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Horsham District Council (Planning),
Albery House,
Springfield Road,
Horsham,
RH12 2GB
01403215187

6th June 2025

Dear Sir/ Madam,

RE: SECTION 73 APPLICATION RELATING TO PLANNING APPROVAL DC/24/1858 AT THE PAVILLION, HENFIELD ROAD, SMALL DOLE.

This covering letter is submitted in support of an application made under Section 73 of the Town and Country Planning Act 1990 to vary and/or remove Conditions 2, 5, 11, 12 & 17 attached to planning permission reference DC/24/1858. This permission, granted on 27 February 2025, allowed for the demolition of the existing building and the construction of a replacement 1.5-storey community pavilion building with associated parking and access at The Pavilion, Henfield Road, Small Dole, West Sussex.

As part of the approved scheme, a rainwater harvesting system was proposed and accepted as the method to achieve water neutrality. However, during the process of discharging the relevant planning conditions, it became evident that no suitable or commercially available system could treat harvested rainwater to the required potable standard at the necessary scale in a cost-effective manner. Consequently, the implementation of the approved water neutrality measures has proven unfeasible.

This application therefore seeks to remove the relevant conditions to allow for a revised approach to water neutrality. A hybrid water neutrality strategy is now proposed, which comprises the following:

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Potable water (i.e. for drinking, handwashing, food preparation and similar uses) is proposed to be provided via connection to the mains water supply in accordance with the Sussex North Offsetting Water Scheme.

Non-potable water, specifically for toilet flushing purposes, will continue to be provided via the proposed rainwater harvesting system. This remains a sustainable and effective use of harvested water, reducing overall water demand on the public network.

This revised approach maintains a commitment to water neutrality while addressing the practical limitations encountered in implementing the original strategy. Full technical details of the revised system and its performance in relation to water neutrality objectives are provided within the accompanying documents.

This strategy has been outlined in an updated Water Neutrality Statement which is submitted for consideration alongside this application.

Please see the relevant conditions below to be altered and justification for their removal/ variation.

Condition 2 (Standard Plans)

The Water Neutrality referenced in the approved plans/ document's list must be updated to reflect the new Water Neutrality Statement (P4).

As referenced (Supporting Statement Water Neutrality C2861 02.12.2024) in decision notice should be varied to (Supporting Statement Water Neutrality C2861 11.06.25).

Condition 5 (Rainwater Harvesting Management Plan)

Condition 5's wording is set out below:

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"No new-build development above ground floor slab level shall commence until a management and maintenance plan for the rainwater harvesting system has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include the following details:

- 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.

- Detail on how any failure of any samples will be investigated and managed.

- Details, including a plan or schematic, showing the supply

- storage tanks, treatment etc, and means to record the total water consumption of each unit

- 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.

- 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.

- 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.

- Detail on the continuity of supply during dry periods extending beyond 35 days.

- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

- 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 authority.

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The management and maintenance plan shall be operated in full at all times. No alterations or revisions to the approved management plan shall be implemented without the written approval of the Local Planning Authority."

Condition 5, as currently worded, imposes an extensive and detailed requirement for a management and maintenance plan for a rainwater harvesting system. This includes stipulations such as the use of a DWI-certified sampler, testing via a UKAS-accredited laboratory, full Regulation 6 risk assessments, and contingency planning to ensure continuity of potable supply during prolonged dry periods. The scope and intensity of the requirements of condition 5 designed to govern a system where rainwater is to be used as the primary source of potable water for the development.
However, the applicant is no longer pursuing such a strategy. A revised water neutrality approach has been developed and is proposed in place of the original scheme (please refer to updated water neutrality strategy by CGS Civils). Under this updated strategy, potable water will be supplied via the Sussex North Offsetting Water Scheme (SNOWS), a regionally supported and strategically coordinated approach that ensures compliance with the Habitats Regulations.

Rainwater harvesting will now play a much more limited and targeted role, restricted exclusively to non-potable uses such as toilet flushing. As such, the system no longer requires treatment to potable standards. The extensive requirements set out in Condition 5, most notably those related to human consumption risk management, water sampling protocols, Regulation 6 assessments, and continuity of drinking supply, are therefore disproportionate and unnecessary in the context of the revised strategy.

The ongoing operation of a non-potable rainwater harvesting system can be satisfactorily managed under far less onerous maintenance provisions, as it no longer engages the regulatory frameworks governing private water supplies intended for consumption. Moreover, water neutrality will now be secured by the applicant's participation in the SNOWS scheme, and the Local Planning Authority retains control and certainty through the proposed alternative condition (see end of letter), which reflects the revised strategy

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and ensures that the development remains water neutral in accordance with Natural England's guidance.

In summary, the removal of Condition 5 is justified on the following grounds:

- The condition is no longer relevant given the change in the role of rainwater harvesting from potable to non-potable use only;
- The requirements set out in Condition 5 are disproportionate and in the context of a non-potable water system;
- Water neutrality is now being achieved through participation in SNOWS, a recognised and strategically endorsed offsetting scheme;
- A revised, appropriately worded condition has been proposed to reflect the updated water strategy and ensure the necessary level of oversight.
- We respectfully request that Condition 5 be removed and replaced with the alternative condition provided.

Condition 11

Condition 11's wording is shown below:

"The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (cgs civils, dated 2nd December 2024).

The building shall not be used/ occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy 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,

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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."

We request that this condition is altered to say.

"The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (cgs civils, 11th June 2025 P4).

The building shall not be used/ occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy 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."

This alteration to Condition 11 specifically references the new water neutrality strategy.

Condition 12

Condition 12's wording is shown below.

"Within 3 months of the first occupation of each unit (i.e. ground level and first floor level), evidence of the water consumption of the unit occupants shall be submitted to and have been approved in writing by the Local Planning Authority.

The evidence shall demonstrate that in combination with all other units sharing the same rainwater harvesting system, there is sufficient water supply from the rainwater

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harvesting system to cater for the demand of the development with a minimum of 35 days drought storage capacity. In the event the existing rainwater harvesting system fails to cater for the combined water consumption of the units, details of how suitable rainwater supply and storage will be provided shall be submitted to and be approved in writing by the Local Planning Authority alongside the above evidence, and shall be installed within 1 month of the date of its approval. Ongoing written evidence shall be made available to council officers upon their reasonable request."

This condition is not relevant or reasonably required by means of the alternative arrangement for potable water and grey water that are now proposed.

Condition 17

Condition 17's wording is shown below.

"The development hereby permitted shall not be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the rainwater harvesting system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the management and maintenance plan agreed under condition 5 until such time as the system is fully operational. The occupiers of each unit shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply."

The wording of the condition currently prevents any connection to the mains water network except in cases of temporary emergency and requires occupiers to revert immediately to contingency measures once the rainwater harvesting system is restored. It also mandates ongoing record-keeping to justify any exceptional use of mains water.

However, this condition is no longer compatible with the revised water neutrality strategy. The proposed scheme now requires a daily draw of 30.77 litres per day from the mains water supply.

To ensure compliance with Natural England's water neutrality expectations, the applicant is proposing to offset this modest water usage through formal

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participation in the Sussex North Offsetting Water Scheme. This allows the development to remain water neutral overall, with its calculated draw fully mitigated via SNOWS. Please refer to the updated water neutrality report for full details.

As such, the condition as currently worded prevents the delivery of the proposed scheme we therefore request that it be removed to enable a hybrid water strategy.

New condition suggested (prior to use)

a) The building shall not be bought into use until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme at 30.77l/day;

or,

ii) The applicant has confirmed in writing that the water neutrality strategy set out in the Water Neutrality Report C2861 P4 dated 11th June 2025) is to be fully implemented; and,

b) Pursuant to (a)(ii), the building shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented in accordance with Water Neutrality Report P4 (dated 11th June 2025). The evidence shall include the specification of fittings and appliances used, evidence of their installation, details of the rainwater harvesting system installed including a minimum 35 days storage capacity (at least 3948 Litres), including details of their location, in addition to evidence that their initial fill will be supplied with water from outside of the Water Supply Zone, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter, or to a similar improved water performance.

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Summary

This application seeks permission under Section 73 of the Town and Country Planning Act 1990 to vary/ remove Conditions 2, 5, 11, 12, and 17 of planning permission DC/24/1858, which granted consent for the demolition of an existing building and the construction of a replacement 1.5-storey community pavilion with associated parking and access.

The proposed amendments relate only to the water neutrality strategy. Under the approved scheme, rainwater harvesting was intended to supply 100% of the building's water needs. However, through ongoing discussions and technical review, it has become clear that achieving potable water standards via rainwater harvesting is not feasible. Accordingly, a revised, hybrid strategy is now proposed: non-potable uses (such as toilet flushing) will continue to be served by rainwater harvesting, while potable water will be drawn from the mains and offset through participation in the Sussex North Offsetting Water Scheme.

SNOWS guidance confirms that access to the scheme may be granted where the principle of development is acceptable, which in this case it has, via the original grant of permission DC/24/1858. The proposal remains a low water-use community facility, and the hybrid approach ensures that water neutrality can be robustly secured and prioritised.

We therefore respectfully request that the Local Planning Authority undertakes an Appropriate Assessment (AA) of the proposal based on the revised strategy and proceeds to consult with Natural England as required under the Habitats Regulations.

These changes represent a minor but necessary refinement of the water neutrality strategy and maintain full alignment with the requirements of SNOWS and the aims of the original permission.

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Yours faithfully,

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June 2025