

Urgent Decisions Committee	
Meeting Date	20 th December 2024
Report Title	Highsted Inquiry Costs
EMT Lead	Emma Wiggins Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson Head of Place
Lead Officer	Ian Harrison Planning Manager (Planning Applications)
Classification	Part Open / Part Exempt
Recommendations	<ol style="list-style-type: none"> 1. That Members note the range of estimated costs for the Highsted Inquiry; 2. That Members agree their preferred option for Legal support; 3. That Members endorse all Contract Standing Orders (procurement) waivers necessary to enable the timely procurement of the required services; 4. That Members agree that compensatory budget savings are made to reduce the growth within the draft Medium Term Financial Plan (MTFP) to cover the additional costs to be incurred in the delivery of the Inquiry. These items will be removed from the final budget to be published in February and replaced with the cost of the Inquiry.

1 Purpose of Report and Executive Summary

- 1.1 This paper considers potential approaches to the Highsted Inquiry, and associated costs.
- 1.2 It makes suggestions and provides stimulus for discussion for potential areas of compensatory savings.

2 Background

- 2.1 The Highsted Park planning applications (referred to as Land to the West of Teynham and Land South and East of Sittingbourne - references 21/503906/EIOUT and 21/503914/EIOUT respectively) were called in by the Secretary of State on 7th November 2024 – the day of the Planning Committee due to consider them. It has since been confirmed that the recovered applications will be heard by a Public Inquiry, which is to be sat in four blocks lasting twelve weeks across March – July 2025.

- 2.2 Both applications were recommended by officers for refusal, for a range of reasons as set out in the officer reports.
- 2.3. The Planning Committee due to consider the applications went ahead. Whilst the fact that the decision-making powers no longer sat with Swale Borough Council was acknowledged, it was considered important that Members had chance to express their views.
- 2.4. The officer recommendations were supported unanimously.
- 2.5. The estimated costs of a Public Inquiry are not budgeted for and exceed the budgets and forecast costs of any planning budget.

3 Proposals

- 4.1 That Members note the range of estimated costs for the Highsted Inquiry.
- 4.2 That Members agree their preferred option for Legal support.
- 4.3 That Members endorse all Contract Standing Orders (procurement) waivers necessary to enable the timely procurement of the required services.
- 4.4 That Members agree that compensatory budget savings are made to reduce the growth within the draft MTFP to cover the additional costs to be incurred in the delivery of the Inquiry. These items will be removed from the final budget to be published in February and replaced with the cost of the Inquiry.

4 Alternative Options Considered and Rejected

- 4.1 The exempt appendix to this report (Appendix 1) sets out the range of options available to Members.

5 Consultation Undertaken or Proposed

- 5.1 Quotes and fee estimates have been sought from a range of sources, as set out in the appendix.
- 5.2 No further consultation would be usual or appropriate for this type of report.

6 Implications

Issue	Implications
Corporate Plan	<p>Robustly putting the case of the Council to the Inquiry will contribute to ensuring homes and jobs are delivered in line with providing the right homes and employment opportunities in the right places.</p> <p>If the Secretary of State does grant planning permission it is important to ensure the Borough's priorities, including in relation to the environment, health and housing are met through negotiating adequate conditions and planning obligations to mitigate the impacts of the development.</p>
Financial, Resource and Property	<p>Putting forward the Council's case to the Inquiry will significantly impact the Council's finances as set out in the Appendix.</p> <p>The Council is required to host the Inquiry over an extended period. Whilst internal accommodation for the Inquiry has been sourced, there will be a cost to making this facility available (e.g. the officer time escorting attendees within Swale House and additional staff presence and running costs associated with the inquiry sitting on a Friday when the building would otherwise be closed).</p> <p>There is also significant officer time (Planning and Legal) required to prepare for, support and service the Inquiry.</p>
Legal, Statutory and Procurement	<p>Involvement in the Inquiry will require the drafting of section 106 agreements that would be secured as part of any planning permission issued by the Secretary of State for the related sites.</p> <p>Without this, affordable housing and other infrastructure such as health care facilities and schools needed to mitigate the impacts of the development would not be secured.</p> <p>The Council will require legal representation in putting forward the Council's case to the Inquiry.</p> <p>External consultants required as witnesses will be procured through the Council's procurement protocols.</p>
Crime and Disorder	<p>No implications identified at this stage.</p>
Environment and Climate/Ecological Emergency	<p>The Council's case to the Inquiry being agreed would mean development in the countryside and harmful ecological impacts are avoided. Should the Secretary of State grant permission it is</p>

	important that adequate conditions and planning obligations are secured to mitigate the impacts of the development (including reductions in carbon emissions).
Health and Wellbeing	The Council's case to the Inquiry being agreed would help to direct development to more sustainable locations, closer to health care facilities. Should the Secretary of State grant permission it is important that adequate conditions and planning obligations are secured to mitigate the impacts of the development (including securing sports facilities, open space and ensure adequate provision is made for additional health care facilities to meet the demands of the development).
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified at this stage.
Risk Management and Health and Safety	Robustly putting forward the Council's case to the Inquiry reduces the risks associated with costs associated with unreasonable behaviour (which can be awarded where reasons for refusal are not defended). Should the Secretary of State grant permission it is important that adequate conditions and planning obligations are secured to mitigate the impacts of the development, including remediation of contaminants.
Equality and Diversity	No implications identified at this stage.
Privacy and Data Protection	No implications identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

Appendix I: **EXEMPT**. Highsted Inquiry Costs – Options and Estimates

8 Background Documents

8.1 Reports to the Planning Committee – [7th November 2024](#)