

[REDACTED]

From: Emma Hargreaves
Sent: 04 February 2025 20:35
To: Emma Hargreaves
Subject: FW: 3333923 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford (ABC Legal ref. DS54-0669-21) [FLADG-IMAN_NR.FID1667945] [PM-AC.FID5944260]

From: Mark Harnett [REDACTED]
Sent: 15 November 2024 16:38
To: Skinner, Helen [REDACTED]
Cc: Victoria Thistlewood [REDACTED]; Rhonda Mickelborough [REDACTED]
Subject: [EXTERNAL] RE: 3333923 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford (ABC Legal ref. DS54-0669-21) [FLADG-IMAN_NR.FID1667945]

Dear Helen

I refer to my email below and to the letters from Jeremy Baker and Elizabeth Nuttall which are referred to.

I can now advise that the Appellant will endeavour to provide an updated Viability Assessment, Transport Impact Assessment and Education Needs Assessment by 16th December.

I look forward to hearing whether the CMC currently scheduled for 16th December will be pushed back to later that week as requested by ABC. As I advised in previous email, the Appellant would not object to that.

I look forward to hearing from you further.

Best wishes

Mar

Mark Harnett
Partner
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From: Mark Harnett
Sent: 13 November 2024 18:52
To: Skinner, Helen [REDACTED]

Subject: RE: 3333923 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford (ABC Legal ref. DS54-0669-21) [FLADG-IMAN_NR.FID1667945]

Dear Helen

I refer to the letters sent to you by Jeremy Baker on behalf of ABC and Elizabeth Nuttall on behalf of KCC on 11 November and 12 November respectively.

The letters request a ruling from the Inspector that if any Viability Assessment, Transport Impact Assessment, Education Needs Assessment or other information is to be relied upon by the Appellants, it should be submitted two clear working days before the CMC. I am taking instructions from my client who is liaising with the relevant consultants on this issue. I hope to be able to revert to you with the Appellant's response to this request by the end of the week. I hope that is acceptable to the Inspector.

In the meantime, I am able to revert on the other points raised as follows:

1. ABC has requested that the Appellant and PINS confirm approval of the documents which ABC has suggested should be included in the consultation exercise today. The Appellant considers that the consultation should refer to the Council's website which should have all of the documents submitted in respect of the applications and subsequent appeals uploaded on to it. Leaving out earlier submitted documents could cause major problems and result in complaints from consultees that they were not aware of some detail or other and have consequently been deprived of the opportunity to take it into account in their representations. The Appellant is willing to assist ABC by indicating which documents could be marked as superseded on the website if ABC wishes to send to the Appellant a link to the website once the documents have been uploaded.

2. ABC has requested that in view of the delay in going out to consultation, the CMC currently scheduled for 16 December is moved to later in the same week. The Appellant does not object to a postponement to later that week.

3. Both letters refer to errors in the composite version of the existing s.106 (that is the original agreement dated 27 February 2017, as amended by the Supplemental Agreement dated 29 March 2019 and the Deed of Variation dated 13 July 2022) which I provided on 29 July. I am surprised to learn that, as my recollection is that it was accepted at the CMC on 1 October that it was an accurate reflection of the changes already made to the section 106 agreement. The appellant is willing to consider whether further changes are required to correct errors if KCC /ABC wish to set them out in writing but ABC's letter of 11 November describes them as "minor" and as such there isn't any reason why the consultation cannot proceed on the basis of the current draft.

4. KCC has requested a copy of the composite version of the existing s.106 that was used to produce the clean and comparison draft of the updated s106 submitted to the Planning Inspectorate on 25 October 2024. The composite was attached to the email which I sent to PINS on 29 July.

I hope that this is clear but if the Inspector has any queries, please let me know.

Best wishes

Mark

Mark Harnett
Partner
for Fladgate LLP



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