

Application to Modify or Discharge a Section 106 Planning Obligation



**South Hams
District Council**



**West Devon
Borough
Council**

Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

PLEASE RETURN COMPLETED FORM WITH ACCOMPANYING SITE PLAN AND ANY OTHER DOCUMENTS BY EMAIL TO DM@SWDEVON.GOV.UK

Pre-Application discussions

Have you had any discussions / correspondence with Planning Services about this proposal?

YES/NO

If YES: Officer Name

Our Reference

1 TYPE OF APPLICATION

What are you applying to do and which S106 Agreement:

Modify a planning obligation?

Section 106A application ?

Discharge of planning obligation?

Section 106BA application ?

2 APPLICANT NAME AND ADDRESS

AGENT NAME AND ADDRESS

Applicant contact details

These details will not be published online

Agent contact details

Tel

Tel

Mobile

Mobile

Email

Email

3 FULL ADDRESS OF THE SITE TO WHICH THE OBLIGATION RELATES

4 NATURE OF THE APPLICANT'S INTEREST IN THE LAND

5 DETAILS OF PLANNING OBLIGATION TO BE MODIFIED/DISCHARGED

6 REASON(S) FOR APPLYING TO MODIFY/DISCHARGE THE OBLIGATION

7 NOTIFICATION TO INTERESTED PARTIES

The applicant must give notice of the application to any person against whom, on the day 21 days before the date of this application, the planning obligation is enforceable. You must take reasonable steps to find out the name and address of such person(s). Where the names and addresses of all such persons are not known the applicant must, during the 21 day period immediately preceding this application, publish their notice in a local newspaper.

8 Financial viability

Have you submitted a financial viability statement with this application YES/NO

If YES: Who has certified this as true and correct

9/10 NOTIFICATION TO INTERESTED PARTIES – please complete one certificate only

Certificate A

I certify that on the day 21 days before the date of this application the planning obligation to which the application relates was enforceable against nobody other than the applicant.

Signed

*On behalf of

Date

OR

Certificate B

I certify that the applicant has given notice to everyone else against whom, on the day 21 days before the date of this accompanying application, the planning obligation to which the application relates was enforceable, as listed below.

*Person whom
notice was served*

*Address at which
notice was served*

*Date on which
notice served*

Signed

*On behalf of

Date

*Delete as appropriate

OR

Certificate C

I certify that:

- The applicant cannot issue a Certificate A or B in respect of this application;
- *the applicant has given notice to the persons listed below, being persons against whom, on the day 21 days before the date of the application, the planning obligation to which the application relates was enforceable.

*Person whom
notice was served*

*Address at which
notice was served*

*Date on which
notice served*

- The applicant has taken reasonable steps to ascertain the name and address of every person against whom, on the day 21 before the date of the application, the planning obligation to which the application relates was enforceable and who has not been given notice of the application but has been unable to do. These steps were as follows – (a)
- Notice of the application, as attached to this certificate, has been published in the (b) On (c).

Signed

*On behalf of

Date

(a) Being the steps taken

(b) The name of the publication

(c) the date of publication

11 SITE PLANS

The application must be accompanied by a site plan showing the land to which the obligation relates if such a plan did not form part of the original obligation document. The plan must be based on Ordnance Survey data and show enough detail to show the site in relation to any adjoining properties and the nearest public highway(s). The site of the application must be edged in red. The plans must be to a scale of 1:2500 or 1:1250.

12 FEES - There is no fee payable for these applications

APPLICATION TO MODIFY OR DISCHARGE A SECTION 106/PLANNING OBLIGATION

GUIDANCE NOTES FOR APPLICANTS

INTRODUCTION

Sections 106A and 106BA of the Town & Country Planning Act 1990 set out the formal procedures by which a planning obligation may be modified or discharged.

The Council upon receipt of such an application, will either decide that the planning obligation should continue in effect without modification, discharge the obligation, or modify the obligation.

Where the Council has failed to respond to an application or has refused to modify or discharge an obligation there is a right of Appeal.

If you need advice or help contact Planning Services on the contact details below. To avoid any delay in processing your application, please make sure that the correct forms and site plans are sent.

HELP WITH COMPLETING THE FORM

1. TYPE OF APPLICATION – tick the appropriate box for modifying an obligation or to discharge it. In addition, tick the appropriate box for a Section 106A or a Section 106BA application. A Section 106 application is normally only applicable to planning obligations completed more than 5 years previously. A Section 106BA only applies to a planning obligation relating to affordable housing and there is no restriction on when it was completed.

2. APPLICANT/AGENT – The applicant is the name of the person for whom this application is being made. If you are using an agent to submit this application all future correspondence will be with him/her.

3. ADDRESS OR LAND OR BUILDINGS – Give the full postal address of the property/land (including the postcode) or as complete a description of the site as you can.

4. APPLICANTS INTEREST IN THE LAND – Please supply exact details of your interest in the site.

5. DETAILS OF PLANNING OBLIGATION TO BE MODIFIED/DISCHARGED - Please supply as much information as possible including the date of the obligation and the reference number of the original planning application.

6. REASON(S) FOR APPLYING TO MODIFY/DISCHARGE THE OBLIGATION – Please complete as fully as possible. This may have to be supplemented by a separate statement or viability assessment.

7. NOTIFICATION TO INTERESTED PARTIES – The applicant must give notice of the application to any person against whom, on the day 21 days before the date of this application, the planning obligation is enforceable. You must take reasonable steps to find out the name and address of such person(s). Where the names and addresses of all such persons are not known the applicant must, during the 21 day period immediately preceding this application, publish their notice in a local newspaper.

8. FINANCIAL VIABILITY

9/10. APPLYING FOR PERMISSION – Please sign and date this section.

11. SITE PLANS – The application must be accompanied by a site plan showing the land to which the obligation relates if such a plan did not form part of the original obligation document. The plan must be based on Ordnance Survey data and show enough detail to show the site in relation to any adjoining properties and the nearest public highway(s). The site of the application must be edged in red. The plans must be to a scale of 1:2500 or 1:1250.

12. PUBLICATION - Planning application forms are public documents and all information contained on them will be available for public inspection on the Council's website.

13. FEES – There is no fee payable for these applications.

Contact details:

Development Management Team

South Hams District Council and West Devon Borough Council

Email - dm@swdevon.gov.uk

Please send all written correspondence to:

Development Management Team

South Hams District Council or West Devon Borough Council

c/o Follaton House

Plymouth Road

Totnes, Devon TQ9 5NE