

## **Hearing statement - Basement Force Ltd – 13<sup>th</sup> March 2026**

### **Section 1. Introduction**

1. This statement relates to Matter 7: Design and Amenity, Tall Buildings and the Historic Environment, and within this to Policy D6 (basements), and specifically to Q18 – Are the requirements of Policy D6 justified?
2. The answer to this is No with regard to the following parts of Policy D6 Basements:
  - a. C3 – the ban on basements under gardens.
  - b. C4 – the requirement to set back new access or lightwells from neighbouring property boundaries.
3. Our response to the Regulation 19 consultation:
  - a. Supported the ASUC representation to the Regulation 19 consultation regarding Policy D6.
  - b. Raised on our response form that there would likely be a direct negative economic impact on our business and cause job losses.
4. We have written this statement after noticing that the Council had added a new document, TP09 Basements Topic Paper, in its submission to the Examination.
5. TP09 introduces new justification and new evidence on which the Council relies for its proposed ban on garden basements.
6. TP09 was not included in the Regulation 19 consultation and was not publicised for consultation.
7. We were not notified of the inclusion of TP09 in the Council's submission to the Examination despite us having asked to be informed of all matters relating to Policy D6. TP09 was noticed by good fortune on the Council's website.
8. We ask that this lack of public consultation is considered when the Inspector decides what weight to give to TP09.

## Section 2. Additional material

9. We have identified flawed assumptions, errors and misleading wording in TP09. We have also identified in the Council's responses to the Regulation 19 consultation that carbon performance may be used wrongly to limit basement development<sup>1</sup>. In order to address these matters properly we;
- a. Sought expert evidence from an arboriculturalist and from an ecologist..
  - b. Identified the source of the misleading wording, which was in an appendix to a neighbourhood plan<sup>2</sup>. The Neighbourhood plan is included in the Council's document library. The appendix is not included in the Council's document library or the submission documents.
  - c. Provide here expert evidence on the correct way for carbon to be considered in the built environment and which provides a direct comparison for carbon performance between an above ground extension and a basement development of the same size.
10. We have included four appendices to address these shortcomings. In the circumstances, we submit this is reasonable:
- a. Landmark Tree letter dated 5<sup>th</sup> March 2026 – expert evidence - included as Appendix A.
  - b. Phlorum Camden Planning Policy Review dated 5<sup>th</sup> March 2026 – expert evidence – included as Appendix B.
  - c. Hampstead Neighbourhood Forum, Appendix1, Evidence Base, Hampstead Neighbourhood Plan 2025-2040 – included as Appendix C.
  - d. Above ground extension and subterranean development. Life cycle carbon review and analysis. Ashmount Consulting. 31 August 2013 – included as Appendix D.

### Arboricultural expert evidence

11. The Landmark Trees letter is authored by a Fellow of the Arboricultural Association, a 30-year expert on landscaping and trees with a master's degree in Arboriculture.

12. The letter:

- a. Addresses flaws in TP09 relating to loss of trees, reduction in the scope for tree planting, cumulative loss of mature gardens, and the soil depth requirement for mature tree planting,

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<sup>1</sup> SD31. Council's response to Responder 528 and others.

<sup>2</sup> Hampstead Neighbourhood Forum, Appendix1, Evidence Base, Hampstead Neighbourhood Plan 2025-2040 – included as Appendix C

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and

- b. Notes that by the inclusion of a suitable planning condition that the Council can realise an improvement in tree planting, greenification and mature vegetation in residential gardens through basement development under gardens.

#### Ecological expert evidence

13. Phlorum are an award winning, national environmental and ecological consultancy whose team publish scientific papers on biodiversity and ecology and act as expert witness.

14. The Phlorum review:

- a. Addresses errors in TP09 relating to tree loss, the loss of mature planting, negative impact on green corridors and ecological / biodiversity stepping stones, negative impact on biodiversity value and habitats during construction, and a supposed conflict of garden basement development with the Council's 'Creating space for nature' strategy (LD74).
- b. Concludes that the ban on basements under gardens proposed by Policy D6 is not justified based on the impact on biodiversity and / or ecology.
- c. Identifies that the current basement Policy A5, supported by a suitable ecology / biodiversity condition, will usually result in improvements in biodiversity to gardens.
- d. Concludes that from a biodiversity / ecology perspective that proposed Policy D6, banning garden basements, is worse than the current Policy A5, which permits garden basements. This conclusion is the absolute opposite to the assertions in TP09.

#### Evidence relating to misleading wording in TP09

15. TP09 relies on three neighbourhood plans, one of which is the Hampstead Neighbourhood Plan, LD15, adopted on 1 July 2025.

16. TP09 quotes text from LD15 which references surveys among residents (TP09 paragraph 6.13) and is included by the Council to provide evidence supporting the Council's ban on garden basements.

17. On face reading, the documents submitted by the Council, TP09 and LD15, lead the reader to believe that the survey of residents has been commissioned for, or is related to, LD15 and is therefore recent, based on planning permissions granted under policy A5, the current policy under review. However on investigation this is not the case.

18. In reality the source survey is the Camden Survey of basement development dated 2016 (EB36). This survey relates to basements granted permission between April 2010 and March 2014<sup>3</sup>, at least three years before policy A5 came into effect.

19. This means that TP09 and LD15 rely on a residents' survey to undermine the effectiveness of policy A5 that is not based on permissions granted under policy A5. This is clearly perverse.

20. The trail demonstrating the above is:

- a. The relevant quoted text from TP09 was found, on searching, at paragraph 5.2 of LD15. No source or reference for the survey is given in paragraph 5.2 of LD15.
- b. A list of appendices is given on the third page of LD15. Appendix 1 is an evidence base document but is not included with LD15.
- c. We found the evidence base document<sup>4</sup> by searching the Hampstead Neighbourhood Forum webpage.
- d. The only residents' survey relating to basements referenced in Appendix 1 is the Camden Survey of basement development<sup>5</sup> (EB36).

#### Carbon performance expert evidence

21. Ashmount Consulting were an environmental specialist with expert knowledge in carbon performance in the built environment.

22. The Ashmount Consulting report:

- a. Addresses the correct way that carbon should be considered in the built environment – whole life cycle carbon analysis for the expected full life of a building rather than being limited to the amount of carbon used during only the construction phase.
- b. Demonstrates that the carbon performance for a basement development is better than for an above ground extension over the expected life of a normal building<sup>6</sup>.

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<sup>3</sup> See EB36, page 7, second paragraph.

<sup>4</sup> Hampstead Neighbourhood Forum, Appendix1, Evidence Base, Hampstead Neighbourhood Plan 2025-2040 – included as Appendix C

<sup>5</sup> Referenced on pages 17, 20, 22 of EB36.

<sup>6</sup> The size and locations of the above ground extension and the basement development were chosen by a consulting firm working for the Royal Borough of Kensington and Chelsea.

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### Section 3. Review of Topic Paper TP09

23. TP09 has several flaws, namely:

- a. The false premise that gardens under basements have negative impact, per se, for:
  - i. Local, wildlife rich habitats and wider ecology.
  - ii. Existing mature trees.
  - iii. Suitable areas for future planting of mature trees.
  - iv. Biodiversity including green corridors and habitat stepping stones.
  - v. Ground / slope instability.
  - vi. Flooding.
  - vii. Surface water flow.
  - viii. Carbon performance.
  - ix. Adjoining and neighbouring properties.
  - x. Ground conditions.
- b. It ignores the opportunities for improvement that the current policy A5 affords and that would be lost under policy D6, including for:
  - i. Biodiversity.
  - ii. Tree planting, greenification and mature vegetation.
  - iii. Surface water flow and flooding.
  - iv. Carbon performance.
- c. It relies on evidence that is out of date, contrary to the Council's assertions<sup>7</sup>:
  - i. The Camden Local Plan Evidence Report – Survey of basement development 2016 (EB36).
- d. Has not provided evidence to support its various assertions of the harm caused by basements under gardens granted permission under Policy A5.

24. Specific examples of the above flaws are set out below.

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<sup>7</sup> TP09 paragraph 5.1 – “The Council considers that the evidence base prepared for the Draft Local Plan is adequate, proportionate, relevant and up to date in line with the National Planning Policy Framework”

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False premises that gardens under basements have negative impact, per se

25. TP09 paragraphs with false assertions include:

- a. 3.2 - habitats and ecological networks;
- b. 3.3 - carbon performance and energy;
- c. 6.7 - biodiversity, mature gardens, wildlife corridors and stepping stones;
- d. 6.8 - biodiversity and gardens;
- e. 6.10 - gardens, tree loss and scope for future tree planting;
- f. 6.11 - biodiversity, trees;
- g. 6.12 - surface water run-off;
- h. 6.14 – ecology, biodiversity, loss of mature gardens, being against Climate Change and Biodiversity Strategy;
- i. 6.15 – complete loss of biodiversity, habitats, trees and mature planting, wildlife corridors
- j. 6.16 – retaining gardens in their intact state; the loss of natural soft-surfaced garden;
- k. 6.17 – biodiversity; flooding

26. We set out while these assertions are flawed.

27. The Landmark Trees letter, Appendix A, rebuts all the false assertions on trees and mature planting by pointing out:

- a. Trees are protected from removal by planning condition, Tree Protection Orders or by being within conservation areas<sup>8</sup>.
- b. The one metre of soil above all new basements required under Policy A5 allowing for growth to full size and full lifespan of all trees grown in the UK<sup>9</sup>.
- c. There is no loss of planting area for future, mature trees<sup>10</sup>.

28. The Phlorum Camden Planning Policy Review, Appendix B, rebuts all the assertions on biodiversity, green corridors, stepping stones and ecology:

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<sup>8</sup> See Appendix A, page 1, paragraph a and b.

<sup>9</sup> See Appendix A, page 1, paragraph b.

<sup>10</sup> See Appendix A, page 1, paragraph b.

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- a. Green corridors and ecological stepping stones are maintained by Policy A5 because of the retention of the rear 50% of all gardens<sup>11</sup>.
- b. It summarises that existing Policy A5 is effective in avoiding harm on all these points:

“The existing Policy A5, should not be resulting in any long term/permanent loss of ecology from site. Trees are already protected. Wildlife corridors and or stepping stones currently exist at the end of the garden during the construction phase and with 1m of soil over the basement in the garden area, future vegetation can grow in these areas”<sup>12</sup>

29. Ground / slope instability, negative changes to ground, and damage to other properties are all mitigated by the most recent version of the Basement Impact Assessment required by Policy A5. The Council has not provided a single instance where damage or harm has been caused by a garden basement development since the introduction of Policy A5 in 2017.

30. Policy A5 has a requirement for SuDS<sup>13</sup> by condition for all basements under gardens. This fully mitigates against potential harm from surface water flow or flooding. SuDS requires an improvement over the pre-development condition by putting surface water into the ground directly via soakaways and / or holding back surface water during high rainfall by the use of attenuation tanks. There is no increase in risk of flooding or surface water flow from garden basements, quite the contrary, the situation is always improved under Policy A5.

31. The Council seems to now rely on the higher carbon during construction during basement construction compared to above ground building to support the ban on garden basements. However the Ashmount Consulting analysis, included at Appendix C, shows the logic behind this to be flawed. The correct way to consider carbon performance for a building is over its full life cycle.

32. The Ashmount study demonstrates that once a basement is 44 years old that its total carbon performance is better than an equivalent above ground extension<sup>14</sup>

“Therefore it can be concluded that basement developments have lower Life Cycle Carbon Emissions than comparable above ground developments provided that on average reinforced concrete basements have a lifespan of more than 44 years.”

33. The lifespan of a basement is more than 44 years.

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<sup>11</sup> See Appendix B, page 6, 7 & 8, ‘Our opinion’, paragraphs 1, 2, 3, 5, 6, 7 and 8.

<sup>12</sup> See Appendix A, page 10, ‘Summary’, first paragraph.

<sup>13</sup> Sustainable Drainage System

<sup>14</sup> See Appendix D, pages 3 (last paragraph), 13 and 14.

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34. The Ashmount analysis was the reason that RBKC’s proposed policy to limit basement development on the basis of carbon performance was rejected at Examination in 2014.

The Council has ignored the opportunities for improvement that the current policy A5 affords and that would be lost if D6 banning basements is approved

35. The Phlorum report is clear on the benefits for biodiversity and ecology that would be lost if the ban on garden basements is approved:

“As a result, the existing Policy A5 has the potential when done thoroughly, and appropriate reports requested, to improve the ecology on the site, which the new Draft Policy D6 does not appear to be able to do. As a result, from an ecological standpoint we would recommend that the existing policy is retained.”<sup>15</sup>

36. Policy D6 would therefore be in opposition to Camden strategy LD74 Creating Space for Nature in Camden – Tackling the Ecological Emergency; and LD77 Camden Biodiversity action Plan 2013-2018.

37. Equally the Landmark Trees report is clear on the improvement over the pre-development condition in terms of trees, greenification and mature vegetation that garden basements afford.

“My final point is that by ensuring a landscaping plan is provided under planning conditions, as is the case with the current Policy A5 Basements, the Council can require an increase in tree planting, greenification and mature vegetation. The provision of 1m depth of soil ensures that this planting can achieve its ultimate size, more is simply not needed.”

38. The proposed policy D6 therefore runs contrary to Camden’s LD76 Tree Planting Strategy.

39. As covered previously in this document SuDS always requires an improvement over the pre-development condition with regard to surface water flow and flooding.

40. The Ashmount study demonstrates that, counterintuitively, basements provide better carbon performance than their above ground extension equivalent.

41. None of the above benefits have been considered by the Council despite these points being raised during the Regulation 19 consultation.

Relies on evidence that is out of date contrary to the Council’s assertions in TP09

42. Paragraph 5.1 of TP09 states that “*The Council considers that the evidence base prepared for the Draft Local Plan is adequate, proportionate, relevant and up to date in line with the National Planning Policy Framework*”.

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<sup>15</sup> See Appendix B, page 10, ‘Summary’, last paragraph

43. This is clearly not the case. As covered earlier in this document the Camden Survey of basement development dated 2016 (EB36) was a survey related to basements granted planning permission at least three years before the introduction of Policy A5 in 2017.
44. In reality the Council has not brought forward any evidence that we can find that relates to planning permissions after 2017 including in the three neighbourhood plans brought into consideration by TP09. There are assertions and repetition but no evidence related to planning permissions for garden basements granted after 2017.

#### Section 4. Economic impact

45. As far as we can ascertain the Council has not considered the economic impact of its ban on garden basements. We will do so.

46. There are two phases of impact from Camden's ban on garden basements.

- a. The direct impact from the ban on garden basement within the London Borough of Camden.
- b. The likely follow on impact as other London boroughs use Camden's Policy D6 as the justification for their own bans on garden basements.

47. We estimate the following economic and job impact from the ban on garden basements in Camden alone.

Reduction in economic output (annual)	£24M to £32M
Number of jobs lost <sup>16</sup>	270 to 370

Estimated impact on economic output and jobs lost from ban on garden basements in Camden

48. We estimate the following economic and job impact from a ban on garden basements across Greater London.

Reduction in economic output (annual)	£280M to £360M
Number of jobs lost	3,200 to 4,200

Estimated impact on economic output and jobs lost from ban on garden basements across Greater London

Source: (1) Bunkering down? The geography of elite residential basement development in London; Urban Geography, Volume 43.9 / 2022. Burrows, Graham & Wilson. 1 June 2021. (2) Mineral Products Association (MPA). (3) Mace "UK Market View" (Quarterly), Q4 2025/Q1 2026 reports. (4) Office for National Statistics (ONS) - Construction Output in Great Britain. (5) BCIS (Building Cost Information Service). (6) GLA Economics (London City Hall). (7) Camden Basement Topics Paper, October 2025 (TP09). (8). Basement Force analysis.

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<sup>16</sup> The number of jobs lost includes direct construction jobs, supply chain jobs and broader employment market losses.

**Appendices – supporting evidence**

- A. Appendix A. Landmark Tree letter dated 5<sup>th</sup> March 2026.
- B. Appendix B. Phlorum Camden Planning Policy Review dated 5<sup>th</sup> March 2026.
- C. Appendix C. Hampstead Neighbourhood Forum, Appendix1, Evidence Base, Hampstead Neighbourhood Plan 2025-2040.
- D. Appendix D. Above ground extension and subterranean development. Life cycle carbon review and analysis. Ashmount Consulting. 31 August 2013.