

Matter 8: Requirement for one metre of permeable soil

Issue 8.1: Whether CL7 j. is justified by the evidence, consistent with national policy, and effective.

1. Criterion j requires that subterranean development should “include a sustainable urban drainage scheme (SUDs), including a minimum of one metre of permeable soil above any part of the basement beneath a garden. Where the character of the gardens in the locality is small paved courtyards SUDs may be provided in other ways”.
2. We address criterion j in section 10 of our Representations which is relied upon in full [paragraphs 249-264]. We support the requirement for the inclusion of SUDs [paragraph 261 refers]. However there is no basis for prescribing, as the Council seeks to do, the method by which it is included.
3. Further, the Council themselves accept that SUDs may be provided in ways other than that prescribed (one metre of soil) and they do so for reasons related to the character of gardens, rather than any hydrological or hydrogeological reasons.
4. We set out four reasons that the criterion is not sound at paragraph 261 of our Representations.
5. We consider the Council’s response within BAS 06/02 only underlines the good sense of our case. In contrast, the Council’s approach is muddled and over-prescriptive.
6. Paragraph 43: Our approach to the question of sustainable urban drainage is set out at paragraph 264 of our Representations. For policy drafting please also see our Hearing Statement for Matter 11. We suggest that the policy should include the following criterion “The proposals should include a sustainable urban drainage scheme (SUDs)”.
7. The Council makes it clear that the one metre of soil requirement is only justified by its role in delivering a naturalistic garden with trees. The question of the ability of the ground over a basement to support an appropriate landscaping scheme should be dealt with by a different criterion.
8. Paragraph 44: we note that CL2 only deals with extensions whereas the proposed CL7 is proposed to cover all basement development, including new build on brownfield sites.
9. Paragraph 45: whether the individuals concerned have chosen to plant a naturalistic garden (the Council’s apparent objective) or not is a matter for them. We have shown that one metre of soil on top of a garden basement roof provides complete flexibility as to the chosen landscaping scheme.
10. Paragraph 46: The policy is confused as it is not clear that the prescriptive requirement (one metre soil depth) is not in fact related to the objective of the criterion (the provision of SUDs). The exception improves the policy as it allows developers to argue that SUDs may be included in a variety of ways.

- END OF HEARING STATEMENT -