

12 February 2026

Mr Matthew Porter
Development Management
Horsham District Council
Parkside
Chart Way
Horsham, RH12 1RL

JC/Let/P2185iii

Dear Mr Porter,

Section 73 Application to Vary Conditions and Deed of Variation to Discharge S106 Water Neutrality Obligations Pursuant to Planning Reference: DC/21/2233 (*Outline application for up to 265 dwellings, demolition of No. 37 Kings Barn Lane to provide new pedestrian/cycle/emergency link, provision of vehicular access from the A283 Steyning by-pass, provision of public open space, community orchard, sustainable drainage and other ancillary and enabling works. All matters reserved except for vehicular access from A283.*) at Land North of Glebe Farm and Kings Barn Lane, Kings Barn Lane, Steyning, West Sussex.

This letter is submitted in support of a Section 73 application to vary conditions attached to the planning permission granted on 29 November 2024 under reference DC/21/2233, for which works are yet to commence on site. The application also accompanies a Deed of Variation to discharge the existing Section 106 obligation relating 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 The Position Statement was withdrawn by letter on 31 October 2025.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/21/2233 was granted subject to a number of conditions, including Conditions 19 and 21, which relate specifically to the delivery of water neutrality, as set out below.

Managing Director
Chris Barker MATP MRTPI

Directors
Huw James MRTPI
Sam Sykes MRTPI

ECE Planning Ltd
Registered in England
No 7644833
VAT No 122 2391 54

Registered Office
Amelia House
Crescent Road,
Worthing BN11 1QR

- Condition 19: Pre-commencement (slab level) Condition: No development above ground floor slab level shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system, including management and maintenance plan, required by the approved water neutrality strategy (Technical Note 1: Water Neutrality Statement Date: 20 August 2024 Site: Glebe Farm, Steyning, Horsham by Motion) have been submitted to and approved in writing by the Local Planning Authority. The rainwater harvesting system shall include suitable storage tanks to provide a minimum 35 days storage capacity.
- Condition 21: Pre-Occupation Condition: No dwelling 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 dwelling has been implemented in full. 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, 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 29 November 2024 and the Legal Reference number is DM/2162.

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 73 application therefore seeks to vary the approved permission by removing Conditions 19 and 21 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.

Section 106 Deed of Variation

In parallel, an application is submitted to discharge 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 Water Neutrality S106 Agreement, in its entirety, would no longer serve a relevant planning purpose. The proposed Deed of Variation therefore seeks to abolish the Water Neutrality Section 106 Agreement in its entirety, rendering it no longer applicable to the land. It should be acknowledged that the main Section 106 Agreement (legal reference LS/002162) is proposed to remain in place, albeit amended by Deed of Variation recently submitted on 15 December 2025.

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 73 application and agrees to the Deed of Variation to discharge the Section 106 obligation relating to water neutrality, and abolish the Water Neutrality 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