

Client	Protect Colwell Farm Action Group
Site	Colwell Farm
Project	Planning Inquiry
Title	R6 Response to NPPF 2026
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Rule 6 Party Response to National Planning Policy Framework 2026

**Land at Colwell Farm, Lewes Road, Haywards Heath,
West Sussex, RH17 7TB**

Appellant Miller Homes Limited

LPA reference DM/25/0445, PINS reference AP/26/0023

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Introduction

1. Following publication of the updated National Planning Policy Framework 2026 by the Government on the 17th of August 2026, the Planning Inspector invited representations from the parties to the appeal on the implications of any relevant changes within the document.
2. This document provides the Rule 6 Party (Protect Colwell Farm Action Group - PCFG) response in line with the Planning Inspector's request.

Structure of this Document

3. The document is in two principal parts:
 - Part 1: A section on general changes of structure and approach within NPPF 2026 where these are relevant to the Appeal; and,
 - Part 2: Commentary on specific aspects of the PCFG case.
4. The latter section follows the general form of the PCFG case and addresses changes to the NPPF through the following topic areas;
 - Main issue 1: Conflict with the Development Plan
 - Lying outside the Built Up Area Boundary, PCFG contend that the scheme is fundamentally contrary to the overall Development Plan.
 - Main issue 2: The proposed development is not sustainable, specifically in regard to;
 - Sustainability of Location - Transport and Travel
 - The proposals are not sustainable development in respect of travel and transport
 - Sustainability of Location – Ecology, Trees and Wooded Features, and Ancient Woodland
 - The proposals are not sustainable development in respect of Ecological and Tree impacts (loss of trees and wooded features, protected species impacts)
 - The site has characteristics of Ancient Woodland, and as such should be afforded the highest policy protection
 - Main Issue 3: Emerging Local Plan – Allocations

Changes to the Structure and Approach of the NPPF 2026

5. The following section provides a commentary on the general changes in approach to how policy is presented within the NPPF, where this is relevant to the PCFG case, and provides context for how we have approached our analysis.

6. Firstly, we note that the new NPPF states that;

The National Planning Policy Framework sets out the government's policies for plan-making and for making decisions on development proposals in England. It is a material consideration of critical importance in both contexts.

7. This is of importance as it makes the status of the NPPF even clearer, and provides unambiguous direction to its importance in the decision-making process relevant to this appeal. The fact that the document is described as being of 'critical importance' adds weight to those matters where the Rule 6 party identifies conflict with policy, and the weight that should be ascribed to this.

8. Secondly, the NPPF 2026 in general makes a much clearer distinction between policy which is relevant to plan preparation and that relevant to decision taking, making the following statement in the Introduction;

'8. The thematic chapters contain both plan-making policies and national decision-making policies so that the approach to particular topics can be seen in the round. However, the plan-making policies should not be used when making decisions on development proposals.'

9. Consistent with this direction, this response document only addresses those specific policies which are under the heading of 'National decision-making policies' unless there is other clear relevance in considering the plan making sections.

10. The document also makes clear that,

'9. The annexes included with this Framework are also national planning policy.'

11. This document notes this, and addresses them accordingly, specifically in respect of the definitions in the Annex B: Glossary within which we discuss the updated definitions of;

- Ancient Woodland
- Irreplaceable Habitats
- Reasonable Walking Distances

12. It is further noted that the NPPF 2026 makes explicit that;

‘11 Where policies in this Framework set out lists in the form of sub-paragraphs, all of those sub-paragraphs apply unless the text indicates otherwise (such as through the use of ‘or’ at the end of one or more sub-paragraphs).’
13. This is of relevance in considering various of the policies and will be referred to in due course.
14. Finally, the NPPF 2026 when dealing with Local Plans and their policies moves away from the former approach of emphasising that policies should be viewed as out of date in certain circumstances (such as not being able to demonstrate a five year supply of deliverable housing sites, and towards the concept of consistency.
15. There is a clear move away from a system in which housing supply failures automatically mean that relevant policies are out-of-date, and the tilted balance should apply.
16. Instead, it emphasises a more plan-led model in which plans are expected to be regularly renewed, and their weight depends increasingly on their consistency with current national policy. In this scenario, materially inconsistent policies receive limited weight; and not having a five year supply of deliverable housing sites creates ‘evidenced unmet need’ that influences the application of Policies S4 and S5, rather than automatically rendering development plan policies out-of-date.
17. In short, the 2026 Framework replaces a doctrine centred on policy obsolescence with one centred on policy consistency, conformity and active plan maintenance. The consistency or otherwise of both existing and emerging policy is addressed in further detail in the relevant sections below.

Issues Specific to the Rule 6 Party Case

Status of, and Conflict with, the Development Plan

18. The Appeal Scheme was argued by the Rule 6 Party at the Inquiry to be in broad conflict with the Development Plan (both adopted and emerging), particularly in respect of its location beyond the Built Up Area Boundary – i.e. in the open countryside, and in respect of policy related to the sustainability of the location in relation to both transport and travel matters, and matters relating to trees and ecology.
19. The case presented by the R6 Party noted that the policy in the Local Plan regarding development of sites that are not allocated, but which are beyond the built up boundary (such as the appeal site) in respect of matters such as environmental and locational sustainability, remained consistent with National Policy in the form of the 2024 NPPF. As such, although technically out of date under the 2024 NPPF, R6 argued that those policies within the Local Plan should retain much weight.
20. Under the NPPF 2026, the approach to these matters has changed, but the result remains consistent with our previous approach; on review of the 2026 NPPF, the amount of weight continues to be assigned to policies much as set out in evidence previously.
21. The NPPF's changed approach is discussed below.
22. The NPPF 2026 (when dealing with Local Plans and their policies) moves away from the former approach of emphasising that policies should be viewed as out of date in certain circumstances, particularly where the LPA is unable to demonstrate a five year supply of deliverable housing sites or where housing delivery falls below specified thresholds.
23. Previously this led to arguments that relevant Development Plan policies should be regarded as out of date, with the consequence that reduced weight was afforded to those policies and increased weight given to the presumption in favour of sustainable development. In practical terms, the focus of decision-making often became whether a policy was sufficiently up to date to continue to attract significant weight.
24. The NPPF 2026 adopts a different approach. Rather than focusing on the extent to which policies may have become out of date through housing land supply or delivery issues, it places greater

emphasis on whether policies remain consistent with national policy and form part of an actively maintained, plan-led system.

25. This is evident throughout the revised Framework. Local Plans are required to be reviewed and renewed on a regular basis, development plans are expected to accord with current national policy, and policies which are materially inconsistent with national decision-making policies are to be given limited weight. Conversely, policies are not automatically deprived of weight simply because issues arise in relation to housing supply or delivery.
26. The importance of policy consistency is also reflected in the revised tests of soundness for Local Plans, which include whether plans are consistent with national policy and in conformity with the wider planning framework. The emphasis is therefore on maintaining a current and coherent plan-led system rather than relying upon mechanisms which treat policies as out of date in response to particular housing delivery metrics.
27. Importantly, the concept of a five year housing land supply remains within the Framework. However, its role has changed. The inability to demonstrate five year supply of deliverable housing sites is no longer treated primarily as a trigger which renders relevant development plan policies out of date. Instead, it is treated as evidence of unmet housing need, which is then considered through the application of Policies S4 and S5 and the wider national decision-making framework. This is considered in further detail below.
28. The Rule 6 Party previously addressed matters of consistency between Local and National Policy and concluded that as the Local Plan policy remained strongly consistent with National Policy, substantial weight should continue to be given to Local Policies. This remains the case on an analysis of the new NPPF 2026 policy.
29. Moving on to look in detail at the specific consistency or otherwise of existing Local Plan policy compared to those new NPPF 2026 policies, this document notes as a point of departure that the NPPF 2026 continues the presumption in favour of sustainable development at Policy S3, and also introduces various new policies including S5 which are relevant in this respect.
30. This maintains the concept of Policy dealing separately and distinctly with development 'Outside Settlements' as a discrete area of Policy, with S3 directing this type of development to be

considered as defined within Policy S5, 'S5: *Principle of development outside settlements.*' (p25)
This is entirely consistent with the approach taken in both the adopted and emerging local plans.

31. Policy S5 provides a list of the types of development that should be approved outside settlements, among which is;

h. Residential and mixed-use development which would:

i. Be within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B);

ii. Be physically well-related to the station or the settlement within which the station is located;

iii. Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; and

iv. Not prejudice any proposals for long-term comprehensive development in the same location.

32. Noting the requirement at paragraph 11 of the Introduction of the NPPF 2026 that:

Where policies in this Framework set out lists in the form of sub-paragraphs, all of those sub-paragraphs apply unless the text indicates otherwise (such as through the use of 'or' at the end of one or more sub-paragraphs),'

33. It is clear that the Policy envisages that all these tests must be met; they are not.

34. Specifically, on the evidence of Mr Russell, the site fails parts i and iii insofar as the appeal site is not, 'within reasonable walking distance¹ of a well-connected station²', nor can it be said to, '*Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure*' and therefore fails in respect of the severe limitations or absence of suitable travel infrastructure discussed by Mr Russell in respect of the shortcomings of the footpaths and cycle routes between this site and the amenities of the area.

35. The R6 Party are clear then that the proposed development is in breach of this part of the policy.

36. Policy S5 also provides a separate category of,

j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority

¹ Underlined for emphasis

² The R6 Party does not dispute that the Haywards Heath Station itself is well connected

cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test (footnote 27: See Annex D: Housing calculations and supply.), and where the development would:

i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure³; or...

37. Whilst accepting that the proposed development meets the test of the first paragraph of part (J) in terms of five year supply of deliverable housing sites, and that the site is 'physically well-related' (J.i), in respect of that part of the policy test underlined above relating to the limitations or absence of sustainable travel infrastructure discussed by Mr Russell (in respect of the shortcomings of the footpaths and cycle routes between this site and the amenities of the area, and the lack of access to a bus service accessible within a reasonable distance), the proposed development again fails to comply with this policy. The R6 Party argue that the proposed development is also in clear breach of this part of the policy.
38. Policy S5 also has a further development type characterised as,
- 'i. The development of land allocated for that purpose in the development plan (where this lies outside settlements); and'*
39. Whilst it is acknowledged that the development site has been put forward for allocation by the Council (and noting the R6 Party case that it will not be, for reasons related to the evidence

³ Underlined for emphasis

presented at this Inquiry and which will be presented to the Local Plan consultation), the site is not allocated, and cannot benefit from this support.

40. The R6 Party therefore do not believe that the proposed development meets any of the forms of development listed in Para S5.
41. However – even if the R6 Party is wrong about that – it does not change the nature of the case as argued before the Inspector and set out in closing.
42. In Closing at Para 175 – 177, the R6 Party set out that there were two route maps for the Inspector to refuse this Appeal. These Route Maps remain in substance in the new NPPF.
43. The first Route Map was if there was Ancient Woodland. Under the old NPPF this meant that the determination was on a flat balance. Under the new NPPF that is not the case, but the substantive outcome is the same.
44. Policy S5 part 2 discusses circumstances where,
‘the benefits of approving development proposals are likely to be substantially outweighed by adverse effects’,
45. and cross refers to those National policies which,
‘state that development proposals should be refused in specific circumstances’,
46. which in this instance is relevant to the Rule 6 case in respect of Ancient Woodland/Irreplaceable Habitats, discussed elsewhere in this document. But in short Policy N6 part 2 is materially the same as paragraph 193 c in the old NPPF. It requires development which would entail the loss or deterioration of Ancient Woodland be refused.
47. While the Route Map is different – under the old NPPF it was refusal on a ‘flat balance’, under the new NPPF it is refusal on a ‘tilted balance’ – the outcome is the same. The harm to Ancient Woodland justifies refusing permission if the proposed development is sustainable under S5.
48. The second Route Map (para 177 in the Closing) was assuming that the tilted balance applied under the old NPPF and setting out why the adverse impacts significantly and demonstrably outweighed the benefits.
49. These same arguments apply equally under the new NPPF. There is no change in practice between the ‘old’ tilted balance (“significantly and demonstrably outweighed the benefits”) and

the 'new' tilted balance at S5 part 1 ("unless the benefits of doing so would be substantially outweighed by any adverse effects").

50. In other words, if the Inspector were to conclude under the old NPPF that refusal was justified despite the tilted balance (the second Route Map) then that same conclusion must be reached under the new NPPF's tilted balance. The new NPPF does not introduce a higher bar for overcoming the tilted balance. Therefore the R6 Party's original submissions in this regard remain valid.
51. However the position has significantly worsened for the Appellant. If – to consider the other alternative – the R6 Party is right, and the proposed development does not fall within any of the acceptable development categories at S5 then the new NPPF is very clear what should happen at S5 part 4:

Development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.

52. In this case, the proposed development does not fall into categories h, i or j. There are then no exceptional circumstances that justify its approval especially because it is unsustainable in travel and transport terms, which is flagged as a key adverse effect.
53. The new NPPF is clear that the Inspector should be refusing permission for the proposed development.
54. These policies, while new in their formulation, continue to make the case for only supporting development outside settlements where they can be viewed as locationally sustainable in transport and travel terms, and in their impact upon ecology, habitats and countryside, a line of argument that is entirely consistent with those policies managing development outside the built up area in both the adopted and emerging local plans. As such the R6 Party consider that those policies should continue to be given considerable weight even though those in the adopted plan may be viewed as technically out of date (where they relate to housing and in respect of the failure to provide a five year supply of deliverable housing sites) and in the emerging Local Plan

even where they are subject to unresolved objections. The degree of consistency is high in both cases and thus significant weight should be given.

Sustainability of Location - Transport and Travel

55. The R6 Party case in relation to the sustainability of the location (in travel and transport terms) is that the appeal site does not present a genuine choice of sustainable travel alternatives to the car for access to amenities and services.
56. The NPPF 2026 introduces new policies in respect of locational sustainability in travel and transport terms. This section addresses policies as they relate to the sustainability of the Appeal site in travel and transport terms.
- TR1: Vision-led approach to planning for transport
 - TR3: Locating development in sustainable locations
 - TR4: Street design, access and parking
 - TR8: Public rights of way
 - S5: Principle of development outside settlements
 - DP3 Key principles for well-designed places
 - P5: Maintaining public safety and security
57. The relevant changes in the NPPF 2026 fall broadly into the following categories related to the R6 case;
- The need to locate development where there are genuine sustainable transport alternatives to travelling by car, and the distances that must be travelled to access both transport and amenities
 - Connectivity
 - The safety of routes from the site to relevant amenities

Sustainable Transport Modes and Travel Distances

58. In respect of access to facilities via non car transport (sustainable modes of travel), the R6 Party note that at Policy TR3, which at least in part replaces NPPF 2024 paragraph 110, NPPF 2026 deals with car travel. At part 1, section A, the policy states that;

Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly

by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;

59. Firstly, the proposals provide no meaningful improvements to infrastructure or services ‘*planned improvements, including any provided for as part of the development itself*’ to make the site more sustainable – there is no improvement to cycling infrastructure, there is no effort to improve bus services, and the R6 contend that efforts to improve the footpath network are inadequate.
60. Secondly, of note is the phrase ‘*particularly by private car*’ which has been inserted after limiting the need to travel.
61. Finally, reference to EVs has been removed from the definition of “sustainable travel modes”⁴.
62. The appellant has noted that travel by EVs is a genuine travel choice in this case. Therefore where the Appellant argued that the provision of EV Charging points facilitating people driving to the station in an EV made the site sustainable, (because this was claimed as a sustainable mode), this is now no longer the case as the definition has changed.
63. Clearly an EV is still a car - and the NPPF now tells us explicitly that it particularly wants lower car use.
64. It is clear that the government does not view travel by car as being able to excuse an otherwise poorly-served site in travel sustainability terms.
65. However the fact that the NPPF retains the need for ‘*a genuine choice of transport modes*’ – which was viewed by both experts as a key test - means that the evidence of both witnesses remains relevant and applicable.
66. Turning to Policy S5, which deals with the ‘Principle of development outside settlements’ as this site is in respect of both the existing and emerging Local Plans, in respect of Travel Sustainability, the requirements of the policy are that,

Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially

⁴ ‘Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking, wheeling, cycling and public transport.’ – NPPF 2026 Glossary definition

outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:

- *Residential and mixed-use development which would: Be within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B);*
- *Be physically well-related to the station or the settlement within which the station is located;*
- *Be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; and*
- *Not prejudice any proposals for long-term comprehensive development in the same location.*

67. As noted at the first bullet point, to qualify a development must be,

‘within reasonable walking distance of a well-connected station (applying the definitions in the glossary at Annex B)’

68. The glossary definition of Reasonable Walking Distance is provided in full below,

‘Reasonable walking distance: For the purpose of policies S5, L3, GB7 (relating to land around well-connected stations), this should be considered to be around 800 metres, or around 10 minutes’ walk time if topography, route availability and quality or physical barriers would prevent or discourage walking from up to 800 metres away. For the purpose of policy HC5 (hot food takeaways) it should be considered to be around 400 metres, or around five minutes’ walk time if topography, route availability and quality or physical barriers would prevent or discourage walking up to 400 metres. Where a reasonable walking distance is required to be calculated when applying policies S5(1)(h), L3(2)(c) and GB7(1)(h), and only part of the site falls within the reasonable walking distance, those sub-paragraphs of policies S5, L3 and GB7 only apply to the area of the site within that reasonable walking distance.’

69. It is clear from this that the Government still clearly places emphasis on the 800-metre standard for walking. It is noteworthy that the Government has chosen the 800m distance which aligns with;

- Design guidance about how far is reasonable to walk to a railway station
- 20 minute neighbourhoods (which is 800 m each way)
- Manual for Streets
- The National Design Guide

70. This is highly relevant as it provides clear evidence in favour of Mr Russell's analysis that the site is not within a reasonable walking distance of any facilities or amenities other than the agreed post box location.
71. At the third bullet point, Policy S5 required that the development be,
- 'of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; and'*
72. With regard to the, *'existing or proposed availability of infrastructure'*, the limitations or absence of infrastructure were discussed by Mr Russell in respect of the shortcomings of the footpaths and cycle routes between this site and the amenities of the area, and his evidence showed that the proposed development again fails to comply with this aspect of policy S5.
73. The R6 Party are clear then that the proposed development is also in clear breach of this part of the policy.

Connectivity of the Development Site

74. Evidence was given in detail at the Inquiry related to the degree to which the site was well connected or otherwise, and the most appropriate method of measuring this. Mr Russell argued that the site was poorly connected by all measures other than car travel, and that this was shown by reference to the Connectivity Tool, and its latest update the Connectivity Matrix, whose use were both supported by the Ministerial Statement on the subject. He argued that the outputs of all aspects of the Tool supported this view and showed the site as a very poorly connected location.
75. The appellant sought to play down use of the Connectivity Tool and stated that the ministerial statement and tool's use carried little weight.
76. Policy TR1: 'Vision-led approach to planning for transport' clearly demonstrates that this is not the case; the policy in fact confirms the high degree of emphasis placed on the use of this tool by the government (noting that in this instance the reference is a plan making policy). At Part 1, section B, it notes that;
- b: Locating proposed development where it can support sustainable patterns of movement and make effective use of existing or proposed transport infrastructure, reflecting the principles in policy TR3. The Connectivity Tool (Connectivity Tool - GOV.UK) should be used to inform the*

assessment and selection of sites for development alongside other relevant quantitative or qualitative evidence;

77. Further, at Policy TR3 (a decision making policy), Part 2,

‘The Connectivity Tool (Connectivity Tool - GOV.UK) should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development. ‘

78. This confirms the R6 Party view that the Connectivity Tool (and its output that the site is very poorly connected for all non-car modes of travel) should be given a substantial amount of weight – not, as the appellant’s argued for, ‘limited’. It is now not ‘just’ supported by a Ministerial Statement, but also embedded in National Policy.

The safety of routes from the site to relevant amenities

79. Evidence was presented to the Inquiry related to the safety, or perceived safety, of the routes available to residents to get to relevant amenities, particularly in respect of the footpath leading away from Lewes Road. It was noted that the footpath was at least in large part;

- Not overlooked
- Overgrown (at least at times)
- Not lit

80. Whilst it is noted that the appellant proposed surfacing the path, this will not address these practical points.
81. Mr Russell in his evidence argued that these would deter some users from walking along this path, particular at dusk, dawn and night time.
82. The 2026 NPPF provides much greater, and more specific, emphasis on the safety of public spaces (such as footpaths), along with addressing for the first time specific groups such as women and girls. It also expressly acknowledges that fear of crime must be taken account of.
83. This is elaborated in a number of places. An obvious and clear example is to be found at DP3 (Key principles for well-designed places) Part 2 section f, which requires public spaces to be *'safe, secure, inclusive, and accessible for all ages and abilities, including for groups such as women and girls'*
84. The policy seeks clear design intervention, including high-quality pedestrian routes, integrated lighting and natural surveillance through active frontages. This makes it clear that safety should be by design and integrated into the public realm through good placemaking.
85. The infrastructure improvements offered by the appellant fail to do this.
86. Policy TR4 (Street design, access and parking) at Part 1 section c, which requires transport considerations to help create places that, *'Ensure that the arrangement of streets and other routes help to create places that are safe, inclusive and attractive for all users (particularly for women and girls, for other groups who may be vulnerable to crime or the fear of crime, and for those with limited mobility).'*
87. There is significant evidence that concerns about personal safety frequently influence how women travel, where they travel, and whether they use sustainable modes of transport at all. The

policy addresses this through making the (safe) design of streets, routes and transport infrastructure a material planning consideration.

88. Further reinforcement of this agenda is confirmed at Policy P5 (Maintaining public safety and security) where development is required to identify

‘possible malicious threats and other hazards’

89. At Part 1 section A, in relation to their users, development proposals should anticipate,

‘safety risks and proportionate mitigation opportunities which can be addressed through the design of the scheme. This applies especially where particular groups may be vulnerable to crime, or to the fear of crime⁵ – such as women and girls...’

90. This acknowledges that safety must be a part of the design of a place because a perceived lack of safety, or a fear of entering a space in which one is vulnerable, can exclude women from public spaces.

91. This goes directly to Mr Russell’s evidence that there is a real chance that at least some (significant) groups will not use the footpath, and that, as a consequence, what is already a poorly connected site becomes even worse.

92. These matters of policy change provide a clear new emphasis on the need to provide public realm that is not just objectively safe, but perceived as such. The Rule 6 Party maintain their view that the footpath infrastructure (even after mitigation) simply does not provide for this and as such the site cannot be seen to meet any of these policy tests.

93. These matters are now very clearly fundamentally embedded within national planning policy and relevant to the determination of this appeal.

94. Finally, the consultation response from the Highways Authority noted that;

WSCC has considered the proposal for 80 residential dwellings at Land North of Colwell Farm and based on the information presented and viewed against paragraphs 115 and 116 of the

⁵ My emphasis

National Planning Policy Framework, WSCC Highways are satisfied that this proposal would not result in any severe or otherwise unacceptable highway safety impacts.

95. The highway authority has quite rightly read paragraphs 115 and 116 together and concluded that the development would not result in severe impacts or unacceptable road safety impacts.
96. However, it is noted that the “should only be refused” test of 116 has been removed by the new policy at TR3, which is seeking to drive the developments to sustainable locations. It is quite possible therefore that the highway authority may have reached a different recommendation had they assessed the site against the new NPPF 2026.

Sustainability of Location – Ecology, Trees and Ancient Woodland

97. In accordance with the evidence provided by Mr Ben Carpenter, the development proposals are fundamentally unsustainable in respect of their impact upon the ecology and trees on site, along with implications for ancient woodland.

Ecology and Trees

98. Evidence was presented to the Inquiry of potential harm to protected species; bats through the approach to felling of trees, and reptiles through failure to provide a suitable reptile receptor site and for a suitable ongoing management strategy. These harms, significant in their own right, are compounded by a failure to properly provide for mitigation and enhancement leading to further clear breaches of policy.

99. Policy DP3 2c states:

“To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location: c) Nature: incorporate and/or connect to a network of high quality, accessible, multifunctional green infrastructure to provide opportunities for recreation and healthy living, strengthen habitats, improve climate change resilience and improve air and water quality. This should include maintaining and enhancing tree cover and incorporating sustainable drainage systems in accordance with policies N3 and F8”.

100. The proposals are contrary to this policy as:

- not only will the habitats not be strengthened, but will be weakened as a result of the wooded features being breached;
- only a small proportion of the development will provide on-site opportunities for recreation (particularly as the reptile receptor site will not be accessible to the residents);
- tree cover will be lost (particularly in respect of the number of mature trees that will be required to be removed to facilitate access); and
- it is unclear how water quality from the development will be improved.

101. The appeal site supports grassland, established trees (including along the access route into the site) and wooded features. Of relevance, Policy N2 1d states:

“To contribute positively to the natural environment, and support nature’s recovery, development proposals should: d) Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings”.

102. The proposals for the site will result in the loss of a significant number of trees (including along the access route) and will breach the wooded features (these are historic in nature, being shown on historic mapping). Therefore, contrary to this policy, the proposals would not conserve or enhance the visual, historic or nature conservation value of the natural features within the site.

Ancient Woodland

103. Although the NPPF 2026 has slightly amended the wording to the policy in respect of irreplaceable habitats (Policy N6- ‘Areas of particular importance for biodiversity and geodiversity’), the wording can be considered to be consistent with paragraph 193c of the previous NPPF in respect of this site and scenario. This highlights that the government still gives a very high regard to the presence of such habitats. For reference, the updated definition does not alter the caveats that do allow for development – ‘wholly exceptional reasons’ ... and ‘(where) a suitable compensation strategy exists’. It remains the case that neither are present. In respect of the glossary, the definition of ancient woodland and irreplaceable habitat has been expanded; nevertheless, in broad terms, these definitions are broadly consistent with the previous NPPF.
104. As highlighted during the inquiry, historic mapping would indicate that the feature in the north-east of the Appeal Site (the ‘Shaw’) is likely to be ancient in origin. Further, historic mapping would also indicate that the two north-south aligned features through the central part of the Appeal Site (particularly the eastern feature) are also ancient in origin. Therefore, the proposals would appear to result in the loss and deterioration of an irreplaceable habitat.
105. Woodland to the south (known as Cains Wood) is identified as ancient woodland on MAGIC, with a ghyll stream present within the wood. The Appellant’s surface water drainage strategy highlights that drainage from the scheme will be altered, with water apparently discharging at a

different location to that currently. This alteration to the drainage from the site could result in a deterioration of the ancient woodland (contrary to Policy N6). Furthermore, Policy P3 2f states:

“[...] development proposals should: Assess and mitigate impacts where the development could have an unacceptable adverse effect on water quality, especially in relation to sensitive water bodies such as chalk streams.”

106. It is considered that ghyll streams are sensitive water bodies, and therefore, in the absence of an assessment of the proposals in respect of this receptor, it cannot be determined if there will be unacceptable adverse effects.
107. In respect of the above points, the Inspector should give significant weight to these matters, and specifically give great weight to the likely presence of Ancient Woodland, taking a precautionary approach.

Main Issue 3: Emerging Local Plan – Allocations

108. The Appeal site is not allocated in the Local Plan as drafted, despite representations seeking to achieve this. Whilst the site has been included on a revised long list for further consideration, the R6 Party believe that the facts and evidence presented to this Inquiry and which will be put before the Local Plan consultation process will continue to prevent its allocation – the R6 party will continue to make representations to this effect.
109. Furthermore the R6 Party continue to maintain, as discussed in their evidence, that the soundness of the Emerging Local Plan is not contingent upon the allocation of this site (as per the evidence regarding the provision of both an already significant buffer and above that an even greater oversupply of housing beyond the required target figure for houses to be delivered).
110. It is therefore the R6 party case that the site will very likely not be allocated, as it is both unsuitable, and not required.
111. Adoption of the Mid Sussex District Plan 2021–2039 (Emerging Local Plan) which is likely to take place in a matter of months, allied to the entirely plausible scenario that it will *not* include an allocation for housing at this site⁶, will leave the serious breaches of the Development plans posed by this application as entirely without justification, with the main plank of its justification (the need for housing expressed through a lack of five year supply of deliverable housing sites) having been completely removed.
112. The publication of the NPPF 2026 does nothing to affect the R6 Party analysis of this; whilst it places a very strong emphasis on delivery of housing, this is not a change, and remains consistent with the previous 2024 version.
113. Of as much relevance is the continued emphasis on protection for areas outside the built up area, the increased clarity over what constitutes a well-connected and sustainable site, and the further clarity over protections given to irreplaceable habitats.
114. While recognising that the emerging Plan will not be tested against the 2026 NPPF, it can be used to support submissions that the R6 Party will make as to why the emerging Plan is inconsistent with the relevant older version of the NPPF (given the newer NPPF gives more detail

⁶ *Not least justified by its previous consideration under, and subsequent omission from, the preparation of the Local Plan*

to inform the subjective planning judgments of the examining Inspector). As discussed in detail in other parts of this submission, the NPPF 2026 seeks to;

- Ensure that plan making identifies sustainably located sites for development (using the Connectivity Matrix among other tools) not least for allocations.
- Ensure that the safety (and perceived safety) of public routes and places is improved for all groups
- Protect areas beyond the built up area from unsustainable forms of development
- Clarify the definitions of sustainable travel modes, and ensure that sites are within 800m walk of amenities to qualify as sustainably located
- Conserve and enhance features of natural conservation value including the established trees, the wooded features, and the offsite ghyll stream.
- Retain the high protection afforded to irreplaceable habitats, which includes ancient woodland, to ensure that they are not harmed or lost.

115. These matters within the NPPF 2026, taken together, confirm the R6 view that the site should not be allocated in the Emerging Local Plan, and that as such the appellant's continued reliance on this allocation to justify multiple and broad policy breaches of the development plan is misplaced and not to be relied upon.

Summary

Introduction

117. This document provides a review of the proposed development when considered against the updated NPPF 2026.

Main Issue 1: Status of and Conflict With the Development Plan

118. The NPPF 2026 provides a series of new policies relevant to decision taking.
119. These policies, while new in their formulation, continue to make the case for only supporting development outside settlements where the development can be viewed as locationally sustainable in transport and travel terms, and in its impact upon ecology, habitats and countryside. This line of argument is entirely consistent with those policies managing development outside the built up area in both the adopted and emerging Local Plans. As such the R6 Party consider that those policies should continue to be given considerable weight in both the adopted Local Plan, and in the emerging Local Plan even where they are subject to unresolved objections. The degree of consistency with National Policy (which is the new emphasis of NPPF 2026) is high in both cases and thus significant weight should be given.

Main Issue 2: Sustainability of Location - Transport and Travel

120. In accordance with the evidence provided by the Transport Expert appointed by PCFG, Mr John Russell, the location of the site is such that the development is fundamentally unsustainable from the point of view of access to non-car means of travel to almost all destinations, locally and further afield.
121. The case as presented at the Inquiry remains valid in its entirety when viewed in context of the NPPF 2026 changes, and is in a number of areas bolstered by changes to policy therein.
122. The proposed development conflicts with new policies TR1, TR3, TR4, S5, DP3, and P5.
123. The new NPPF reinforces the applicability of an 800m walking standard, further emphasises the importance of non-car modes of travel, removes EVs from their previous role as providing an

acceptable form of sustainable travel for the purposes of travel policy, and makes even more clear the desirability of reducing or removing private car travel.

124. It is clear that the government does not view travel by car – the only means of travel by which this site is well served - as being able to excuse an otherwise poorly-served site in travel sustainability terms.
125. Together, this further confirms the status of the site as being unsustainable in travel and transport terms.
126. NPPF 2026 also clarifies and confirms the importance of using the Connectivity Tool, and gives clear weight to its use. It is now confirmed in National Policy, and should be given significant weight, not the 'limited' weight ascribed to it by the appellant.
127. Finally, a new and explicit reference is made to ensuring the safety of women and girls (and other groups), and the potential for fear to affect their use of non-car modes of transport, reinforcing the evidence that the routes for walking from the site are unsuitable.
128. In short, the NPPF 2026 further supports the argument that the proposed development site is fundamentally unsustainable in travel and transport terms.

Main Issue 2: Sustainability of Location - Ecology, Trees and Ancient Woodland

129. In accordance with the evidence provided by Mr Ben Carpenter, the development proposals are fundamentally unsustainable in respect of their impact upon ecological interest on the site, the trees which will be affected, and ancient woodland.
130. It is clear that the impacts of the proposed development are in conflict with policies DP3 2c, P3 2f and N2 1d, with implications arising from the loss of trees, breaches in the historic wooded features, and likely adverse effects on water quality of the adjoining ghyll stream.
131. There is furthermore good evidence to suggest that there may be features of Ancient Woodland or PAWS on the site, meaning that the development proposals would result in potential damage to, or loss of, irreplaceable habitats. In addition, changes in water discharging from the site (in

terms of exact location and quality), could lead to deterioration of the adjoining Cains Wood (an area identified as PAWS). Therefore, the proposals would also be contrary to Policy N6 2.

Main Issue 3: Emerging Local Plan – Allocations

132. The Appeal site is not formally allocated in the Emerging Local Plan, albeit consultation is underway on doing so. The R6 Party believe that the facts and evidence presented to this Inquiry and which will be put before the Local Plan consultation process will prevent its allocation.
133. The R6 Party continue to maintain that the soundness of the Emerging Local Plan is not contingent upon the allocation of this site.
134. It is therefore the R6 party case that the site will very likely not be allocated, as it is both unsuitable, and not required.
135. Adoption of the Plan, allied to the entirely plausible scenario that it will *not* include an allocation for housing at this site, will leave serious breaches of the Development plan policy, where Development does not address any evidenced unmet need.
136. The publication of the NPPF 2026 does nothing to affect the R6 Party analysis of this; whilst it places a very strong emphasis on delivery of housing, this is not a change, and this remains consistent with the previous 2024 version.
137. NPPF 2026 provides continued emphasis on protection for areas outside the built up area, the increased clarity over what constitutes a well-connected and sustainable site, and the further clarity over protections given to irreplaceable habitats.
138. While recognising that the emerging Plan will not be tested against the 2026 NPPF, it can be used to support submissions that the R6 Party will make as to why allocating the site in the emerging Plan should not proceed.
139. The NPPF 2026 further confirms the need to;
 - use the Connectivity Tool and Matrix,
 - ensure that the safety (and perceived safety) of public routes and places is improved for all groups,
 - protect areas beyond the built up area from unsustainable forms of development,
 - ensure that sites are within 800m walk of amenities to qualify as sustainably located,
 - move away from private car travel

- conserve and enhance features including established trees, wooded features, and those such as the offsite ghyll stream.
- retain the high protection afforded to irreplaceable habitats including ancient woodland.

140. These matters, taken as a clear direction of travel of national policy, clearly reinforce the argument for not allocating the site in the Emerging Local Plan. They are also consistent with those policies in the Emerging Local Plan regarding development on unallocated sites such as the proposed development site, and as such reinforce the argument that the development will clearly conflict with that plan on adoption.

Conclusion

141. Having reviewed the new NPPF 2026, and considered it in light of the evidence submitted in support of the R6 case at the Public Inquiry, the R6 party is strongly of the view that arguments made against the proposed development at the Inquiry remain consistent with the NPPF 2026, and are in fact further strengthened by it.