

POST INQUIRY RESPONSE FROM THE APPLICANTS

Called-in Planning Applications pursuant to Section 77 of The Town and Country Planning Act 1990 (as amended):

I. **Northern Application** – Outline Planning Application for the phased development of up to 97.94 hectares comprising of demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works, at Highsted Park, Land to West of Teynham, Kent (LPA Application no: 21/503906/EIOUT) (the “Northern Application”).

II. **Southern Application** – Outline Planning Application for the phased development of up to 577.48 hectares comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works, at Highsted Park, Land to the South and East of Sittingbourne, Kent (LPA Application no: 21/503914/EIOUT) (the “Southern Application”).

Together the Northern Application and the Southern Application are referred to as the “Applications”.

PINS REFERENCE: APP/V2255/V/24/3355313 & APP/V2255/V/24/3355314

1 INTRODUCTION

- 1.1 This note has been prepared on behalf of Quinn Estates, G.H Dean & Co Ltd, Attwood Farms Ltd, Attwood Trustees and AG Kent Holdings BV (the “Applicants”) in relation to the two recovered planning applications at Highsted Park, Sittingbourne, Kent. It responds to the request made by the Planning Inspectorate, dated 18 August 2026, to provide representations to the Secretary of State on new matters which have arisen since the close of the inquiry.
- 1.2 In turn, the note responds to:
 - a) the revised National Planning Policy Framework (NPPF) and related documents (Section 2);and
 - b) further information received from DHA in respect of the emerging Regulation 19 Swale Local Plan and resolutions to grant permission for two major housing schemes in Swale (Section 3).
- 1.3 The Applicants reserve the right to update or supplement its representations in response to those submitted by others.

2 NATIONAL PLANNING POLICY FRAMEWORK (AUGUST 2026)

- 2.1 The Applicants have carefully reviewed the evidence presented to the inquiry taking into account updated national planning policy (the August 2026 NPPF of 'NPPF26'). For the reasons explained in this section, it considers that the nature and shape of its planning case remain unchanged and permission for both sites should be granted, as concluded at paragraph 299 of the Applicant's closing submission (CD99.12).

The planning balance

- 2.2 It was Applicants case that the 'tilted balance' in paragraph 11d of the December 2024 Framework ('NPPF24')¹ was engaged for both the Northern and Combined applications and the balance weighed firmly in favour of the grant of permission².
- 2.3 Whilst NPPF26 no longer includes the same 'tilted balance' test, the planning balance remains weighted firmly in favour of the grant for both applications.

Policy S5 Presumption

- 2.4 NPPF26 Policy S5 (Principle of Development Outside Settlements) states that where development falls within one of the types of development listed it should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against decision making-policies in the framework.
- 2.5 Only Criterion S5(1)(j) is relevant to both the Northern and Southern applications, where eligibility is dependent on addressing an evidenced unmet need (including but not limited to the LPA not being unable to demonstrate a 5 year housing land supply or scores below 75% in the most recent Housing Delivery Test) and being physically well related to an existing settlement³.
- 2.6 Both applications will meet clear evidenced unmet needs:
- a. The Council does not have a 5 year housing land supply. The evidence before the planning inquiry was that there was a 3.98 year housing land supply⁴. The Council's most up to date position (3.97 years/shortfall of 1,149 dwellings) was published in November 2025⁵ after the close of the inquiry and continues to show a clear failure to meet a 5 year housing supply target. As explained, in section 3, this will remain the case even with other major housing schemes.
 - b. The Housing Delivery Test results published at the same time as NPPF26 confirm that Swale is a presumption authority scoring 70% i.e. below the 75%.
 - c. As explained further below, the substantial number of homes, major employment development and new link roads provided for within the two called-in applications will meet clear wider unmet needs.

¹ CD16.1

² The Applicant's closing (CD99.12) explains that the Council agreed that the tilted balance applied to the Northern Application (paragraph 284) and the Applicants case is that having passed the paragraph 215 (heritage harm), 193c (irreplaceable habitat loss) and 190 NPPF (National Landscape) tests it also applies to the Southern Application.

³ S5 (J)ii confers eligibility to major development for freight and logistics but is not directly relevant to this case

⁴ See for example CD99.12 paragraph 89 (Applicants Closing Statement).

⁵ https://swale.gov.uk/_data/assets/pdf_file/0005/510629/2025_Housing_Land_Supply_PS_2025_26_NovemberREDUCED.pdf

- 2.7 It is also clear that the applications are consistent with the requirements of NPPF26 policy S5 (1) which states as follows:

“i. Be physically well-related to an existing settlement²⁸ (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 infrastructure;..”

- 2.8 The Applicants’ planning evidence confirms that both applications are physically well related to existing settlements (in this case Teynham and Sittingbourne). This is explained in section 10 of CD37.11.2. Paragraph 10.6 states as follows:

“10.6 Combined the two Schemes would essentially result in a series of logical extensions to Sittingbourne’s urban area linked by road and GI:

10.6.1 Southern Extension- focussed around the existing and extended Kent Science Park, with housing provided in Highsted Village West and Highsted Village East. The existing villages of Highsted/Rodmersham Green would be located on the eastern side of Highsted Village East, separated by GI.

10.6.2 Eastern Extension- with Teynham West (from the Northern Scheme) filling much of the gap between Sittingbourne and Teynham and Oakwood Village North and South. The annotated illustrative plan in the Northern Application DAS Addendum (CD1.8, p25), shows the housing of Teynham West to the west of the cluster of the village centre, community hub, primary school and new village green. The equivalent plan in the Southern Application DAS Addendum (CD 7.8, P26) shows the illustrative layout of Oakwood Village North and East.

10.6.3 New roads (Northern Relief Road and Southern Relief Roads) set in extensive GI providing strategic connections for Sittingbourne from the A2 to the M2 and connecting the new development and existing settlements to the wider network.

10.6.4 A small outward extension of the built area of Sittingbourne (Highsted North)”

- 2.9 The Applicants’ Masterplan evidence (37.1.2) re-enforces how both schemes, taking into account the need for the link roads and strategically important open space, are physically well related to existing settlements. Section 6 (p60 onwards) shows the relationship of the Northern Scheme with Teynham and how it will integrate and connect to that settlement with a cluster of three neighbourhoods, the SNRR and green infrastructure. In respect of the Southern Scheme new roads, green infrastructure and built development will extend Sittingbourne, with 5 new neighbourhoods and a southern employment cluster next to Kent Science Park/the M2 motorway. This evidence also demonstrates how the Proposed Developments are consistent with design related policies in NPPF26, particularly DP3 (Key principles for well-designed places), which amongst other things, requires development proposals to respond to their context, integrate and enhance their surroundings.
- 2.10 In terms of being accommodated taking into account infrastructure availability, both applications schemes are comprehensive and will deliver on site infrastructure (primary and secondary schools, health facilities, community facilities, green infrastructure and public

services)⁶ to meet the needs to new residents/occupiers. The Applicants' evidence also makes clear that they are also the only means of providing for the long-standing road infrastructure deficit at Sittingbourne causing congestion and inhibiting future growth.

- 2.11 Paragraphs 7.13-7.15 of the Applicants' Planning evidence states as follows in respect of the Sittingbourne Northern Relief Road (SNRR) proposed as part of the Northern Scheme and paragraph 7.16 in respect of the Sittingbourne Southern Relief Road (SSRR).

"7.13 It is therefore understandable why this element of the Northern Scheme is considered to be acceptable in principle, in terms of its alignment and its traffic impacts. As the Committee Report for the Northern Scheme (CD6.1) records in respect of the representations from KCC (p51):

"The SNRR results in a general reduction in traffic around Sittingbourne town centre and the majority of its road network, including the A2 West through to Key Street. Of note are significant reductions on the Lower Road/Tonge Road corridor, the A2 through Bapchild, and routes north of the A2 in Sittingbourne to the commercial areas at Eurolink."

7.14 It goes on to explain that there would be some increased traffic elsewhere, but that the modelling shows some routes see a reduction in traffic including a noticeable improvement in Sittingbourne. Whilst the Council acknowledged that the SNRR would result in a number of harmful impacts, particularly in relation to heritage, it was recognised that it would offer the benefits set out in the Local Plan and did not consider that this represented a reason for refusal. (Paragraph 7.4.5.15 CD6.1) and acknowledges that its role in improving highway congestion and associated emission in Sittingbourne is accorded significant weight (paragraph 7.25.32).

7.15 I also note that the proof of evidence from Alun Millard of KCC (CD39.3.1, para. 10.3) explains that a variety of modelling evidence demonstrates that provision of SNRR would ease traffic congestion in Sittingbourne town centre, where constraints limit opportunities to deliver highway capacity improvements, and would accommodate growth and present opportunities to promote active travel.

Southern Scheme

7.16 In terms of the Southern Application and the SSRR/motorway junction, John Wilde's evidence notes specific support for the principle of the SSRR in the 2017 and 2024 Local Transport Plans (CD15.12 and CD15.13 respectively). This in principle support is also acknowledged in the Southern Application Officer's Report (CD12.1, Paragraph 7.4.7.3) which also recognises how the connection would improve accessibility to the science park and potentially support growth consistent with policy CP1 which aims to build a strong and competitive weight (and should be afforded substantial weight)."

- 2.12 In terms of utilities capacity, the Application Proposals are intended to meet already identified housing needs (LHN), and employment needs not additional ones. There was no evidence before the inquiry to suggest that there would be insufficient capacity.

⁶ As set out in paragraph 14.3 of CD 37.11.2

- 2.13 Finally, the Applicants consider that the benefits of the Proposed Developments are not substantially outweighed by adverse effects (consistent with S5 1 and 2). Evidence on these matters, including in respect of unavoidable impacts on heritage, national landscape and ancient woodland have already been presented as part of the analysis on the overall planning balance².

Substantial Weight in decision making

- 2.14 NPPF26 Policy HO7 (Meeting the need for homes) now explicitly states that ‘*substantial weight*’ should be given in decision making in relation to the benefits of providing homes which meet the needs of the community (as identified through needs assessments prepared for the area and other relevant evidence). This clear direction to decision makers goes beyond setting out the objective to boost supply (NPPF24, paragraph 61) and aligns with the tilted balance NPPF24 11d (footnote 8) which previously only applied to housing applications where there was not a five-year housing land supply etc.
- 2.15 Drawing on the needs assessment prepared for the emerging local plan and other sources, extensive evidence was provided by the Applicants on the acute need for housing⁷. Amongst other things, this evidence shows how 1,250 homes in the Northern Application, and the combined overall total of 8,400 homes for both applications, should be given very substantial weight and addresses various needs including:
- a. A cumulative under delivery of housing and unmet housing need with only 65% of the annual housing target (1,048 homes) delivered between 2017-2024 whilst also addressing economic and infrastructure needs (paragraph 7.6 and 8.8.1).
 - b. An acute shortage of affordable housing as evidenced by the Council’s declaration of an affordable housing emergency (April 2024) and difficulties translating planning permissions into actual affordable homes (paragraph 7.6 and 7.15, 8.8.2)
 - c. Local need for homes with wide range of tenures and house types (paragraph 7.35 – 7.42 and 8.8.3).
- 2.16 The Council has recently published an update to its Housing Market Assessment⁸ and this continues to show significant housing need, and an extract is provided in **Appendix 1** of this note.
- 2.17 NPPF26 Policy E2 (Meeting the need for business and premises) now states that ‘*substantial weight*’ should be given to the economic benefits of commercial development which allows businesses to invest, expand and/or adapt. This is particularly relevant to the strategically significant employment component of the Southern Application which includes up to 167,200 sq.m of employment floorspace located next to the Kent Science Park thereby enabling that existing employment hub to grow and evolve. NPPF26 therefore means that the decision

⁷ Proof of evidence of Claire Dickinson, CD37.10.2

⁸https://swale.gov.uk/__data/assets/pdf_file/0019/532801/Housing-Market-Assessment-update-2026-final.pdf

maker should, in policy terms, give enhanced (substantial rather than significant⁹) weight to planning decisions for such proposals.

- 2.18 The Applicants' evidence on socio-economic matters (CD 37.9.2) demonstrates how the major employment component of the Southern Application will, in accordance with NPPF26 Policy E2(2a), meet unmet needs and respond to an undersupply of specific types of land and premises. Paragraph 4.26 of Tom Dobson's evidence (CD37.9.2) explains how unmet demand can be met without concentrating all employment space in a single location within Swale. The concluding paragraph of that evidence (paragraph 7.5) describes the economic benefits of that employment component including 5,291 FTE jobs, benefits to the wider economy arising from jobs from new residents and how the new link roads (SNRR and SSRR) will provide much needed connectivity for Sittingbourne (including to Eurolink Park and Kent Science Park) thereby benefiting the wider Thames Gateway¹⁰.
- 2.19 Also new to NPPF26 is the need to give substantial weight to proposals for new and improved community and other facilities public service infrastructure (Policy HC4). The proposed S106 agreements will deliver and fund a wide range of education, health and community facilities providing for the needs of new and existing residents and occupiers. The CIL Compliance Tables demonstrate how onsite provision for education, health, community facilities etc for each application will meet the needs of residents and occupiers¹¹.
- 2.20 Whilst there is consensus about the need for both application proposals to include primary care health facilities, the request for £30 million towards NHS acute care is disputed and the Applicant considers that this would not meet the Regulation 122 tests and divert funding away from much needed affordable housing¹².
- 2.21 NPPF26 does not change this position, and the Applicant notes that there is no mention of acute healthcare in the NPPF. Policy HC1 (Planning for healthy communities) requires development plans to consider existing deficits in local health needs. There are no policies requiring acute care in the adopted local plan and the emerging local plan can be given no weight (see next section).

The overall balance

- 2.22 Overall, the Applicants consider that the balance weighs firmly in favour of grant because:
- a. The Proposed Development in both applications meets a range of needs, is well related to existing settlements and the benefits are not substantially outweighed by adverse effects. Accordingly, they comply with Policy S5 (Principle of development outside settlements) which confers a presumption in favour of the grant of planning permission.
 - b. Substantial weight should now be given by decision makers in policy terms to housing (Policy HO7), employment (Policy E2) and community and other facilities (Policy HC4) for proposals like Highsted Park which meet identified needs.

⁹ Paragraph 85 of NPPF2024

¹⁰ Consistent with NPPF26 Policy E2 (1) which gives substantial weight to proposals which allow businesses to invest and expand and/or adapt, especially where this would support the economic vision or strategy for the area.

¹¹ CD35.3 and CD35.4; see also Section 14 of the Planning evidence (CD37.11.2)

¹² Applicants' Closing (CD99.12) paragraph 274 onwards

- c. NPPF26 does not fundamentally alter how adverse impacts should be considered in the planning balance. Significant policy requirements which weigh against the proposals in the balance for both proposals, particularly those listed in NPPF24 (footnote 7) have not changed in a meaningful way between NPPF26 and NPPF24. Policy N6 (2) carries over the paragraph 193c requirement in respect of ancient woodland loss and Policy N4(2) carries over paragraph 190 for National Landscapes. In respect of the harm to non-designated heritage assets the harms identified to arise from the Northern and Combined Applications is clearly outweighed by the benefits (consistent with NPPF26 policy HE6(4)).
- d. When considered against new or significantly altered policies in NPPF26 both the Northern and Combined Applications comply with them (see below) and don't change the overall balance in favour of grant.

Strategic Sites

- 2.23 Policy HO13 (Build out of residential and strategic sites) of NPPF26 is new to national policy. Strategic Sites are defined in NPPF26 as sites for residential, commercial or mixed-use development which would be implemented in multiple phases, have significant infrastructure requirements and require a masterplan. For residential developments such sites would typically have capacity for at least 1,500 dwellings, albeit it is recognised that this can vary depending on the mix of uses. The Applicants' view is that both the Northern and Southern Applications would be Strategic Sites under NPPF26. Whilst the Northern Application includes 1,250 homes it also includes major road infrastructure (the SNRR) and supporting facilities including a primary school, community uses and commercial facilities.
- 2.24 Overall, the applicant considers that the policy validates its approach to formulating its proposals.
- 2.25 The Applicants' evidence demonstrates how the Application Proposals could be delivered within a reasonable period, taking into account issues which typically apply to such sites (consistent with Policy HO13 (1))¹³.
- 2.26 Criteria 3 states that the consenting framework for Strategic Sites should:
 - a. *Set out the parameters and requirements for the design, infrastructure and other features of the development (including the quantity and type of affordable housing to be provided), with the level of initial and subsequent detail tailored to the proposed scale and phasing of the development; and*
 - b. *Be flexible enough to respond positively to changing circumstances as phases are brought forward, including changes to housing need, infrastructure requirements, viability and design.*
- 2.27 The approach taken for the Northern and Southern Applications follow this approach and provide an appropriate balance in respect of setting strategic principles whilst enabling detail to follow and evolve as the schemes are built out over several years.
- 2.28 The Applicants' Planning Evidence (paragraph 3.16 and 3.17 of CD37.11.2) explains how the outline application parameters and design principles (contained within the Development

¹³ See for instance paragraph 3.14 and 5.7 of the Applicants Planning Evidence (37.11.2)

Specification) form an appropriate level of detail and how, in due course, design codes and delivery plans will guide detailed reserved matters.

- 2.29 The Applicants' approach to submitting the road design in outline (with illustrative plans) is also consistent with this approach and ensures that final designs can be agreed as the technical details are confirmed.
- 2.30 A considerable amount of time at the inquiry was taken up by Kent County Council and others scrutinising very detailed aspects of each of the applications' viability and deliverability, including specific infrastructure elements.
- 2.31 The Applicants position remains that each scheme is both deliverable and viable (and deliverability is a not a material consideration in this case)¹⁴ Policy DM5 (5) states that it is a matter for the decision maker to assess the weight given to a viability assessment. In this case the Applicants forward looking approach to viability, which demonstrates how minimum affordable housing provision can be secured without an overly detailed or fixed approach¹⁵ provides an appropriate level of flexibility and should be given significant weight consistent with NPPF26, policy HO13 (3b) and DM 5(5).

¹⁴ Applicants closing (CD99.12), paragraph 144 onwards

¹⁵ See paragraph 129 of the Applicants Closing (CD99.12)

3 OTHER SCHEMES AND EMERGING LOCAL PLAN

Regulation 19 Local Plan

- 3.1 NPPF26 Policy DM4 (Emerging development plan proposals) states that the weight to be given to emerging development plans depends on their stage of preparation, the extent to which there are unresolved objections and degree of compliance with the Framework. It goes on to state that proposals should not be refused on the grounds of prematurity unless the development proposal is so substantial it would undermine the plan making process (2a) and the emerging plan is at an advanced stage having at least been submitted for examination (2b). The policy requirements are carried over those from NPPF24.
- 3.2 The Applicant acknowledges that the Highsted Park proposals are not included in the draft Regulation 19 plan, but no weight can be given to that plan because:
- The Regulation 19 Local Plan is only out to consultation (ending 21 September 2026) and has not been submitted to the SoS, nor been subject to scrutiny and review at examination;
 - There are outstanding objections to the plan. The Applicants have expressed serious concerns about the approach being taken in respect of site allocations, infrastructure and the evidence base (see **appendix 2**) and its representations to this latest plan will explain that these have not been addressed.
 - Consistent with Policy HO13 (4), strategic and other sites in the draft local plan could come forward in parallel Highsted Park applications. As explained below, the Highsted Park Sites would not prejudice other strategic sites like the Faversham scheme coming forward and, indeed, the proposed SNRR and SSRR will improve the ability to deliver housing growth targets overall.

Other schemes

- 3.3 The DHA letter makes reference to the following applications:
- Faversham Scheme, Duchy of Cornwall (23/505533/EIHYB) for 2,500 homes - resolved to grant permission on 10 March 2026 by Swale Council; and
 - North West, Sittingbourne, Catesby (LPA ref 22/503654/EIOUT for 2,500 homes – resolved to grant planning permission on 24 June 2026 by Swale Council (the “Bobbing Scheme”).
- 3.4 The Council’s planning register indicates that neither application has been granted planning permission. As well as addressing outstanding matters such as concluding S106 agreements, both applications will need to be reported back to committee to ensure that decision makers are informed about compliance or otherwise with NPPF26 which is a very significant new material consideration¹⁶. We note that in both instances the resolutions to grant only gave delegated authority to the Head of Planning to agree conditions and S106 terms, not to consider compliance with new national or other planning policy published after the decision was made. As such very limited weight can be given to either application.

¹⁶ Consistent with case law including *R (on the application of Kides) v South Cambridgeshire District Council* (2002).

Faversham Scheme

- 3.5 At the time of writing, the latest correspondence on the Faversham application on the planning register shows agreement to extend to the time period for determination until 30 September 2026. No draft of the S106 agreement is available on the planning register.
- 3.6 The 2023 planning statement (paragraph 4.31) accompanying that application stated that the Faversham scheme would be delivered over a 20-year period ¹⁷ starting in 2027. Given that this application will not be determined until late 2026 at the earliest, it is likely that only few a hundred homes could help to address Swale's 5-year housing supply.
- 3.7 During the inquiry process, this Applicant agreed with the Duchy of Cornwall (the Applicant for the Faversham scheme) that there was sufficient 'headroom' for both schemes to go ahead. The Statement of Common Ground (CD34.20) states as follows: *"1.4 In the event of the grant of planning permission and scheme delivery, there would be capacity for both Highsted Park housing (the Southern and Northern Applications) and South East Faversham housing as being promoted by the DoC, whilst still leaving a need for further largescale development elsewhere in the Borough. The two development schemes are in different parts of Swale Borough"*.

The Bobbing Scheme

- 3.8 Like the Faversham scheme this application is yet to be approved. At the time of writing, there is no correspondence on the planning register indicating likely timescales for the issue of any planning permission and no draft S106 agreement has been uploaded.
- 3.9 In terms of delivery timescales, based on paragraph 4.10 of the Officers report for that scheme¹⁸, it would be reasonable to predict that only a few hundred homes could be delivered within the 5 year housing land supply period:

"4.10. The indicative schedule provided within the DAS anticipates delivery of the scheme over a 15 year period with 60 homes delivered in 2027/28, 120 homes in 2028/29, 160 homes in 2029/30 and 180 homes delivered each year thereafter. This programme was provided in January 2025 and anticipated an earlier determination of the planning application so would now be pushed back by circa. 9 months...."

- 3.10 More broadly, even with other large schemes coming forward there would remain a need for large and other sized schemes together with the Combined Highsted Park schemes. This Applicants' Planning evidence (CD37.11.2, paragraph 5.5), explained that the Highsted Park Applications are only expected to deliver 42% of the local need identified by the Standard Method leaving a balance or headroom of 9,107 homes or the equivalent of 607 homes per year over a 15 year period for other sites to come forward. Paragraph 5.5 of that evidence states as follow:

"5.5 Delivering this scale of housing would clearly boost the supply locally. Indeed, I note that the Proposed Development would meet less than half of future housing needs of Swale over a 15 year period (the timescales identified for plan making in NPPF at paragraph 72). Based on an Objectively Assessed Need of 1,048 per annum or 15,720 homes over the 15 year

¹⁷https://pa.midkent.gov.uk/online-applications/files/EDF49C5930EAB70A81F51C627245AAD9/pdf/23_505533_EIHYB-Planning_Statement-6061236.pdf

¹⁸https://pa.midkent.gov.uk/online-applications/files/D78768C0FE92573760A60F994891AE6D/pdf/22_503654_EIOUT-Committee_Report_and_appendices24-6-2026-6913379.pdf

period, the uniform delivery of housing over this period would be 6,613 homes or the equivalent to around 42% of the local need identified by the Standard Method. These delivery rates are likely to be conservative given the time it will take to design, procure and deliver the SNRR and NNRR which means that in the event permission is granted for both applications, the new local plan will still need to provide a strategy and identify land for around 60% of the Borough's needs. This could include small and medium sized sites which NPPF paragraph 73 states can make an important contribution to meeting housing requirements (and which Swale has been very reliant upon) and larger sites like those assessed in the LPR process such as the Duchy's proposals in Faversham for 2,500 homes (known as NS4) if road infrastructure and other constraints and objections can be overcome."

- 3.11 As paragraph 5.6 of the Applicants' evidence continues to explain (unlike the Faversham and Bobbing Schemes), the Northern and Southern Highsted park applications will fund and deliver the transport infrastructure (the SNRR and SSRR) needed to support housing growth consistent with the needs identified in the standard method.
- 3.12 These Applicants have been closely following the Bobbing Application, and we attach correspondence which expressed concerns about underlying technical and other matters immediately before committee which were not substantially addressed (**Appendix 3**).

Summary

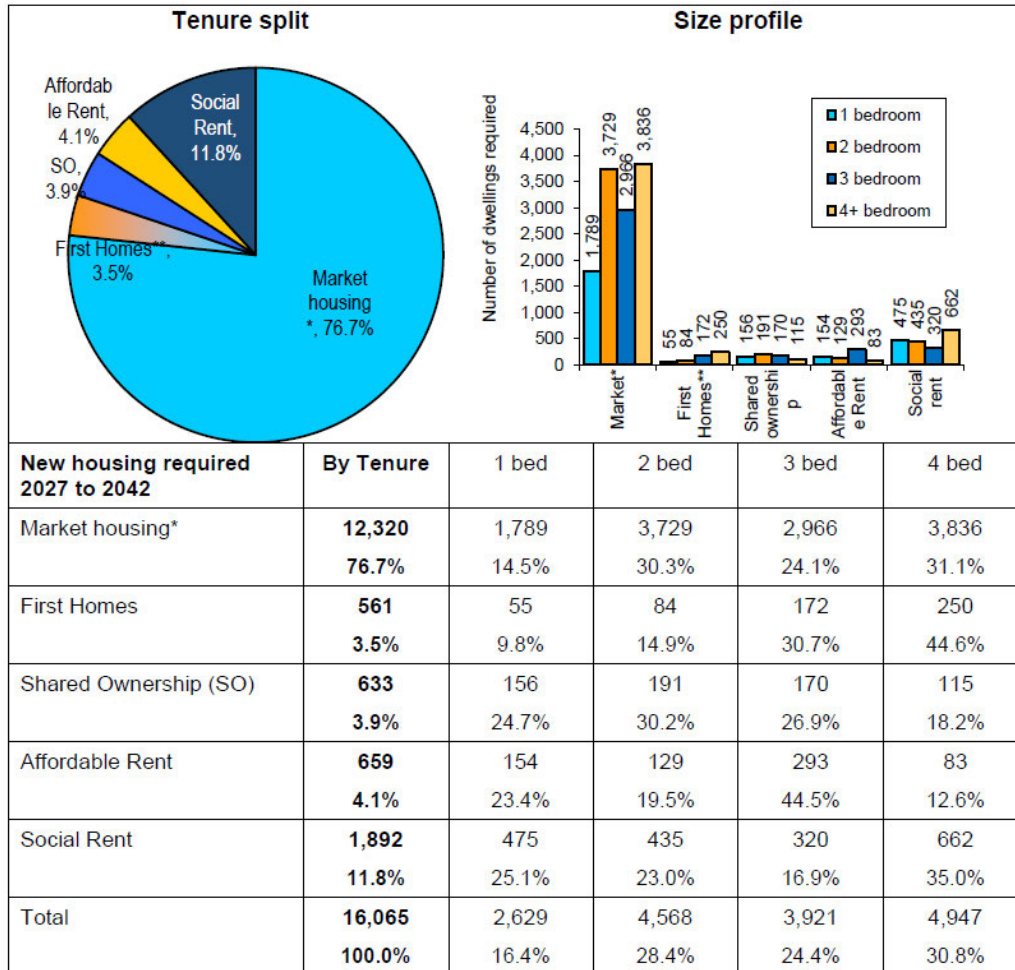
- 3.13 The Applicants note that there is no suggestion that these schemes, even if consented and brought forward, would lead to unacceptable cumulative impacts particularly in relation to infrastructure. On the contrary, the principle of both the SNRR and SSRR has been accepted by KCC (as Highway Authority) and would improve the situation in a way that would benefit housing growth in Swale including for schemes at Faversham and Bobbing. There is also no suggestion by the Council, by DHA or by the Duchy, that granting these two schemes precludes or is inconsistent with granting the Highsted Park schemes. Currently very limited weight can be attributed to these schemes which have do not have planning permission and require various matters to be resolved before any permissions could be granted, not least the re-consideration of compliance with national planning policy (NPPF26).

4 CONCLUSIONS

- 4.1 The Highsted Park Applications will deliver up to 8,400 new homes and thousands of permanent and construction jobs together with new road and other infrastructure to serve its own needs and those of Sittingbourne and beyond. The comprehensive proposals described in the Applications have been designed to become high-quality sustainable communities with accompanying and proportionate open space, schools provision and community and other facilities. The Scheme is deliverable and does not require public funding.
- 4.2 They comply NPPF26 and new information does not change the overall nature and shape of the planning balance. It remains the applicants position that planning permission should be granted for both the Northern and Combined Applications.

APPENDIX 1

Figure 8.1 Requirement for all new housing in Swale over the plan-period



*Market housing includes both owner-occupied and private rented. These figures represent the distribution of housing that should be delivered. Source: Standard Method modelling based on ONS 2022 household and population projections, Census trend data and affordability assessment.

APPENDIX 2



Email: sean.bashforth@quod.com
Date: 19 February 2026

Swale Regulation 18 Local Plan
Planning Policy,
Swale House, East Street,
Sittingbourne, Kent, ME10 3HT.

By Email: Lpcomments@swale.gov.uk

Dear Sir/ Madam

Swale Borough Council Local Plan Review: Regulation 18

On behalf of Quinn Estates, please find attached representations to the above document.

As you will be aware, Quinn Estates are the applicants for the Highsted Park proposals which were the subject of a call-in public inquiry in 2025 and to which the Secretary of State is expected to issue a decision later this year.

As we explain in the attached, and in response to various questions, Quinn Estates have fundamental concerns about the soundness of the process being followed and the detail of many of the policies. In particular, the consultation does not present Development Strategy Options (with a necessary robust evidence base). Many of the development management policies have not been formulated in the knowledge of this strategy and exceed national and other policy standards.

I trust this is of assistance and you will keep us updated on the progress of the plan.

Yours faithfully



Sean Bashforth
Senior Director

enc.
cc. Quinn Estates



Quod

DRAFT Reg 18 Swale Local Plan

Quinn Estates

FEBRUARY 2026

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1 Introduction

- 1.1 This document comprises the Representations prepared on behalf of Quinn Estates to the Swale Regulation 18 Local Plan (“Reg 18 Plan”) and its associated evidence base.

2 Vision and Objectives

- 2.1 The following section provides representations for the overall approach taken in the Draft Local Plan, with specific reference the Vision and Objectives (Section 4).

Statement 1 (Questions 4, 5 & 6)

Sound or unsound	Unsound
	Contrary to policy and statute the draft plan fails to set out a spatial strategy, with no indication of the scale and distribution of planned development, including strategic or smaller allocations. Paragraph 1.4.4 of the Draft Plan notes the Regulation 18 Local Plan does not include strategic policies or allocations. As a collection of Development Management Policies, it does not allow consultees to understand the proposed scale of growth that the Local Planning Authority (LPA) is seeking to achieve nor where this growth is to be directed. Nor does it anticipate the approach to Development Management in the draft NPPF (December 2025) and proposed National Development Management Policies which will negate the need to many of the development management policies which are now being consulted upon.
Soundness test/s not met and why	By following this approach, the consultation process cannot meaningfully inform the replacement local plan for the Borough and the approach is fundamentally flawed and contrary to: 1. Section 19 of the Planning and Compulsory Purchase Act 2004) (as Amended by the Neighbourhood Act 2017) where, Sub section 1A-AC requires each LPA to identify its strategic priorities for the development of land in the authority's area and requires priorities to be set out in the LPAs development plan documents (taken as a whole). 2. Regulation 5 of the Town and Country Planning (Local Planning)(England) Regulations 2012, which requires site allocation policies. 3. Paragraph 17 of the 2024 NPPF which makes it very clear that <i>'....the development plan must include strategic policies to address each local planning</i>

authority's priorities for the development and use of land in its area (paragraph 17). Strategic Policies are also defined in paragraph 20 of the NPPF which states that they should comprise an “....*overall strategy of the patterns scale and design of places and make sufficient provision for....*”. It goes on to list land uses (including housing, employment etc), infrastructure, community facilities and measures to conserve the natural, built and historic landscape.

It might be said that these will follow at the Regulation 19 stage. However, without these fundamental building blocks of any Local Plan, the current consultation is inherently flawed. It fails to give the public, landowners, developers and others any meaningful understanding of what could be intended and any choices for the scale and distribution of housing and employment growth etc, including necessary infrastructure provision. The Council could have easily presented development options (including the one for the Highsted Park proposals). However, it is chosen not to do so on the basis that it is seeking to rush the Local Plan through to avoid following the planned changes to the plan led system.

Without a development strategy and supporting evidence base it is also impossible to understand whether the development management policies are deliverable for the types of development which could be proposed. The approach is therefore clearly unsound in scope and provides little meaningful input into a future Regulation 19 (final draft) plan.

3 Development Management Policies

- 3.1 The following section provides representations to various development management policies. As a general comment, these should have been formulated in parallel or following the overall development strategy to ensure that they are aligned. Instead, they have been formulated in a vacuum and Quinn Estates has fundamental concerns about their soundness.

Policy H1: Affordable Housing (Question 15 and 16)

Sound or unsound	Unsound
	Not justified and not effective (deliverable)
	This draft policy seeks to impose a blanket restriction of 30% affordable on site (based on total dwellings). The approach is flawed because: 1. It does not follow the recommendations of the Council's 2024 Whole Plan Viability Report which carefully caveats reference to a 30% headline figure. It recommended that 25% could be used for strategic sites, but states that even this should be informed by engagement with owners of Strategic Sites to review the viability (paragraphs 12.73 to 12.75). It is not apparent that meaningful reviews have taken place with the Promoters of Strategic Sites, such as Quinn Estates. 2. On a related point there is no evidence to demonstrate that the level of affordable housing is deliverable for strategic sites or larger sites in general. The Council's viability consultants have not given full consideration to the overall development strategy and site allocations nor the related infrastructure requirements/costs, particularly highways. This was a key stumbling block for aborted earlier versions of the local plan. Infrastructure provision needs to be considered in the round when allocating sites and setting requirements which are fundamental to their deliverability (including affordable housing). 3. It fails to recognise that setting a blanket level of affordable housing could make delivering housing very challenging in lower value parts of the borough including Sittingbourne and Sheppey, despite them being the best locations for sustainable growth with the
Soundness test/s not met and why	

highest housing needs. The current local plan takes a differential approach to target affordable housing level for this reason and the change in approach has not been properly explained or justified.

4. The Viability Report is out of date. A 2023 version of the report is referenced in the draft Plan and the document has failed to take into account the Council's changing approach to S106. It does not reflect the increased costs associated with developer contributions required by KCC and others. For instance, at the Highsted Planning Inquiry the Council confirmed that it would be collecting contributions for acute care via S106 on behalf of the NHS. However, it is not clear whether it intends to follow this approach in its local plan and what the viability implications are of doing so. For Highsted Park the Acute Care costs had a significant adverse impact on affordable housing viability, reducing the amount of affordable housing that could be afforded. The viability work undertaken has given no consideration to this change nor has any further analysis been undertaken in this regard
5. Proper account has not been taken of other draft development management policies which would have a materially adverse impact on the viability and therefore the deliverability of housing. For instance, Policy C2 imposes a requirement for Net Zero operational carbon in new build residential development. This differs from the assumptions used in the Council's 2024 viability assessment which assumes that there would be a 50% reduction in operational carbon by 2030 (see paragraph 8.48)

The current NPPF sets a great priority on the delivery of housing and affordable housing. This will only be further emphasised following proposed revisions to the NPPF. Policies which are not deliverable will undermine this national policy priority.

Policy C1, C2, C3 and C4 (Question 49 to 56)

Sound or unsound	Unsound
Soundness test/s not met and why	Collectively these policies introduce a significant step change in sustainability requirements compared to the adopted local plan with net zero requirements for both domestic and non-domestic buildings and expectations for on-site renewable energy generation. Whilst it is recognised policies need to respond to the Government's binding Climate Change commitments, these policies have not been robustly tested and go far beyond the emerging requirements of Government Policy: 1. Policy C2 imposes a requirement for Net Zero operational carbon in new build residential development. This fundamentally differs from the assumptions used in the Council's 2024 viability assessment which assumes that there would be a 50% reduction in operational carbon by 2030 (see paragraph 8.48) 2. The December 2025 draft version of the NPPF (PM13) makes it clear that quantitative standards set through development plans should be limited to infrastructure provision, affordable housing requirements, parking and design and placemaking, and only where this will provide clarity and a high degree of certainty about the requirements. It is explicit that it should not cover matters relating to the construction or buildings.

Policy B1 and C9 (Question 74 and 75)

Sound or unsound	Unsound
Soundness test/s not met and why	Both of these policies introduce a requirement for 20% bio-diversity net gain (twice the minimum requirement in the Environment Act). Paragraph 36.0.32 of the Draft Plan bases this on aspirations of the Kent Nature Partnership and justifies this on the basis of future development pressures. Specific ecological based reasoning has not been provided. Draft NPPF (2025) Policy N1 (2), requires any departure from local biodiversity standards to only be for specific site allocations and for it to be fully justified and deliverable. This is not the case for the draft plan where the Council has not put forward allocations nor tested their viability or deliverability in the round. Whilst there is analysis of the 20% BNG requirements in the viability report, this has not been tested alongside potentially onerous affordable housing requirements for strategic sites (see for instance representations to Policy H2). The cost of off site BNG credits should also form part of the whole plan viability analysis.

Policy B4 Separation of Settlements (Questions 80 and 82) and B8 Rural Lanes (Questions 88 and 89) and

Sound or unsound	Unsound
Soundness test/s not met and why	Both policies introduce additional specific constraints on development which have not been fully justified. The draft policies seek to impose 'green gaps' and prohibit development around existing settlements. The approach is premature and introduces a false policy position that inhibits the sustainable expansion of settlements. Such a policy should not come forward ahead of allocations as first consideration needs to be given to the suitable expansion of settlements to meet housing and other needs. Decisions to impose constraint-based designations such as these must be made at the same time as allocations and can only be based on comparative analysis of a number of factors including sustainable development principles, the value and character of the land potentially being protected, existing development patterns and the overall development strategy. Proper consideration has not been given to the consequences of such policies which would artificially inhibit development in sustainable locations adjacent, or close to, established settlements in advance of site allocations. In relation to Policy B8, it is unclear how the change to the character of the Lanes will be judged.

APPENDIX 3



Simon Greenwood
Case Officer
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Our Ref: 16-023/JW/B

19th June 2026

Dear Simon

Application 22/503654/EIOUT, Land to the west of Bobbing – Retained Transport Assessment Concerns

We write on behalf of our client, Quinn Estates Limited, following our previous correspondence on the matter of the Transport Assessment and ES Transport Chapter for the above application

A further review has been conducted of the new information, including the responses from the relevant highway authorities and your summary in the published Case Officer's Report for the scheduled committee on 24th June 2026. We retain concerns over the adequacy of the assessment work.

This letter reiterates the key outstanding concerns which, in our view, the LPA and KCC have not fully understood. It remains a critical failure of the TA and, by extension, the relevant elements of the ES.

In addition, we highlight two matters raised in the Case Officer's report pertaining to Highsted Park which are inaccurate and misleading.

Geographic Scope of Assessment

This remains the fundamental issue with the transport assessment. KCC's response continues to fail to understand the nature of these shortcomings.

In their 28th May 2026 response to concerns raised by us, and separately by Cllr Palmer, KCC provide the following statement:

'With regard to the scope of the assessment and the treatment of wider network impacts, KCC is satisfied that the use of the Swale Highway Model provides an appropriate strategic tool for capturing network-wide effects, including traffic reassignment. The assessment has appropriately focused on those links and junctions where material impacts are likely to arise, consistent with the principle of proportionate assessment. Whilst changes in traffic flows may occur across a wider area, these are diffuse in nature and do not give rise to operational or safety concerns that would materially affect the performance of the highway network.'

It is not disputed that the Swale Highway Model can provide the appropriate strategic tool for capturing the network-wide effects of reassignment. The question remains why it has not been used appropriately to do so.

The assessment should use the model to determine where and to what extent the wider network is impacted and for scope of the assessment to be based on this. As indicated before, the assessment uses a predetermined and assumed scope, uninformed by the model, and limits the assessment to that scope.

The absence of actual evidence of the wider impact is clear from KCC's own comments presented above. KCC misguidedly accept an assessment '*...focused on those links and junctions where material impacts are likely to arise...*' [My emphasis]. Such an assumption of likelihood was not necessary when the SHM was available to forecast this.

Likewise, the comment goes on to indicate that '*...changes in traffic flows may occur across a wider area...*' [My emphasis]. Again, no such guessing was required when the SHM exists to forecast it.

Finally, KCC conclude that the wider changes '*...are diffuse and do not give rise to operational or safety concerns that would materially affect the performance of the network...*'. These firm conclusions are unjustified in the absence of supporting evidence and cannot reasonably be made with such certainty when informed only by assumption. Whether or not the impacts are material is a matter of judgement, albeit one that should be clearly informed by evidence, which does not appear to have been available.

If, to the contrary, KCC have seen evidence to support these firm conclusions, then it is unclear why this has not been made available to other parties, including decision makers.

It should be noted that this is an issue which predominantly impacts the KCC network. Assurances from National Highways as to the acceptability of the assessment of their network is not relevant in addressing this concern.

Matter Pertaining to Highsted Park

References to Highsted Park in Case Officer's Report merit clarification.



How Highsted Park Defined the Scope of Assessment

At paragraph 9.2, bullet four, it is suggested that the planning applications for Highsted Park adopted a wider geographic assessment, justified by its scale. This is incorrect.

The extent of the geographic scope of assessments was not assumed at all, and certainly not by the scale of the two development. Rather, they were determined by forecasting in the Swale Highway Model across the entirety of the modelled area, with refinement of scope based on evidence of impacted areas. The same approach is appropriate for any strategic development site and should have been adopted for the Bobbing application site (see above). It should of course be noted that Highsted Park formed two separate planning applications. The scale of the Teynham West application, which provides for completion of the Northern Relief Road, is 1,250 homes. This is significantly smaller than the Bobbing scheme yet it adopted the appropriate, strategic mode based scoping approach as the larger Highsted Park application assessment.

Highsted Park Updated Modelling and ES Chapters

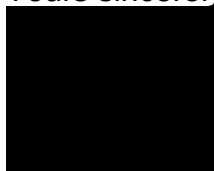
At paragraph 9.2, bullet five, (and again at paragraph 9.12) it is implied that the Highsted Park application undertook updated highways modelling without updating the respective ES. This is incorrect and misleading. The Highsted Park application was subject to updates during the application process, which when appropriate and necessary, did include amendments to the relevant ES chapters.

To our knowledge, neither Highsted Park nor SE Faversham were subject to 'appeal', as is suggested. Highsted Park was subject to call-in. During that call-in process, supplementary highways modelling was undertaken. This was to enhance the evidence base with more progressive, vision-led and constraint-based forecasting in accordance with latest national policy. The more robust and thus worst-case model scenarios used in the ES remained appropriate for that assessment and did not need to be updated. In contrast to the Bobbing application, the supplementary modelling was not provided to correct the cumulative impact assessment.

Accordingly, the comparison drawn here is not appropriate and could mislead parties on the Highsted Park application if not corrected.

We would be grateful for confirmation that these comments on the application and corrections on matters pertaining Highsted Park are to be reflected in the Case Officer's reporting.

Yours sincerely



John Wilde
Director

for and on behalf of C & A Consulting Engineers Ltd

cc. Kent County Council Highways
National Highways

