

SECTION 73 Application

For the removal of the rainwater harvesting element of the approval

Change of use of land to allow the siting of a single gypsy pitch (Retrospective)

DC/24/0273

Redgates, Burnthouse Lane, Lower Beeding, West Sussex



The objective for rural business is to sustain a balanced outcome, a delicate relationship between productive activity which includes farming and rural enterprise and the conservation of the environment both historic and landscape needs to be maintained. The rural economy is a constantly changing paradigm and should be nurtured, supported and promoted because it forms the core of the nation.

Introduction

We act on behalf of Linda and Tom Brazil in discharging the conditions associated with planning permission DC/24/0273. The following statement was made by Horsham District council fundamentally altering the need for the water neutrality issues:

Water Neutrality Requirements Withdrawn

On 31 October 2025, Natural England issued a [Withdrawal Statement](#) confirming that its Water Neutrality Position Statement of September 2021 has been withdrawn.

This follows agreement between Natural England, Southern Water and the Environment Agency that a reduction in the licence cap on water abstraction will ensure with sufficient certainty that development will not adversely impact the protected Arun Valley habitats. This is the primary element of interest to local authorities in making decisions regarding relevant plans or projects, as it removes the connection between abstraction and growth.

While the licence modification will address issues related to planning, growth, and abstraction, a separate package of measures is also proposed to support recovery and enhance ecological resilience at Pulborough Brooks SSSI. Natural England has advised that local authorities are not required to consider these measures when determining relevant plans or projects.

Whilst the Position Statement has now been withdrawn, it remains the case that Horsham District Council remains the competent authority under the Habitats Regulations, and therefore must be assured that the mitigation will be effective in practice and suitably secured. Given the licence change has not yet taken place (the withdrawal statement refers to March 2026), we cannot be certain that the issue is yet fully resolved. We do though recognise and welcome the statement from Natural England as a significant step forward in finally addressing water neutrality at a strategic level.

For individual applications, we will now be using the 2024/25 water efficiency savings made by Southern Water to allow all development to move forward as water neutral from 1st November 2025. These savings were previously to be used by the Sussex North Water Certification Scheme (SNWCS), and amount to some 3,240,000 litres per day. SNWCS, for the avoidance of doubt, will no longer be launched.

For applicants, this means that:

1. No water neutrality statement is now required;
2. No payment into SNWCS is needed to use the Southern Water capacity referred to above;
3. No bespoke conditions or s106 obligations are required to demonstrate water neutrality.

Please note that given the area remains at significant water stress, all applications for 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. We would welcome and support any applicant who still wishes to include water efficiencies below this standard.

To ensure continued compliance with the Habitats Regulations until the licence change has taken effect, please note that officers will continue to undertake an Appropriate Assessment of your

proposals as part of their overall considerations. This will ensure your development remains compliant with the Habitats Regulations, Policy 31 of the HDPF, and Paragraph 193 of the NPPF. Natural England have provided [standing advice](#) to assist officers in meeting their duties under Reg 63(3) of the Habitats Regulations.

For applicants who have existing planning permissions with conditions and s106 obligations requiring compliance with bespoke water neutrality mitigation, we will consider applications under s.73 of the Town and Country Planning Act to remove those conditions, and any associated applications to vary or discharge any relevant s106 obligations. If your permission is for new dwellings, we will instead apply a condition requiring compliance with the Building Regulations Part G Optional Technical Standard referred to above. This is the same condition we applied to all new dwellings prior to the 2021 Position Statement.

For current applicants, please advise your case officer of how you wish to proceed. Please note that any undetermined applications that have already been heard by our Planning Committee will need to be returned to committee to amend the water neutrality requirements, therefore you may wish to conclude your application in its current form and apply separately to vary the relevant conditions and obligations. Please note that if you wish to amend your current proposals we will need to first agree an appropriate extension of time with you.

The following condition relates to this application:

2 Regulatory Condition: Within 3 months of the date of the decision hereby granted, a drainage strategy detailing the means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015)

3 Regulatory Condition: Within 3 months of the date of this decision, a Management Plan detailing all measures and ongoing maintenance and sampling necessary to ensure the water supplied is safe and wholesome and to ensure continuity of supply shall have been submitted to the Local Planning Authority for its approval in writing. The management and maintenance plan shall include the following details:

- o The sampling regime and parameters etc, recognising that the sampling will need to be undertaken a DWI certified sampler and analysed by a UKAS accredited lab.
- o Detail on how any failure of any samples will be investigated and managed.
- o Details, including a plan or schematic, showing the supply - storage tanks, treatment etc, and means to record the total water consumption of each unit
- o Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used.
- o Detail on how the treatment system, pipework, tanks etc will be cleaned and maintained and who will maintain them for the lifetime of the development. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- o The completion and sharing of the Regulation 6 risk assessment by a suitably competent person (as required by the Private Water Supply (England) Regulations 2016) prior to the water supply being put into use.
- o Detail on the continuity of supply during dry periods extending beyond 35 days.

- o Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.
- o Details of contingency plans to ensure any failure's or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the Local Planning Authority

Within one month of the Local Planning Authority's written approval the scheme shall be implemented in full accordance with the agreed details. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority. Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

The applicants are work with GRAF and using the Caret Rainwater Harvesting Solutions and their contractors in conjunction with CGS Civils the management and maintenance plan for a rainwater harvesting system is crucial to ensure its efficient operation and longevity. Here's is the proposed comprehensive plan which should be read in conjunction with the product material provided:

Step 1 Regular Inspections:

Monthly Check for leaks, clogs and any visible damage
Quarterly Inspect the condition of gutters, down pipes and filter
Annually Examine the overall system for signs or wear and tear

Step 2 Clean schedule

Gutters and down pipes clean debris to prevent blockages
Filters and screens remove debris and sediment buildup regularly
Storage tanks lean annually to prevent contamination

Step 3

Check valves and pumps ensure proper functioning and lubricate if necessary
Repair leakages promptly repair and leaks to prevent water loss
Inspect water quality periodically test water quality to ensure it's suitable for intended use.

Step 4

Seasonal considerations
Pre winter preparation ensure the system is winterised to prevent freezing
Spring maintenance inspect and clean thoroughly after winter season

Step 5 Record keeping

Maintain a log of maintenance activities, inspections and repairs
Document water usage and quality tests

Step 6 Training and Education

Educate users on efficient water usage practices.
Maintain level of training and keeping up to date with system

Step 7 Emergency preparations and response

Have contingency plans for system failure or emergencies
Keep contact information for maintenance professionals readily available

Step 8 Upgrades and improvements

Periodically assess the system's performance and consider upgrades for efficiency

Stay informed about advancements in rainwater harvesting technology

Step 9 Environmental considerations

Ensure compliance with local regulations and environmental standards

Minimise environmental impact during maintenance activities

By following the aforementioned management and maintenance plan, you can ensure that your rainwater harvesting system remains effective, sustainable, and contributes positively to water conservation efforts

Conclusion

The report covers the requirements to remove the regulatory conditions for the planning permission DC/24/0273 for the change of use of the ground to allow for a single gypsy pitch for Mr and Mrs Brazil.