

**Land at Chilmington Green, Ashford Road, Great Chart, Ashford, Kent  
("the Site")**

**Appeals under s.106B of the Town and Country Planning Act 1990 ("TCPA 1990") by: Hodson Developments (Ashford) Limited; Chilmington Green Developments Limited; Hodson Developments (CG ONE) Limited; Hodson Developments (CG TWO) Limited; and Hodson Developments (CG THREE) Limited ("the Appellants")**

**References: APP/W2275/Q/23/3333923 & APP/E2225/Q/23/3334094**

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**KENT COUNTY COUNCIL'S RESPONSE TO THE APPELLANTS'  
MODIFICATIONS 23 DECEMBER 2024**

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1. At the Case Management Conference ("CMC") on 19 December 2024, the Appellants notified the Inspector and the parties of an intention to modify the applications under appeal. These modifications were then set out in a schedule provided by the Appellants on 23 December 2024. The modifications schedule set out annotations in column 1 indicating the nature of the modification, tracked changed any modifications in column 4, and set out reasons for any modification in column 6.
2. The modifications of relevance to KCC are in relation to the following requests:
  - a. 75-77 (Education);
  - b. 97-98 (Off-site Traffic Calming).
3. KCC has no objection to the withdrawal of requests 75-77.
4. However, KCC does object to the modifications to requests 97-98. The modifications sought would change Requests 97 and 98 from applications to amend the traffic monitoring and traffic calming obligations in Schedule 21 and 30A to applications to discharge those obligations in their entirety. In doing so, the modifications would substantially extend the scope of the applications on appeal introducing new arguments and issues.
5. For Traffic Monitoring, Request 97, the modification would introduce a new proposal that there be no traffic monitoring at all – in place of a proposal that tried to simplify the monitoring required (see previous justification in column 5). This raises a new contention that traffic monitoring serves no useful purpose at all; a very different argument to the Appellants previous case that the obligations could be efficiently simplified. The change purports to be justified by comparison with the Possingham Farm and Kingsnorth permissions but these are of an entirely different scale (655 and 550 respectively).
6. For Traffic Calming payments, Request 98, the modification again introduces an argument that the payments serve no useful purpose where none was previously made. The Appellants had accepted that traffic calming payments would be needed but sought to defer them and to further connect them to monitoring of traffic levels. This argument is now superseded by a new case that there is no need for them – again by a misplaced comparison with Possingham and Kingsnorth. Furthermore, Kingsnorth are proposing their own suite of off-site traffic calming measures that will be delivered directly by them through an appropriate Section 278 Highway Agreement.

7. KCC say the modifications are substantial. Further, they say that the new arguments that there neither traffic monitoring nor traffic calming payments serve a useful purpose would need to be consulted upon. There is also not enough time to carry out further consultation without impairing the inquiry timetable. It follows that they should not be accepted on both substantive and procedural grounds: see ***R (Holborn Studios Ltd) v Hackney LBC*** [2017] EWHC 2823 (Admin). If the Appellants wish to seek discharge of these obligations the correct route for them to do so is to apply afresh to KCC.

**8 January 2025**