

HORSHAM DISTRICT LOCAL PLAN 2023 to 2040 EXAMINATION

Hearing Statement: Matter 6d

Strategic Policy HA(NP1): Land at Adversane (Kingswood) (MM227)

Representor: Janina Pedan | representation reference: none issued; representations on the Main Modifications include comments 1648, 1677, 1680, 1681, 1893

Hearing session: Tuesday 20 October 2026

Agenda items addressed: 6d(iii) Impacts and mitigation: wildlife and biodiversity; drainage and utilities. 6d(iv) Delivery: funding and phasing of necessary infrastructure and mitigation measures; identification of potential impediments.

1. Summary

1.1 This statement addresses whether the Council has lawfully assessed the effects of Policy HA(NP1) on the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, and whether the allocation is deliverable. It relates to my representation on MM227, in particular paragraphs 3.1 to 3.3 and Part 5.

1.2 Water quality. The Council's Habitats Regulations Assessment (HDCJB12, July 2026) ("the HRA") identifies a pathway by which wastewater from this allocation reaches the Arun Valley (paragraph 4.20; Appendix C). Paragraph 4.21 screens it out because discharge permits at four other works are being tightened, which relies on mitigation at the screening stage contrary to People Over Wind, as the HRA itself acknowledges (paragraph 1.11). Yet paragraphs 5.1 and 5.7 list water quality among the pathways taken forward to appropriate assessment, and none follows. Whichever reading is intended, the Council has not ascertained that the plan will not adversely affect the integrity of the sites, as regulation 105(4) requires.

1.3 The screening-out reasoning at paragraph 4.21 is carried over unchanged from October 2023, relies on phosphorus limits at four works that do not serve this site, and is contradicted by the Council's own 2023 nutrient calculation, which found an increase in phosphorus even with tightened permits. Paragraph 4.16 records Natural England's advice that the sites are also likely to fail nitrogen targets.

1.4 Ramsar features. The rare plants, ditch flora and invertebrates for which the Ramsar site is designated, statutorily protected since 21 May 2026, are not assessed.

1.5 Delivery. Southern Water records no available sewer or water network capacity near the site, and treatment capacity at Billingshurst is planned only to 2035.

1.6 I ask the Inspector to require an updated nutrient assessment and an appropriate assessment of water quality before the plan is adopted, and to add the policy criteria set out in section 9.

2. Legal framework

2.1 Regulation 105(1) of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) requires a plan-making authority, where a plan is likely to have a significant effect on a European site, alone or in combination with other plans or projects, to make an appropriate assessment of its implications in view of the site's conservation objectives before the plan is given effect. Regulation 105(2) requires it to consult Natural England and have regard to its representations. Regulation 105(1A), inserted by the Planning and Infrastructure Act 2025 (Schedule 5, paragraph 34), applies the same duty to Ramsar sites from 21 May 2026 (SI 2026/549, regulation 3); the transitional provision (regulation 4) saves only certain projects, not plans. Under regulation 105(4), the plan may be given effect only after the authority has ascertained that it will not adversely affect the integrity of the site.

2.2 A likely significant effect must be assumed unless it can be excluded on the basis of objective information. Measures intended to avoid or reduce harm cannot be taken into account at the screening stage: *People Over Wind and Peter Sweetman v Coillte Teoranta* (C-323/17) at [35] to [37] and [40]. The HRA accepts this at paragraph 1.11.

2.3 An appropriate assessment cannot have gaps, and must contain complete, precise and definitive findings capable of removing all reasonable scientific doubt: *Sweetman* (C-258/11) at [44]. All the habitats and species for which the site is protected must be catalogued: *Holohan* (C-461/17) at [37]. The duty is the Council's own: *R (Wyatt) v Fareham BC* [2022] EWCA Civ 983.

3. Issue 1: the water quality pathway reaches no lawful conclusion

3.1 HRA paragraph 3.14 identifies the main water quality risk from the plan as the discharge of treated sewage effluent, which could increase nutrient concentrations in the water feeding the Arun Valley.

3.2 The pathway is identified for this site. Appendix C (page 98) records that SA597 is likely to use Pulborough or Billingshurst wastewater infrastructure, which ultimately drains to the River Arun catchment, so that potential in-combination pathways are present. By contrast, PG3, which drains to the Adur, is recorded as having no linking pathway. A catchment test was applied site by site.

3.3 Paragraph 4.20 lists Adversane among the allocations that may link the plan to the Arun Valley via water quality. Paragraph 5.1 screens in “water quality and water quantity, level and flow” for the Arun Valley SAC and Ramsar site, and paragraph 5.7 states that the policies and allocations so identified “will be subject to Appropriate Assessment in the following chapter”. The promoter reads the HRA the same way: its scoping report lists “wastewater and nutrient loading” among the pathways the HRA identifies (Quod, June 2026, paragraph 4.58;

Appendix 1), and its shadow HRA will consider water quality for the Arun Valley SPA and Ramsar site (paragraph 12.38).

3.4 Chapter 6 contains sections on water quantity, functionally linked habitat and air pollution but not water quality. It gives no reason for the omission. Table 6 lists water quality as a pathway, but Table 7, described at paragraph 7.2 as the pathways that could not be screened out, omits it without explanation. Paragraph 7.3 reaches no conclusion on it.

3.5 Paragraphs 3.15 and 3.16 state that nutrient neutrality is not considered further because no nutrient neutrality requirement has been introduced for the Arun. Nutrient neutrality is a method of mitigation. The absence of a mitigation scheme does not remove the need to assess the effect that such a scheme would address.

3.6 The HRA therefore reaches no conclusion on the pathway it identifies as the main water quality risk, and regulation 105(4) cannot be satisfied.

4. Issue 2: the screening-out reasoning is outdated and contradicted by the Council's own evidence

4.1 Paragraph 4.21 screens the plan out for phosphorus because permits are being tightened at the Horsham, Warnham, Rudgwick and Storrington works, and concludes that the plan "is screened out at this time (October 2023)". That text is carried over from the 2023 HRA without updating, although the plan now includes a strategic allocation of 3,200 homes.

4.2 None of the four works named serves this allocation; Appendix C identifies Pulborough or Billingshurst. The permit for Billingshurst works (A.578/S/90, as varied on 25 March 2025; Appendix 2) sets a total phosphorus limit of 0.9 mg/l as a rolling 12-month mean and caps dry weather flow at 1,445 m³ a day. Up to that cap, phosphorus load can rise without further assessment.

4.3 Tighter permits lower the concentration of phosphorus in effluent, but more wastewater still adds more phosphorus to the river. The Council's own November 2023 HRA (Appendix D) calculated, using the tightened Billingshurst limit, that 650 homes at Land East of Billingshurst would add about 50.73 kg of phosphorus a year from wastewater, and about 41.79 kg a year net. Adversane is roughly five times that size. No equivalent calculation has been made for the modified plan.

4.4 The 2023 screening out was conditional. Appendix D, paragraph 7.57, stated that once Natural England's condition assessment was updated, the issue might require further assessment "either before plan adoption or as part of the first five-year Local Plan Review". That review (NERR143) was published in May 2025 and is cited at HRA paragraph 4.22. It records the ditch systems at all three floodplain sites as Unfavourable Declining, sets a total phosphorus target for the ditches of 0.1 mg/l or less, and lists water company discharges among the

pressures on the sites, albeit as a minor source. The HRA itself links the phosphate failures in the Arun and Storr to point-source pollution from a sewage works (paragraph 4.15), and the 2023 HRA identified effluent as the main contributor of phosphorus (Appendix D, paragraph 7.59). Deferral to a later review is no longer open: the review has reported, and regulation 105 requires the question to be answered before the plan is given effect.

4.5 Paragraph 4.22 nevertheless states that the treatment improvements give "confidence that the Local Plan will not adversely affect the integrity [of the sites] through phosphorus loading". That is the conclusion of an appropriate assessment, reached at screening without one. Paragraph 4.23 refers to "the calculation method presented in this Appendix"; that appendix is no longer in the HRA. The conclusion relates to phosphorus only, and defers other impacts beyond adoption. This cannot satisfy regulation 105(1) and (4).

4.6 Relying on tightened treatment standards to screen out an effect is also relying on mitigation at the screening stage, contrary to *People Over Wind* and to the HRA's own paragraph 1.11.

4.7 The latest Natural England advice on this pathway in the HRA dates from November 2021 (paragraph 4.16). Its letter of 10 November 2025 (Appendix 3) asked the Council to keep consulting it on appropriate assessments for impacts "other than water scarcity"; the HRA records no consultation on water quality, as regulation 105(2) would require.

5. Issue 3: the Ramsar features are not assessed

5.1 The Ramsar site is designated under criteria 2 and 3 for seven Red Data Book wetland invertebrates, rare and scarce plants, and ditches with an exceptionally rich flora, including duckweeds, water-cresses, water milfoils, water dropworts and pondweeds (HRA Appendix A, paragraph 7.25). These features are different from the SAC's qualifying species, the little whirlpool ram's-horn snail.

5.2 The 2023 HRA (Appendix D, paragraph 7.58) found that many of these plants, and the swollen spire snail, "are likely to be vulnerable to reductions in water quality". That assessment has been removed. HRA paragraph 4.16 records Natural England's advice that nitrogen is particularly impactful on the aquatic and riparian plants that form part of the Ramsar features.

5.3 Paragraph 6.1, which opens the water quantity assessment, names two receptors: the SAC snail and wintering waterfowl. The Ramsar plants and invertebrates are not considered anywhere in that assessment, and no reason is given for treating the SAC snail as a proxy for them. Holohan (C-461/17) allows an authority to establish that some features are not liable to be affected, but that requires reasoning, and none is given.

5.4 Since 21 May 2026 the duty to carry out an appropriate assessment applies to Ramsar sites by statute. The HRA is dated July 2026. Before that date Ramsar sites had equivalent protection as a matter of policy (HRA paragraph 1.2); the point is now one of legal compliance.

6. Issue 4: water supply

6.1 My Matter 5b statement explains why the HRA's water supply conclusion (paragraphs 6.3 to 6.7) is not yet secure. It rests on Natural England's advice, which depends on a licence variation the Environment Agency had not determined by 31 July 2026, and in the meantime on a finite interim pool of water savings. The same applies to this allocation: its 1,425 plan-period homes and 20,000 m² of commercial floorspace would draw on that pool if permitted before the licence takes effect. I ask the Council to confirm the licence position (paragraph 9.1(c)).

7. Issue 5: wastewater delivery (agenda item 6d(iv))

7.1 Southern Water's response of 14 August 2026 records that sewer capacity is not available for Land at Adversane (3,200 homes and 20,000 square metres of commercial floorspace), and records the same for Land East of Billingshurst, Land at Rosier Park and Old Reservoir Farm, Billingshurst. It also records no water network capacity near Adversane. I note Southern Water's view that this is not a constraint provided occupation is phased to align with the delivery of infrastructure.

7.2 Southern Water's statement for the Billingshurst works upgrade (June 2021, paragraph 3.1; Appendix 4) records a current load of 8,003 population equivalent, its own forecast of 8,997 by 2030, and design capacity of 9,204 to 2035. On those figures background growth uses most of the upgraded capacity by 2030, and the forecast predates the allocations in the main modifications. The Council should state which works will serve SA597, the remaining flow headroom under its permit (paragraph 4.2), and whether the plan's allocations will require a permit variation.

7.3 The question is whether the allocation is effective, that is, deliverable over the plan period (NPPF, September 2023, paragraph 35(c)), and whether the plan makes sufficient provision for wastewater and water supply infrastructure (paragraph 20(b)). The evidence does not yet show either for Adversane's plan-period homes. Southern Water records no available sewer or water network capacity near the site, and its forecast takes up most of the upgraded Billingshurst works' capacity by 2030. No document identifies when new capacity will be delivered. Southern Water's own remedy is a phasing criterion, which I ask be added to HA(NP1) (paragraph 9.2). Southern Water has also confirmed that it holds correspondence with the Council on the site's infrastructure requirements (my Matter 5b statement). That correspondence should be before the examination.

8. Functionally linked habitat

8.1 I support Natural England's representation on MM227 of 21 August 2026, which disagrees with the HRA's conclusion (Table 3) that this site is not potentially suitable for Bewick's swan and the waterfowl assemblage, and its proposed criterion requiring any application to be supported by an HRA and a wintering bird survey.

8.2 Four points add to Natural England's. First, Table 3 rests on GIS analysis and aerial imagery (paragraph 6.9). The Council's own EIA Scoping Opinion of 14 July 2026 (EIA/26/0005; Appendix 5) agreed the promoter's scoping-out only subject to further information, including "desk study data and field survey evidence", to support the claim that the site contains no functionally linked land for Bewick's swan.

8.3 Second, the safeguards relied on at paragraph 7.3 turn on the finding Table 3 has ruled out: surveys where suitable habitat is present (paragraph 6.15) and mitigation where functionally linked habitat is identified (paragraph 6.14). Strategic Policy 17 still requires proposals to show no adverse effect (paragraph 6.13), but nothing requires a wintering bird survey here, and the promoter's shadow HRA will adopt the plan HRA's framework (Quod, paragraph 4.60; Appendix 1). Natural England's criterion closes that gap.

8.4 Third, the promoter's EIA Scoping Report (Quod, June 2026, paragraphs 12.1 and 12.21; Appendix 1) states that baseline ecology surveys began in July 2025, yet its list of pathways for a shadow HRA (paragraph 12.38) includes functionally linked land only for The Mens and Ebernoe Common, not the Arun Valley. The Council should confirm whether wintering bird survey data for 2025 to 2026 exists, and what it shows.

8.5 Fourth, the Council's consultant advised on 22 June 2026 (HDCJB12a) that 17 allocated sites (including existing allocations) fall within the relevant zone and support suitable habitat for Bewick's swan. The Council should identify those sites and explain why this one is now found unsuitable as functionally linked habitat.

9. What I ask the Inspector to do

9.1 Require the Council, before adoption, to:

- (a) produce an updated nutrient assessment, using the method in Appendix D of the 2023 HRA or an equivalent, for all allocations draining to the Arun, including Adversane, alone and in combination;
- (b) carry out an appropriate assessment of water quality covering the SAC, SPA and all Ramsar features, in consultation with Natural England under regulation 105(2); and
- (c) confirm the status of the Hardham licence.

9.2 Recommend further main modifications to Policy HA(NP1) adding:

- (a) Natural England's criterion requiring any application to be supported by an HRA and a wintering bird survey; and
- (b) a phasing criterion based on Southern Water's recommendation in its response of 14 August 2026: "Occupation will be phased to align with the delivery of sewerage and water infrastructure, secured by condition in consultation with the service provider."

9.3 Ask the Council to state whether the HRA has been revisited since Southern Water's response of 14 August 2026 and Natural England's representation of 21 August 2026, and why the 2023 screening-out of water quality, which was conditional on Natural England's condition review, has not been revisited now that the review has been published.

10. Legal compliance and soundness

10.1 Issues 1 to 3 go to legal compliance under regulation 105 of the Habitats Regulations. If approached as soundness, the allocation is not justified, because the assessments the Council's own evidence identified as necessary have not been carried out. Issues 4 and 5 go to whether the plan is effective, that is, deliverable over its period.

10.2 I do not claim that the evidence shows harm to the Arun Valley. My point is that the Council has not carried out the assessment the law requires to rule harm out.

Appendices: (1) Quod, Kingswood EIA Scoping Report, June 2026, extracts; (2) Environmental permit A.578/S/90, as varied 25 March 2025, extracts; (3) Natural England to Horsham District Council, 10 November 2025; (4) Southern Water, Billingshurst WwTW Planning, Design and Access Statement, June 2021, extract; (5) Horsham District Council, EIA Scoping Opinion EIA/26/0005, 14 July 2026, extracts.

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Appendices to the statement of Janina Pedan

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Appendix	Document	Statement paragraphs	Pages
1	Quod, Kingswood EIA Scoping Report (June 2026), extracts: cover; paragraphs 4.58 to 4.61; 12.1 to 12.2; 12.19 to 12.21; 12.38	3.3, 8.3, 8.4	2 to 9
2	Environment Agency, environmental permit A.578/S/90, Billingshurst Wastewater Treatment Works, varied and consolidated 25 March 2025, extracts: cover; variation history; Table S3.1b (emission limits, including dry weather flow and total phosphorus)	4.2	10 to 13
3	Natural England, letter to Horsham District Council, 10 November 2025	4.7	14 to 15
4	Southern Water, Billingshurst Wastewater Treatment Works Upgrade: Planning, Design and Access Statement (June 2021), extracts: cover; paragraph 3.1	7.2	16 to 17
5	Horsham District Council, EIA Scoping Opinion EIA/26/0005 (14 July 2026), extracts: covering letter confirming the formal Scoping Opinion; comments on Chapter 12 (Biodiversity)	8.2	18 to 19

Documents already before the examination (including the Habitats Regulations Assessment, HDCJB12; its Technical Note, HDCJB12a; Natural England's withdrawal statement, HDC44a; and representations on the Main Modifications) are referred to by their references and are not reproduced.



Quod

EIA Scoping Report

Kingswood

June 2026

Q240997

4.57 Each environmental topic chapter scoped into the ES will be structured as follows:

- Introduction;
- Legislation, Planning and Guidance;
- Consultation;
- Assessment Approach;
- Baseline Conditions (including Future Baseline);
- Embedded Mitigation;
- Assessment of Effects – Demolition and Construction (including Additional Mitigation, Monitoring and Residual Effects);
- Assessment of Effects – Completed Development (including Additional Mitigation, Monitoring and Residual Effects);
- Cumulative Effects – an assessment of cumulative effects with other schemes; and
- Summary of Residual Effects

Co-ordination with Other Regimes

4.58 The Site lies within the zone of influence of a number of European designated sites identified in the Local Plan Habitats Regulations Assessment (HRA), including the Arun Valley SPA/Ramsar and SAC, Ebernoe Common SAC and The Mens SAC, which are designated under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'). Based on the scale and nature of the proposed Development, and consistent with the findings of the Local Plan HRA, the potential for likely significant effects (LSE) to arise through pathways including water resource demand, wastewater and nutrient loading, air quality and loss of functionally linked habitat, will need to be considered as part of the application. HDC as the competent authority, will be required to undertake an Appropriate Assessment of the planning application.

4.59 Where a development is subject to EIA and also requires assessment under Regulation 63 of the Habitats Regulations (known as a HRA), the competent authority must, where appropriate, ensure that the two processes are co-ordinated (Regulation 27 of the EIA Regulations). Whilst the EIA identifies and assesses likely significant environmental effects across a range of receptors, the HRA is a distinct process that considers whether the proposed development, alone or in combination with other plans and projects, would adversely affect the integrity of European sites in view of their conservation objectives.

4.60 The EIA and HRA processes will be co-ordinated, and the planning application will be accompanied by a Shadow HRA. The Shadow HRA will adopt the methodological framework and evidence base established in the Horsham Local Plan HRA, including its identification of relevant European sites and key impact pathways. It will include screening for likely significant effects and, where these cannot be excluded, information to inform HDC's Appropriate Assessment focusing on water resource demand (including demonstration of water neutrality), wastewater and nutrient inputs, air quality effects from traffic emissions, and potential effects on functionally linked habitat. The Shadow HRA will consider the proposed Development both alone and in combination with other plans and

projects, including growth identified in the Local Plan, and will be prepared in consultation with HDC and Natural England.

- 4.61 A Water Framework Directive screening assessment would also be undertaken.

12 Biodiversity

Key Baseline Considerations

- 12.1 Baseline ecology surveys are ongoing, with surveys commencing in July 2025 to inform the evolving masterplan.

Designated Sites

- 12.2 There are no statutory or non-statutory nature conservation sites within or adjacent to the Site. Five internationally designated sites lie within 10km of the Site as shown on Figure 12.1 including:
- The Mens SAC – c. 2.5 km west of Site. Annex I habitat – Atlantic acidophilous beech woodland. Annex II qualifying species – Barbastelle bats.
 - Arun Valley SAC / SPA / Ramsar – c. 4 km south of Site. Annex II species – Ramshorn snail. 1.6% of the UK population of Bewick's swan *Cygnus columbianus bewickii* and regularly used by over 20,000 waterfowl. The site is of outstanding ornithological importance for wintering waterfowl and breeding waders.
 - Ebernoe Common SAC – c. 7.74 km west of Site. Annex I habitat - Atlantic acidophilous beech woodland. Annex II qualifying species – Barbastelle and Bechstein's bats.
- 12.3 Eight nationally important SSSIs lie 5km of the Site; the closest comprising the Upper Arun SSSI, c. 2km west of the Site, which is designated for assemblages of breeding dragonflies including a number of rare species and diverse riverine flora. Figures 12.1 and 12.2 show the location of international and national designated sites.
- 12.4 The Site lies within multiple Impact Risk Zones (IRZ) for designated sites, including The Mens SAC / SSSI, Arun Valley SAC / SPA / Ramsar, and Upper Arun Valley SSSI. The Site at c. 2.5km east of the The Mens SAC and c. 7.74 km from Ebernoe Common SAC, and therefore falls within the defined 6.5 km Key Conservation Area of The Mens SAC and within the 12 km Wider Conservation Area of the Ebernoe Common SAC as defined within the Sussex Bat SAC Protocol⁵³ (SDNPA/NE joint guidance). As such, habitats within and surrounding the Site may function as supporting foraging and commuting habitat for SAC bat populations and will require consideration within the HRA process.
- 12.5 There are 16 non-statutory sites of local importance, including 14 Local Wildlife Sites (LWS) and two Designated Road Verges (DRV); the closest comprising the Northwood Farm Fen and Brinsbury College LWS located c.500m west of the Site.

⁵³ South Downs National Park Authority / Natural England (2017). *Sussex Bat Special Area of Conservation Planning and Landscape Scale Enhancement Protocol*. Final Draft.

- 12.16 Detailed species-specific surveys commenced at the Site in 2025 and are ongoing. The survey area for the more detailed surveys based on each individual survey requirement and particularly the potential Zol relevant to any potential adverse impact.

Significant Important Ecological Features

- 12.17 At this stage, the Important Ecological Features (IEF) which have the potential to experience significant impacts and which will be considered within the assessment are as follows:
- Internationally designated sites and their qualifying features, such as The Mens SAC, Arun Valley SAC / SPA / Ramsar (and associated SSSIs) and Ebernoe Common SAC;
 - The Upper Arun SSSI;
 - Irreplaceable Ancient Woodland and Veteran Trees within the Site and within 200m of the affected road network;
 - HPI within the Site such as Lowland Mixed Deciduous Woodland and Hedgerows;
 - Other notable habitats, such as acid grassland, ponds, ecologically valuable tree lines and individual (non veteran) trees;
 - Great crested newt;
 - Breeding birds;
 - Invertebrates;
 - [REDACTED]
 - Bats (roosting, foraging and commuting habitat);
 - Hazel dormouse;
 - Water vole;
 - Reptiles; and
 - Other protected, rare or notable species, such as hedgehog and brown hare.
- 12.18 The desk study search areas have been defined with reference to the Zone of Influence (Zol) of the Development, in accordance with CIEEM guidance. The Zol reflects the extent over which ecological features may be affected by impact pathways associated with the scheme, recognising that this varies depending on the nature of the receptor and impact.

Scope of Assessment

Potential Significant Effects

- 12.19 The Development has the potential to result in the following impact pathways during the construction stage which could result in significant effects:
- Potential effects on designated sites, including The Mens SAC, Ebernoe Common SAC, Arun Valley SAC/SPA/Ramsar (and associated SSSIs), and Upper Arun SSSI arising from:
 - air pollution (including dust and road traffic emissions from construction vehicles);
 - changes to hydrological regimes and water quality; and

- indirect impacts on supporting habitats within the Zol.

- Potential effects on SAC bat populations via changes to functionally linked habitat, including: degradation or loss of foraging habitat; fragmentation or severance of commuting routes; and increased artificial lighting affecting dark corridors;
- Loss or deterioration of irreplaceable habitats, including Ancient Woodland and Veteran Trees, through direct land take, root protection area incursion, or indirect effects (e.g. edge effects, compaction or pollution);
- Loss or degradation of Priority Habitats (HPI), including Lowland Mixed Deciduous Woodland and Hedgerows, through direct removal, severance or construction-related disturbance;
- Direct habitat loss and modification affecting habitats that support protected and/or notable species;
- Risk of injury or mortality to protected and notable species (e.g. bats, great crested newt, breeding birds, [REDACTED] hazel dormouse, reptiles and water vole) during site clearance and construction activities;
- Disturbance to fauna arising from noise, vibration, lighting and human activity, including disturbance to roosting, breeding or resting sites;
- Fragmentation and severance of habitats and ecological corridors, affecting movement and ecological connectivity;
- Indirect effects on habitats and species, including changes in habitat quality (e.g. dust deposition, pollution or hydrological change); and
- Introduction and/or spread of invasive non-native species (INNS) during construction activities.

12.20 The Development has the potential to result in the following impacts during the completed Development stage which could lead to significant effects:

- Potential effects on designated sites, including The Mens SAC, Ebernoe Common SAC, Arun Valley SAC/SPA/Ramsar (and associated SSSIs), and Upper Arun SSSI arising from:
 - air pollution (including atmospheric nitrogen deposition from road traffic);
 - changes to hydrological regimes, including water levels, flows and water quality; and
 - loss, degradation or fragmentation of functionally linked habitat supporting European sites;
 - indirect impacts on supporting habitats within the zone of influence; and
 - recreational pressure (where relevant - not identified as a key pathway).
- Potential effects on SAC bat populations via changes to functionally linked habitat, including: degradation or loss of foraging habitat; fragmentation or severance of commuting routes; and increased artificial lighting affecting dark corridors;
- Disturbance to irreplaceable habitats, including Ancient Woodland and Veteran Trees, arising from road traffic emissions, increased recreational use, trampling, or edge effects;

- Long-term disturbance to protected and notable species, particularly from artificial lighting, human activity and domestic pressures (e.g. pets);
- Degradation of Priority Habitats, including woodland and hedgerow networks, through increased recreational use, fragmentation or changes in management;
- Introduction and spread of invasive non-native species, including via garden planting and disposal of garden waste; and
- Indirect, long-term changes to habitat condition and ecological connectivity, including urbanisation effects (e.g. lighting, noise and edge effects).

Non-Significant Effects

12.21 The following effects are scoped out on the basis of available desk study information and field survey evidence, and in the absence of any evidence of sensitive receptors or credible impact pathways. These conclusions will be kept under review as additional survey data becomes available.

- Effects on other statutory and non-statutory nature conservation sites - due to their distance from the Site;
- Loss of habitats of low value to biodiversity – e.g. arable croplands and improved grasslands (whilst low valuable habitats, where a particular species favours this habitat, effects on such species will be fully assessed);
- Qualifying bird species for the Arun Valley SPA - Based on the distance from the Arun Valley SPA, the nature of intervening land, field size and enclosure, and the absence of habitat types typically associated with SPA qualifying bird use, the Site is not considered to be suitable functionally linked land. This conclusion is supported by desk study data and field survey evidence.
- Otter – It is considered unlikely that otter will be present within or adjacent to the Site. The nearest riparian habitat is located at least 10m from the south-western boundary, beyond an area of shortly grazed pasture. This section of river resembles an infrequently inundated ditch with little foraging and commuting suitability for otter.

Assessment Methodology

Baseline Characterisation Approach

Desk study

12.22 The desk-based study will be informed by a review of the following sources:

- The 'MAGIC' (Multi-agency Geographic Information for the Countryside) website, including Natural England Open Data;
- Sussex Biological Records Centre;
- Woodland Trust. Ancient Tree Inventory⁵⁵;

⁵⁵ Woodland Trust (2026) *Ancient Tree Inventory*. Available at: <https://ati.woodlandtrust.org.uk> (Accessed: 21 May 2026).

- 12.31 The CIEEM guidelines state that ecological impacts and effects should be characterised in terms of ecosystem structure and function and reference should be made, as required, to: positive, negative or neutral effects; extent; magnitude; duration; frequency and timing; reversibility; and cumulative effects. The guidelines provide a list of 'aspects of ecological structure and function to consider when predicting impacts and effects'.

Determining significant effects

- 12.32 The term 'effect' relates to the outcome of an impact, e.g. change in population size or conservation status due to habitat loss.
- 12.33 Following impact characterisation, the significance of effects will be evaluated with reference to the importance of the affected ecological feature and the nature of the effect. Significant effects are those that: affect the integrity or conservation status of a habitat or species population at a defined geographic scale; and/or affect the structure and function of a site, habitat or ecosystem. The geographic scale at which a feature is important (e.g. local, district, county) provides the context for determining the significance of the effect.
- 12.34 For the purposes of this assessment, a significant effect is one that is sufficiently important to influence decision-making, by either supporting or undermining biodiversity conservation objectives for identified IEFs. Consistent with CIEEM guidance, a significant effect does not necessarily preclude development, and may be acceptable where the mitigation hierarchy has been appropriately applied.
- 12.35 The assessment of significance is based on professional judgement, informed by established criteria where available and relevant (e.g. for air quality effects).

Cumulative Effects

- 12.36 Cumulative effects will be assessed where there is potential for the Development to interact with other plans or projects to give rise to effects that are significant in combination. This will be undertaken with reference to identified ecological receptors and established zones of influence.

Biodiversity Net Gain

- 12.37 Biodiversity Net Gain (BNG) calculations will be undertaken using the UK-wide industry accepted metric, the Natural England Statutory biodiversity metric published in 2023. This provides a transparent and robust quantitative measure of biodiversity change.

Information to Inform Habitats Regulation Assessment

- 12.38 The Applicant will provide a project-level Shadow HRA report to assess the potential for likely significant effects from the Development (alone and in combination with other plans and projects). The purpose of the Shadow HRA will be to provide information to inform HDC's Appropriate Assessment. The Shadow HRA would consider all relevant impact pathways for likely significant effects as identified in the Draft Local Plan HRA reports, including:
- Water resources: quantity, levels and flows, water quality - Arun Valley SPA/Ramsar;
 - Loss of functionally linked land - Ebernoe Common SAC and The Mens SAC (Annex II bat species);



Notice of variation and consolidation with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

Southern Water Services Limited

Billingshurst Wastewater Treatment Works

Stane Street

Billingshurst

West Sussex

RH14 9JU

Variation application number

A.578/S/90/V006

Permit number

A.578/S/90

Status log of the permit		
Description	Date	Comments
Permit modified A.578/S/90	14/10/2008	OSM Tier 3 added. Effective 01/04/2009.
Permit modified A.578/S/90	31/03/2010	New DWF definition and MCerts flow measurement conditions added.
Permit varied A.578/S/90/V002	31/03/2020	Permit varied to incorporate improvements to be delivered under AMP6 and AMP7 (phosphorus removal).
Permit varied A.578/S/90/V003	29/04/2020	Permit varied to bring iron and pH limits forward.
Permit varied A.578/S/90/V004	22/12/2022	Permit varied to incorporate improvements to be delivered under AMP7 (rolling mean dissolved zinc limit added under WFD_NDLS_Chem2 driver). Ph limit also removed – alkalinity dosing takes place solely to aid process performance.
Environment Agency initiated variation A.578/S/90/V006	12/01/2025	Variation of permit initiated under PR19 review programme to incorporate improvements to be delivered under AMP7 (U_MON1, U_IMP6, U_MON3 and U_MON4). Permit is within the 4-year hands off period and the operator has agreed in principle to the permit being varied within this period.
Variation determined A.578/S/90	25/03/2025	Varied and consolidated permit issued in modern condition format. The WIMS number of this permit is A00526.

End of introductory note

Table S3.1b Point Source emissions to water (other than sewer) – emission limits and monitoring requirements**Effective from 31 March 2026 unless another date is agreed in writing by the Environment Agency**

Effluent(s) and discharge point(s)	Parameter	Limit (including unit)	Reference Period	Limit of effective range	Monitoring frequency	Compliance Statistic
A1 Secondary treated sewage effluent via Outlet 1	Dry weather flow	1445 m ³ /day	Total daily volume	N/A	Continuous	Condition 3.1.5 applies
	15-minute instantaneous or averaged flow	No limit set. Record as l/s	15 minute	N/A	Continuous	N/A
	ATU-BOD as O ₂	7 mg/l	Instantaneous (spot sample)	N/A	As specified in schedule 3B	Look up table (Conditions 3.1.2 and 3.1.3 apply)
	ATU-BOD as O ₂	44 mg/l	Instantaneous (spot sample)	N/A	As specified in schedule 3B	Maximum (Condition 3.1.3 applies)
	Ammoniacal nitrogen (expressed as N)	3 mg/l	Instantaneous (spot sample)	N/A	As specified in schedule 3B	Look up table (Conditions 3.1.2 and 3.1.3 apply)
	Ammoniacal nitrogen (expressed as N)	12 mg/l	Instantaneous (spot sample)	N/A	As specified in schedule 3B	Maximum (Condition 3.1.3 applies)
	Suspended solids (measured after drying at 105°C)	30 mg/l	Instantaneous (spot sample)	N/A	As specified in schedule 3B	Look up table (Conditions 3.1.2 and 3.1.3 apply)
	Suspended solids (measured after drying at 105°C)	60 mg/l	Instantaneous (spot sample)	N/A	As specified in schedule 3B	Maximum (Condition 3.1.3 applies)
	Total iron as Fe	4000µg/l	Instantaneous (spot sample)	N/A	As specified in schedule 3B	Look up table (Conditions 3.1.2 and 3.1.3 apply)
	Total iron as Fe	8000µg/l	Instantaneous (spot sample)	N/A	As specified in schedule 3B	Maximum (Condition 3.1.3 applies)
	Total phosphorus as P	0.9 mg/l	Instantaneous (spot sample)	N/A	As specified in schedule 3B	Rolling 12 month mean (Conditions 3.1.3 and 3.1.6, 3.1.7 and schedule 3D apply)

Table S3.1b Point Source emissions to water (other than sewer) – emission limits and monitoring requirements**Effective from 31 March 2026 unless another date is agreed in writing by the Environment Agency**

Effluent(s) and discharge point(s)	Parameter	Limit (including unit)	Reference Period	Limit of effective range	Monitoring frequency	Compliance Statistic
	Dissolved zinc as Zn	52 µg/l	Instantaneous (spot sample)	N/A	As specified in schedule 3B	Rolling 12 month mean (Conditions 3.1.3 and 3.1.6, 3.1.7 and schedule 3D apply)
	Visible oil or grease	No significant trace present so far as is reasonably practicable	Instantaneous (visual examination)	N/A	N/A	No significant trace (Condition 3.1.3 applies)
	ATU-BOD as O ₂ (UWWTR)	Minimum of 70 % removal compared to influent	24 hour composite	To be compliant a sample has to meet the 70% removal standard or the 25 mg/l limit not both	As specified in schedule 3C	Look up table (Conditions 3.1.2 and 3.1.4 apply)
	ATU-BOD as O ₂ (UWWTR)	25 mg/l				
	ATU-BOD as O ₂ (UWWTR)	50 mg/l	24 hour composite	This limit does not apply if a sample has met the 70% removal standard	As specified in schedule 3C	Maximum (Condition 3.1.4 applies)
	COD as O ₂ (UWWTR)	Minimum of 75 % removal compared to influent	24 hour composite	To be compliant a sample has to meet the 75% removal standard or the 125 mg/l limit not both	As specified in schedule 3C	Look up table (Conditions 3.1.2 and 3.1.4 apply)
	COD as O ₂ (UWWTR)	125 mg/l				
	COD as O ₂ (UWWTR)	250 mg/l	24 hour composite	This limit does not apply if a sample has met the 75% removal standard	As specified in schedule 3C	Maximum (Condition 3.1.4 applies)

Date: 10 November 2025



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T 0300 060 3900

BY EMAIL ONLY

Dear Adrian Smith,

Thank you for your consultation dated 04 November 2025 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

As you are aware, in September 2021 Natural England released a Position Statement stating that it could not be concluded that the existing abstraction within Sussex North Water Supply Zone was having no impact on the Arun Valley designated sites and therefore new development in this zone should demonstrate water neutrality.

On 31st October 2025, we wrote to the relevant local authorities to formally withdraw this Position Statement on the basis that a package of measures has been agreed which ensures no adverse effect on the integrity of the Arun Valley designated sites, without the need for development to demonstrate neutrality.

We note that your authority, as competent authority, feels that further information is required before you can be satisfied that the agreed package of measures can be sufficiently secured and effective in practice, namely the formal amendment of Southern Water's abstraction licence by the Environment Agency. Therefore, in the interim period, your authority has proposed to continue undertaking appropriate assessments and to utilise the demand capacity generated by Southern Water's efficiency savings originally planned to be used by the Sussex North Water Certification Scheme (SNWCS) to conclude no adverse effect on integrity.

Natural England advises the package of measures agreed with Southern Water, Natural England and the Environment Agency removes the risk of a likely significant effect. However, we acknowledge that your authority has proposed an alternative approach.

Natural England has previously reviewed and agreed the Southern Water efficiency savings figures (3.24Ml/day) referred to in your submitted Appropriate Assessment template. In the light of this, we are satisfied that they are reliable. Therefore, if consulted on future planning applications which seek to benefit from these efficiency savings, we will not raise an objection on the basis of adverse effect risk.

Please therefore take this letter as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the Southern Water efficiency savings referred to

above. We welcome your proposal to have water neutrality officers monitoring all permissions granted within the supply zone to ensure the available capacity referred to is not exceeded and that you will update Natural England if capacity is approaching being reached.

Please be advised that your authority should continue to consult us on appropriate assessments addressing impacts upon European designated sites other than water scarcity.

Please take this letter as our ongoing substantive advice, to be reviewed in 12 months' time from the date of this letter or once the savings identified to be used as mitigation have run out.

Yours sincerely,

Sophie Moore

Senior Officer for Sussex, Sustainable Development

Billinghurst Wastewater Treatment Works Upgrade - Alkalinity and Ferric Kiosks

Planning, Design and Access Statement

Planning Portal Reference: PP-09937561

Date: June 2021
Version 1

2. Site and Description

- 2.1 The application site is within Billingham WwTW. The WwTW is in a rural location to the south west of Billingham. The site is accessed from the A29 (Roman Stane Street) via a 400 metre (m) long single-track concrete access road, refer to Location Plan (drawing 639106-02-ATK-ZZ-XX-DR-X-0001).
- 2.2 The WwTW serves a population equivalent of 8003 people from the Billingham area and surrounding villages.

The Wastewater Treatment Process

- 2.3 Wastewater arrives at Billingham WwTW inlet works via rising mains; it is then screened to remove large debris. The wastewater then flows into a grit extraction tank. The grit is washed before being deposited in skips and taken to designated landfill sites.
- 2.4 The wastewater then flows into two primary settlement tanks, where solid material settles out. This solid material (sludge) is transferred to sludge tanks. The settled wastewater passes through five biological percolating filter beds where bacteria breakdown the waste and the effluent then passes into humus tanks for final settlement. The flow is then pumped up to two nitrifying sand filters which remove nitrogen and then gravitates to tend deep bed sand filters for further solids removal/treatment before the treated effluent is discharged to the adjacent watercourse, Par Brook.
- 2.5 Chemical dosing (ferric sulphate), which relates to the proposed ferric kiosk, is dosed before the primary tanks and also before the humus tanks. This is to aid phosphorous removal and to help with solids removal.
- 2.6. Chemical dosing (caustic), which relates to the proposed alkalinity kiosk, is dosed before the filter beds and before the nitrifying sand filters.
- 2.7 Sludge, which is an inevitable by-product of the wastewater treatment process is stored in a sludge holding tank prior to being transferred by tanker to the Goddards Green sludge recycling centre for further treatment.

3. Need for the Upgrade

- 3.1 Billingham WwTW currently serves a population equivalent (PE) of 8,003. The forecast population growth was 8,280 and 8,997 PE for 2020 and 2030, which exceeds the treatment capacity of the WwTW. The upgrade scheme is necessary to meet a new discharge permit set by the Environment Agency for population growth up to the 2035 design horizon of 9,204, which include limits on Phosphorus (0.9 mg/l) and Iron (4/8mg/l LUT/UT) in the treated effluent discharged from the WwTW. The regulatory output by which the requirements of the discharge permit need to be met is 22/12/21.



Maddy Truman
Quod

Our ref: EIA/26/0005
Your ref:
E-mail: Jason.hawkes@horsham.gov.uk
Direct line: 01403 215162
Date: 14th July 2026

Dear Ms. Truman,

Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

Request for a formal EIA Scoping Opinion for the proposed development at Adversane (to be known as Kingswood), Horsham, West Sussex.

Following your email requesting a formal Scoping Opinion for the proposed development at the Kingswood, please find attached a copy of the Scoping Opinion issued on behalf of Horsham District Council. The opinion incorporates the views of the statutory consultees and other relevant departments within the Council.

You are referred to the full comments of the Environment Agency, Historic England, Natural England, HDC Landscape Officer and HDC Ecology. These can all be viewed on line via the HDC website: <https://www.horsham.gov.uk/planning> using the reference EIA/26/0005.

I confirm that this letter forms Horsham District Council's formal Scoping Opinion based on the information submitted to date and will be placed on the public register.

Yours sincerely

Jason Hawkes
Principal Planning Officer

recommended that the emission mitigation statement contain itemised costing for each proposed mitigation option and total value of all proposed emissions' mitigation. This should be equal to the value from Emissions calculation and total calculated value of emissions' health damage cost. Sussex Air quality guidance aims to avoid the duplication of measures that would normally be required through other regimes.

- In terms of modelling, additional traffic generated by the development is expected to affect Pulborough. Although no AQMA has been designated, concerns in the area have grown since the A29 landslide in 2023. Despite ongoing efforts to address the issue, congestion and vehicle queuing persist, influencing local air quality. NO₂ concentrations close to the air quality objective have been recorded at Church Hill/London Road. It is therefore essential that sensitive receptors in Pulborough are appropriately modelled and that any potential impacts are minimised.
- Consideration should also be given to the site's proximity to the Storrington AQMA, including the effects of any additional traffic.
- The assessment should be transparent and thus, where reasonable, all input data used, assumptions made, and the methods applied should be detailed in the report (or appendices). Please provide full statistical analyses to give full picture of the model performance.

Chapter 8: Noise and Vibration:

- The HDC Environmental Health will be making comments on this chapter. These comments will be forwarded to you as soon as they are received.

Chapter 10: Water Resources and Flood Risk:

- West Sussex County Council Local Lead Flood Authority have commented that, as this is an EIA scoping application it is accepted that the majority of the surface water related information will be included within any Flood Risk Assessment/Drainage Strategy provided with any substantive application, therefore the LLFA will provide detailed comments on matters within their scope when the planning application is submitted.
- While the LLFA appreciate the withdrawal of the Water Neutrality position statement, water recycling shall be considered for this application, as West Sussex is seriously water stressed (Standard 1 in National Standards for SuDS). There are several examples nationwide where water recycling has been used for strategic sites such as this one.
- You are also referred to the separate comments from the Environment Agency which can be viewed via the HDC website.

Chapter 11: Landscape and Visual:

- You are referred to the comments from the HDC Landscape Team which can be viewed via the HDC website.

Chapter 12: Biodiversity:

- You are referred to the comments from the HDC Consultant Ecologist and the Environment Agency which can be viewed via the HDC website.
- The HDC BNG Officer has commented that the proposed methodology, ZOI, and identified IEFs and current IEFs suggested to be scoped out (section 12.21), is generally agreed subject to further information being provided to support the impact assessment, as follows:
 - Impacts on local wildlife sites c.500m west of the site resulting from increased PROW use should be considered in any forthcoming EIA, given the scale of the development.
 - Further information such as desk study data and field survey evidence is expected to support the claim that the site contains no functionally linked land for Bewick's swan.