

Appendix 1 – HDC Response to Issues raised in relation to the HRA

Issue raised	HDC Response
Issue 1: The HRA identifies a pathway by which wastewater from the allocation site reaches the Arun Valley (para 4.20, Appendix C). Para 4.21 screens it out because discharge permits are being tightened elsewhere – which is reliant on mitigation contrary to the People Over Wind Judgment (which the HRA acknowledges in para 1.11). Para 5.1 and 5.7 list water quality pathways as taken forward to appropriate assessment but this does not occur. As such, can't conclude that the council has assessed whether it will affect integrity of the site which regulation 105(4) requires. [paras 1.2 & 3.1-3.6 of the hearing statement]	Paragraph 4.2.1 does not reference mitigation, as the measures to improve the quality of WwTW discharge referenced in that paragraph are <u>not</u> 'measures intended to avoid or reduce the harmful effects of the plan' as per People over Wind. The tightening of WwTW discharge consents referenced in paragraph 4.2.1 are part of a standard national process undertaken by the Environment Agency (called Review of Consents) to monitor and address <u>existing</u> concerns regarding WwTW discharges and are unrelated to Local Plans (since the vast majority of treated wastewater discharged is from existing development). Paragraph 4.2.1 notes that the EA has undertaken a process to review WwTW discharging to the Arun catchment and if necessary reduce the nutrient concentration of discharged effluent, to ensure an acceptable standard of treatment for all development (existing and new) connected to those WwTW, to continue to protect water quality in the Arun Valley SPA/SAC/Ramsar. If a WwTW has not had its permit tightened it is because effluent quality is already deemed acceptable by the EA. Therefore, the treatment standards applied at all WwTW discharging to the Arun catchment are deemed sufficient to protect the European site by the regulator, and thus no likely significant effect will arise from additional development being served by those WwTW provided the legally-mandated permit conditions are adhered to by the water company. While a standard provision in Local Plans and not specific to Arun Valley SAC/SPA/Ramsar site (and therefore not constituting mitigation as per People over Wind), Strategic Policy 41 of the Local Plan explicitly states that '<i>The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development... Where there is a need for extra capacity, this will need to be provided in time to serve the development or the relevant phase of the development, in order to ensure that the environment and amenities of existing or new local residents is not adversely affected</i>' thus ensuring that development will not be released for developed until the necessary infrastructure (including wastewater treatment infrastructure) is in place. The listing of water quality in paragraph 4.66 and 5.1 of the HRA is therefore an error, hence why the appropriate assessment does not discuss water quality.
Issue 2: Screening out reasoning has not been updated from 2023 and council's work found an increase in phosphorus even with tightened permits. NE advice is that the site will fail nitrogen targets. EIA scoping report for the applicants are aware of the issue and screened in such issues. [paras 1.3 & 4.1-4.7 of the hearing statement]	The 2023 HRA (SD07) included in Appendix D an entirely voluntary set of nutrient neutrality calculations. In that HRA they are explicitly badged as 'horizon scanning' in the event that a nutrient neutrality requirement was to be identified in the future by Natural England regarding Arun Valley SAC/Ramsar i.e. in the event if was ultimately concluded by Natural England that, even following the RoC process referenced under Issue 1, WwTW discharge was having a likely significant effect on Arun Valley SAC/SPA/Ramsar site. However, in the nearly three years since that report was written no such requirement has been introduced and there is no indication of one being introduced. Natural England undertook a condition review of the Arun Valley, the results of which were published in May 2025. Natural England provided the local authorities within the Sussex North Water Resource Zone with a summary document which is attached at Appendix 2. (For the avoidance of doubt the note was issued prior to the withdrawal of the water neutrality position statement. The Natural England position on water neutrality in Appendix 2 has therefore been superseded).

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	The summary document outlines that <u>the primary source of nutrients in the Arun Valley is from diffuse pollution sources (e.g. run off from agriculture)</u>. Natural England has concluded that the most appropriate way of addressing elevated nutrient levels is therefore to work with landowners and focus on improvements of livestock and arable land management. An exception to this trend was identified at Waltham Brooks where a significant input of nutrients into the SSSI from the Coldwaltham Brooks Wastewater Treatment Works (WwTW) was noted. However, that WwTW does not serve properties which are the subject of proposed development in the Horsham District Local Plan. The advice provided by Natural England on water quality matters therefore remains that there is no requirement for nutrient neutrality. No further assessment of is therefore required as part of the HRA process. Moreover, the approach to calculating nutrient budgets has changed substantially since the Appendix D of the 2023 HRA was produced, which took a generic phosphorus calculator and applied it to Horsham allocations. Calculators must now be tailored to the specific circumstances of individual Habitats sites, and for all relevant European sites these calculators have been produced by Natural England to ensure consistency among local authorities. No calculator exists for Arun Valley. In summary, there is neither an identified requirement for nutrient neutrality at Arun Valley (despite nearly three years having elapsed since this was first mentioned), nor a suitable tool to use for the calculations. For both these reasons we removed the ‘horizon-scanning’ nutrient neutrality calculations from the 2026 Main Modifications HRA. This discussion can be added into the HRA.
Issue 3: Ramsar features (rare plants, ditch flora and invertebrates) are not assessed in the HRA. This is now a legal compliance issue due to update to statute since 21 May 2026. [paras 1.4 & 5.1-5.4 of the hearing statement]	Ramsar features are specifically discussed in the HRA e.g. paragraph 4.25 which states ‘<i>Furthermore, the Ramsar is designated for its outstanding assemblage of wetland plants and invertebrates</i>’. While they are not specifically discussed in the water quality section of the HRA (which is clearly headed Arun Valley SAC/SPA/Ramsar) neither is the SAC feature (Ramshorn snail). Rather the SAC, SPA and Ramsar designations are covered as a whole, because the ditches are of importance to both the SAC and Ramsar features and the discussion of phosphorus applies equally to both designations. This reduces repetition in the report. This can be clarified in the HRA.
Issue 4 and 5: Water supply not yet secure as licence variation has not been agreed. No evidence that wastewater infrastructure has been secured.	This is covered in the main body of the topic paper and is not duplicated here.
Issue 6: Disagreement with finding that the site is not potentially suitable for Bewick’s Swan and supports Natural England’s suggestion for a criterion requiring any application to be supported by a wintering bird survey. EIA Scoping includes functionally linked land for the Mens and Ebernoe Common but not Arun Valley, not clear why the Council don’t accept this link at this site. [paras 8.1-8.4 of the hearing statement]	The HRA can be updated to reflect Natural England’s comments and recommendation about the Adversane site. This would result in an update to the analysis presented in the HRA, but would <u>not</u> ultimately change the conclusion of the HRA which is that protection of Arun Valley SPA/Ramsar from adverse effects on integrity would be achieved through the policy mechanisms introduced into the plan in response to the 2023 HRA, namely (as cited in the July HRA) Strategic Policy 17 (Green Infrastructure and Biodiversity) which requires that development proposals demonstrate that they do not result in adverse effects on the integrity of Habitats sites, including through impacts on supporting/functionally-linked habitat (paragraph 6.54 of the submitted Local Plan and the policy wording itself) <u>and</u> the site allocation

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	policies that require appropriate ecological assessment for allocations, including wintering bird surveys where suitable habitat is present. The Council would be content to add the requirement for a criterion requiring any application to be supported by a wintering bird survey to the text for the Adversane policy (HA(NP1)). <u>Technical note vs HRA</u> A request has been made in a hearing statement which asks us to reconcile the number of allocated sites mentioned in the Technical Note of June 2026 (HDCJB12a) with the HRA report of July 2026 (HDCJB12). The technical note was a high-level work in progress indication for the Council of whether there were likely to be any fundamental issues introduced by the new allocations, written while the actual HRA was still in progress. In particular, the specific assessment of individual allocation suitability was in its early stages at the time the note was produced. The text in the technical note was purely intended to convey that protection of Arun Valley SPA/Ramsar from adverse effects on integrity regarding those sites that were determined to be suitable as FLL for Bewick swan would continue to be achieved through the policy mechanism introduced into the plan in response to the 2023 HRA, as above.