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8AN**

SUPPORTING STATEMENT FOR:

**S73 Deletion/Variation of Condition to previously approved
application DC/23/1758. Deletion of Condition 9 (Water
Neutrality) and replacement with Water Consumption
requirements.**

JUNE 2026

CONTENTS	PAGE(S)
1.0 INTRODUCTION & BACKGROUND	3
2.0 DELETION OF CONDITION 9 (WATER NEUTRALITY)	4

RELEVANT INFORMAITON

Decision Notice DC/23/1758 for information

Delegated Report DC/23/1758 for information

1.0 INTRODUCTION & BACKGROUND

- 1.1 Following the grant of permission on 15 November 2023 (DC/23/1758) the Applicant now seeks the removal of the Water Neutrality Condition 9 as set out below and its replacement with the standard Building Control water condition following recent changes.

Pre-Occupation Condition: *The development hereby permitted not 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 the residential unit 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.*

Reason: *To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).*

2.0 DELETION OF CONDITION 9 (WATER NEUTRALITY)

2.1 As part of this application the removal of condition 9 relating to water neutrality is requested and its replacement with a condition requiring compliance with the Optional Technical Standard of Building Regulations Part G (110 litres of water per person per day).

2.2 This request follows the withdrawal of Natural England's former Position Statement on water neutrality. As confirmed on the Council's website,

"This follows agreement between Natural England, Southern Water and the Environment Agency that a reduction in the licence cap on water abstraction will ensure with sufficient certainty that development will not adversely impact the protected Arun Valley habitats. This is the primary element of interest to local authorities in making decisions regarding relevant plans or projects, as it removes the connection between abstraction and growth."

Natural England has now advised that issues of water abstraction can be addressed without requiring individual developments to demonstrate water neutrality. There is no need for water neutrality statements, no payments to SNWCS and no bespoke conditions or s106 obligations requiring water neutrality to be demonstrated.

2.3 Following Natural England's updated position, the Council remains mindful that the area remains one of having significant water stress and as a result *"all applications for new housing will 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"*. This standard limits water consumption to 110 litres per person per day. In respect of existing permissions, the Council's guidance confirms that:

"For applicants who have existing planning permissions with conditions and s106 obligations requiring compliance with bespoke water neutrality mitigation, we will consider applications under s.73 of the Town and Country

Planning Act to remove those conditions, and any associated applications to vary or discharge any relevant s106 obligations. If your permission is for new dwellings, we will instead apply a condition requiring compliance with the Building Regulations Part G Optional Technical Standard referred to above. This is the same condition we applied to all new dwellings prior to the 2021 Position Statement.”

- 2.3 Accordingly, as set out above this application seeks to amend the current permission to remove the water neutrality condition and replace it with a condition requiring compliance with the Optional Technical Standard of Building Regulations Part G (110 litres of water per person per day). The expectation is that this will be applied as a regulatory condition as normal and given the uniqueness of this matter it would not alter the approved scheme.
- 2.4 In summary it is hoped that having regard to latest guidance this change will be approved as soon as possible.