Section 73 Application – Removal of Condition

Application Title

Variation of pre-commencement condition of planning permission DC/25/0417 to remove the requirement for the development to achieve water neutrality.

Planning Statement – Section 73 Application under the Town and Country Planning Act 1990 (as amended)

Site Address: 29 Gagglewood, Mannings Heath, West Sussex RH13 6JR

Planning Permission Reference: DC/25/0417

Applicant: Mr Simon Hedger

Proposal: Removal of pre-commencement condition - Water Neutrality

1. Introduction

This statement supports a Section 73 application to remove the pre-commencement condition for water neutrality attached to planning permission **DC/25/0417**, relating to the proposed development at **29 Gagglewood, Mannings Heath, RH13 6JR.**

The pre-development condition requires that the development achieves water neutrality, with compliance to be secured through the use of the Strategic Natural Water Credits Scheme (SNWCS) administered by Horsham District Council.

Since the original permission was granted, the policy position regarding water neutrality within the Sussex North Water Supply Zone has changed significantly. The SNWCS scheme is no longer going ahead, and Natural England has on 31st October 2025 issued a Withdrawal Statement withdrawing the water neutrality requirement as an obstacle to determining planning applications in the affected area.

Whilst the prior requirement for water neutrality cannot now be achieved, the development will still include low-use water fittings such as a dual flush WC (6/3 litres), flow restrictors on both taps and the shower and will include rainwater harvesting for garden watering purposes.

2. Background

- Permission DC/25/0417 was granted subject to the water neutrality pre-commencement condition, reflecting Natural England's previous position that all developments within the Sussex North Water Supply Zone should demonstrate no net increase in water abstraction.
- The Council's SNWCS was designed as a mitigation mechanism to enable compliance with this requirement. However, the scheme has now been suspended, and Natural England has advised that its earlier guidance on water neutrality will be withdrawn.

As a result, it is anticipated that there will no longer be a policy or regulatory basis for retaining the water neutrality condition.

3. Justification for Removal of the Condition

The reason for the imposition of the pre-commencement condition, namely to ensure the development achieved water neutrality, is now redundant. In the absence of a functioning credits scheme and following Natural England's change in position, the condition cannot reasonably be complied with and serves no continuing planning purpose.

Paragraph 55 of the National Planning Policy Framework (NPPF) states that planning conditions should only be imposed where they are:

- necessary,
- relevant to planning and the development,
- enforceable,
- precise, and
- reasonable in all other respects.

In this case, the water neutrality condition no longer meets the tests of necessity or reasonableness.

Accordingly, it is requested that the Council remove the pre-commencement condition in its entirety under Section 73 of the Town and Country Planning Act 1990.

4. Conclusion

This application seeks the removal of the pre-commencement water neutrality condition from planning permission DC/25/0417, as the justification for water neutrality requirements has been withdrawn by Natural England and the supporting SNWCS mitigation mechanism has been paused indefinitely.

The removal of this condition would not result in any material harm or conflict with the Development Plan, given the updated position on water neutrality and the absence of any residual environmental impact.

Submitted by:

Simon Hedger

29 Gagglewood
Mannings Heath
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12th November 2025