

28 April 2026

Barbara Childs
Director of Place
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Dear Ms. Childs,

Re: DC/25/1251 - Removal of conditions 31 and 47 (water neutrality)

Land at Sumners Pond, Chapel Road, Barns Green, West Sussex RH13 0PR

Approved development under DC/25/1251: Variation of condition 1 of previously approved application reference DC/21/2697 (Erection of 32No. residential dwellings including 35% affordable housing, 6No. commercial units and 1No. reception building. Creation of access and circulation routes, parking, hard and soft landscaping together with a sustainable drainage system) to amend the approved plans to enable the retention of the existing building with associated alterations to provide 3 commercial units as opposed to reconstructing it and revised cladding to units C4-C6.

We have been instructed by Mr. Simon Smith to prepare an application to remove conditions 31 and 47 (water neutrality) of permission ref: DC/25/1251. Permission DC/25/1251 was an amendment of the original permission for the redevelopment of the site with reference DC/21/2697.

For clarification conditions to be removed state:

***“31 Pre-Occupation Condition: No commercial unit hereby approved shall be first occupied until evidence has been submitted to the Council in writing that the water saving measures identified in Section 2 of the Water Neutrality Statement for that commercial unit have been fully implemented. The evidence shall include the specifications and photographs of the installed measures and a water calculation as per that provided in the Water Neutrality Statement detailing the resultant surveyed water consumption performance. The installed water saving measures shall be retained to the same or improved water performance standard thereafter.*”**

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“47 Regulatory Condition: No part of the commercial building or the site shall be designated, equipped or used as a vehicle washing area without the prior written consent of the Local Planning Authority.”

The reasons for both conditions are the same and read as follows:

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), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).”

The conditions were imposed as a result of the development falling within the Sussex North Water Supply Zone which covers the whole of Horsham District and parts of the administrative areas of Chichester and Crawley. Natural England had written to these authorities and provided a Position Statement in 2021 on developments which may place increased pressure on water abstraction in this zone. The Position Statement explains in greater detail (including with reference to recent case law) that abstraction from the Sussex North Water Supply Zone may be having an impact on protected sites, namely the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar. In order not to exacerbate the potential impact, developments within this zone were prevented from taking place unless they could be considered water neutral and do not result in an increase in mains water usage to avoid an adverse impact on the Arun Valley SAC, SPA and Ramsar sites.

It has since been confirmed by the Government in a Press Release on 8th October 2025 that an agreement between government, regulators and industry had been reached to avoid an adverse impact and enable development to go ahead.

On 31 October 2025, Natural England issued a Withdrawal Statement confirming that its Water Neutrality Position Statement of September 2021 had been withdrawn. This means that development within the Sussex North Water Supply Zone will no longer be required to demonstrate that it is water neutral due to a reduction in the licence cap on water abstraction and a package of ecological resilience measures.

Having regard to the above the water neutrality conditions (nos.31 and 47) are no longer considered reasonable or necessary and therefore they are contrary to these tests for conditions at paragraph 57 of the NPPF. As such they should be removed with immediate effect and therefore this application is submitted to remove the conditions.

If you have any queries, please do not hesitate to contact us.

Yours sincerely

Julian Sharpe MRTPI

Associate Partner

Email: planninganddevelopment@whiteandsons.co.uk