

North Colwell Farm: Rebuttal to Rule 6 Party's Note (ID18)

Ref: NM/ITL19597-014b

Date: 10 August 2026

1 Introduction

1.1.1 This Technical Note is produced by Neil Marshall on behalf of the Appellant, Miller Homes Ltd.

1.1.2 It responds to the "Sustainability Statement Main Modifications" (August 2026) Note produced by John Russell (ID18).

1.1.3 It also provides clarification on the relevance, in transport and locational sustainability terms, of the following documents submitted to the Inquiry:

- ID12: Schedule of Main Modifications (SSM)
- ID13: Sustainability Assessment Main Modifications Report (SAM)
- ID14: SSP8: Post Hearings – Site Selection Review (SSR) – Final Conclusions including Appendix 1 (ID14a)

1.1.4 In addition, reference is made to:

- CD7.9: District Plan 2021 - 2039: Site Selection Conclusions Paper, Appendix 1
- CD7.10: Mid Sussex District Plan (Regulation 19) Sustainability Appraisal

2 Background

The EiP

2.1.1 The renewed Examination in Public (EiP) for the emerging local plan was held in February – March 2026. It reviewed the various submissions which formed the evidence base. This included the SA. As confirmed at paragraph 6 of the SSR (ID14), in his consultation response, the Inspector noted that the spatial strategy for the plan is sound and will guide the selection of the additional sites for inclusion in the plan. The Inspector also concluded that the site selection methodology is sound.

- 2.1.2 The Inspector further concluded (as quoted in the same paragraph of ID14, paragraph 6): ***“However, site selection is not a purely mechanical process and will be subject to professional and political judgement. Such judgement will be required when, for example, comparing the positives and negatives of sites that support different principles of the spatial strategy, and it will need to take into account a range of considerations. Many of these considerations are set out in MS-12 paragraphs 9 and 10, but the methodology itself cannot wholly prescribe the outcome and should be regarded as guidance. In any event, all conclusions will need to be thoroughly justified”.***
- 2.1.3 It is therefore clear that the Inspector confirmed that the methodology used to determine whether a site is acceptable/sustainable was appropriate, and that the results of the SA should not be taken in isolation, but also reflected the Council's officers' own professional judgement.
- 2.1.4 The update to the Local Plan has subsequently taken place in two stages; firstly, the Council identified and selected sites (ID 14/14a), and then they assessed the sustainability of these sites (ID13). Following this, the Council proposed main modifications which proposed the allocation of new sites, including the Appeal Site (ID 12, pages 23, 27 and 56-58).

New Consultation Documents

- 2.1.5 The initial sifting of sites in the SSR provided the following summary on the Appeal site:

Part 3 - Sustainability / Access to Services		
10. Bus Service	Fair	Access to Public Transport and/or frequency of Public Transport in this location is fair
10. Train Service	Poor	
10. Public Transport	Neutral	
11. Main Service Centre	Negative	Journey likely by car only(greater than 20 minutes walk, over 30 minutes public transport)
12. Primary School	Positive	Within 15 minutes walk
13. Health	Positive	Within 15 minutes walk
14. Retail	Positive	Within 15 minutes walk

Source: ID14a pg 250

- 2.1.6 This initial sifting summarised the site as scoring “Positive” in terms of being within 15 minutes walk (1,200m) of a primary school, health facility, and retail facility, in line with distances of 570m, 760m, 720m respectively (measured from the site’s access and utilising the footpath HAH-29CU provided in the SoCG (ID12)¹. The Site was recorded as having “fair” access to bus services (in terms of distances to stops and frequencies), which I understand to mean is acceptable. This broadly accords with the conclusions in my Proof of Evidence. The site was scored “Negative” in terms of walking and public transport to the main service centre. However, this initial sifting did not make any allowance for travel by bicycle.
- 2.1.7 This sifting was then taken forward to a full Sustainability Appraisal (SA); the SAM at ID 13.
- 2.1.8 Sustainability Appraisals (SA) are undertaken and produced by specialist consultancies covering a range of sustainability topics. The Mid Sussex District’s Regulation 18 SA was produced by Lepus Consulting (September 2021) and updated at the Regulation 19 stage by JBA Consulting (November 2023) (CD7.10). They were submitted in support of the Local Plan evidence base. Both their introductions confirm they have been undertaken in accordance with the prevailing guidance, including the RTPi’s Strategic Environmental Assessment Practice Advice (January 2021).
- 2.1.9 The guidance does not stipulate any specific measure for determining appropriate travel distances or locations for determining whether a site can support sustainable travel patterns. However, both the Reg 18 and Reg 19 documents confirm that “Barton, H., Grant, M. & Guise, R., 2010. Shaping Neighbourhoods: For local health and global sustainability, January 2010” has been used to determine the travel distances used to determine the acceptability of the draft allocations and policies. This broadly recommends a 15 minute walk (1200m) for most journey purposes. This is consistent with the CIHT (CD19.10, pg52, Table 3.2) preferred maximum distance for travel, and the up to 2km distance referenced in Manual for Streets (CD19.1, [4.4.1]).
- 2.1.10 The SA forms part of the basis for the site selection process. As set out above, the Examination in Public (EiP) for the emerging local plan reviewed the various submissions which formed the evidence base. This included the SA. It is therefore clear that the Inspector confirmed that the methodology used to determine whether a site is acceptable and sustainable was considered robust and sound, and that the results of the SA should not be considered alongside the Council’s Officers’ professional judgement.
- 2.1.11 The agreed methodology for the SA (CD7.10) sets out a number of walking distances and local facilities that should be accounted for as part of a site review. These locations and distances are based on various sources as referenced in the SA (CD7.10), and agreed by the examining Inspector. This same methodology is used to determine the acceptability of the newly identified sites in ID13.

¹ 875m, 1,065m, 1,025m respectively if measured from the edge of the site and utilising the footpath HAH-29CU provided in the SoCG (ID12)

2.1.12 The transport related objectives within the SA and SAM are:

- Objective 2 Social / Health and Wellbeing: 10 minute walk of a GP surgery is a major positive on site users access to health, 15 minutes walk of a GP surgery is a minor positive on site users access to health, and 20 minutes walk of a GP surgery is a negligible impact on site users access to health. Over 20 minutes walk of a GP surgery is a minor negative impact on site users access to health (CD7.10 pdf pg 62)
- Objective 3 Social / Education: The Council have identified that development proposals within a 20 minute walk to a primary school are in a sustainable location to these facilities, as follows (1) 10 minute walk of a primary school is a major positive on site users access to education, (2) 15 minutes walk of a primary school is a minor positive on site users access to education, and (3) 20 minutes walk of a primary school is a negligible impact on site users access to education. Over 20 minutes walk of a primary school is a minor negative impact on site users access to education (CD7.10 pdf pg 63).
- Objective 4 Social / Community and Crime: Sites which are located within 15 minutes' walk or 30 minutes public transport from community facilities (including library, banks, and retail areas) are expected to have a minor positive impact on future residents' access to these facilities. (CD7.10 pdf pg 63).
- Objective 10 Environmental / Climate Change & Transport: Development proposals located within a 15 minute walk to a convenience store would be likely to have a major positive impact on access to these facilities, and development outside this distance could have a minor negative impact on site-end users' access to the benefits of a local convenience store. (CD7.10 pdf pg 74).
- Objective 13 Economic / Economic Regeneration: Additionally, development proposals located in areas with sustainable access to local facilities such as those within town centres, (e.g. superstores, high streets and shopping centres) have been identified by MSDC as those within a 15 minute walk, and are expected to have a major positive impact on access to these facilities. Development proposals located within a 30 minute journey via public transport are assessed as having a minor positive impact on access to these facilities. Proposals located outside of these thresholds would be expected to have a minor negative impact on site-end users' access to these facilities. (CD7.10 pdf pg 76).

2.1.13 Appendix C (pdf pgs 306 and 309) of CD7.10 confirms that the 15 minutes travel time also applies to cycling for access to local services, convenience stores, local services, and railway stations.

2.1.14 The SAM (ID13) paragraph 5.8 also confirms that the majority of the site options chosen impact positively on the social and economic objectives. Where a negative sustainability impact has been identified, it is sought to be mitigated against through site specific policies.

2.1.15 Pages 80 to 81 of the SAM (ID13) then score the Appeal site (which has a site reference of 844) as shown in image 1 overleaf.

2.1.16 This establishes the following for the Appeal Site (whose red-line boundary broadly matches the allocation):

- Within a 20 minutes walk of a GP surgery
- Within a 20 minutes walk of a primary school
- Over a 15 minutes walk from a community facility but within a 30 minute public transport journey
- Within a 15 minute walk of local facilities
- Within a 15 minute walk to a retail provision.

2.1.17 On this basis, the site scores:

- Neutral against Objective 2
- Minor Negative against Objective 3
- Neutral against Objective 4
- Neutral against Objective 10
- Minor Positive against Objective 13

Image 1: Extract of ID 13

Site Options: Haywards Heath					
Settlement Category: 1					
Reasonable Alternatives for Assessment					
A: Field rear of North Colwell Barn, Lewes Road, Haywards Heath. SHELAA #680. Units: 9					
B: Land at North Colwell Farm, Lewes Road, Haywards Heath. SHELAA #844. Units: 80					
C: Land to the North of Old Wickham Lane, Haywards Heath. SHELAA #988. Units: 49					
D: Land at Lunces Hill, Fox Hill. SHELAA #1136. Units: 14					
Objective	A – Field rear of North Colwell Barn	B – Land at North Colwell Farm	C – Land to the North of Old Wickham Lane	D – Land at Lunces Hill	Assessment
1 – Housing	+	++	+	+	Site options (a), (c) and (d) would make a significant positive contribution to housing however, option (b) would make a significant positive contribution.
2 – Health and Wellbeing	+	0	+	+	Site options (c) and (d) are located over 200m from a main road and within 300m of open greenspace, whereas options (a) and (b) are located within 200m from a main road and over
					300m of open greenspace. Option (a) is with a 10 minute walk to the nearest GP surgery, with option (c) being within a 15 minute walk, option (b) being within a 20 minute walk and option (d) being over a 20 minute walk.
3 – Education	+	-	+	-	Site option (a) is within a 10 minute walk of a primary school, option (c) within a 15 minute walk, option (b) within a 20 minute walk and option (d) over a 20 minute walk. Options (a), (b) and (d) are over 1.5 km of a secondary school whereas option (c) is within 1.5km.
4 – Community and Crime	0	0	+	0	Site options (a), (b) and (d) are over a 15 minute walk to community facilities however, option (c) is within a 15 minute walk. All site options are within 30 minutes via public transport from community facilities.
5 – Flooding and Surface Water	+	0	0	-	All site options are with Flood Zone 1. Option (a) is within very low risk of surface water flooding, whereas options (b) and (c) are within low and medium risk and option (d) within high risk.
6 – Natural Resources	-	-	-	-	All site options are greenfield land.
7 – Biodiversity and Geodiversity	0	0	0	0	No or low impacts are identified on biodiversity assets for all site options.
8 – Landscape	0	0	0	0	No or low impacts are identified on landscape for all site options.
9 – Cultural Heritage	0	0	0	0	No or low impacts are identified on heritage assets for all site options.
10 – Climate Change and Transport	+	0	++	+	Site options (a), (b) and (c) are within a 15 minute walk from local facilities however, option (d) is over a 15 minute walk. Options (a), (c) and (d) are within 30 minutes via public transport from local facilities however, option (b) is over 30 minutes. Option (c) is within a 15 minute walk from a train station.
11 – Energy and Waste	0	-	-	-	Site options (b), (c) and (d) are likely to impact significantly on the amount of energy and waste generated due to additional population from housing, in comparison to option (a).
12 – Water Resources	-	-	-	-	All site options are within 200m from a watercourse.
13 – Economic Regeneration	++	+	++	0	Site options (a), (b) and (c) are within a 15 minute walk to retail provision whereas, option (d) is over a 15 minute walk. Options (a), (c) and (d) are within 30 minutes via public transport from retail provision whereas, option (b) is over 30 minutes.
14 – Economic Growth	+	+	+	+	All site options are within 5km of key employment areas (retail parks, industrial estates and major local employers).

Source: ID13 pgs 80-81

2.1.18 Taking account of all of the factors (not just transport and access), the North Colwell site is taken forward to a draft allocation for 80 dwellings under MM66 Land at North Colwell Farm, Lewes Road, Haywards Heath (ID12 pgs 56-58).

2.1.19 In this instance, the site-specific policy requires the following infrastructure relevant to transport and movement:

Financial contributions towards the provision of:

- Highway works
- Sustainable transport measures

2.1.20 The Policy Requirements include:

- 1 Provide suitable access from the A272 Lewes Road
- 2 Provide, unless otherwise agreed with the Highways Authority, a pedestrian crossing to the footway on the north side of the A272 Lewes Road to enable safe connectivity with the public right of way (footpath HAH/29CU/1) that provides a route to local services and community facilities. Should a pedestrian crossing not be feasible, improve existing footways and off-site routes to local services and community facilities.
- 3 Reduce the speed limit on the A272 Lewes Road to 30mph (to be discussed with the Highways Authority)

2.1.21 Where negative sustainability impacts have been identified in the SAM, these are sought to be mitigated through the site specific policies – in this instance, improved active travel connections to the existing services and facilities are required.

2.1.22 The draft policy therefore accords with the Appeal proposal and the plans showing all elements of access / off-site highways improvements, with the main site access to the A272 Lewes Road incorporating a new uncontrolled formal pedestrian crossing across the A272 Lewes Road, as well as funding towards a surface improvement to the footpath and a series of improved footways to local services and community facilities. There is also a proposal for the discussion of an obligation to fund a TRO for a speed reduction to 30mph on the A272 Lewes Road (i.e. this is not considered to be mandatory, but is a matter to be considered further with the LHA).

2.2 Conclusion

2.2.1 Whilst there are some discrepancies in the exact distances/travel times between ID13 and ID14, and my evidence, this is likely due to the initial methodology used as part of the SA, where exact routing and distances will be unknown.

2.2.2 For instance, using all the distance metrics in the SoCG agreed with the LHA (CD8.5) and then the SoCG agreed with the Rule 6 Party (ID2) (i.e. with/without public footpath route and/or site access/mid point), the primary school is between 10 to 15 minutes walk, and therefore Objective 3 for education is likely to be neutral rather than “minor negative”. This also accords with the 15 minutes shown in the SSR.

- 2.2.3 Overall, the results remain consistent with my evidence, that confirms that the site is in a sustainable location for the purposes of NPPF 110 and 115(a) and (b) and DP21 in the context of it being within walking distance of (a) the primary school, (b) the local convenience retail store, and (c) the GP surgery (as well as the pharmacy).

3 Review of Mr Russell's Note (ID18)

- 3.1.1 Having now set out clearly the process taken by MSDC to recommend the site is taken forward as a draft allocation, I review Mr Russell's points raised in ID18 in turn.

SAM Methodology

- 3.1.2 Mr Russell suggests, at paragraph 1.3, that the methodology in the SAM makes no reference to established national guidance. As a result it is said that it remains "untested" and will require examination at the Local Plan EiP.
- 3.1.3 I do not agree that the position in national guidance is "established" in the same way as Mr Russell. As explored in evidence at the inquiry, there are no "hard and fast rules" or fixed upper limits. However, as I have observed above, the use of a 15 minute walking journey time is entirely consistent with the broader guidance.
- 3.1.4 SAs apply their own methodology, which is tested at a local level through the examination process. The SAM (ID13) follows the same methodology as that used in CD7.10, which formed part of the original EiP of the Local Plan. The Inspector found that methodology sound and robust, and agreed that professional judgement as well as published guidance should be used to determine the acceptability of sites.
- 3.1.5 Mr Russell goes on to suggest at paragraph 1.4 that the SAM is used for local plan testing a whole, rather than the merits of individual site allocations.
- 3.1.6 This is clearly incorrect. As shown in the extract at Image 1 above, the SAM reviewed the site in its own right, individually, and determined it to be sustainable.
- 3.1.7 In addition, Mr Russell suggests at paragraph 1.8 that the methodology lacks transparency, without clarification as to how sites are scored positively or negatively.
- 3.1.8 Again this is incorrect. I have shown at 2.1.12 above how the SA methodology in CD7.10 ascribes weighting based on various travel distances/time.

The Appeal Site

- 3.1.9 In relation to the Appeal site, Mr Russell claims at paragraph 1.11 that accessibility is measured from the approximate centre of the site, on the basis that the appeal site, and the smaller draft allocation to the south share the same site access, but the smaller site has a better performance score. I do not agree that that is correct, but it does not alter the Appeal Site's overall sustainability.

3.1.10 This is part of the reason why taking the measurements from the centre of the site can create an unrepresentative view of the overall sustainability of a site, which does not account for its size. In this instance, the draft allocation for the smaller site to the south (MM65 Field Rear of North Colwell Barn) is shown as performing better than the Appeal site. However, this is a result of the site being smaller, and therefore its centre point is closer to the amenities. However, it is only for nine dwellings. The much larger Appeal site's built form (as shown in masterplan CD1.6 and Mr Cook's Proof of Evidence Appendix 2 (CD9.4b)) would deliver many more than 9 dwellings of its 80 dwellings in closer proximity to the access to Lewes Road and existing facilities. Therefore, in reality the larger Appeal site would allow more dwellings to perform positively than the smaller site, which would be more accurately reflected should the access to Lewes Road be the measured starting point.

SAM Objectives and Indicators

3.1.11 At paragraphs 1.12 and 1.13 of the report, Mr Russell suggests that only Objectives 2, 3, 4, and 10 are transport related elements of the SAM.

3.1.12 This fails to account for Objective 13 on Economic Regeneration. This allows for travel to a town centre/high street by walking and cycling in 15 minutes, or by public transport in 30 minutes. The SAM rates this as a minor positive of the site. When including this, the 5 transport tests are:

- Minor Positive – Objective 13
- Neutral – Objectives 2, 4, and 10
- Minor Negative – Objective 3

3.1.13 Therefore on this basis, the average of the five tests would be neutral. Mr Russell's conclusion at paragraph 1.19 that the appeal site scores neutral "is incomprehensible and unfounded in fact" is actually incorrect. The "neutral" score is fair on the evidence available.

3.1.14 However, as I have stated in 2.2.2 of this Note, I actually consider the Objective 3 education calculation to be incorrect, and should be treated as "neutral" rather than "minor negative". On this basis, the site's rating in the SAM would be 4 objectives "neutral" and one "minor positive" – directing more weight to a slightly positive neutral score.

SSR Rating

3.1.15 At paragraphs 1.20 to 1.31 Mr Russell reviews the SSR. However, as I explained in Section 2, the SSR is just the initial sifting process to enable the site to be taken forward to the more details SA process. Therefore limited weight should be applied to the sustainable location conclusions in the SSR, and therefore the concerns raised by Mr Russell on the results of the SSR are of limited relevance to whether the site is considered sustainable or not.

3.1.16 In this section of his report, Mr Russell, at paragraphs 1.32 and 1.33 appears to be conflating the link between the SSR and SAM, as they are not fully addressing the same topics and same metrics. If there were the same, then there would be little benefit in undertaking the two separate appraisals.

3.1.17 Again, similar to his stance at paragraph 1.3, Mr Russell states at paragraph 1.33 that the SAM methodology has yet to be scrutinised through the EiP. This is incorrect. The methodology has already been found to be sound and robust during the EiP in February-March 2026. It is only the new sites that need to be tested against the agreed methodology at the next EiP. That phase will not include a discussion on whether the previous methodology remains accurate.

3.1.18 As a result, it is likely that the conclusions in the SAM and the site's draft allocation on this basis will be found sound at the EiP, and therefore weight should be given to the conclusions of the SAM.

4 Conclusion

4.1.1 This Technical Note has reviewed and considered the process followed by MSDC, including the initial site selection review (SSR), followed by the fuller Sustainability Appraisal / Sustainability Assessment Main Modifications assessment (SAM), which then informed the Schedule of Main Modifications (ID12) and the draft allocation of the Appeal site for 80 dwellings.

4.1.2 The report confirms that the methodology used in the SAM is the same methodology used in the earlier Sustainability Appraisal work forming part of the Local Plan evidence base. That methodology has already been considered through the Examination in Public, and the Inspector confirmed that the methodology is sound, while also recognising that professional judgement is required and that the results should not be applied mechanistically.

4.1.3 On the transport-related sustainability objectives, the SAM records the Appeal site as “neutral” against Objectives 2, 4 and 10, “minor positive” against Objective 13, and “minor negative” against Objective 3. When Objective 13 is properly included, the overall transport-related position is at least neutral on the evidence available. In addition, the walking distances identified in the Statement of Common Ground indicate that the education score is likely to be neutral rather than minor negative, which would further support the site's sustainability credentials.

4.1.4 The Appeal site is identified as being within walking distance of key local facilities including a primary school, local convenience retail provision and a GP surgery, and the draft allocation includes policy requirements for access, pedestrian connectivity, off-site route improvements, sustainable transport measures and highway works. Provision is also made for discussion of a reduced speed limit on the A272 Lewes Road.

4.1.5 For the reasons set out above, Mr Russell's criticisms in ID18 do not alter the position that the Appeal site performs acceptably in sustainable location terms. His criticisms place undue weight on the earlier SSR stage, omit Objective 13 from the transport-related assessment, and proceed on the incorrect basis that the SAM methodology has not already been scrutinised through the Local Plan process.

4.1.6 Accordingly, the conclusions of the SAM and the draft allocation of Land at North Colwell Farm are entirely consistent with the evidence that I have already presented in writing and during the inquiry. The site is in a sustainable location, adjoining a category 1 settlement, having regard to the methodology and evidence base used by MSDC, and the criticisms raised in Mr Russell's Note (ID18) do not provide a robust basis for reaching a different conclusion.

