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## Report of the Director of City Development

### Executive Board

Date: 18 May 2011

Subject: Long Term Supply of Burial Space

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#### Electoral Wards Affected:

Harewood

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

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## EXECUTIVE SUMMARY

This report provides Executive Board with the background to the development of a cemetery at Whinmoor Grange, from its planning approval in 2002, to the development of a Draft Planning Statement involving the decant of the Council's nursery from Red Hall.

Following Executive Board on the 9 March 2011 and the subsequent call-in on the 5 April 2011, a range of issues were raised. Firstly in relation to the extent of consultation undertaken to date and the rationale for Executive Board's agreement to a Draft Planning Statement for consultation prior to a wider consultation. Secondly, technical issues relating to drainage, highways and landscaping.

In addition and in consideration of the views expressed at Scrutiny, it is considered appropriate that any capital expenditure on the scheme is put on hold to allow consultation to take place and to ensure that all stakeholders have an opportunity to engage in the consultation.

### 1.0 Purpose of this Report

- 1.0 To advise Members that the Scrutiny Board for City Development has referred back to Executive Board its decision concerning proposals to consult on the Draft Informal Planning Statement for Whinmoor Grange including plans for a cemetery on the site. The report considers the issues raised by Scrutiny Board and makes proposals for how this matter can be moved forward.

## **2.0 Background Information**

2.1 Members will recall that a report was considered at the Executive Board of the March 2011 regarding the long term burial supply for North East Leeds. Specifically, Executive Board resolved:

- That the current position regarding the implementation of the proposals agreed at the Executive Board meeting in December 2008 be noted;
- That the Draft Informal Planning Statement for Whinmoor Grange be approved for the purposes of a public consultation exercise which is to be undertaken over a six week period, with the findings being reported back to Executive Board;
- That approval be given to the incurring of £309,579 expenditure on the construction of a five acre cemetery at Whinmoor (Cemetery Exts City Wide – Green Schemes, Scheme Number 1358);
- That the proposal to move forward with a planning application for a cemetery at the former Elmete caravan park be noted.

2.2 Subsequent to making those resolutions, the report was called in for Scrutiny by Councillors R Procter, A Castle, V Kendall, G Latty and JW Marjoram. The call-in request cited the following reasons:

- Due consultation and the taking of professional advice from officers. Insufficient consultation with local representatives, particularly the Parish Council and local residents. Ward Members were only consulted after the report was published;
- A presumption in favour of openness.

2.3 Accordingly, the call-in was heard on the 5 April 2011, where representations were made by Councillor R Procter supported by further representations including representatives of Barwick and Scholes Parish Council and Thorner Parish Council. In summary, a range of issues were raised, which included:

- Lack of consultation with residents;
- The fields planned for the cemetery were in poor condition and prone to flooding;
- It was felt that the proposals would devalue properties on Morwick Terrace;
- Impacts on wildlife;
- Potential highways issues;
- Lack of detail on the landscaping proposal.

2.4 A copy of the minute of the Scrutiny Board is attached as Appendix 1. Further to the Directorate outlining the long history to the proposed cemetery on this site, the extant planning permission that is in place and previous decisions of Executive Board in 2006 and 2008, which ultimately identified the preferred location of a cemetery at Whinmoor Grange, the Scrutiny Board determined to refer the matter back to Executive Board on a 6:6 vote with the Chair exercising his casting vote.

### **3.0 Main Issues**

- 3.1 Principally, the issues expressed at Scrutiny fall into two categories. Firstly, the extent of consultation that has taken place to date and the rationale for seeking Executive Board's agreement to a Draft Planning Statement for consultation prior to consulting more widely. Secondly, technical issues relating to drainage, highways and landscaping.
- 3.2 Firstly, with respect to consultation, the report presented to Executive Board on the 9 March 2011 specifically sought Executive Board's consent to consult on the Draft Informal Planning Statement for Whinmoor Grange. This approach was taken in consideration of two factors. Firstly, given that the cemetery proposal at Whinmoor simulates a wide range of differing views, officers felt it appropriate to secure Executive Board's agreement to the draft proposals as a basis for consultation prior to engaging with the public and other stakeholders more widely. The Directorate would not normally progress to detailed consultation on a proposal such as this without first gaining the Executive Board's consent to draft proposals as a basis for consultation.
- 3.3 Secondly, it is important to recognise that proposals for a cemetery at Whinmoor Grange have been considered in the public domain for a considerable amount of time. The file for the proposal dates back to at least 1997. In 2002, full planning consent for a cemetery was granted. As part of this process, consultation as part of the statutory planning process was undertaken and views expressed on matters included highways, drainage and landscaping were raised and considered prior to the planning application being determined. Following the planning approval being obtained, the Council invested £275k on the required highways improvements, which included the creation of a central refuge island on the A64, carriage widening and the provision of a footway. In addition, a landscaping scheme was developed in detail as part of the consent and can be made available as part of any further consultation process which may be agreed. The infrastructure planting for the first phase of the cemetery development was also implemented at a cost of £184k.
- 3.4 Further to the above works, on the 13 December 2006, Executive Board determined that the Whinmoor Grange site should accommodate a five acre cemetery which will allow for burials in North East and East Leeds for the next twenty five years. Subsequently, on the 3 December 2008, Executive Board resolved that approval be given to the development of a five acre cemetery on the site identified on Plan B attached to the report, and that the implementation of this development be delivered as part of a larger masterplan for the site involving the decant of the Council's nursery from Redhall.
- 3.5 Prior to the report being prepared for the 9 March 2011 Executive Board, further technical work was undertaken to assess the extent of any drainage issues on the site. Cemetery Development Services were commissioned who undertook desktop soil and water surveys and also dug ten trial pits as part of a soil and ground water assessment to depths of four metres in areas where burials would take place as part of the existing proposal. The outcome of these trial pits was that from the evidence from historic boreholes, water levels were not known to rise within 3.7 metres of the surface. Consequently, the Cemetery Development Services report concluded that:

"Following the site observations and detailed desk analysis our conclusion is that the site in its current state poses a moderate risk to controlled waters as assessed under EA current guidelines, this is mainly due to the high burial number and the offset score that this gives.

However all risks taken into account, and mitigation of those risks identified (ensuring burials are at least 30 metres from the stream and that deep land drains are decommissioned), then we would consider the overall risk to the groundwater and surface water to be low.”

3.6 In the context of the history which is briefly summarised above, the Directorate’s view is that the report presented to Executive Board on the 9 March 2011 was consistent with previous decisions made by Executive Board and wish to move forward with consultation prior to any final proposals being implemented. It is therefore proposed that Executive Board agrees to the Draft Informal Planning Statement being released for consultation to enable all views on the proposal to be expressed. The consultation will be available for all potential stakeholders to participate, which will include:

- The Public;
- Ward Members;
- Parish Councils;
- Faith Groups;
- Local Residents;
- Adjacent Landowners;
- Statutory Bodies.

3.7 In addition to the above, and in consideration of the views expressed at Scrutiny Board, it is felt that any capital expenditure on the scheme can be held in abeyance pending the outcome of the consultation exercise and to ensure that all potential stakeholders have a greater opportunity to engage in the process, the consultation exercise is extended to a period of six weeks.

#### **4.0 Implications For Council Policy And Governance**

4.1 The Council has signed a Charter with Parish Councils, which was reviewed and approved in January 2011, and provides a framework whereby the Council and Local Parish Councils aim to work together for the benefits of local people. The Charter states that consultation will be used to involve local councils in decisions of the City Council, that affect local communities. The consultation on the Draft Planning Statement will be entirely consistent with this Charter and will consult with Thorner Parish Council and Barwick & Scholes Parish Council who form part of the Charter.

4.2 The Constitution states that following a Call In, should any decisions be referred back to the decision taker for consideration, in terms of Executive Board, a report will be submitted to the next meeting and 'Executive Board will either confirm the original decision or vary the original decision. On this basis the decision from Executive Board regarding Long Term Burial Supply will be implemented without further recourse to Call In'.

#### **5.0 Legal And Resource Implications**

5.1 The Capital Programme provision for the scheme is £309,579 and it is proposed that any preliminary expenditure on this proposal can be deferred pending the outcome of the consultation exercise and should not materially impact on the delivery of the scheme within an acceptable timetable.

## **6.0 Conclusions**

6.1 Proposals for a cemetery at Whinmoor have been around for a number of years. It is clear that the proposal generates strong views both for and against. In that context and recognising the need to move forward, it is considered that the next step is to move to consultation on the Draft Informal Planning Statement so that any final decision made by Executive Board can be considered in the full knowledge of the views of all stakeholders.

## **7.0 Recommendations**

7.1 Executive Board is asked to agree that:

- (i) The Draft Informal Planning Statement for Whinmoor Grange be approved for the purposes of a public consultation exercise which is to be undertaken over a six week period , with the findings being reported back to Executive Board;
- (ii) Expenditure on Capital Scheme Number 1358 be held in abeyance pending the outcome of the consultation exercise.

## **8.0 Background Papers**

8.1 Background papers are:

- Executive Board report of 13 December 2006;
- Executive Board report of 3 December 2008;
- Cemetery Development Services report 2010;
- Scrutiny Board report of 5 April 2011.