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Jason Hawkes
Horsham District Council
Albery House
Springfield Road
Horsham
West Sussex
RH12 2GB L

Jim Beavan
E: jbeavan@savills.com
DL: +44 (0) 23 8071 3931

Mountbatten House
1 Grosvenor Square
Southampton SO15 2BZ
T: +44 (0) 238 071 3900
F: +44 (0) 238 071 3901
savills.com

Dear Jason

APPLICATION FOR A MINOR MATERIAL AMENDMENT TO PLANNING APPLICATION DC/23/0856 (APP/Z3825/W/23/3333968) – APPLICATION UNDER SECTION 73 TCPA 1990

KILNWOOD VALE – PHASE 3DEFG (PP-14500045)

I write on behalf of Crest Nicholson South, hereafter referred to as Crest. Pursuant to this full online submission please find attached the following information submitted in support of a Section 73 Minor Material Amendment (MMA) to Planning Application DC/23/0856 (Kilnwood Phase 3DEFG).

This letter sets out the context of the existing consent, the nature of the proposed amendments and the rationale and necessity for the change.

In addition to this letter, the application submission consists of:

- Application Form
- CIL Form
- The fee of £2,085 (paid via BACS)

Application Context

Phase 3DEFG

A Reserved Matters Application for Phase 3DEFG was submitted to the LPA (HDC) on 28 April 2023 and registered under the reference DC/23/0856. The description of development is as follows:

"Reserved Matters approval sought for Layout, Appearance, Landscaping, Scale and Access (in accordance with DC/15/2813) for Phase 3 D, E, F and G of the Kilnwood Vale development, comprising 280 dwellings with associated landscaping, access and parking".

The Council did not provide a decision within the determination period, which expired on 29 September 2023. An appeal was subsequently made by Crest against the LPA's non-determination of DC/23/0856. On 8 April 2024, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990.

The Decision Letter and Inspector's Report were received on 25 October 2024. The Inspector recommended that the reserved matters should be approved and the Secretary of State agreed with this recommendation.

Application Rationale

On 31 October 2025, Natural England issued a Withdrawal Statement confirming that its Water Neutrality

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Position Statement of September 2021 has been withdrawn.

For applicants, this means that:

1. No water neutrality statement is now required;
2. No payment into Sussex North Water Certification Scheme (SNWCS) is needed to use the Southern Water capacity referred to above;
3. No bespoke conditions or s106 obligations are required to demonstrate water neutrality.

As detailed on the HDC Planning Page, applications for new housing will still be required by condition to comply with the Building Regulations Part G Optional Technical Standard (currently 110 l/p/d) as required by Policy 37 of the Horsham District Planning Framework.

In light of Natural England's Withdrawal Statement, the following conditions amendments are proposed as part of the S73 Application:

- Condition 5 (Water Efficiency) – amended (as below)
- Condition 6 (Water Neutrality) – removed/deleted

Proposed Amendments

Condition	Proposed Amendment
5. No development above ground floor slab level shall commence until full details of the water efficiency measures required to achieve a maximum of 91.4 l/p/d have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the specification of all fixtures and fittings to be included in all dwellings, and a completed Part G calculator confirming the targeted water consumption is achieved. *i) No dwelling hereby permitted shall be occupied until the approved water efficiency measures to serve that dwelling have been installed and made available for use in accordance with approved details, with evidence of installation submitted to an approved in the writing by the Local Planning Authority.* *ii) The installed water efficiency measures, or any subsequent replacement of measures over the lifetime of the development, shall achieve equivalent or higher standards of water efficiency to those approved unless otherwise agreed in writing with the Local Planning Authority.*	Amended: *"5. The development shall be designed and built to comply with Building Regulations Part G2 Optional Technical Standard (110 l/p/d)"* ~~*5. No development above ground floor slab level shall commence until full details of the water efficiency measures required to achieve a maximum of 91.4 l/p/d have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the specification of all fixtures and fittings to be included in all dwellings, and a completed Part G calculator confirming the targeted water consumption is achieved.*~~ ~~*i) No dwelling hereby permitted shall be occupied until the approved water efficiency measures to serve that dwelling have been installed and made available for use in accordance with approved details, with evidence of installation submitted to an approved in the writing by the Local Planning Authority.*~~ ~~*The installed water efficiency measures, or any subsequent replacement of measures over the lifetime of the development, shall achieve equivalent or higher standards of water efficiency to those approved unless otherwise agreed in writing with the Local Planning Authority.*~~
6. No dwelling hereby permitted shall be first	Deleted

occupied until written agreement from the Local Planning Authority has been provided that either: *i) A water neutrality mitigation scheme has been secured via Horsham District Council's adopted Offsetting Scheme (in line with the recommendations of the Sussex North Water Neutrality Study: Part C – Mitigation Strategy, Final Report, December 2022). OR* *ii) A site-specific water neutrality mitigation scheme has been (a) agreed in writing with the Local Planning Authority as being equivalent to Horsham District Council's adopted Offsetting Scheme AND (b) implemented in full.*	~~*6. No dwelling hereby permitted shall be first occupied until written agreement from the Local Planning Authority has been provided that either:*~~ ~~*i) A water neutrality mitigation scheme has been secured via Horsham District Council's adopted Offsetting Scheme (in line with the recommendations of the Sussex North Water Neutrality Study: Part C – Mitigation Strategy, Final Report, December 2022). OR*~~ ~~*A site-specific water neutrality mitigation scheme has been (a) agreed in writing with the Local Planning Authority as being equivalent to Horsham District Council's adopted Offsetting Scheme AND (b) implemented in full.*~~

Summary

As detailed above, there is a strong rationale for these limited revisions to the consented development. The proposed removal/amendment of the 2no. Conditions comes as a direct response to Natural England's Withdrawal Statement and HDC's accompanying statement. The proposed MMA will not materially change the scale or nature of the approved development and, as such, it is appropriate in these circumstances to consider them as minor material amendments to the approved reserved matters planning consent under section 73 of the TCPA.

Compliance with Approved Parameter Plans

In accordance with Condition 3 of the extant outline planning consent, the proposals for reserved matters must be in substantial accordance with the parameter plans approved as part of the outline consent (DC/15/2813).

No amendments to the scheme are necessitated by the proposed minor-material amendments submitted herein. Accordingly the proposal is considered to be in continued accordance with the approved Parameter Plans.

EIA Statement of Conformity

As set out within the PPG, where an Environmental Impact Assessment was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations.

There are no reasons, in our view, why the proposals in this MMA application would make any material difference to the assessments and conclusions in the original ES.

The assessments submitted therefore remain valid and appropriate and there is as such, no need to revisit the conclusions reached in the Kilnwood Vale outline ES approved in October 2011. As such, this application should not need to submit an addendum or further review of the ES that was previously submitted and assessed as part of the outline consent.

Natural England are clear in their Withdrawal Statement that LPAs **do not** need to undertake an appropriate assessment or consult them on water scarcity issues affecting the Sites.

Summary and Conclusions

This letter supports an application for an MMA to Phase 3DEFG of the Kilnwood Vale development approved under reserved matters consent DC/23/0856.

The proposed MMA follows the publication of Natural England's Withdrawal Statement confirming that its Water Neutrality Position Statement of September 2021 has been withdrawn.

To enable the MMA, Conditions 5 and 6 are proposed to be amended/removed. The MMA will not necessitate a change to the description of the reserved matters development, and the amendments sit squarely within the principle and parameters of the extant outline planning consent, relevant national and local planning policy, as well as the Government's objectives to ensure that the planning system is flexible and can respond to changing circumstances.

If you require any information regarding this process, please do not hesitate to contact me.

Yours sincerely,



Jim Beavan
Savills Planning