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19 March 2014
Our reference: ECO1565

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Dear Simon,

Re: Comments on the Royal Borough of Kensington and Chelsea's draft basements policy

Following our recent correspondence I am writing with my comments on the Royal Borough of Kensington and Chelsea's (RBKC) draft policy on basements.

I am a full member of the Chartered Institute of Ecology and Environmental Management and I am a Chartered Environmentalist with more than 10 years' experience working as a professional ecologist in both the public and the private sector. I have a BSc (Hons) in Agriculture and Environmental Science from the University of Newcastle upon Tyne and an MSc in Ecological Management from Imperial College London. I am the director and proprietor of GS Ecology Limited, an independent ecological consultancy based in Berkshire, I wrote the London Borough of Enfield's Biodiversity Action Plan and advise Reading Borough Council on the ecological impact of development and the management of its parks. I have extensive experience of dealing with biodiversity and planning issues, including undertaking hundreds of ecological surveys of development sites, and inputting into planning policy.

I have read the proposed basement policy and the associated document "The potential impact of basement excavation on biodiversity" (henceforth referred to as the RKBC biodiversity statement). In my opinion the policy will restrict development and will not minimise impacts or provide net gains in biodiversity. This is because the proposed policy places an arbitrary limit of 50% of the garden that can be built under rather than considering the ecological value of the garden prior to development and then avoiding and mitigating any adverse impacts. I have set out my observations below:

The ecological value of gardens

It is acknowledged that gardens, in particular in urban areas, are a vital component of the green network and section 2 of the RKBC biodiversity statement concisely describes this. It is also acknowledged that the value of gardens for wildlife has been declining in recent years, and again section 3 of the RKBC clearly biodiversity describes this.

It is however worth noting that not all gardens have ecological value and many, such as those that are almost entirely paved with little or no vegetation or one that is almost entirely closely cut lawn, can be almost devoid of wildlife. In such a case there would be virtually no adverse impact on biodiversity of constructing a basement under more than 50% of the garden, and, subject to an appropriate wildlife friendly landscaping scheme (secured through the planning process) the proposals could result in a net biodiversity gain.

Pre-construction impacts

At section 4.3 the RKBC biodiversity statement sets out how the excavation of a garden might impact upon animal species including micro-organisms, invertebrates, birds, reptiles and small mammals. It is true that there may be some temporary adverse effects on such species, however the impact of this is likely to be minimal, could be easily mitigated (it is common practice on development sites to ensure that sites are cleared sensitively

by for example cutting trees and shrubs outside of the bird nesting season, or capturing and translocate small populations of reptiles) and would in any case would be reversed following completion of development (obviously if a garden were to have significant ecological value, either alone or in combination with adjoining open areas, and the proposals would have an adverse effect which could not be mitigated then the proposals would not be acceptable).

At section 4.4 the RKBC biodiversity statement refers to the movement of topsoil resulting in the movement of micro-organisms and invertebrates off site and potentially to other regions resulting in these organisms outcompeting organisms local to the area where the topsoil has been moved. In my experience the topsoil in London gardens can be quite poor and depending on the garden often contains rubble and made up soil. It would therefore be very unlikely (and the council has presented no evidence to the contrary) that a greater diversity of invertebrates and micro-organisms would be found in a soil from a garden in Royal Borough of Kensington and Chelsea than in an average topsoil, and, although central London is on average warmer than the surrounding areas, it is also considered very unlikely that there is a greater abundance of invasive species (and again the council has presented no evidence to support their statement). It is also worth noting that topsoil is regularly transported and used as a part of normal day to day building and landscaping operations (the Olympic park used thousands of tonnes of imported soils) and although there no doubt have been cases of invasive organisms, such as Japanese Knotweed, being moved between sites in topsoil, the transport and use of contaminated soils is adequately controlled by permits and legislation outside of the planning system. DEFRA have produced a soil strategy for England (DEFRA, 2009, Safeguarding our Soils) and a better approach to that being set out in the proposed policy would be to ensure that a sustainable soil strategy for each basement development (properly storing on site and re-using locally distinctive soils on site as appropriate) in line with national guidance is implemented.

At section 4.5 the RKBC biodiversity statement states that “These impacts may not seem significant if considered for one individual property in a local area. However, if more than 4 properties out of ten undertook large-scale basement excavations at a similar time, then the cumulative impacts on local biodiversity could become significant.” If the issue is to do with the excavation of the gardens of four properties out of ten at a similar time then the policy should aim to limit the number of basement construction projects per time period rather than placing an arbitrary limit of basement size to 50% of the garden area.

Post construction development

The impact of development post construction is largely associated with the loss of soft landscaping and trees and the reduced ability for trees and landscaping to be provided in the future. Landmark Trees in their submitted evidence have shown how trees and shrubs can be grown in one metre of topsoil, and I will not re-iterate here the points that they have made. However it is worth noting that trees with a tree preservation order or in a conservation area are protected from development. As such if a basement development were to impact upon such trees, by for example affecting their rooting system, it would not be permitted. This therefore ensures that the ecological impact of any basement development is limited.

As such, as long as it can be demonstrated that a high quality and wildlife friendly landscaping scheme can be provided (which is likely to be the case on most sites with one metre of topsoil - and it could form part of the policy that this information had to be provided before the application was determined), then there is no biodiversity reasons to limiting the basement size to 50% of the garden area. Indeed, if prior to construction a garden were to be of limited ecological value and a wildlife friendly landscaping scheme was implemented, the proposals are likely to result in a net biodiversity gain.

Summary

The RBKC objection to developments under more than 50% of rear garden on biodiversity grounds is that it will result in the temporary loss of wildlife habitat, the loss and movement of soil invertebrates and micro-organisms, and the permanent reduction in the ecological value of a site. The temporary loss of wildlife habitat is unlikely to be of significance and can be easily mitigated; the loss and movement of soil invertebrates and micro-organisms is unlikely to be of significance and in any case be controlled by a condition requiring the implementation of a sustainable soil strategy in line with DEFRA guidance, and; as long as it can be demonstrate that a mature and wildlife friendly landscaping scheme with space for large canopy trees as appropriate can be provided there should be no biodiversity reasons for limiting the extent of basement developments to 50% of the garden area.

In line with national planning policy (paragraphs 109 and 117 of the NPPF) and wildlife legislation (the “Biodiversity Duty” as set out in section 40 of the 2006 Natural Environment Act which requires all public bodies to have regard to biodiversity conservation when carrying out their functions) it would be appropriate to reword the policy so that it states that basement developments will be acceptable where it has been demonstrated that any temporary adverse impacts upon biodiversity will be kept to a minimum and adequately mitigated, and that, through appropriate wildlife friendly landscaping and space for large canopy trees, a long term net gain in biodiversity is achieved.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Sutton', with a long horizontal flourish extending to the right.

Giles Sutton MSc MCIEEM CEnv
Director
GS Ecology Limited