

# Biodiversity Net Gain and Self and Custom Build Procedure Note

## December 2024

### Introduction

Self-build and custom build applications are currently exempt from the mandatory requirement to deliver 10% Biodiversity Net Gain (BNG).<sup>1</sup> The [BNG Guidance](#)<sup>2</sup> states that an exemption applies to this type of development when it meets all the following conditions:

- consists of no more than 9 dwellings
- on a site that has an area no larger than 0.5 hectares
- consists exclusively of dwellings that are self-build or custom housebuilding as defined in [section 1\(A1\) of the Self-build and Custom Housebuilding Act<sup>3</sup>2015](#) (see definition below)

### What is the definition of Self Build?

The legal definition is in the Self-Build and Housebuilding Act 2015, as modified by the Housing and Planning Act 2016.

*“(A1) In this Act “self-build and custom housebuilding” means the building or completion by— (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.*

*(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”*

The Right to Build Taskforce<sup>4</sup> simplifies this definition to: “A home built to the plans or specifications decided by the occupant”. When considering whether a home is a self-build or custom-build home, relevant authorities must be satisfied that the initial occupant will have primary input into its final design and layout.

[Government guidance](#) clarifies that<sup>5</sup>: *Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.”*

### What is the procedure for applying for a self and custom build exemption?

Applicants are required to submit a Biodiversity Net Gain Statement Form and state whether the application is considered to be exempt from the statutory Biodiversity Net Gain requirement under the self build and custom build exemption. The Form will require applicants to provide a justification to demonstrate how the development will meet the definition above. This will need to clarify that the occupants of the homes being built will have primary input in the final designs and layout, in accordance with the legal definition of self and custom build (see above).

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<sup>1</sup> <https://www.legislation.gov.uk/uksi/2024/47/regulation/8/made>

<sup>2</sup> <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments#self-build-and-custom-build-applications>

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/2015/17/section/1>

<sup>4</sup> Right to Build Task Force Custom and Self-Build Planning Guidance PG1.2: Defining self-build and custom housebuilding (January 2024: Version 4)

<sup>5</sup> <https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

Applicants will be required to submit a signed statement which declares that the proposed development meets the above the definition. In addition, the development description will specifically include reference to self-build and custom-build.

Applicants applying for the self-build exemption will also be required to submit the Statutory Biodiversity Metric to identify the pre-development biodiversity value of the site. The statutory (official) biodiversity metric is the way of measuring biodiversity value for the purposes of BNG. This will enable the Council to identify required net gain if the exemption is revoked at a later date (see below). The Government's Statutory Biodiversity Metric tools and guides for use are available at [www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides](https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides)

Any approval for self and custom build under this exemption will be subject to legal agreement whereby if the property is sold or leased within 3 years of completion, the occupant will be required to secure off-site BNG units in accordance with the sequential approach set out in the Biodiversity SPD April 2024.