

DMA BUILDING DESIGNS

PLANNING STATEMENT

REMOVAL OF CONDITIONS 4,5 & 6

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1. Introduction

This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking the removal of Conditions 4, 5 and 6 which were incorporated into planning permission granted under reference DC/25/1007.

These conditions require the submission, implementation and verification of a water neutrality strategy, including rainwater harvesting and water efficiency measures. The conditions were imposed solely to address the former requirement for development within the Sussex North Water Supply Zone to demonstrate water neutrality.

Since planning permission was granted, there has been a fundamental change in the planning and environmental policy context. The requirement for developments within Horsham District to demonstrate water neutrality has now been withdrawn and no longer forms part of the Council's decision-making process.

2. Background

The original planning permission was granted at a time when Natural England's September 2021 Water Neutrality Position Statement required competent authorities to conclude that development would not result in increased water abstraction affecting the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites.

Accordingly, the Local Planning Authority imposed Conditions 4, 5 and 6 to secure compliance with the then-applicable water neutrality requirements.

3. Change in Circumstances

On 31 October 2025, Natural England formally withdrew its Water Neutrality Position Statement for the Sussex North Water Supply Zone following agreement between Natural England, the Environment Agency and Southern Water regarding abstraction licence changes and long-term mitigation measures. Horsham District Council.

Horsham District Council has subsequently confirmed that:

- development within the Sussex North Water Supply Zone is no longer required to demonstrate water neutrality;
- bespoke water neutrality conditions and Section 106 obligations are no longer required;
- no payments into offsetting schemes are required; and
- water neutrality measures are no longer necessary to make development acceptable in planning terms.

Furthermore, reports to Horsham District Council's Planning Committee confirm that, following the withdrawal of Natural England's Position Statement, new development is no longer required to demonstrate water neutrality and there is no policy basis requiring previously secured water neutrality measures to be retained.

4. Assessment of the Existing Conditions

Conditions 4, 5 and 6 were imposed solely to secure compliance with water neutrality.

Specifically:

- **Condition 4** requires details of a rainwater harvesting system, treatment and filtration equipment, maintenance arrangements and associated infrastructure.
- **Condition 5** requires submission of detailed water efficiency measures and rainwater/greywater harvesting proposals.
- **Condition 6** prevents occupation until evidence has been submitted demonstrating implementation of the approved water neutrality strategy.

The reasons for each condition explicitly state that they are imposed:

"To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites..."

No separate planning purpose is identified.

As the underlying requirement for water neutrality has now been removed, these conditions no longer serve any planning purpose.

5. Planning Considerations

Paragraph 58 of the National Planning Policy Framework confirms that planning conditions should only be imposed where they are:

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

The Government's Planning Practice Guidance similarly advises that planning conditions should not be retained where they are no longer necessary.

Given the withdrawal of the water neutrality requirement, Conditions 4, 5 and 6 no longer satisfy these policy tests because:

- they are no longer necessary to make the development acceptable;
- they no longer address an identified planning harm;
- they impose unnecessary technical and financial obligations upon the development; and
- they are unsupported by the current planning policy position adopted by Horsham District Council.

The proposed removal of these conditions would not alter the approved development, increase its environmental impacts or conflict with any current development plan policy.

6. Conclusion

The sole purpose of Conditions 4, 5 and 6 was to secure compliance with the former water neutrality requirements.

Following Natural England's withdrawal of its Water Neutrality Position Statement and Horsham District Council's confirmation that water neutrality is no longer required for development within the district, these conditions have become redundant.

Their retention would serve no planning purpose and would fail the policy tests for planning conditions contained within the National Planning Policy Framework and Planning Practice Guidance.

Accordingly, it is respectfully requested that Conditions 4, 5 and 6 be removed from the planning permission, with all remaining conditions to remain unchanged.

This version cites Horsham District Council's current position and is consistent with recent committee reports confirming that there is **no policy basis to require previously secured water neutrality measures to be retained** after the withdrawal of Natural England's position.