**Appellants’ Responses to the 7 Questions raised by the Planning Inspector.**

Q1- How should PINS regard the written ministerial statement (WMS) setting out the Government’s intention to build 1.5m homes within 5 years?

A1. A WMS is an official document issued by a Government minister to inform Parliament and the public about a specific matter of policy, Government activity, or other significant issue.

Despite the fact that the online PPG can easily be updated, the government continues to use a combination of online PPG updates and WMS to update policy guidance, as well as to making amendments and/or additions to the NPPF. The extent to which any particular WMS amounts to a change to or clarification of national policy will depend upon the particular circumstances, including the wording of the particular WMS itself.

The WMS is capable of being (and in the Appellants’ view is) a material consideration for the purposes of the appeal. As it comes directly from ministers, representing the official stance from Government, it carries significant weight and can shape planning decisions across the country. The weight to be attributed is ultimately down to the Decision Maker, but with the increased Housing Delivery Targets and relevant paragraphs in the NPPF it is clear that a positive approach to housing delivery is a matter of very significant weight.

Q2. Which core document / where is it explained as to what the trajectory of the Peak Debt Burden of the scheme is?

A2. Please refer to the response prepared by Chris Wheaton of Quod.

Q3 Are parties in agreement that the paragraphs set out in paragraph 32 of ABC’s opening are applicable within the s106A and B context / consideration?

***“The PPG makes clear that viability assessments must be transparent and publicly available[[1]](#footnote-1)[1]; and that the weight to be given to a viability assessment is determined having regard inter alia to “the transparency of assumptions behind evidence submitted.”[[2]](#footnote-2)[2] Nor is there doubt as to the importance of transparency of information to professional conduct and competency under the RICS ‘Professional Standard on Financial Viability in planning: conduct and reporting’ (2019)[[3]](#footnote-3)[3]; and the subsequent ‘Assessing Viability in planning under the National Planning Policy Framework 2019 for England’ (2021).[[4]](#footnote-4)[4] Indeed the crucial importance of transparency has been emphasised recently by the High Court in R (Holborn Studios Ltd) v London Borough of Hackney (No. 2) [2020] EWHC 1509 (Admin) at [64]-[71], per Dove J.”***

A3. Please refer to the response prepared by Chris Wheaton of Quod.

Q4. Which modification / request covers the discharge of payment obligations in the s278 agreement, as set out in KCC’s opening statement paragraph 20.

A4. Modification 93 covers this. It states that “The Appellants apply for Schedule 18A including the Developer's Covenants under Schedule 1 to pay Pre-Contract Costs and Post-Contract Costs and any shortfalls to be discharged.

Q5. Which round table session or cross examination session are we going to look at housing mix?

A5. The Appellants consider this should be within the planning evidence session. This is because the matters that are of relevance and inform housing mix are Town Planning issues, rather than Education-related ones.

We have prepared a short note that sets out the Appellants position and this is appended.

Q6. KCC formal request for information in respect of sales information for land parcels sold.).

A6. Please refer to the response prepared by Chris Wheaton of Quod, which addresses the relevancy of this information.

Q7. Confirm the current number of dwellings in occupation at Chilmington Green.

A7. There are currently 376 dwellings in occupation at Chilmington Green.

1. [1] Paragraph 10-010-20180724. [↑](#footnote-ref-1)
2. [2] Paragraph 10-008-20190509. [↑](#footnote-ref-2)
3. [3] Paragraphs 1.2, 2.4, 2.10, section 4. [↑](#footnote-ref-3)
4. [4] Paragraphs 1.2.12, 2.5, 3.4.12, A1.1. [↑](#footnote-ref-4)