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Via email: PCC@communities.gov.uk

9 October 2026

Dear Ms Hopkins

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77
Applications APP/V2255/V/24/3355313 and APP/V2255/V/24/3355314 - Highsted Park

Thank you for your letter dated 2 October 2026 circulating the further representations.

On behalf of the Teynham & Highsted Community Action Group, we submit the following comments on the latest responses. These observations address arguments advanced in that submission and do not repeat our previous representations.

1. Compliance with Policy S5(1)(j)

At paragraphs 2.2–2.5, the applicants rely on unmet housing need and the relationship of the proposals to existing settlements to support their conclusion that both applications comply with Policy S5.

However, S5(1)(j)(i) also requires development to be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure. The applicants' description of the schemes as comprehensive strategic developments containing roads, education and community facilities does not, by itself, establish compliance with that requirement.

There is a material distinction between including infrastructure within a proposal and demonstrating that it will be available to accommodate the development at the stages when it is required. Evidence concerning funding, delivery and binding controls bears directly upon whether the proposed infrastructure will be available at the appropriate juncture. The Secretary of State must therefore consider whether the infrastructure relied upon is deliverable, adequately funded and secured through appropriate conditions and obligations, with provision aligned to the occupation and use of the development.

We also disagree with the suggestion in paragraph 2.4 that the relationship of the proposed country park and highway infrastructure to Sittingbourne establishes that the development as a whole is physically well related to an existing settlement. These features may serve existing residents or connect to the existing road network, but that does not determine the relationship of the proposed residential development to existing communities. That assessment must consider the location and extent of the built development and the nature of its connections.

The scale and comprehensive character of a proposal do not remove either requirement. Nor does meeting an evidenced housing need conclude the assessment under S5: the policy expressly retains the requirement to assess benefits against adverse effects.

2. The status of the applicants' objections to the emerging Local Plan

At paragraphs 3.1–3.2 and 3.4, the applicants argue that no weight should be given to the emerging Swale Local Plan because of alleged fundamental flaws in its preparation. They rely on their own Regulation 19 representations, appended to the submission, to support that conclusion.

Those representations are contested objections submitted by an interested party. They are not findings of an examining Inspector and do not establish that the Plan is unsound or that its proposed strategic allocations should be disregarded.

The Regulation 19 consultation has concluded and the Council intends to submit the Plan for examination in December 2026. Although it has yet to undergo independent examination, its progress is a relevant consideration when assessing the weight to be attached to it. The applicants' objections do not, by themselves, justify treating the Plan and its proposed strategic allocations as carrying no weight.

The Action Group does not suggest that the emerging Plan should be treated as adopted, or that objections to it should be excluded from consideration. However, the weight to be given to the Plan must be assessed by the Secretary of State under the relevant policy framework. It should not be treated as automatically carrying no weight merely because the applicants dispute its strategy and evidence.

3. The interpretation of Policy HO13(4)

The applicants' approach also leads them to conclude that there can be no conflict with HO13(4). We disagree.

The policy expressly applies where an emerging development plan proposes strategic allocations, "however advanced", and states that its requirement applies notwithstanding DM4(2). The applicants' reliance on the absence of a prematurity objection and the disputed status of the emerging Plan does not dispose of this separate policy consideration.

At paragraph 3.3(b), the applicants argue that Highsted Park is not inconsistent with the Bobbing and South East Faversham allocations because there is no physical overlap between the sites. Physical overlap is not the test expressed in HO13(4), which addresses consistency with the proposed scale, location and phasing of strategic sites.

Likewise, the absence of an indication from the promoters of Bobbing or South East Faversham that they would abandon their developments if Highsted Park were approved does not establish consistency with those matters. Neither does the existence of additional unmet housing need, relied upon at paragraph 3.3(f), answer the question of whether the proposals are consistent with the planned scale, location and phasing of strategic development.

We therefore ask the Secretary of State to assess that consistency expressly, rather than accept the applicants' contention that HO13(4) is effectively inapplicable.

For these reasons, we do not agree that the applicants' latest submission establishes compliance with S5 or removes the need for a substantive assessment under HO13(4).

4. The new evidence from Dr Goulden

We also ask that Dr Goulden's recently submitted evidence concerning historic chemical waste disposal at the former Shell site be expressly addressed before these applications are determined. The

transcribed records describe the use of unlined and corrugated-iron-lined pits for toxic waste disposal, and identify chlorinated hydrocarbon insecticides, organophosphorus insecticides and inorganic toxicants among the materials envisaged for a subsequent disposal pit. Of particular concern, the 1985 borehole records describe a strong chemical smell causing irritation to the eyes and nose, while historical correspondence records concern about the danger of contaminating water supplies. These records warrant a clear explanation of whether the potential risks to human health and groundwater have been adequately investigated and whether any necessary remediation can be safely and effectively secured.

5. The Duchy of Cornwall's response

The Duchy of Cornwall's response states that the Council has a very settled view in favour of the South East Faversham scheme, that the section 106 agreement is expected to be signed shortly and that formal permission is likely to be granted in the near future. That directly answers the applicant's reliance on the supposed absence of any indication from the promoter that the scheme will proceed. Swale Council also confirms that the resolutions to approve both Bobbing and South East Faversham remain in place.

The Action Group maintains its request that both applications be refused.

Yours sincerely

Teynham & Highsted Community Action Group

On behalf of parish councils in: Doddington, Lynsted with Kingsdown, Newnham, Teynham and Tonge