

South Kesteven District Council

Council Offices, St. Peter's Hill
Grantham, Lincolnshire, NG31 6PZ
Tel: 01476 40 60 80
www.southkesteven.gov.uk



Application form to modify or discharge a section 106 planning obligation

Please complete this form in block capitals using black ink. There are accompanying notes to help you.

Please note that, with the exception of applicant contact details and certificates of ownership, documents relating to this and all other valid applications are published on our website (see address at the top of this page).

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on our website, please contact us.

You should use this form when applying to modify or discharge a planning obligation within South Kesteven District.

For further information refer to The Town & Country Planning (Modifications and Discharge of Planning Obligations) Regulations 1992

Please send to the above address:

- 4 copies of this form, signed and dated
- 4 copies of a map, identifying the land to which the obligation relates, outlined in red
- 1 copy of such other information as you consider relevant to the determination of the application

Telephone: (01476) 40 60 80

1. Type of application

Please tick

Are you applying to **modify** a planning obligation

Are you applying to **discharge** a planning obligation

2. Applicant name and address

Title: First name:

Last name:

Address:

Postcode:

3. Agent name and address

Title: First name:

Last name:

Address:

Postcode:

8. Applicant contact details

Code

Tel Number

Ext

Mobile number (optional)

Fax number (optional)

Email address (optional)

9. Agent contact details

Code

Tel Number

Ext

Mobile number (optional)

Fax number (optional)

Email address (optional)

Certificate A

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

Signed: Date:

On behalf of: *(delete if not applicable)*

Certificate B

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

Person on whom notice served	Address where notice was served	Date notice was served
.....
.....
.....
.....

Signed: Date:

On behalf of: *(delete if not applicable)*

Certificate C

I certify that *(delete where not applicable)*:

- the applicant cannot issue a Certificate A or B in respect of the accompanying 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 accompanying application, the planning obligation to which the application relates was enforceable

Person on whom notice served	Address where notice was served	Date notice was served
.....
.....
.....
.....

- the applicant has taken all reasonable steps to ascertain the name and address of every person against whom, on the day 21 days 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 so. These steps were as follows: *(describe the steps taken)*

- notice of the application, as attached to this certificate, has been published in the appropriate newspaper on *(enter name and date of publication)*

.....

Signed: Date:

On behalf of: *(delete if not applicable)*

Notice

To be served by the applicant on the owner of any land not owned by the applicant (if applicable) when submitting an application to modify or discharge a planning obligation under Section 106a of the Town and Country Planning Act 1990

I give notice that (*insert name of applicant*):

.....
Is applying to South Kesteven District Council to modify the planning obligation described below

Planning obligation

(*brief description of the planning obligation you wish to have modified or discharged*):

Land to which obligation relates (*address or location of the land*):

Date on which obligation was entered into:

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should contact South Kesteven District Council by

.....
(*enter date giving a period of 21 days beginning with the date of service or publication of the Notice as appropriate*)

Representations should be made by email to planning@southkesteven.gov.uk or in writing to: Development Control Services, South Kesteven District Council, Council Offices, St Peter's Hill, Grantham, Lincolnshire, NG31 6PZ

Please note that any representations received may be published on our website and a copy will be placed on the file, which is available for public inspection.

Members of the public will be invited to make representations when the application has been submitted to the Council.

Signed: Date:

On behalf of: (*delete if not applicable*)

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Application to modify or discharge planning obligations - notes

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

1. Type of application

Indicate whether you are applying to modify or discharge a planning obligation.

2. Applicant name and address

The name and address of the applicant, including full postcode. If there is no agent, we will send all correspondence to this address.

3. Agent name and address

If applicable, the name and address of the agent, including full postcode. Where an agent is used, all correspondence, including the decision notice, will be sent to him/her.

4. Full address of the site to which the obligation relates

Please enter the full address or location of the land to which the application relates.

5. Nature of the applicant's interest in the land

For the person detailed in section 1, state the nature of their interest in the land.

6. Identify the planning obligation agreement

Please provide sufficient information to enable us to identify the planning obligation agreement you wish to have modified or discharged. The original planning application reference number will suffice. If this is not known please provide as much information as possible: e.g. original description of the proposal, dates etc.

7. Reasons for applying

Please give your reasons for applying to modify or discharge the obligation and any other information required to enable us to determine the application.

8 & 9. Contact details

Information in this section is not published on our website.

Certificates & notice

If you are the sole owner of the land to which the application relates, please complete **Certificate A** (owner means a person having a freehold or leasehold interest with at least seven years unexpired). Certificate A is not appropriate unless you are the sole owner.

If you are not the sole owner of the land, or if any part of the development to which the planning obligation relates goes outside land in your ownership (even if only foundations), please complete **Certificate B** and serve notice on each of the owners using the wording given on the notice attached to the application form.

If you do not know the names of all the owners you will need to complete **Certificate C**, serve notice on those owners you do know and describe what steps you have taken to identify and serve notice on those you are unable to identify.

It is an offence knowingly or recklessly to complete a false or misleading certificate.

Submitting your application

Please refer to the top of the application form for information about what to submit with your application and details of where to send it.

When we have received your valid application we will advertise it by way of site notice on or near to the land to which the planning obligation relates for a period of not less than 21 days.

Please note that, with the exception of application contact details and certificates of ownership, documents relating to all valid applications are published on our website at www.southkesteven.gov.uk/planning