

# Biodiversity Supporting Statement

## ICS Urology Project

Royal Berkshire Hospital

Reading

Prepared for



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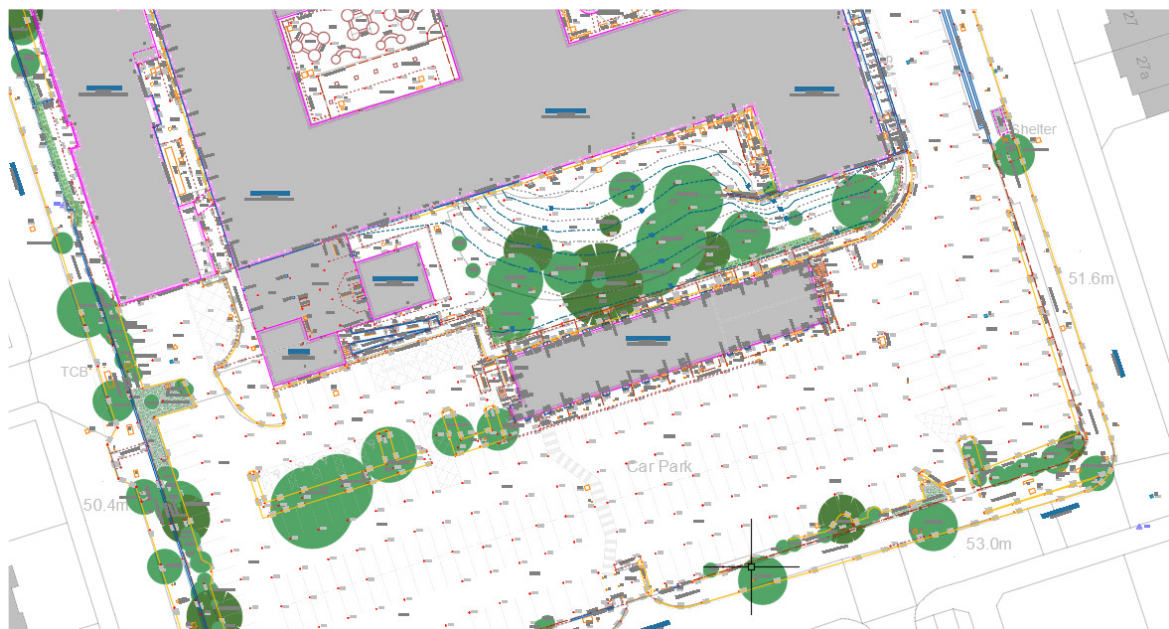
## 1.0 Introduction

This short report is to support the submission of the Bio-diversity improvement calculations as part of the ICS Urology Project, adjacent to South Block (Planning Ref 230321). The focus of this will be the baseline for the calculation to achieve the 10% Biodiversity Net Gain (BNG).

## 2.0 The History of the Site

The site of the proposed ICS Building is at the southern end of Royal Berkshire Hospital in central Reading. It is located between Craven Road and Redlands Road and is positioned adjacent to a prefabricated building that was used by the estates team and has now been demolished and South Block, one of the primary hospital buildings. To the south of this is a large staff car park.

The Trust land formally contained a series of trees that received a condition survey in 2022 due to the proximity to healthcare buildings and public walkways within the site.



*Trees between the Estates Building and South Block 2018*

In November of 2022 a Trust decision was made to remove the trees on the basis that there would always be a need for expanding hospital facilities at some point and they required maintenance such as pruning. The trees did not have TPO's assigned to them and carried no special significance or value as assessed by the Arborculturalist, receiving grade B or C, and thus were removed by the Trust.

In 2023, a proposal was put forward for a new Urology Building to Reading Borough Council via a full planning application (planning reference 230321). This was granted on the 7<sup>th</sup> of July 2023 by the Local Authority and included a new landscaping plan for the grass bank.

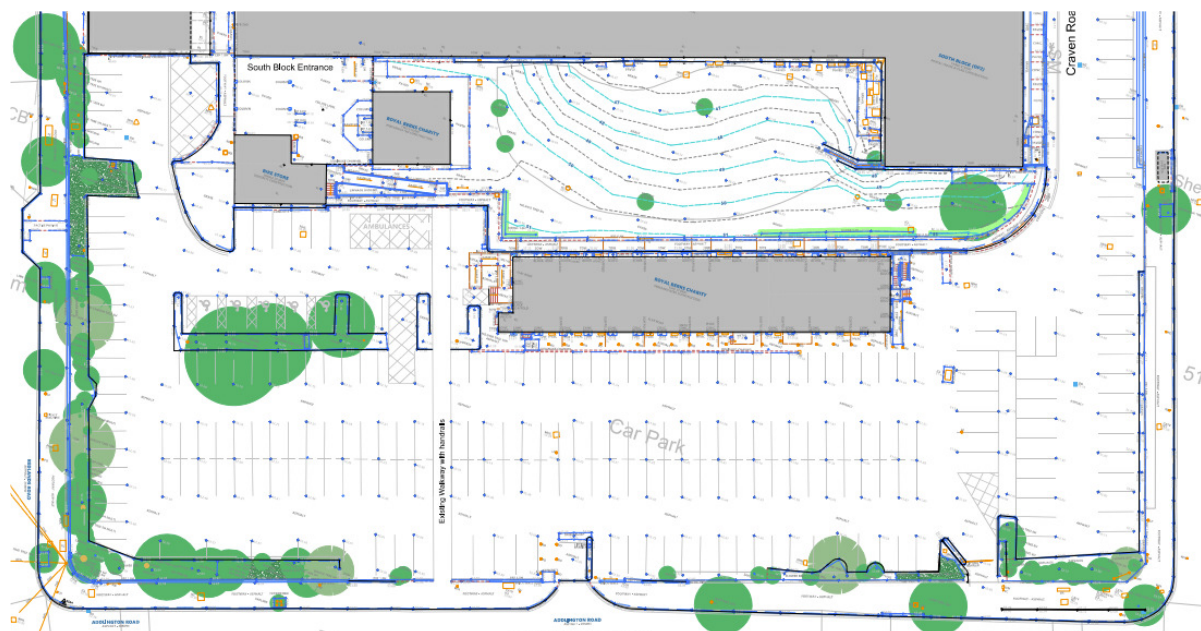
During this process, issues with the funding appeared and as this is a public building (part of the NHS), the proposal did not make it out to tender. However, a new opportunity for the Trust presented itself through a

modular contractor that would allow the Trust to proceed with a new Urology Building, although to a different layout than the previous proposal.

Rather than submit a variation application, it was deemed that this proposal had a larger footprint, although a smaller overall area, and would warrant a second full planning application. On the 27<sup>th</sup> of June 2024, a new application was submitted to Reading Borough Council one year after the grant for the previous proposal.

### **3.0 Bio-diversity of the Site**

In February 2024, Bio-Diversity Net Gain became mandatory in the planning process. This requires a demonstration that the proposal will improve the bio-diversity of that area by 10%. To achieve this, a calculation is undertaken that shows the current state of the bio-diversity at the time of the application (the baseline) compared with the landscaping proposal. In basic terms, this should indicate that the desired 10% has been achieved with a before and after picture.



*The existing site in 2023*

At the time of the second planning application, the site was a basic grass bank as shown above. By taking this grass bank and improving it with the new landscaping scheme, we can easily show a 10% increase in bio-diversity. When the building is constructed, both the general public and the surrounding bio-diversity will improve.

### **4.0 Trees in the Baseline**

It has previously been suggested that the trees that used to be present on the site should be taken into account during this process, however, a number of arguments could be raised that this should not be the case.

## 4.1 The Calculation

By assigning a number to each element on the site, a Bio-diversity consultant is able to show a net gain or loss to the site. This number is based on the type of item and the size as well as quality. A large tree of good quality will score higher than a small tree of equal quality. By pulling in elements of the past into the baseline, the results will be warped, giving a false sense of the site.

The trees no longer exist, but values would still have to be assigned. Do we assume all trees are good quality or poor? They may have become damaged or have rot since they were last assessed. By using this rationale, the baseline is no longer a positive figure (1 for example's sake), but starts at a negative figure as the trees are already gone (-100 as an example).

The requirement for a 10% increase is still in effect, but in reality, you cannot plant large trees due to physical limitations as replacements. They have to start as small trees and be allowed to grow. The flaw in the calculation then becomes the number of small trees required to make the deficit. In this case over 170 small trees would need to be planted.

This causes the further problem in reality that the trees would have to be placed somewhere. Recommended spacing between trees is 2.5m between small trees (8ft), so a total of 1062.5sqm would be required to plant this number of trees, which is bigger than the entire site and much larger than the area it is replacing.

This assumes the trees are only small and do not grow any bigger. Root spread is often 2 to 4 times bigger than the crown of the tree and can damage adjacent buildings. Maintenance would be required for all the trees at a further cost to the Trust.

While the Bio-diversity Net Gain is only 10%, the reality is an enormous cost to the Trust in public funds and a landscaping maintenance issue that far outweighs the loss of the original trees.

## 4.2 The cut off point

Within the timeline of events, the trees were removed in late 2022. This was then followed by the grant of application and a new landscaping scheme in 2023. Following this, the Bio-diversity Net Gain was not introduced till the following year, 2024.

By backdating the trees in the application it ignores and invalidates the approval granted in 2023. This approval is still valid and would allow that scheme to be constructed as 3 years have not passed as per the conditions in the grant of approval.

We can only refer to the legislation to see when the relevant date for the pre-development biodiversity value:

*'Environment Act, Schedule 14: Schedule 7A to the TCPA paragraph 5 **Pre-development biodiversity value***

*5(1) In relation to any development for which planning permission is granted, the pre-development biodiversity value of the onsite habitat is the biodiversity value of the onsite habitat on the relevant date.*

*(2) The relevant date is—*

*(a) in a case in which planning permission is granted on application, **the date of the application**, and*

*(b) in any other case, the date on which the planning permission is granted.*

*(3) But the person submitting the biodiversity gain plan for approval and the planning authority may agree that the relevant date is to be a date earlier than that specified in sub-paragraph (2)(a) or (b) **(but not a date which is before the day on which this Schedule comes into force in relation to the development)***

Under the legislation, section 2 states that the relevant date is either the date on which planning permission is granted (2b) or the date of the application (2a). This would suggest the baseline date is the date of the application in 2024, thus the trees should not be taken into account.

Paragraph 3 allows for the applicant and the Local Authority to agree a relevant date to be a date earlier than section 2 a or b. However, it is not a date before the day on which this Schedule comes into force in relation to the development. As the bio-diversity calculation was not relevant to the first application in 2023, and approval was given, the schedule could not be argued that it was in force for this development at that time.

While paragraph 6 seeks to allow activities brought in prior to the 30<sup>th</sup> of January 2020 to be considered as part of the relevant date, we would argue that the relevant date can not be brought forward past a previous active approval, i.e. the 2023 approval, as that would invalidate that planning application.

Paragraph 7 looks to support this by stating that when planning permission is granted in the bio-diversity gain site, the pre-development bio-diversity value of the land is set as the bio-diversity on the relevant date (assuming the date of the 2023 application) and the biodiversity value of the habitat enhancement recorded in the register as habitat enhancement to be achieved on the land (the approval landscaping proposal for that approved project). This would suggest that the baseline would be the habitat as it was during the previous 2023 approval and we would need to match the proposed bio-diversity increase in the approved landscaping scheme which this new proposal would achieve.

## **5.0 Conclusion**

To include the trees removed in 2022 in the baseline calculation would go against the general considerations of CD4.20 Policy EN12 Biodiversity and the Green Network General Considerations as it states:

*'The overall principle here is that there should be no net loss of biodiversity, and a net gain, as supported by the NPPF, wherever it can be achieved.'*

By including the trees in the BNG calculation an impossible-to-achieve situation is created. This in turn would cause the planning application to be refused, and any future planning approval on that site to be

refused, leaving the grass bank as a bare wasteland. The Trust would be unable to undertake any form of landscaping scheme as the area can never achieve the required bio-diversity improvement and a net loss of biodiversity would be the final outcome. This is unacceptable on a building where public funds are used to provide services.

By accepting that the trees are no longer part of the BNG calculation, this allows the area to be landscaped and new trees introduced for the benefit of all and is the only sensible course of action.