



Planning Casework Unit
Ministry of Housing, Communities and Local Government
Chief Planners Directorate

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By email only

Invicta House
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Date: 08/09/2026

Dear Sirs

Applications 21/503914/EIOUT and 21/503906/EIOUT – Land South and East of Sittingbourne and West of Teynham, Kent

Kent County Council's Response to the Secretary of State's Letter Dated 18 August 2026

1 Introduction

- 1.1 Kent County Council (KCC) writes in response to the Secretary of State's letter dated 18 August 2026 seeking representations on the documents listed in that letter, insofar as they constitute material and relevant considerations in the context of KCC's case made at the inquiry ("Post Inquiry Documents").
- 1.2 The specific Post Inquiry Documents on which comments are invited comprise:
 - 1.2.1 The resolution to grant planning permission (subject to a section 106 agreement) for the Land West of Bobbing scheme (Application SW/22/503654) (the "**Bobbing Scheme**");
 - 1.2.2 The resolution to grant planning permission (subject to a section 106 agreement) for the Land Southeast of Faversham (Application SW/23/505533) (the "**Duchy Scheme**");
 - 1.2.3 The publication of the Swale Borough Council Regulation 19 Local Plan ("**Emerging Local Plan**"); and
 - 1.2.4 The publication of the revised National Planning Policy Framework (**NPPF**).
- 1.3 KCC has also considered the representations submitted by DHA Planning by letter dated 30 July 2026, insofar as they constitute material considerations relevant to KCC's case.
- 1.4 At the inquiry, KCC addressed archaeology, Public Rights of Way, highways, financial viability, education (including infrastructure costs), and commuted sums. KCC's assessment of how these new post-inquiry matters affect its position on each topic is set out below.

2 Summary of KCC's Position and Comments

Archaeology	1. The Post Inquiry Documents do not alter KCC's position. 2. The resolutions for the Bobbing and Duchy Schemes and the Emerging Local Plan do not alter site requirements. Under the new NPPF Chapter 20 (Policies HE4, HE5, HE7), the revised NPPF aligns more closely with statutory duties, removing 'less than substantial harm' and requiring strict assessments of total loss, substantial harm, or harm. Robust site-specific evaluation and pre-commencement safeguarding conditions remain completely mandatory for Highsted Park under these new codes
Public Rights of Way	1. The Post Inquiry Documents do not alter KCC's position. 2. Increased localised housing growth from the Bobbing and Duchy Schemes emphasises the vital need for integrated multi-user pathways. The new NPPF places greater emphasis on sustainable development within, or closely related to, settlement boundaries. Highsted Park must still fully mitigate its footprint and deliver strategic network enhancements in strict compliance with the agreed Statement of Common Ground and Public Rights of Way Improvement Strategy (CD34.17) and KCC's statutory Rights of Way Improvement Plan.
Highways and Transport	1. The Post Inquiry Documents do not alter KCC's position. 2. KCC's review of the transport evidence confirms that the Highsted Park assessment already accounted for a background growth allowance of 4,500–5,000 dwellings, covering the scale of the Bobbing and Duchy Schemes and the Emerging Local Plan allocations. Neither the Bobbing Scheme nor the Duchy Scheme delivers the wider strategic transport benefits (such as the Northern/Southern Relief Roads) offered by Highsted Park. While the new NPPF introduces strict new tests for major developments outside settlement boundaries regarding whether infrastructure can sustain the proposed scale, Highsted Park's comprehensive strategic package satisfies these requirements.
Viability	1. The Post Inquiry Documents do not significantly alter KCC's case made at the inquiry. 2. KCC's evidence demonstrated significant infrastructure shortfalls for both schemes. Policy DM5: "Development Viability" states at Part 1 "Where development proposals accord with relevant up-to-date plan policies and national decision-making

	policies they should be assumed to be viable. The adopted Local Plan is completely out-of-date. As such the policies in the Development Plan are not up-to-date and it cannot be assumed that the scheme is viable.
Education and Infrastructure	1. Post Inquiry Documents do not alter KCC's position. 2. The Bobbing and Duchy Schemes require separate, self-contained 3FE primary schools under their own agreed Heads of Terms. They do not absorb the independent education infrastructure demands generated by Highsted Park. The new NPPF Policy DM6 drives greater standardisation in planning obligations, confirming that KCC's evidence-backed pupil-place planning requirements remain fully justified and legally compliant.
Commuted Sums	1. The Post Inquiry Documents do not alter KCC's case. 2. Cumulative growth from the Bobbing and Duchy Schemes increases the technical demands on local networks. Under the standardisation principles of the new NPPF Policy DM6, KCC continues to require transparently calculated commuted sums to ensure the Council is not exposed to future unfunded maintenance liabilities for handed-over public assets

Detailed Narratives on KCC's Position on each Topic

3 Archaeology

- 3.1 The resolutions to grant planning permission for the Bobbing and Duchy Schemes, the publication of the Emerging Local Plan, and the introduction of the revised NPPF do not alter the fundamental site-specific requirements for heritage protection at Highsted Park.
- 3.2 KCC's inquiry evidence demonstrated that the Highsted Park site contains significant, highly sensitive archaeological remains that require exhaustive evaluation and mitigation. Under the revised NPPF Chapter 20, specifically Policies HE4, HE5, and HE7, national planning policy aligns closely with statutory duties. The removal of the 'less than substantial harm' balancing test means that any harm or total loss to heritage assets must be subjected to a rigorous, strict assessment.
- 3.3 progression of adjacent developments does not diminish the intrinsic historic environment value of the Highsted Park land. KCC maintains that robust, comprehensive, site-specific pre-commencement safeguarding conditions remain fully mandatory to protect the historic environment from unmitigated damage.

4 Public Rights of Way (PRoW)

- 4.1 The Post Inquiry Documents do not alter KCC's strategic objectives or requirements for the PRoW network. The approval of 2,500 dwellings under the Bobbing Scheme and 2,500 dwellings under the Duchy Scheme will inject massive, cumulative active travel demands into the Swale area.
- 4.2 This concentrated growth directly increases the reliance on the surrounding multi-user networks. The revised NPPF strongly emphasises sustainable development patterns within or closely related to settlement boundaries, increasing reliance on functional active travel connections.

- 4.3 Consequently, the progression of the Bobbing and Duchy Schemes intensifies the need for Highsted Park to fully mitigate its own footprint. The applicant must deliver robust, integrated, and high-quality strategic network enhancements in strict compliance with the agreed Statement of Common Ground and Public Rights of Way Improvement Strategy (CD34.17) and the agreed Statement of Common Ground and Public Rights of Way Improvement Strategy (CD34.17) and KCC's statutory Rights of Way Improvement Plan, ensuring the cumulative development load does not degrade public access or network connectivity. This surge in regional development confirms that KCC's inquiry demands for robust active travel linkages are more critical now than at the close of the inquiry.

5 Highways and Transport

- 5.1 The Post-Inquiry Documents do not materially alter KCC's position as the Local Highway Authority. Following extensive assessment and the agreement on mitigation, KCC did not object to Highsted Park on highway grounds. That process culminated in Statements of Common Ground with the Applicant and National Highways. The evidence before the inquiry demonstrated that the development could be accommodated on the highway network and that its infrastructure package would deliver wider strategic transport benefits.
- 5.2 Neither the Bobbing nor the Duchy Scheme specifically included Highsted Park in its transport modelling. Equally, Highsted Park's modelling did not specifically code either Bobbing or the Duchy Schemes. That does not mean, however, that the Highsted Park assessment adopted a nil-growth future or failed to allow for substantial development elsewhere in the Borough.
- 5.3 The Highsted Park assessment was undertaken against Local Housing Need forecasts, Emerging Local Plan assumptions and strategic growth scenarios. In addition to committed development, it retained an allowance for approximately 4,500 to 5,000 dwellings of future growth elsewhere in the Borough. The combined scale of Bobbing and the Duchy Schemes are broadly comparable to that residual allowance. Although those sites were not individually coded, growth of a broadly similar scale, distributed across the eastern and western parts of the Borough, was already anticipated.
- 5.4 KCC also required the Bobbing transport assessment to treat that proposal as additional to Emerging Local Plan growth, rather than as a substitute for it. That is consistent with the approach of testing major development against continuing Borough-wide growth.
- 5.5 The progression of Bobbing and Duchy Schemes therefore cannot properly be characterised, in transport terms, as a wholly new circumstance absent from the inquiry evidence. It does not fundamentally undermine the Highsted Park transport assessment or establish entirely new or unforeseen network pressures. Rather, it confirms that KCC's forward-looking baseline growth assumptions were entirely sound and robust.
- 5.6 KCC's position did not rest solely on mitigation of Highsted Park's own impacts. The evidence identified wider strategic benefits from the completion of the Northern Relief Road, the Southern Relief Road and the proposed M2 junction, including:
- 5.6.1 Relief of traffic pressures in Sittingbourne town centre;
 - 5.6.2 A reduction in through traffic on constrained sections of the A2 corridor;
 - 5.6.3 Improved network resilience;
 - 5.6.4 Improved opportunities for active travel and public transport; and
 - 5.6.5 Support for wider economic growth.
- 5.7 Additional development in the Sittingbourne area does not negate those benefits. To the extent that further growth is likely to come forward, it may reinforce the need for strategic transport intervention.
- 5.8 The Bobbing and Duchy Schemes were assessed principally by reference to mitigation of their own impacts and the securing of site-specific sustainable transport measures. Their packages largely

comprise local junction improvements, active-travel works, public-transport contributions and demand-management measures. Neither is presented as delivering the strategic transport outcomes associated with Highsted Park. They are therefore not alternatives to the strategic transport infrastructure that informed KCC's position at the inquiry. Accordingly, the progression of the Bobbing and Duchy Schemes does not materially alter the Local Highway Authority's position. Having reviewed the revised NPPF, KCC does not consider that the revised NPPF, including those parts relating to major development outside existing settlement boundaries and the provision of supporting infrastructure, materially affects the transport evidence presented at the inquiry or the conclusions previously reached by the Local Highway Authority. The strategic transport benefits associated with Highsted Park, including the Northern Relief Road, Southern Relief Road and proposed M2 junction, remain as described in the inquiry evidence.

6 Viability

- 6.1 The Post Inquiry Documents reinforce KCC's case presented at the inquiry regarding the fact the schemes are fundamentally financial unviable and therefore undeliverable
- 6.2 KCC's evidence demonstrated significant infrastructure cost shortfalls for both schemes. Policy DM5: "Development viability" states at Part 1 "Where development proposals accord with relevant up-to-date plan policies and national decision-making policies they should be assumed to be viable. The adopted Local Plan is completely out-of-date. As such the policies in the Development Plan are not up-to-date and it cannot be assumed that the scheme is viable. KCC's case at the inquiry was that the financial viability of both schemes needed to be examined.
- 6.3 KCC's expert evidence conclusively demonstrated that the Highsted Park applications completely lack a robust, and credible cost plan backed by suitable expert evidence, meaning the applicant will not be able to deliver the schemes, with significant implications for the delivery of vital transport mitigation and statutory education infrastructure.
- 6.4 Policy HO13: 'Build out rates and strategic sites' of the NPPF is aimed at significantly boosting the supply of homes from consented schemes including strategic sites. In relation to strategic sites (defined in the glossary to the NPPF to include residential led development with a capacity of at least 1,500 dwellings such as the Southern Site in this case), paragraph 3(b) of Policy HO13 states that the consenting framework should "be flexible enough to respond positively to changing circumstances as phases are brought forward, including changes to housing need, infrastructure requirements, viability and design." Whilst the rationale for such approach is acknowledged, this must be applied in the context of the evidence presented to the Inquiry in relation to the critical infrastructure required to make the development acceptable in planning terms. Crucially, such evidence demonstrated the fundamental importance of the proposed link road and associated highway infrastructure to the schemes being delivered 'up front' before any new homes are occupied. This is a central tenet of the Section 106 Agreement and remains absolutely critical. Where a flexible approach is justified (in order to adapt to changing circumstances), appropriate provision has been made within the Section 106 Agreement, but no such leniency can or should be made to the absolute commitments given to infrastructure delivery in this case.

7 Education

- 7.1 The Post Inquiry Documents do not alter KCC's position as the statutory Education Authority but rather emphasise the correctness of the infrastructure requirements sought at the inquiry.
- 7.2 The education packages and site allocations secured for the Bobbing and Duchy Schemes are calculated strictly to mitigate their own localized pupil yields. The Bobbing Scheme requires its own self-contained 3FE primary school, and the Duchy Scheme requires a separate 3FE primary school on a 3-hectare site transferred at nil cost. Because these provisions generate zero surplus capacity, they cannot absorb or substitute for the independent education demands generated by Highsted Park.

- 7.3 In respect of secondary education, KCC notes that secondary-school demand across the Borough already exceeds available capacity, and that selective secondary provision is currently operating at capacity. The Duchy Scheme expected to generate approximately 393 pupils. Consequently, Financial contributions towards additional secondary school capacity have been agreed, including provision associated with The Abbey School and the wider Canterbury and Faversham planning groups. Contributions towards the provision of land for future selective secondary infrastructure have also been agreed. The Bobbing Scheme is forecast to generate approximately 375 secondary-aged pupils. This demand will need to be accommodated through a combination of new secondary provision associated with the proposed Northwest Sittingbourne Secondary School (Policy MU1 and via SW/18/502190) and/or expansion of existing non-selective and selective secondary capacity within the Sittingbourne and Sheppey planning groups. Appropriate developer contributions will therefore be required to support the delivery of this infrastructure.
- 7.4 The new NPPF Policy DM6 reinforces this position by driving greater standardisation in planning obligations, confirming that KCC's evidence-backed pupil-place planning requirements remain fully justified and legally compliant. The progression of these 5,000 adjacent dwellings heightens the cumulative pressure on the Borough's school network, proving that Highsted Park must still fully and independently fund its own infrastructure to prevent a total collapse of local education capacity.

8 Commuted Sums

- 8.1 The Post Inquiry Documents underline the need for KCC's requirements regarding long-term commuted sums for highway maintenance. The parallel progression of 5,000 homes across the Bobbing and Duchy Schemes significantly increases the technical asset management burden that will be placed on local networks.
- 8.2 Under the standardisation and cost-efficiency principles driven by the new NPPF Policy DM6, KCC's inquiry position remains completely unchanged. Any assets handed over to the Council—including complex strategic highway infrastructure, sustainable drainage systems (SuDS), and open spaces—must be accompanied by transparently calculated, robustly secured commuted sums. The introduction of concurrent major developments makes this standard even more critical, ensuring that the cumulative financial impact of these schemes does not expose KCC to future, unfunded public maintenance liabilities.

9 Overall Conclusion

- 9.1 In conclusion, KCC submits that the Post Inquiry Documents identified by the Secretary of State do not undermine, weaken, or detract from the case presented by the Council at the inquiry. Rather, when evaluated cumulatively, this new material validates and reinforces KCC's strategic positions, placing the Council's case in a significantly stronger policy context.
- 9.2 With regard to Highways and Transport and Education Infrastructure, the publication of the Emerging Local Plan and the resolutions for the Bobbing and Duchy Schemes demonstrate that KCC's inquiry evidence was technically robust and highly prescient. The Borough's growth layout confirms that the localised mitigation packages secured for adjacent schemes cannot substitute for the strategic infrastructure and independent education capacity required from Highsted Park.
- 9.3 Crucially, the Post Inquiry Documents reinforce KCC's inquiry position regarding viability at Highsted Park.
- 9.4 The Secretary of State is therefore respectfully urged to maintain the baseline protections and infrastructure delivery triggers advanced by KCC at the inquiry, recognising that the revised NPPF and localised cumulative growth further expose the critical deliverability and viability shortfalls of the Highsted Park proposals.

Yours sincerely

A handwritten signature in black ink, appearing to read "Inman". The signature is stylized with a large, looping initial "C" or "I" and a long, sweeping horizontal stroke at the end.

Corporate Director, Growth, Environment and Transport