

**CHILMINGTON GREEN APPEALS IN RESPECT OF APPLICATIONS UNDER S.106A TO
DISCHARGE AND/OR MODIFY VARIOUS OF THE OBLIGATIONS UNDER AN AGREEMENT
MADE PURSUANT TO S.106 DATED 27 FEBRUARY 2017**

PINS References APP/W2275/Q/23/3333923 & APP/E2205/Q/23/3334094

**APPELLANTS' NOTE ON VERSIONS OF ANNEX A TABLE & COMPOSITE S106 WITH
PROPOSED MODIFICATIONS ATTACHED TO EMAILS DATED 28/4/25 & 30/4/25**

1. At the commencement of the Inquiry on 19 February, the modifications to the s106 agreement which were sought by the Appellants were set out in a version of the Annex A table updated to 2 February (CD 2/22). Those modifications were shown in a marked-up version of the s106 agreement (also updated to 2 February) (CD/2/20). On 2 April 2025, the Appellants issued a revised note (dated 27 March) consisting of (1) a list of corrections to that marked up draft s106 agreement and (2) a list of three modifications which it was withdrawing from its Application. That note (Corrections **Note**) is (CD14/17).
2. On 28 April 2025, the Appellants sent an email to PINS (copied to the other parties) with various attachments. Those attachments included:
 - 2.1 A revised version of Annex A updated to 25 April - Document labelled 106 Modifications Table -34398500 -v9.docx (CD14/42);
 - 2.2 A comparison showing the changes between the version of Annex A issued on 25 April and the previous version dated 2 February - Document labelled Redline -106 Modifications Table -34398500 -v8 and Modifications Table -34398500 -v9..pdf (CD14/43);
 - 2.3 A revised mark-up of the s106 agreement updated to 24 April – Document labelled NEW DOC -Composite S.106 with Proposed Mods -35094444-v10.docx (CD14/40) ; and
 - 2.4 A comparison showing the changes between the mark-up of the s106 agreement dated 24 April and the version dated 2 February - Document labelled Redline - NEW DOC -Composite S.106 with Proposed Mods -35094444-v8 and NEW DOC -Composite S.106 with Proposed Mods -35094444-v10.pdf (CD14/41)
3. The revised version of Annex A (CD 14/42) and the revised mark-up of the s106 agreement (CD14/40) incorporated (1) the changes set out in the Corrections Note issued on 2 April; and (2) corrections to some of the amounts paid to ABC for which the Appellants are seeking reimbursement (Reimbursement Amounts). Neither ABC or KCC

objected to any of the changes set out in the Corrections Note when the Inquiry resumed on 14 April. The corrections to the Reimbursement Amounts correspond exactly with the amounts set out in table 8.1 of the Delivery, Monitoring & Council's Costs Reimbursement Topic Paper issued by ABC (CD 3/8).

4. On 30 April 2025, the Appellants sent an email to PINS (copied to the other parties) with a comparison document showing the changes between the mark up of the s106 agreement dated 24 April and the composite version of the s106 agreement emailed to PINS on 29 July 2024 (CD 2/4). The attachment was labelled Litera Compare Redline -Existing Composite s106 Agreement and NEW DOC -Composite S.106 with Proposed Mods.docx. (CD14/47). This document did not introduce any further changes. It shows the changes which would be made to the s106 agreement if all of the changes set out in the final version of Annex A (CD14/42) are approved.

Fladgate LLP

8 May 2025