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13 November 2025

Project/File: 35277/A3/AJ

#### **VIA PLANNING PORTAL**

Jason Hawkes  
Horsham District Council  
Albery House  
Springfield Road, Horsham  
West Sussex  
RH12 2GB

Dear Jason,

#### **REFERENCE:S73 AMENDMENT – DELETION / VARIATION OF CONDITIONS 2 & 9 (WATER NEUTRALITY) OF APPLICATION REFERENCE DC/21/1427**

We write on behalf of Legal & General (Strategic Land North Horsham) Limited and Dandara Southern Limited ('the Applicants') in relation to the submission, via the Planning Portal, seeking approval of amendments pursuant to Section 73 ('S73') of the Town and Country Planning Act 1990 (as amended) for an amendment to the approved Reserved Matters application of Reserved Matters Area 7 ('RM7') (application reference DC/21/1427 dated 7 August 2025; 'the RMA').

#### **Context**

The RMA for RM7 of the following description was granted on 7 August 2025:

**Application for approval of Reserved Matters pursuant to Condition 5 of Outline Planning Permission reference DC/16/1677 for RM Area 7 comprising 221 (Class C3) residential units, car and cycle parking, new landscaping, drainage, access and internal roads, and associated infrastructure. Relating to access, appearance, landscaping, layout and scale.**

The RMA was granted subject to conditions including Condition 2 requiring details to confirm that the new homes would be water neutral and Condition 9 which requires compliance with the submitted Water Neutrality Statement (produced by Quantum CE).

On 8 October 2025, the Government announced that Southern Water would be changing its abstraction permits to limit the amount of water taken from local rivers and wetlands and allow development to commence without water neutrality requirements from 1 November 2025<sup>1</sup>.

Horsham District Council has subsequently updated the guidance on its website falling further publications from Natural England to confirm that water neutrality and the lower 85lpppd water usage requirement are no longer required<sup>2</sup>. Water usage is now to be limited to 110lpppd.

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<sup>1</sup> <https://www.gov.uk/government/news/thousands-of-new-homes-get-the-go-ahead-in-north-sussex> [accessed 21/10/2025]

<sup>2</sup> <https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district> [accessed 12/11/2025]

As water neutrality is no longer required, Conditions 2 and 9 of the RMA are redundant. The Applicants are therefore seeking to delete these conditions, with the expectation of a 110 lpppd limit imposed by either a new or varied condition.

### **Legislative Context**

Section 73 of the Town and Country Planning Act 1990 (as amended) ('S73') provides for amendments to be made to conditions imposed on planning permissions.

The PPG states that there is no statutory limit on the degree of change permissible to conditions under S73, other than that the change must not relate to the "operative part of the permission" or extend the time limit within which a development must be started. There is no legal requirement that any proposed changes under section 73 must be "minor" for example.

### **Section 73 Amendment**

National Planning Policy Framework (2024: 'NPPF') paragraph 57 sets out the 'tests' for imposing planning conditions. The first test is that these must be 'necessary'. For example, the condition must be essential to make the development acceptable.

As per the Government and subsequent Natural England and Horsham District Council announcements, water neutrality is no longer required in Horsham. Developments that were previously required to demonstrate water neutrality to be deemed acceptable, are now acceptable without demonstrating water neutrality. The conditions relating to water neutrality are no longer necessary and can therefore be deleted.

The applicants are willing to discuss the imposition of a new water usage condition or modification of the water usage condition to limit water usage to 110lpppd.

### **Submission**

This application for a S73 amendment comprises the following:

- Application Form (dated 13 November 2025)
- Covering Letter (dated 13 November 2025)
- CIL Form (dated 13 November 2025)

The application fee of £2,085.00 (inclusive of an £85 Planning Portal service charge) has been paid via Planning Portal (Reference: PP-14483231).

We would be grateful if you could confirm receipt of this application and we look forward to receiving formal notification of validation in due course.

Please do not hesitate to contact the writer at this office if you require further information or have any further queries.

Yours sincerely,

*James Taylor*

**Stantec UK Limited**

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