes of use.

Cemeteries and outdoor recreation are both specified under paragraphs 145 and 146 within the NPPF, therefore given that the land is used by walkers and ramblers as existing (i.e. recreational), it could be argued that the proposal would have a similar or neutral impact to the Green Belt in comparison to the existing nature of the site. It is however appreciated that there will be some change as specified below and therefore the potential impact upon the openness of the Green Belt should be assessed.

The proposed natural burial site is to include the following features:

- Tree planting and/or memorial stones to mark individual burial plots.
- An area of hardstanding to form a car park off Riggs High Road, utilising an existing access.
- A new post and rail timber fence to delineate and safeguard the existing public right of way from the car park.
- Exclusion zones to protect wild species.

The site is to be divided into 14 phases with between 400 and 500 burial plots within each phase as stated within the management plan. The 14 phases are delineated on a submitted plan, however there would not be any new physical features on site to delineate these phases, therefore the site will retain an open character.

The space and distance between burials has been stated as being between 60cm and 90cm, with additional spacing created by mown grassed footpaths. Burial plots are to be approx. 2m by 1m, with cremations to be smaller at 1m by 1m. At the current time it cannot be determined how many of the plots will comprise cremations or burials, as this will be determined by the choice of the 'customer'. Members should also note that final burial positions will be restricted by and informed by several matters such as ground conditions, physical features on site, the topography and exclusion zones to protect wildlife and existing veteran trees. A detailed plot layout is ultimately required to be produced legally for registration of all burials and plots, however practically this cannot be provided at the current time, and it is not considered necessary for the determination of the application.

Trees and memorial stones are to mark individual burial plots, determined by personal choice of the customer. Memorial stones are to be laid on the ground and would be 300mm by 300mm. The management plan states that the stones would sit just above ground level. The small size of these memorial stones is unlikely to have a significant visual impact upon the Green Belt, particularly as the areas surrounding the stones are unlikely to consist of neatly mown grassland. Part of the site has a steep terrain on the northern side, with the southern side having a more level area. It is unlikely that there would be many, if any burials on the steeper parts of the site as accessibility would be limited. Given that the proposed memorial stones would likely be placed on the more level areas of the site, it is considered that memorial stones would not necessarily be significantly visible from wider views thereby having limited impact upon the appearance or openness of the Green Belt.

Given there will be a choice between a stone or tree, the site will be interspersed with both. Tree planting will therefore somewhat reduce the visibility of the memorial stones in any instance. The applicant has confirmed that tree planting will be provided in all phases; however they will be allocated to specific areas to ensure there is no tree crowding.

It would be unreasonable and impractical for any planning permission to restrict the number of trees or memorial stones, and therefore there is a possibility the site could be mainly populated by one or the other. Ultimately the customer will have a choice between a tree or memorial stone, however given the nature of the proposal it is perhaps likely to attract a strong preference for tree planting. Whilst the management plan gives an indicative number of burials plots within each phase, these numbers are not definitive and will be directed by numerous matters such as terrain, groundwater conditions and certain areas will be restricted by exclusion zones to protect wildlife. The terrain of part of the site is not readily accessible and is unlikely to be used for burial; therefore the exact number of burials cannot be determined at this stage.

In any instance, Members should acknowledge the overarching acceptance by the NPPF which considers cemeteries and burial grounds as appropriate development within the Green Belt, including any associated infrastructure such as headstones, buildings (i.e. crematorium) and car parking, as found in most cemeteries. Headstones of the scale found in a traditional cemetery would ultimately have a greater visual impact upon the Green Belt than that proposed under this proposal given that markers of a plot would comprise either a small memorial stone or a tree. Tree planting is considered to have a neutral impact on the area in terms of a visual impact. Whilst the majority of the site is currently open agricultural grassland, there is a small area of woodland to the west.

The area proposed to create a car park is the only part of the development which could have a significant impact upon the openness of the Green Belt. It should however be acknowledged that the car park would be relatively small in relation to the size of the site and would not be significantly visible from wider view given the proposed position on the more level part of the site adjacent to Riggs High Road. A condition is recommended to be imposed to secure details of the surfacing for the car park to ensure it is surfaced appropriately for the context and does not harm the

appearance of the Green Belt or Area of High Landscape Value. The car park would be read in context with the existing stone boundary wall and adjacent field gate and access. The site will retain its open character and no buildings are proposed within the site. The acceptance of cemeteries within the Green Belt by the NPPF would include associated infrastructure such as car parks and therefore such provision is acceptable in policy terms.

The use of the land will increase the number of people and vehicles visiting the site. It should however be noted that the site would retain its open character. People visiting the site by car could park in the proposed car park or on the existing lay bay on the main road (Riggs High Road). This lay bay is currently used for parking by recreational walkers. It is not considered that the proposed use would significantly increase pedestrian or vehicular movements to such an extent that would urbanise the character of the site. Ultimately, the use and associated infrastructure is accepted by the NPPF.

The level of proposed development is lesser than that associated with a traditional cemetery and therefore it is not considered that the proposal would conflict with the aims of including land within the Green Belt.

The proposal does not include alterations to the gradient of the land. Burials should not necessitate the need to re-level the land. Any significant level changes would ultimately require planning permission in their own right.

Given that there is limited physical development associated with the proposed change of use of the land, it is considered that the proposal would have a limited impact upon the openness of the Green Belt. It is also not considered that the proposal would conflict with any of the purposes of including land within the Green Belt as outlined within the NPPF.

The principle of the use is therefore considered to be acceptable and would be in accordance with, and not conflict with the aims of UDP Policy GE1, GE2 and GE4, and government policy contained within the National Planning Policy Framework (NPPF).

Landscape Appearance

The site is also defined as an Area of High Landscape Value by the UDP. UDP Policy GE8 is therefore applicable which seeks to protect, and where appropriate enhance such areas. The aims of this policy are consistent with Paragraphs 170 a) and b) of the NPPF which seeks to protect and enhance valued landscapes and the beauty of the countryside.

Due to the gradient and terrain of the site, the site is most visible from Riggs High Road and from Loxley to the north of the site. The land falls in gradient to the north and therefore the elevated position means the site is visible from the Loxley Valley area, including areas to the south of the site on approach from Stannington to Dungworth.

As already mentioned, there are little physical alterations proposed with the change of use of the land to a burial ground. The memorial stones would be laid flat on the ground and would be only small in size (300mm by 300mm). The memorial stones would be interspersed with tree planting.

The area of hardstanding to form the car park would be small in comparison to the overall site area and would be located on the highest and most level terrain, thereby limiting its view from wider areas. The car park is proposed adjacent to an existing field gate, accessed off Riggs High Road and near to an existing burial ground and layby where cars currently park – both for walkers and visitors to the burial ground. The location of the proposed car park is considered to be in the most appropriate location, being immediately adjacent to the highway utilising an existing field gate access.

There are concerns that the proposed burial ground could introduce regimented rows of trees and memorial stones more akin to a traditional cemetery. Such an arrangement could undermine the aims of the scheme providing a ‘natural’ appearance, thereby having an impact upon the Area of High Landscape Value. It should however be acknowledged that the location of burials will be directed and informed by several matters, such as the terrain of the land and more importantly by an Ecological and Landscape Management Plan. Such a plan is recommended to be secured by condition, the reason for which will be discussed in more depth later on within this report. This Ecological and Landscape Management Plan will restrict burials from parts of the site to ensure protected species, wildlife habitats and valued areas of grassland and woodland are not harmed. This would suggest a more regimented layout would be unlikely and it would ensure that important existing natural areas of the site will be retained. Acknowledgement should also be given to the intentions of proposing a natural burial ground, which is to retain, and to some degree create a natural appearance. These aims have been outlined by the applicant and are also specified under the terms of the guidance provided by the Ministry of Justice. On this basis, it is unlikely that the site will comprise regimented rows of trees or memorial stones, and is more likely to consist of a more varied natural landscape due in part by securing burial exclusion zones under the Ecological and Landscape Management Plan. Whilst any planning permission will not prevent the possibility of a more regimented landscape being incorporated, the submission and constraints of the site suggest that a natural landscape will entail, therefore having a negligible impact upon the appearance of the area.

Overall, the proposed visual impact of the proposal is considered to have a negligible impact upon the appearance of the Area of High Landscape Value and therefore the proposal is considered to accord with UDP Policy GE8 and paragraphs 170 a) and b) of the NPPF.

Ecology

Paragraph 170 a) and d) of the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value; and minimise impacts on and providing net gains in biodiversity; including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 175 a) of the NPPF identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 175 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The following Local Plan Policies are considered applicable and are consistent with the aims of the above NPPF policies and therefore weight is attributed to them:

- UDP Policy GE11 ‘Nature conservation and development’ of the UDP seeks to protect and enhance the natural environment ensuring that the design, siting and landscaping of development respects and promotes nature conservation and includes measures to reduce any potentially harmful effects of development.
- UDP Policy GE13 ‘Areas of Natural History Interest & Local Nature Sites’ seeks to protect and enhance the most important features of natural history interest.

The site is entirely within the Underbank Local Wildlife Site.

The guidance for operators of Natural burial grounds (Ministry of Justice) states that natural burial grounds seek to minimise any harm and provide additional habitats for local wildlife. As such the proposal is considered compatible in this respect, however ecological impacts of the development need to be assessed.

The applicant has submitted two ecological reports assessing the ecology and biodiversity impact of the development. The reports have been considered by Sheffield City Council’s (SCC) Ecology Unit.

The first Ecological Report carried out by Whitcher Wildlife provided a valuable description of the site, although it identified that the survey was undertaken at a sub-optimal time of year and that follow-up surveys were required. The report identified protected species and confirmed that the proposed development can co-exist with protected species on site providing a full risk assessment and impact mitigation strategy is adopted.

The report identifies that the majority of the site is semi-improved grassland with discrete areas of acid grassland which is of nature conservation importance. In order to identify these areas more clearly, further grassland surveys were recommended, which also applies to the woodland in the western part of the site. A further ecological survey was subsequently undertaken to assess the grassland and woodland habitats as recommended in the initial survey.

The recommendations of the second survey (which also included the assessment from the initial survey) states that any tree planting should consist of native species, including fruit and berry bearing species to provide food for local wildlife. The survey also recommends that additional details are provided regarding the layout,

maintenance and management of the proposed burial ground so that a more suitable ecological management scheme can be planned for the site to maintain and enhance the local wildlife site.

The survey also identified protected species within the area and therefore exclusion zones have been integrated into the development proposal to ensure burials and tree planting are not permitted within these areas.

The woodland on the western extent of the site was identified as having features that could provide habitat for roosting bats. The trees in question are to be retained. In an instance where any tree felling is proposed and bats are found to be roosting then a license would be required from Natural England. An informative is advised to be imposed upon any subsequent planning permission to advise of such.

SCC Ecology Unit has further stated that they do not consider that the proposed location and layout of the car park will be detrimental to the ecological management of the site.

SCC Ecology has reviewed the application proposal including the two ecology reports. They concur with the assessment and recommendations of the reports and state that a condition should be imposed to secure the submission of an Ecological and Landscape Management Plan. This plan will ensure that burials are guided away from and do not harm important ecological features and habitats within the site. Such a condition is considered necessary to ensure that impacts upon important ecological features are avoided and enhancements are delivered to ensure the development is in line with UDP Policies GE11 and GE13, and the aims of the NPPF.

Trees

UDP Policy GE15 states that trees and woodland will be protected by planting, managing and establishing trees and woodlands and not permitting development which would damage existing woodlands. This policy is consistent with the aims of paragraph 170 a) and b) of the NPPF which seeks the protection and enhancement of valued landscapes and woodland, and is therefore afforded significant weight.

A submitted tree survey confirms there are existing veteran trees within the site, forming a woodland belt along the western extent of the site.

The applicant has confirmed that these trees are not to be removed and burials will not be placed in the vicinity of the trees or their root protection areas. More definitive details and exclusion zones can be secured within the Ecological and Landscape Management Plan as referred to above, which can be secured by condition.

The proposal will introduce additional tree planting in the form of a memorial. From a visual perspective and for ecological reasons (as per the recommendations with the submitted Ecological Survey) it is considered that only native species tree planting is acceptable in this instance. A tree planting plan can be secured under the Ecological and Landscape Management Plan which will ensure native species are permitted

only and will secure a list of acceptable species permitted to be planted within the site boundaries.

In addition to the above, the site will introduce a more formal management of the site which includes managing and preserving the existing wildlife habitats and woodland, therefore this principle is in line with the principles of UDP Policy GE15 and Paragraph 170 b) of the NPPF.

Public Rights of Way & Right to Roam

A public right of way runs along the eastern edge of the site boundary from Riggs High Road down to Riggs Low Road to the north. Approximately half way down the site, the footpath splits into two allowing access in a north-east and north-west direction towards Low Riggs Road.

A post and rail timber fence is proposed to delineate and safeguard the existing public right of way from the proposed car park. Burials will be located away from the public right of way so as to not disturb or restrict access along this public footpath.

The site is also listed as Access Land under the Countryside and Rights of Way Act 2000 (CROW) and therefore the public has a right to roam over the land. The applicant has confirmed that it is not their intention to restrict access and access will remain. The management plan specifies that mown footpaths of up to 3m width are to be provided to ensure access across the burial ground, ensuring that walkers and ramblers can still access and enjoy the site. The site will retain a natural appearance subject to the placement of small memorial stones. The management plan confirms that the site will remain accessible to all and the public footpath will remain.

The CROW Act excludes the right of access to land known as 'Excepted Land' even if it appears as open access land on maps. The proposed change of use to a burial ground would not make the site 'Excepted Land' based on criteria under the Countryside and Rights of Way Act 2000 and therefore the right to roam would remain and be enforceable under the CROW Act.

On freehold land, or leasehold land which has more than 90 years left to run, the owner can voluntarily create public access rights by dedicating the land under section 16 of the CROW Act. This dedication is permanent (or, where appropriate, lasts for the duration of the long lease), so the rights will continue to apply when the current owner sells the land. This is subject to the CROW Act and cannot be secured under the planning process. A directive is recommended to be imposed to inform the applicant of this procedure and they can dedicate the land under the CROW Act at their discretion.

Highways

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe.

Vehicular access to the proposed burial ground is to be taken from an existing field access that is to be upgraded as part of the application proposal. This access is to serve a small area of hardstanding comprising 14 car parking spaces, including 2 disabled persons parking spaces. Highway Officers raise no objection to the proposed parking area subject to the imposition of conditions to ensure that it is suitably surfaced and is retained in perpetuity. Whilst the burial ground would be in a rather remote location, it is not considered that parking demand would be at such a level that would have such a significant impact upon highway safety. On street parking, if needed would not cause a significant highway safety concern.

The proposed car park is to be enclosed by the existing stone boundary wall, timber post and rail fence adjacent to the public footpath and by stone boulders on the western and southern boundaries. This would prevent vehicular access across the land from the area of hardstanding. Mown grassed footpaths are proposed within the site allowing pedestrian access from the proposed car park through the natural burial ground.

The agent has confirmed that a hearse will only traverse into the proposed car park and will not be permitted into any other parts of the site. Caskets are to be carried from the car park to the graveside. All burial plots are to be hand dug and therefore no machinery will be necessary to be driven into and around the site.

It is not considered that the proposed development would introduce significant highway concerns that would warrant refusal of the application.

Amenity

It is not considered that the proposed use would affect the living conditions of nearby properties. The nearest residences are located at The Griffs to the north (immediately opposite the site and accessed via Riggs Low Road), and on Stannington Road to the east of the site and Riggs High Road, also to the east. Most visitors to the site are likely to access the site via Riggs High Road due to the proposed car park position, however it is appreciated that access on foot can be taken using the existing public footpath and bridleway from Riggs Low Road from Stannington Road. Visitors to the site will be intermittent and the site has a degree of visitors as existing using the site for rambling and recreational purposes. Taking account of the position of the site in relation to housing, and the probable low frequency of people visiting the site, it is unlikely that the proposed use would harm living conditions of nearby residents.

Flood Risk

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The site lies in Flood Zone 1 which is considered to be at the lowest risk of flooding in accordance with the Environment Agencies Strategic Flood Risk Assessment Maps, categorised as "Land having a less than 1 in 1,000 annual probability or river

or sea flooding". However as the site exceeds 1 hectare the applicant has produced a Flood Risk Assessment (FRA). The site is approx. 6 hectares.

The intended use of the site is classified as "Less Vulnerable" in accordance with Table 2 of the NPPF Planning Guidance.

As the site is located within Flood Zone 1 there is no requirement under the National Planning Policy Framework to undertake a Sequential Test for the proposed development for less vulnerable uses.

Table 3 of the NPPF Planning Guidance confirms that the development is appropriate and hence there is no requirement to undertake an Exception Test.

The only significant development is the proposed area of hardstanding forming the car park. The applicant has confirmed that this shall comprise either permeable surfacing or alternatively connect to a soakaway. Other than the car park, the site is to be retained as current subject to the planting of trees and placement of memorial stones. Tree planting is likely to benefit the site in terms of minimising any potential issues of flooding and drainage. The submitted Flood Risk Assessment states that there are no critical drainage problems on the site and the proposed development would not have any greater impact upon surface water runoff than existing, apart from the small area of hardstanding. Given the type of proposal and the context, it is not considered that the proposal would increase flood risk.

Ground Water Conditions

The burial of bodies is controlled under separate legislation and ground water conditions are discussed below.

The Environment Agency (EA) has confirmed that the site is identified as a Secondary (A) Aquifer on their records. Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The development raises no environmental concerns for the EA, however they confirm the applicant should be advised to follow the minimum groundwater protection requirements outlined by the EA. These requirements include matters such as the distance a burial site can be from a well, field drain or watercourse for example, and it also contains specific criteria that all graves must comply with.

The EA also confirm that a hydrogeological risk assessment must be undertaken to show that there are minimal risks to the environment either at time of burial or in the future. They have advised that a directive is attached to any subsequent planning permission to inform the applicant of the requirements to undertake such an assessment.

Archaeology

Consideration has been given to the potential for archaeological interest in the site. Following consultation with South Yorkshire Archaeological Service, a desktop assessment has not raised any particular interests in the site. Given the proposal, it

is not considered that the proposed use would warrant a full archaeological assessment in this instance.

Coal Mining

The site is within a Coal Mining Referral Area. The Coal Authority has stated they do not object to the proposal as it does not include any buildings/structures and the associated works such as hardstanding are unlikely to result in any significant ground works. A Coal Mining Risk Assessment is therefore not required and would not be proportionate to the scale and nature of the development. The Coal Authority has however recommended that an informative is added to any subsequent planning permission informing the applicant that the site is within a Coal Mining Referral Area.

In addition to the underground coal workings, The Coal Authority records indicate that, within or within 20m of the planning boundary, there are two recorded mine entries. The records indicate that these mine entries are fireclay shafts, not coal shafts. As the remit of The Coal Authority only extends to coal mining legacy issues they cannot advise definitively whether these fireclay shafts will cause any land instability / public safety issues. It therefore remains the responsibility of the applicant / developer to ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.

RESPONSE TO REPRESENTATIONS

A representation has mentioned that antisocial behaviour and fly-tipping has occurred on the site. Misuse of the site is an existing problem and as such is not linked to the proposed use and cannot form a material planning consideration. The introduction of a formal management arrangement of the site might aid in limiting these concerns. Ultimately fly tipping and anti-social behaviour is covered by separate legislation.

SUMMARY AND RECOMMENDATION

Planning permission is being sought to change the use of agricultural land to form a natural burial ground including forming a small area of hardstanding to create a car park.

The site is currently agricultural land (Grade 4 – poor) and is frequently used by walkers as there is a right to roam across the land as defined under the Countryside and Rights of Way Act 2000 (CROW Act). The site also has a public right of way through the site connecting Riggs High Road to Riggs Low Road.

The proposal to change the use of the land to a natural burial ground including associated infrastructure is accepted as not inappropriate development in the Green Belt under paragraphs 145 b) and 146 e) of the National Planning Policy Framework (NPPF). The proposal is also considered to comply with Green Belt policy outlined within Policies GE1, GE2 and GE4 of the Unitary Development Plan (UDP), as well as Core Strategy Policy CS71.

Individual burial plots would be marked by a single tree or small memorial stone, the choice being at the discretion of the 'customer'. The site would be divided into 14

phases with between 400 and 500 burial plots within each phase. The exact location and number of burials are not provided at this stage and will ultimately be restricted and directed by several matters such as terrain, ground conditions and exclusion zones to protect ecological features and habitats. The only significant alteration to the site would be a small area of hardstanding to form a small car parking area (14 parking spaces).

The site is within the Underbank Local Wildlife Site and therefore ecological surveys have been undertaken. The surveys confirm that the proposed use could be undertaken whilst safeguarding and contributing to the biodiversity of the site. An Ecological and Landscape Management Plan is recommended to be secured by condition to ensure that the most important ecological features and wildlife habitats are protected, and that appropriate biodiversity enhancements are secured.

It is considered that the proposal represents an appropriate form of development within Green Belt land, which would have minimal impact upon the open character of the Green Belt and visual amenity of the surrounding area. The proposal will introduce little change to the overall nature of the site other than the planting of trees and placement of memorial stones to mark a burial. The site will retain an open and natural character and access rights under the CROW Act shall remain across the land.

In consideration of paragraphs 11 and 213 of the NPPF, and the presumption in favour of sustainable development, the most important policies for determining the application, relating to Green Belt, Landscape and Ecological Impact, as contained within the Council's development plan are considered to be compliant with the NPPF and there is no clear reason to resist the development when assessed against the policies in the NPPF as a whole.

For the reasons given within the report, it is considered that the development would be in accordance with the aims of the National Planning Policy Framework and local plan policies, specifically UDP Policies GE1, GE2, GE4, GE8, GE11, GE13 and GE15 as well as Core Strategy Policy CS71. It is recommended that planning permission is granted conditionally.