

TOWN AND COUNTRY PLANNING ACT 1990, sect. 106A
Town and Country Planning (Modification and Discharge of
Planning Obligations) Regulations 1992

For the Council's use only
Application No.....
Date received

APPLICATION FOR THE MODIFICATION OR DISCHARGE OF PLANNING OBLIGATIONS

1 Applicant (in block capitals)

Name: EMERALD HOMES GROUP LTD

Address:Enterprise Way Spalding.....

Post Code PE11 3YR.....

Tel. No:(through Agent)....

2 Agent (if any)

Name:

Address:AMK Planning & Design Ltd, Plumtree Barn, Bradmore Lane, Plumtree, Nottingham .

Post Code .NG12 5EW.....

Tel. No:[REDACTED]

3 Address or exact location of the land to which this application relates:

Home Farm, Littleworth Drove, Deeping St Nicholas, Spalding

Describe here and enclose a map identifying the land to which the obligation relates.

Planning Ref H03-0161-17 Dated 20 December 2021

4 Nature of applicant's interest in the land (eg owner, J essee, occupier):

Owner

5 Please give sufficient information to enable the authority to identify the planning obligation which you wish to have modified or discharged :

S106 Agreement Planning Ref H03-0161-17 Dated 22 December 2021

Schedule 3

1. Affordable Housing Contribution
2. Off Site Affordable Housing Contribution
3. Education Contribution
4. Healthcare Contribution
5. Village Hall Contribution (subject to negotiation)

6 Please state your reasons for applying for the modification or discharge of the planning obligation identified in paragraph 5 above :

It is economically unviable to deliver the proposed Affordable Housing and infrastructure contributions currently required by the obligations.

7 Please give the following information, which the authority considers necessary to enable it to determine the application, namely:

A detailed viability appraisal undertaken in accordance with the guidance contained in the Viability PPG (updated 2024) prepared by AMK Planning

A detailed construction cost plan prepared by Gleeds

8 Please give any other information you consider relevant to the determination of this application (continue on a separate sheet if necessary)

/We hereby apply for the modification or discharge of a planning obligation under section 160A of the Town and Country Planning Act 1990 in respect of an existing planning obligation described in this application and the documents and map which accompany it. I/We have completed the Certificate A, B or C, attached to this application, as appropriate.

Signed: [REDACTED]

[on behalf of] Emerald Homes Group Ltd.....
(insert name of applicant if signed by agent)

Date 17 October 2025

have

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

[on behalf of] Emerald Homes Group Ltd

Date 17 October 2025

Certificate B

I certify that [I have] [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 was served*

*Address at which
notice was served*

*Date on which
notice was served*

Signed

[on behalf of]

Date

Cross out any words in square brackets which do not apply

Certificate C

I certify that

[I] [the applicant] cannot issue a Certificate A or B in respect of the accompanying application; [(I have] [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 on whom notice was served

Address at which notice was served

Date on which notice was served

[I have] [the applicant has] taken 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 (a)

Notice of the application, as attached to this certificate, has been published in the (b)
on(c)

Signed

[on behalf of]

Date

Cross out, My words in square brackets which do not apply

- (a) description of steps taken
- (b) name of local newspaper in which the notice was published
- (c) date of publication.

Notice of an Application to Modify or Discharge a Planning Obligation

under section 106A of the Town and Country Planning Act 1990

(Notice to be given by applicant)

I give notice that (a)
(b)
is applying to the (b)
to [modify][discharge] the planning obligation described below

Planning Obligation

Obligation(<!:

Land to which obligation relates/dJ:

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 write to the Council at (f)

by (g)

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

Signed
[On behalf of]

Date

NOTES

Delete words in square brackets where inappropriate

- (a) name of the applicant
- (b) name of local planning authority to whom the application will be made
- (c) brief description of the planning <:>bligation which the applicant wishes to *have* modified or discharged
- (d) address or location of the land
- (e) relevant date
- (f) address of the local planning authority
- (g) date giving period of 21 days beginning with the date of service or publication of the notice, as the case may be.