



Planning Statement

Removal of Condition 8 (DC/210738)

Land at Old Forge Close, Faygate

prepared by

WPS Planning

Planning Statement
old forge close

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1.0 INTRODUCTION

- 1.1 This statement supports an application made under Section 73 of the Town and Country Planning Act 1990 to remove Condition 8 attached to planning permission DC/21/0738 for the erection of a single storey dwelling with associated parking at Land at 521753 134251, Old Forge Close, Faygate, Horsham, West Sussex.
- 1.2 Planning permission was issued by Horsham District Council on 01 August 2023.
- 1.3 Condition 8 is a pre-occupation condition requiring the development to be carried out in full accordance with a specific water neutrality strategy (reference AEG0241_RH12_Fayagate_08_WNS dated 07.07.2020 by aegaea), and preventing first occupation unless evidence is submitted to and approved by the Local Planning Authority confirming implementation in full, including fittings/appliances specifications, installation evidence and an “as built” Part G water calculator (or equivalent).
- 1.4 The purpose of this Section 73 submission is to remove Condition 8 because the strategic position and Horsham District Council’s published guidance on water neutrality has materially changed. Horsham District Council now confirms that for individual applications no water neutrality statement is required, no payment is required, and no bespoke conditions or s106 obligations are required to demonstrate water neutrality (with effect from 1 November 2025), and that the Council will consider Section 73 applications to remove existing bespoke water neutrality conditions.

2.0 The Planning Permission and Condition Proposed to be Removed

- 2.1 Planning permission DC/21/0738 permits the erection of a single storey dwelling with associated parking and is subject to approved plans and a schedule of conditions.
- 2.2 Condition 8 currently requires the development to be undertaken in full accordance with the specified water neutrality strategy, and prevents first occupation until the Local Planning Authority has approved evidence that the strategy has been implemented in full, including the specification and installation evidence of fittings and appliances and completion of the as-built Part G calculator (or equivalent). The measures must thereafter be retained.
- 2.3 The reason for the condition is to ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites, and it cites Policy 31 of the Horsham District Planning Framework (2015), paragraphs 179 and 180 of the NPPF (2021), duties under the Habitats Regulations 2017 (as amended), and section 40 of the NERC Act 2006.
- 2.4 This application seeks removal of Condition 8 in full. All other plans and conditions would remain unchanged.

3.0 Horsham District Council Guidance on Water Neutrality and Material Change in Circumstances

- 3.1 Horsham District Council's published water neutrality webpage confirms that on 31 October 2025 Natural England issued a Withdrawal Statement confirming that its September 2021 Water Neutrality Position Statement has been withdrawn.
- 3.2 Horsham District Council further explains that, for individual applications, it is using the 2024/25 water efficiency savings made by Southern Water to allow development to move forward as water neutral from 1 November 2025. The

guidance then confirms, for applicants, that no water neutrality statement is now required, no payment is needed, and no bespoke conditions or s106 obligations are required to demonstrate water neutrality.

- 3.3 Crucially for this Section 73 submission, Horsham District Council's guidance also confirms that where there are existing planning permissions with conditions (and s106 obligations) requiring compliance with bespoke water neutrality mitigation, the Council will consider applications under Section 73 to remove those conditions (and associated applications to vary or discharge any relevant s106 obligations).
- 3.4 West Sussex County Council's planning guidance reflects the same updated strategic position. It confirms Natural England's withdrawal of the September 2021 position statement and states that development within the Sussex North Water Supply Zone will no longer be required to demonstrate that it is water neutral.
- 3.5 Taken together, these published statements represent a clear and directly relevant change in the material considerations that informed the imposition of Condition 8 in 2023.

4.0 Planning Assessment – The Tests for Planning Conditions

- 4.1 In determining an application under Section 73, the Local Planning Authority must consider whether the condition remains appropriate having regard to the development plan and other material considerations as they now stand.
- 4.2 Planning conditions should only be imposed where they satisfy the well-established tests, including that they are necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects.

- 4.3 Condition 8 was imposed at a time when bespoke water neutrality mitigation was being secured at application level in response to Natural England's 2021 position statement, and the reason for the condition makes clear that it was framed to address potential effects on the designated Arun Valley habitats.
- 4.4 However, Horsham District Council's current published approach confirms that individual schemes are no longer required to provide bespoke water neutrality statements, payments, or bespoke conditions/s106 obligations, and that existing bespoke water neutrality conditions can be removed via Section 73.
- 4.5 Against that updated context, the key question for this submission is whether Condition 8 continues to be necessary and reasonable, or whether it now imposes an outdated and disproportionate requirement.

5.0 Condition 8 Is No Longer Necessary or Proportionate in the Current Context

- 5.1 Horsham District Council's guidance is explicit that, for individual applications, no water neutrality statement is required, no payment is required, and no bespoke conditions or s106 obligations are required to demonstrate water neutrality.
- 5.2 Condition 8 goes materially beyond what the Council now requires for individual development. It ties the permission to a specific third-party report prepared in 2020 and introduces an additional pre-occupation approval gateway requiring a detailed evidence package.
- 5.3 In the updated policy and guidance context, retaining a condition that mandates compliance with a historic bespoke strategy and a specific evidencing route is no longer necessary to meet Horsham District Council's current approach to water neutrality decision-making for individual proposals.

- 5.4 The condition is also disproportionate because it has the potential to operate as a barrier to occupation even where the dwelling is otherwise delivered to appropriate modern water efficiency standards, simply because it is locked to a particular strategy reference and documentary process that is no longer required as a matter of current practice.
- 5.5 In short, Condition 8 no longer meets the tests of necessity and reasonableness given the Council's published position that bespoke water neutrality conditions are no longer required for individual applications and that existing bespoke conditions can be removed by Section 73.

6.0 Water Efficiency

- 6.1 Horsham District Council's water neutrality guidance makes clear that, although bespoke water neutrality requirements have been withdrawn, the area remains in significant water stress and new housing will be required by condition to comply with the Building Regulations Part G Optional Technical Standard (currently 110 l/p/d) as required by Policy 37 of the Horsham District Planning Framework.
- 6.2 The applicant acknowledges that distinction. The request to remove Condition 8 does not seek to avoid water efficiency measures. Instead, it seeks to remove an outdated bespoke water neutrality mechanism that is no longer required for individual schemes, allowing water efficiency to be secured (if the Local Planning Authority considers it necessary) through the Council's standard Part G optional condition approach.
- 6.3 Accordingly, should the Local Planning Authority consider that a condition remains appropriate, it would be more proportionate and consistent with current guidance to replace Condition 8 with a single, standard Part G optional condition, rather than retaining a bespoke requirement tied to the 2020 strategy document and a bespoke pre-occupation evidence package.

7.0 CONCLUSION

- 7.1 Planning permission DC/21/0738 includes Condition 8 requiring full compliance with a specific 2020 water neutrality strategy and submission/approval of evidence prior to first occupation.
- 7.2 Horsham District Council's published guidance confirms that Natural England's September 2021 position statement has been withdrawn and that, for individual applications, no water neutrality statement is required, no payment is needed, and no bespoke conditions or s106 obligations are required to demonstrate water neutrality. The Council also confirms it will consider Section 73 applications to remove existing bespoke water neutrality conditions and will instead apply a Part G optional condition for new dwellings where appropriate.
- 7.3 In light of this material change in circumstances and current Council guidance, Condition 8 is no longer necessary or reasonable and should be removed. If the Local Planning Authority considers a condition remains necessary to secure water efficiency, this can be addressed through a standard Part G optional (110 l/p/d) condition consistent with Horsham District Council's current approach, rather than a bespoke water neutrality strategy compliance condition.