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Dear Jonathan,

BENNET COURT, READING – UPDATE BNG POSITION

Following the submission of the application for industrial development at Bennet Court, Reading, comments have been made by consultees relating to the need to provide Biodiversity Net Gain on-site, in line with the relevant policies in the Reading Local Plan, specifically Policy EN12 (Biodiversity and the Green Network).

A biodiversity net gain assessment (BNG) was submitted with the original application that demonstrated that using Natural England's Biodiversity Metric 3.1 (the most up-to-date version at the time of submission), the Site was not able to demonstrate a net gain in biodiversity through habitat creation initiatives alone. There were several reasons for this which have been explored in previous correspondence; in summary these include:

- **Elevated Baseline** – Natural England's Biodiversity metric is a relatively crude tool for assigning ecological baseline. The metric is a proxy tool only, and in many circumstances is not appropriate for determining ecological value. Grasslands present on site are of a low ecological value, being dominated by common and widespread species characteristic of urban environs including perennial rye-grass *Lolium perenne*, white clover *Trifolium repens*, creeping buttercup *Ranunculus repens* and greater plantain *Plantago major*. The grasslands are regularly managed as amenity grassland with no linkages to other ecological valued habitats owing to their urban context. This habitat has no designation and is not a priority habitats; they are common in occurrence and could easily be created elsewhere, in terms of an Important Ecological Features within CIEEMs EIA guidance they do not qualify (Box 14). It is our expert judgement that they also do not function as 'stepping stone' habitats again due to isolation. Despite this, due to the non-specific nature of the condition assessment criteria in the metric, the grassland has achieved 'good condition' which has presented a high baseline that is very difficult to compensate for in an urban setting.
- **Disincentivised Urban Habitat Creation** – The metric scores urban habitat creation measures, such as green roofs and green walls, poorly making it unproportional to compensate for lost poor ecological valued amenity grasslands with costly habitat creation measures.
- **Other Enhancement Measures** – Faunal enhancement measures such as bat boxes, bird boxes and insect boxes are not captured within the metric and so the benefits of these enhancement measures are not captured. Such measures were typically valued by LPA

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ecologist as they allow enhancements for more mobile species that are not reliant on habitat in the immediate vicinity.

The metric was then updated following an initial consultee comment and 8 medium trees were proposed along the frontage of the development. This demonstrated that the site could achieve an onsite net gain of 7.95%.

A further consultee response has then suggested that the scheme must include trees removed by the previous owners of the Site within the current baseline calculation for the site. It is understood that the trees were not subject to any tree protection orders or other policies that would require permissions from the Local Authority prior to their removal and so there is no reason why these could not be removed as part of regular management practices by the previous owners. The reason for their removal is not known, however it is understood that our client DV5 Coltham (Reading) Ltd was not informed of any reason for the decision behind their removal prior to acquiring the Site.

Consequently, it was deemed appropriate that the baseline calculations for the Site should be calculated from the point at which our client acquired the Site, which is when an ecologist from FPCR undertook our baseline habitat survey. Using this original baseline, it was therefore demonstrated in the most recent metric that an on-site gain could be achieved.

Policy Context

It is important to note that currently in Reading there is currently no specific net gain policy beyond that translated from the National Planning Policy Framework (NPPF) into Policy EN12, which states that on all sites, development should not result in a net loss of biodiversity and geodiversity and should provide a net gain for biodiversity wherever possible (our emphasis). The Policy sets out that in exceptional circumstances where the need for development clearly outweighs the need to protect the value of the site, and it's demonstrated that the impacts cannot be 1) avoided, 2) mitigated or 3) compensated on-site, then new development will provide off-site compensation (our emphasis) to ensure there is no net loss. The main element of the policy (as described by Paragraph 4.2.55) is the need to provide an interconnected 'Green Network', of which this Site clearly does not form due to the lack of habitats within the urban and commercial dominant landscape.

Policy EN12 has been review and discussed below where relevant to the scheme:

Development should: - *Protect and wherever possible enhance features of biodiversity interest on and adjacent to the application site, incorporating and integrating them into development proposals wherever practicable;* - The Site is considered not to form an Important Ecological Feature or a stepping stone habitat, it is isolated from with common and widespread species typical of amenity grasslands that are subject to regular intensive management. In the context of EIA it is not of biodiversity interest and outside of the BNG metric, these habitats should not pose a constraint to the proposals and their loss would not be in breach of this policy.

Individual trees have an inherent value due to their age and the structural diversity they provide. Existing tree loss will be compensated for through the provision of new tree planting including 18 individual trees which includes two additional trees to be planted in the north-east of the Site in these latest proposals. The trees along the frontage of the Site that were removed by the previous owners comprised one London plane *Planatus x hispanica*, one birch *Betula spp.*, five cherries *Prunus spp.* and two ash *Fraxinus excelsior* trees. All the cherry trees were likely 'small' sized trees (stem diameter at breast height (dbh) of >30cm), while the other trees appear to be 'medium' sized (DBH between 30cm and 90cm). Therefore, a total of 16 trees (three medium and 13 small) will be lost (including those previously felled). To compensate for these losses the scheme will plant 10 medium and eight small trees.

Provide new tree planting, wildlife friendly landscaping and ecological enhancements (such as wildlife ponds, bird and bat boxes) wherever practicable. – As demonstrated above, the scheme

includes tree planting that will increase the overall tree resource on the Site. In addition, the proposals include the provision of bat, bird and invertebrate boxes to provide faunal enhancement to the Site. The retained grasslands will be seeded with a shade tolerant native species-rich seed mix to improve the biodiversity of the Site.

In exceptional circumstances where the need for development clearly outweighs the need to protect the value of the site, and it is demonstrated that the impacts cannot be: 1) avoided; 2) mitigated or; 3) compensated for on-site; then new development will provide off-site compensation to ensure that there is "no net loss" of biodiversity. Provision of offsite compensation shall be calculated in accordance with nationally or locally recognised guidance and metrics. It should not replace existing alternative habitats, and should be provided prior to development. – The above measures demonstrate that in the context of Policy EN12, the proposed ecological mitigation and enhancement is sufficient to ensure the scheme is compliant and additional mitigation is not required.

Biodiversity Net Gain

While the Environment Act has come into UK law, we are currently still awaiting secondary legislation to mandate the requirement for new developments to achieve a net gain in biodiversity using a metric (10% Net Gain). Therefore, the requirements of the environment act have not yet come into force and do not need to be applied to this application.

The NPPF (2021) seeks to ensure that the planning system contributes to and enhances the natural and local environment, protect and enhance biodiversity and geodiversity by:

"174. d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; 179. b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."

A key point in the current policy context is that the term "*measurable net gain*" is not defined within the NPPF. Additionally, this term currently has no agreed definition in local or UK policy.

The Natural England's Biodiversity Metric 3.1 was used to determine whether the Site was able to deliver a measurable gain in biodiversity. The initial application could not demonstrate a gain through the metric alone (largely for the reasons stated above) and so various faunal enhancements were recommended.

Following comments from Reading Borough Council's (RBC) consultee, the updated version of the metric produced demonstrated a 7.95% gain in habitats through additional habitat creation measures (particularly additional tree planting along the frontage of the scheme). The consultee then provided updated comments on this second assessment stating that the frontage trees removed by the previous owners of the Site should be included within the baseline for the scheme.

A third iteration of the metric has been calculated and included with this technical note. The key changes to this latest version include:

- Including the frontage trees removed by the previous landowner into the baseline calculation.
- Providing additional tree planting in the north-east of the Site.
- Retaining an additional area of grassland in the north-east of the Site.

Further enhancement have been explored including a green roof and a green wall, however as set out in the accompanying advice note produced by Trinity, this option is not considered feasible within this scheme.

The latest metric has demonstrated that the scheme will result in a habitat loss of 1.0 unit despite additional planting measures. While this should not be a reason for refusal alone under NPPF, this

loss can be compensated for through the planting of nine additional medium trees, which are proposed outside of the Site's red line, thus creating potential opportunities for 'Green Networks', this will result in a 0.38% gain, meeting NPPF requirements.

The wording of Policy EN12 clearly sets out that where it has been demonstrated that the impacts cannot be avoided, mitigated or compensated for on site, that new development will provide off-site compensation to ensure there is no net loss of biodiversity. As such, this note sets out and demonstrates that all on-site options have been explored in order to maximise net gain on site initially and cannot be avoided for reasons set out within the accompanying market advice. Consequently, our proposed off-site compensation will comprise nine medium trees planted as extra-mature heavy standards to ensure they can reach their targeted size and condition (moderate) within 27 years (the time to target condition set out within the metric).

Engagement with RBC will be undertaken to establish the desirable location of these additional nine medium trees and the client will also ensure that ongoing management will be provided. This can either be achieved through the provision of funding to RBC or through a legal agreement as preferred.

It is believed that the measures suggested above have taken into account the comments made by RBC's consultee, with regards to the interpretation of current BNG requirements, but with a proportional response owing the loss of habitats that are not IEFs. The opportunities for additional planting outside the redline is a compromise that would favour BNG, and contribute to a 'Green Network'/stepping stone habitats that is currently absent in the area, thus contributing to the requirements Policy EN12.

Yours sincerely,



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