

LUS25025
Biodiversity Net Gain Exemption Letter

Date: 07/05/2025

Mr. and Mrs. Tomkins
Via email

Dear Mr. and Mrs. Tomkins,

**The Paddock (adjacent Manor Farm House) Winsley, Wiltshire, BA15 2LN
– Biodiversity Net Gain Exemption Letter**

We hereby confirm our understanding that Proposed Development at The Paddock (adjacent Manor Farm House) Winsley, Wiltshire, BA15 2LN is exempt from Mandatory Biodiversity Net Gain on the following grounds:

Self-Build or Custom Build Applications

1. You have confirmed that The Proposed Development meets the criteria for the exemption 'self-build or custom build applications'. Following gov.uk guidance¹:

"The development must:

- *Consist of no more than 9 dwellings*
- *Be on a site that has an area no larger than 0.5 hectares, and*
- *Consist exclusively of dwellings that are self-build or custom housebuilding"*

2. Under the Self-Build and Custom Housebuilding Act 2015², self-build and custom build is defined as:

"...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."

¹ Available at: <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>

² Available at: <https://www.legislation.gov.uk/ukpga/2015/17/section/1>

3. **As the Proposed Development is exempt from Mandatory Biodiversity Net Gain it will not be subject to a pre-commencement biodiversity gain condition and a Biodiversity Net Gain Assessment of the proposals is not required.**
4. Should it be reasoned that a Biodiversity Net Gain is required in relation to local policy or the National Planning Policy Framework, then we would advise the following from the Standing Government Advice on Biodiversity Net Gain (emphasis added)³:

“How should plan-makers deal with biodiversity net gain?”

Paragraph 185 of the National Planning Policy Framework states, to protect and enhance biodiversity and geodiversity, plans should among other things identify and pursue opportunities for securing measurable net gains for biodiversity. Planning authorities and neighbourhood planning bodies when preparing new policies in line with paragraph 185 will want to take account of the statutory framework for biodiversity net gain.

*Plan-makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provisions of this statutory framework. **It will also be inappropriate for plans or supplementary planning documents to include policies or guidance which are incompatible with this framework, for instance by applying biodiversity net gain to exempt categories of development or encouraging the use of a different biodiversity metric or biodiversity gain hierarchy.**”*

5. The Proposed Development benefits from the self-build or custom build exemption and this must be stated on the planning application form with reference made to this letter ‘LUS25025 Biodiversity Net Gain Exemption Letter.’.
6. We reason this letter, the description of the development, existing and proposed site plans, and the Proposed Development’s area size should comprise sufficient evidence for the decision maker to support this assessment.

Yours sincerely,



Mungo Nash BSc (Hons) ACIEEM
Principal Ecologist, Luscinia Ecology



³ Available at: <https://www.gov.uk/guidance/biodiversity-net-gain>.