

6 February 2026

Ms Nicola Pettifer
Development Management
Horsham District Council
Parkside
Chart Way
Horsham, RH12 1RL

RH/Let/P2226

Dear Ms Pettifer,

Section 73A Application to Vary Conditions and Deed of Variation to Extinguish S106 Agreement Pursuant to Planning Reference: DC/23/2144 (*Variation of condition 1 of previously approved application reference DC/21/0057 (A phased development for the erection of 6no detached houses with associated landscaping, drainage and access improvements to Heather Way at Angell Sandpit, Storrington) to allow the submission of water neutrality information, revised plans in respect of plots 1-3 and revised construction access details. Variation of conditions 3, 5, 6, 10, 12, 13, 16, 17, 18 and 19) at Angell Sand Pit Washington Road Storrington West Sussex.*

This letter is submitted in support of a Section 73A application to vary conditions attached to the planning permission granted on 14 August 2024 under reference DC/23/2144, which is currently being lawfully implemented on site. The application also accompanies a Deed of Variation to extinguish the existing Section 106 Agreement insofar as it only relates to water neutrality.

This application has been submitted following Natural England's formal withdrawal of their 2021 Position Statement on Water Neutrality since the application was approved in 2024. The Position Statement was withdrawn by letter on 31 October 2025.

Background

Planning permission DC/23/2144 was granted subject to a number of conditions, including Conditions 34 and 35, which relate specifically to the delivery of water neutrality, as set out below.

- Condition 34: Pre-Occupation Condition The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Technical Note 1: Water Neutrality Statement, by Motion, dated 25th August 2023). No unit hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that unit has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained and operated as such at all times thereafter.
- Condition 35: Pre-Occupation Condition: No part of the development hereby permitted shall be brought into first use until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for the development has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

In addition, a separate Section 106 Agreement was entered into to secure the development as water neutral. The S106 Agreement is dated 12 August 2024 and the Reference number is DC/23/2144.

As set out in the Introduction, Natural England withdrew their Position Statement in October 2025 and therefore the requirement to be water neutral has fallen away. Following discussions with HDC, it is now considered appropriate and proportionate to secure water usage through compliance with the optional requirement of Building Regulation G2, rather than through bespoke water neutrality measures.

This Section 73A application therefore seeks to vary the approved permission by removing Conditions 34 and 35 in their entirety and replacing them with a single regulatory condition that secures water efficiency at the recognised standard of 110 litres per person per day.

The proposed replacement condition is as follows:

"The dwelling(s) hereby permitted shall meet the optional requirement of Building Regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained."

This approach ensures that water efficiency is appropriately controlled through the Building Regulations framework, which is enforceable, measurable, and consistent with current policy expectations. As such, all references to water neutrality measures are proposed to be removed from the permission.

In parallel, an application is submitted to extinguish the Section 106 obligation insofar as it relates to water neutrality. Given that water neutrality measures would no longer be required or secured through the planning permission, the existing S106 Agreement, in its entirety, would no longer serve a relevant planning purpose. The proposed Deed of Variation therefore seeks to abolish the Section 106 Agreement in its entirety, rendering it no longer applicable to the land.

Conclusion

The proposed amendments reflect a more appropriate, proportionate, and up-to-date mechanism for securing water efficiency, without undermining the acceptability of the approved development. The development would continue to deliver high standards of sustainability through compliance with Optional Building Regulation G2, and the removal of water neutrality measures ensures consistency between the planning permission and associated legal obligations.

It is therefore respectfully requested that the Local Planning Authority grants the Section 73A application and agrees to the Deed of Variation to extinguish the Section 106 obligation relating to water neutrality, and abolish the Section 106 Agreement in its entirety.

We look forward to hearing from you. If you have any further queries or require further information, please contact me on 01903 248777.

Yours sincerely
ECE Planning



Chris Barker MATP MRTPI
Managing Director