Date: 31 October 2025

[redacted]

BY EMAIL ONLY

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Dear Ms. Eaton,

As you are aware, in September 2021 Natural England issued a Position Statement to the relevant local planning authorities advising that new development within the Sussex North Water Supply Zone (SNWSZ) should demonstrate water neutrality, in order to protect the Arun Valley habitats from potential impacts linked to Southern Water's groundwater abstraction at Pulborough. I am writing to you today to let you know our advice has changed on the basis of new evidence and consequently we will be withdrawing our position statement.

Following Southern Water's Hardham Basin Environmental Study (HBES), which was scrutinised by the Environment Agency and Natural England, we have worked with partners across the catchment to develop a positive, long-term solution. This approach strengthens ecological resilience at the Arun Valley sites, supports habitat recovery, and enables nature to thrive.

In collaboration with the Environment Agency and Southern Water, Natural England has agreed a package of ecological resilience measures and proposed licence amendments that will, address the risk of further decline of the Arun Valley sites as a result of the existing abstraction. These measures are to be implemented by March 2026. In Natural England's view this provides certainty that development in the SNWSZ will **not** have a likely significant effect on the Arun Valley sites in line with the Habitat Regulations.

The long-term solution set out above and the assessment confirming that development in the SNWSZ will not have a likely significant effect on the Arun Valley Sites means that Natural England has decided to withdraw its September 2021 Position Statement. Limiting the Hardham licence decouples the abstraction from new development, preventing additional pressure on Arun Valley water resources. Additional resilience measures will support the designated features of the sites and give confidence that they can recover towards favourable conservation status over time.

This outcome provides a sustainable way forward for both people and nature across the catchment. Natural England is grateful to your authority for the constructive and collaborative approach taken, which has strengthened relationships across Sussex. While this area remains water-stressed, these partnerships provide a strong foundation for addressing future challenges and delivering sustainable solutions.

Our Withdrawal Statement is provided below, setting out the evidence which has informed our decision. We will continue to work closely with your authorities as this new approach is implemented.

Yours sincerely,

Niall Walkden, Principal Manager | Sussex & Kent

Natural England's Withdrawal Statement for Applications within Sussex North Supply Zone

October 31st 2025

Please take the following as Natural England's substantive advice for all applications which fall within Sussex North's Water Supply Zone from the above date.

Summary

Sussex North Water Supply Zone

Natural England has reviewed Southern Water's environmental study of Hardham Basin* ('HBES', 2025). As a result of the findings of the HBES, together with the measures set out below which have been agreed by Southern Water and the Environment Agency, Natural England advises that new development which is supplied by abstraction from groundwater at Pulborough is not likely to have a significant effect on the following protected sites ('the Sites') -

- Arun Valley Special Area Conservation
- Arun Valley Ramsar Site
- Arun Valley Special Protection Areas

The measures as they relate to growth agreed by Southern Water (and the Environment Agency, in consultation with Natural England), are as follows -

1. Amendment to existing groundwater abstraction licence at Hardham
    - Reduce the annual licence quantity to an annual daily equivalent of 13 Ml/d (4,745 Ml/annum), from the current 16.44 Ml/d (6,000 Ml/annum)
    - Reduce the daily peak licence from 30 Ml/d to 27 Ml/d.

Further measures agreed to sustainably manage the site and prevent deterioration while the existing abstraction is in place include:

2. Ongoing management of water levels on Pulborough Brooks to ensure sufficient water availability for target levels in the supplementary advice to the conservation objectives

3. Monitoring of hydrometric and ecological features in collaboration with partners.

4. A package of conservation measures designed to increase the ecological resilience of designated features within Pulborough Brooks to include:
    - Reprofiling of ditches
    - Desilting / sediment removal
    - Control of invasive species

Natural England advises that your authority does not need to undertake an appropriate assessment or consult us on water scarcity issues affecting the Sites.

** Hardham Basin Environmental Studies: Hardham Groundwater Abstraction HRA (2025) Prepared by Atkins Realis on behalf of Southern Water*

Detailed Advice

Background

In September 2021, Natural England issued a Position Statement advising that abstraction within the Sussex North Water Supply Zone could not be ruled out as having an adverse effect on the integrity of the Arun Valley designated sites. An interim "water neutrality" approach was taken, requiring new development in Sussex North to demonstrate no net increase in water use while the Hardham Basin Environmental Study (HBES) was completed.

Hardham Basin Environmental Study (HBES)

Southern Water completed the HBES in August 2025 to inform the review of the Hardham abstraction licence based on work undertaken from 2021. Throughout the study's progress Natural England participated in a project steering group (PSG) to support the methodologies used. The study was reviewed by Natural England's principal and senior specialists in freshwater systems, hydrogeology, invertebrates, ornithology and vascular plants.

The Environment Agency (EA) consulted Natural England on the Habitats Regulations Assessment of the licence, for which Southern Water had concluded no adverse effect on site integrity from the Hardham abstraction.

The study found limited or no hydrological connection between the abstraction and two of the three Arun Valleys constituent Sites of Special Scientific Interest (SSSIs): Waltham Brooks and Amberley Wild Brooks. However, some connectivity could not be ruled out at Pulborough Brooks SSSI. Proposed mitigation of the company's licence —improved on-site water level management and monitoring—was welcomed but did not, in Natural England's view, provide the necessary certainty required of a Habitats Regulations Assessment and did not provide a long-term solution to maintaining the integrity of the sites.

Therefore, Southern Water, Natural England and the EA agreed to a collaborative solution to secure the site's integrity. The agreed package has four elements, to be delivered through a modification of the EA licence and amendment of an existing Water Industry National Environment Programme (WINEP) project:

1) **No additional abstraction pressure** – Southern Water will volunteer a licence reduction, which in its abstraction licence from 16 → 13 Ml/d (average) and 30 → 27 Ml/d (peak).
2) **On-site water level management** – RSPB will manage sluices to maintain suitable water depths and prevent further deterioration of site features.
3) **Monitoring of site features** – Southern Water will continue building a scientific baseline of site conditions, providing assurance that the agreed measures are effective.
4) **Ecological resilience measures**– A package of actions (e.g. reprofiling/desilting ditches, removing invasive species) to improve site resilience and ensure the licence complies with the Habitats Regulations.

Modification of Hardham Groundwater Abstraction Licence

The modification of the abstraction limits in the licence caps abstraction to the level which reflects actual recent historical abstraction and removes additional headroom ensuring that new development will not add to existing pressures to water levels on the Sites.

This is the primary element of interest to local authorities in making decisions regarding relevant plans or projects as it removes connection between abstraction and growth.

Southern Water has committed in writing to this modification; the EA expects to complete the licence modification by March 2026. The licence change provides Natural England sufficient certainty that there will be no likely significant effect regarding water scarcity as a result of new development and consequently your authority does not need to consult Natural England regarding these issues. The Position Statement (September 2021) will be withdrawn on 31st October 2025.

In terms of procedural timing Natural England advises that this is reasonable and sufficiently precautionary given the time delay between the licence modification being finalised and the time it will take for significant numbers of planning applications to be approved, buildings constructed, subsequently occupied and using water.

As with all water company abstraction licences, this licence will be amended and regulated by the Environment Agency under the Water Resources Act 1991, as amended by the Water Act 2003 and the Water Act 2014.

Further Measures

While the licence modification addresses issues related to planning, growth, and abstraction, it is essential to also consider the site's features and their capacity to recover in the future with the existing Hardham abstraction in place. This is considered as part of the Habitat Regulations Assessment of the Hardham licence undertaken by the EA as the competent authority. Natural England advises that local authorities are not required to consider these measures when determining relevant plans or projects; this information is provided for context and wider awareness.

Raising sluices, Ecological Resilience Measures and Monitoring

Southern Water has committed in writing to include the raising of sluices, resilience measures and monitoring within its Asset Management Planning (AMP) 8 WINEP programme (to 2030) by the end of October 2025. Embedding them within the established EA framework ensures delivery and accountability.

These measures will enhance ecological resilience at Pulborough Brooks SSSI, focusing on areas with potential groundwater connectivity. Actions will include ditch profiling, sediment removal, and invasive species control. Additional measures will give confidence and address localised impacts from the existing abstraction, robustly preventing the sites features from further deterioration.

The detailed plan will be developed jointly with EA technical specialists and the HBES Project Steering Group which includes Natural England, Southern Water, EA, RSPB and Sussex Wildlife Trust.

Future of Water Scarcity in Sussex North

The measures outlined above provide confidence that new development is not likely to have a significant effect. Accordingly, Natural England advises that your authority does not need to consult us further on water scarcity matters in relation to these sites.

Nevertheless, water resources across Sussex North—and much of England—remain under significant and growing pressure. Addressing this challenge is essential to safeguard both the environment and the resilience of local communities.

Natural England is committed to supporting a long-term, sustainable approach to water management. We will continue to work closely with your authority, Defra, regulators and partners to promote practical and ambitious solutions, including:

- Collaborative local planning that embeds water stewardship and climate resilience at the heart of development decisions; and
- Enhanced water efficiency standards through updates to national policy, building regulations, and mandatory water efficiency labelling; and
- Delivery of Water Resource Management Plans (WRMPs) that prioritise demand management, environmental protection and sustainable abstraction.

Through this shared commitment, we aim to secure a future where nature and growth go hand-in-hand, ensuring that the water environment of Sussex North remains healthy, resilient, and capable of supporting both people and nature for future generations.