

FIVE PARISHES GROUP

Response to the Secretary of State's letter dated 18 August 2026

Applications	Highsted Park Southern Site (21/503914/EIOUT) and Northern Site (21/503906/EIOUT)
Secretary of State refs	APP/V2255/V/24/3355313 and APP/V2255/V/24/3355314
Submitted by	Five Parishes Group (Rule 6 Party)
Date	8 September 2026

By email: PCC@communities.gov.uk

For the attention of Emma Hopkins, Decision Officer, Planning Casework Unit

Dear Ms Hopkins,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77

HIGHSTED PARK, LAND TO THE SOUTH AND EAST OF SITTINGBOURNE AND LAND TO THE WEST OF TEYNHAM

1. Introduction and answer in summary

1. Five Parishes Group (“FPG”) welcomes the opportunity to comment on the new material identified in the Secretary of State’s letter of 18 August 2026. It updates, but does not replace, FPG’s proof, summary and the joint Rule 6 closing submissions.

Inquiry references: CD 42.7.1; CD 42.7.2; CD 42.7.3; CD 99.9.

2. The new material strengthens the case for refusal. In particular:

- the 2025 Housing Delivery Test (HDT) result and the August 2026 NPPF do not confer an automatic entitlement to permission;
- Highsted Park must satisfy the physical relationship, scale and infrastructure requirements in policy S5(1)(j), which it has not been shown to do;
- Swale’s emerging Regulation 19 strategy deliberately proceeds without Highsted Park and selects alternative strategic sites;
- the new Stones Farm evidence materially affects the Northern Relief Road, Habitats assessment, deliverability and viability; and
- nothing in DHA’s material resolves the inquiry evidence on viability, infrastructure or delivery.
- the landscape and National Landscape harms established at the inquiry remain unresolved; the proposed mitigation will not mature within the development timeframe and cannot adequately address the harm to the North Kent Downs National Landscape, its setting, our value landscapes, landscape character and visual amenity, particularly when considered cumulatively with other major developments.

3. FPG therefore invites the Secretary of State to refuse both applications.

2. Effect of the 2025 HDT and August 2026 NPPF

4. The supplied 2025 HDT workbook records a result of 70% for Swale and the consequence “Presumption”. Under Annex D, that result deems an evidenced unmet need for housing to exist for the

purposes of policy S5(1)(j). It does not deem every housing proposal sustainable, deliverable or acceptable, and it does not displace the other requirements of the NPPF or statutory duties.

HDT results 2025 workbook, Swale row E07000113; August 2026 NPPF, Annex D paragraphs 11–13.

5. The Applicant's reliance upon housing need and the HDT does not answer the remaining requirements of S5, nor Swale's conclusion that S5(4) applies. Its reliance upon DM4 also fails to address HO13(4), which expressly applies to emerging strategic allocations "however advanced".

6. Most of Highsted Park lies outside settlement boundaries. Policy S5(1)(j) requires housing responding to unmet need to be physically well-related to an existing settlement and to be of a scale capable of being accommodated having regard to existing or proposed infrastructure. Those are substantive requirements, not drafting formalities.

7. On the inquiry and post-inquiry evidence, the combined 8,400-home proposal has not been shown to satisfy them. It is dispersed, depends upon major new highway works and two interdependent outline applications, and faces unresolved questions concerning water supply, wastewater, health, education, land control, Habitats mitigation and viability. The Northern Relief Road's conflict with Council-owned Stones Farm creates an additional uncertainty affecting critical infrastructure. The applications will overwhelm the existing rural villages and hamlets; Bapchild, Church Street, Rodmersham, Tunstall, Bredgar and Bexon.

8. Policy S5 then requires the full planning balance. The new framework does not remove landscape, heritage, Habitats, ancient woodland, agricultural-land, transport, amenity, contamination or hydrological harms. Several attract enhanced weight through statutory duties or national policy. Nor should the gross figure of 8,400 homes be treated as a near-term benefit: the Secretary of State must distinguish total capacity, plan-period delivery, five-year deliverable supply and affordable housing actually secured. FPG's inquiry case was that Highsted would not materially assist the immediate five-year delivery problem.

August 2026 NPPF, policies S3–S5; CD 42.7.1 sections 6–13; CD 42.7.2 paragraphs 2.19–2.43; CD 99.9 paragraphs 15–22.

3. Regulation 19 strategy and alternative strategic sites

9. Regulation 19 is not an adopted plan. Its precise weight remains governed by policy DM4(1), including its stage of preparation, unresolved objections and consistency with national policy.

10. The publication draft knowingly proceeds without either Highsted application and instead selects West of Bobbing and South East Faversham as strategic allocations, each for 2,500 homes, alongside a broader portfolio. The plan records the Highsted inquiry and the Council's decision not to wait for its outcome before progressing the plan. The omission is therefore not inadvertent.

11. West of Bobbing and South East Faversham have each been resolved for approval, subject to section 106 agreements.

12. Approval of Highsted now would also risk cutting across central spatial and infrastructure choices that remain subject to consultation and examination.

Regulation 19 paragraphs 1.5.6–1.5.8; policies STRAT1 and STRAT2; DHA Appendix 5, including paragraphs 2.2.19–2.2.32 and 2.3.8–2.3.35; NPPF policy DM4.

13. Swale's 70% HDT result demonstrates a delivery problem, but another exceptionally complex outline permission is not, without clear evidence, a delivery solution. Queenborough and Rushenden provides a local illustration of Homes England long-running public intervention and enabling expenditure of approximately £30M, the original ambition was reduced from 2,000 dwellings and Regulation 19 records only the 101-home delivered in 20 years. The relevant point is simply that capacity, permission and enabling works are not the same as housing completions. Highsted's claimed benefit must therefore be weighted by its own evidence of timing and deliverability, not by headline capacity.

Regulation 19 paragraphs 5.1.4–5.1.5 and 9.9.14–9.9.19; policies Regen 3a–3e.

14. Wider growth at Lidsing, Heathlands and in Medway is relevant only insofar as it bears on shared strategic systems, particularly the A249/M2 network, water resources and wastewater. FPG does not invite a wholesale new cross-boundary examination at decision stage; it asks that materially overlapping committed or planned growth is not ignored where the same infrastructure capacity is relied upon.

4. Deliverability, infrastructure and viability

15. Water and wastewater concerns have also moved beyond theoretical capacity questions. During 2026 communities including Bapchild, Rodmersham, Milstead, Tunstall, Bredgar and Wormshill experienced supply interruptions, bottled-water dependency, tankering and repeated mains failures. Those events do not by themselves prove that Highsted can never be supplied, but they are current evidence of system fragility. The evidence before the inquiry failed to provide any assessment for water in the Northern Site, coupled with this and recent events, it reinforces the need for up-to-date operator evidence demonstrating that existing and proposed infrastructure can accommodate Highsted cumulatively with committed development and the Regulation 19 trajectory.

16. The issue is no longer whether the section 106 agreements remain under negotiation. It is whether the completed agreements are adequate. They are not. The blue-pencil provisions create uncertainty over which obligations may ultimately survive, while the very low guaranteed affordable-housing percentages fall far short of the headline benefit advanced by the applicant. The planning balance must be based on what is firmly and enforceably secured, not on aspirational totals or obligations vulnerable to being removed, reduced or revisited. This is especially important where viability evidence already indicates that the schemes cannot carry the infrastructure and mitigation upon which their acceptability depends.

17. Viability remains central because the infrastructure relied upon to satisfy S5(1)(j) is front-loaded and costly. KCC's expert inquiry evidence concluded that neither application should be treated as viable, whether together or alone, and FPG aligned itself with that position. FPG's own evidence identified opaque or changing assumptions and missing or understated acquisition and infrastructure costs. The new Stones Farm, water, wastewater, health and education evidence does not remove those risks; it increases them.

CD 39.4.1; ID 100.61.1; CD 42.8.1 and 42.8.4; CD 42.7.2 paragraphs 2.39–2.43; CD 99.9 paragraphs 16–22.

18. Policy DM5 requires proposal-specific viability evidence to be transparent, fully evidenced and consistent with standard guidance, and confirms that land price is not a justification for non-compliance.

5. Stones Farm and the Northern Relief Road

19. Stones Farm is not simply open land across which a road can be engineered. It formed part of the site-specific avoidance and mitigation relied upon for the Spring Acres/Stones Farm development, including suitable alternative natural greenspace (secured by covenant) intended to divert recreational pressure from the Swale SPA/Ramsar site. Natural England warned during the inquiry that the Northern Relief Road could reduce the attractiveness and effectiveness of that mitigation.

ID 100.82, 100.82.1 and 100.82.3; ID 100.93; FPG Note ID 100.94; CD 99.9 paragraphs 32–36.

20. The post-inquiry position is materially different. Swale announced in October 2025 that it had taken freehold ownership of Stones Farm Country Park and subsequently made a public statement in February 2026, that it would manage it as natural open space, protecting its chalk stream, wet woodland, orchard and paths. The Council expressly described the countryside gap as mitigation for recreational impacts from Spring Acres and existing neighbouring residents on nearby internationally protected habitat sites.

21. The Council's 2026–2031 Work Plan confirms 0.74 ha of wet woodland of high conservation interest, hydrologically dependent on the chalk stream. It also records actual construction siltation from the adjoining development, loss of the stream's characteristic clear water and gravel bed, and the need for specialist restoration advice. That is direct evidence that construction controls previously failed to protect

this sensitive system. It materially undermines reliance on generic future conditions for a much larger road, earthworks and drainage programme.

22. The new evidence has four decision-critical consequences:

- Deliverability and land control: the proposed road conflicts with land now owned and actively managed by the Council for public and ecological purposes.
- Habitats assessment: the competent authority cannot assume, without complete and precise findings, that severance, land-take, noise, lighting, drainage and reduced recreational attractiveness can be offset by an unspecified payment or replacement measure.
- Ecological baseline: current, seasonally adequate evidence is required for the chalk stream, wet woodland, orchard, protected species and the effectiveness of the existing mitigation.
- Viability and planning balance: acquisition, replacement mitigation, hydrological protection and long-term management have consequences for cost and delivery, while fragmentation of a functioning country park and settlement gap is a concrete harm.

Swale Borough Council, "New country park in Bapchild", 4 February 2026; Stones Farm Country Park Work Plan 2026–2031; Swale Local Plan HRA, August 2026.

6. Continuing heritage, landscape and agricultural-land harms

23. The new material does not overcome the landscape and National Landscape harms established at the inquiry. Policy N4 requires substantial weight to be given to the North Kent Downs National Landscape. Yet the ES relies on landscape mitigation that will not mature for 10–15 years, while substantial employment development could be constructed and operational within Years 2–10. The mitigation therefore cannot be relied upon to resolve the landscape harm within the development timeframe, either to the North Kent Downs National Landscape or to its setting.

24. The proposed development risks replacing the existing open, undulating farmland character with a substantially more enclosed landscape. Extensive planting cannot simply be treated as mitigation where, as it matures, it may itself erode openness, interrupt established views and diminish the landscape character and visual amenity of the North Kent Downs National Landscape, its setting and areas of High Landscape Value.

25. These effects must also be considered cumulatively with the other major developments in the area, including the approved Pitstock Solar Farm and Vigo Lane Solar Farm, together with the proposed motorway junction, 16.5-metre-high industrial buildings, football stadium and Household Waste Recycling Centre, all adjacent to or within the setting of the North Kent Downs National Landscape. Taken collectively, these developments represent a substantial cumulative transformation of the open countryside, with the potential to progressively erode its openness, rural character, tranquillity, visual amenity and the setting of the North Kent Downs National Landscape. The cumulative effects are materially greater than the impact of any individual scheme considered in isolation and cannot properly be addressed by relying on landscape planting to mature over many years.

26. The proposal would introduce major infrastructure within, and affecting the setting of, the Kent Downs National Landscape, transforming valued dry valleys, countryside gaps, rural lanes, tranquillity and dark skies around Rodmersham, Milstead and Highsted. Those effects remain material under the August 2026 NPPF and must be assessed cumulatively alongside the scheme's other landscape and environmental harms.

27. The heritage harm is direct and in places irreversible: severance of Grade II* Frognal Farmhouse from its surviving rural setting; the Northern Relief Road and associated engineering through Tonge Conservation Area; effects on the setting of the Grade I Church of St Nicholas, Rodmersham Church Street Conservation Area, listed mills, Grade II* Bexon Court and Bexon Conservation area; and the unresolved maximum effects of relocated farm buildings and commercial development on Tonge. Historic England maintained its objection.

28. Reserved matters and generic conditions cannot undo harm designed into the principle of the development. The decision must address the maximum development authorised, including the Tonge road and stream crossing, earthworks, levels, drainage, lighting and the location and massing of relocated farm buildings. The assessment must also use the expanded Cellar Hill and Greenstreet Conservation Area (updated in April 2026) boundary current at the decision date and take account of materially cumulative change from committed development.

CD 42.7.1 sections 3–4 and paragraphs 12.19.3 and 12.19.6; CD 42.7.2 paragraphs 2.5–2.18; CD 99.9 paragraphs 55–80; Historic England inquiry evidence; Swale Council conservation-area extension, April 2026.

29. The applications would permanently remove approximately 550 ha of Best and Most Versatile agricultural land, within a larger overall agricultural loss. That finite soil resource cannot be recreated through landscaping or biodiversity credits. The NPPF requires account to be taken of agricultural-land quality and, where significant development of agricultural land is demonstrated to be necessary, the use of poorer-quality land in preference where possible.

30. The significant agricultural harm must be weighed as a permanent loss of productive capacity, rural economic value and food-security resilience.

CD 42.7.1 section 5; CD 42.7.2 paragraphs 2.32–2.35; CD 99.9 paragraphs 143–144; Regulation 19 Statement 4.

7. Planning balance and requested decision

31. The Applicant cannot rely heavily upon the delivery of homes and infrastructure as benefits while simultaneously maintaining that deliverability is immaterial.

32. The new material leaves the core defects unresolved: Highsted has not been shown capable of accommodation by the infrastructure on which it depends; the Northern Relief Road conflicts with Council-owned Habitats mitigation and sensitive water-dependent habitats; viability remains contested; and irreversible heritage, landscape and agricultural harms would be authorised immediately in return for benefits delivered, if at all, over decades.

33. FPG therefore requests refusal of both applications. If the Secretary of State is not presently minded to refuse, only the following focused information is necessary before a lawful and fully informed decision can be made.

34. Read with FPG’s full inquiry evidence, the new material reinforces the conclusion that both applications should be refused.

Yours faithfully,

Monique Bonney

Chair, Five Parishes Group

On behalf of the communities of Bapchild, Bredgar, Milstead, Rodmersham, Tunstall and Wormshill

Schedule 1 – Principal documents relied upon

Document	Reference / relevance
Secretary of State letter	Planning Casework Unit letter dated 18 August 2026, APP/V2255/V/24/3355313 and APP/V2255/V/24/3355314.
Applicant new material	DHA letter dated 30 July 2026 and appendices 1–5.

National policy	National Planning Policy Framework, August 2026, especially DM4, DM5, S3–S5, PM1–PM3 and Annex D.
Regulation 19	Swale Borough Council Local Plan publication draft, Summer 2026, including the related evidence base.
HDT	Housing Delivery Test results 2025 workbook, Swale row E07000113.
FPG inquiry case	CD 42.7.1, CD 42.7.2, CD 42.7.3 and joint Rule 6 closing submissions CD 99.9.
Stones Farm	ID 100.82 series, ID 100.93, FPG ID 100.94, Swale's February 2026 ownership announcement and Stones Farm Country Park Work Plan 2026–2031.
Infrastructure and viability	Infrastructure Delivery Plan and Schedule, June 2026; CD 39.4.1; ID 100.61.1; CD 42.8.1 and CD 42.8.4.