Application to Modify or Discharge a Section 106 Planning Obligation

Town and Country Planning Act 1990: Section 106A

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

The Town and Country Planning (Modifications and Discharge of Planning Obligations (Amendment)(England) Regulations 2013

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

1. Type of Application

Are you applying to modify a planning obligation	[X] Yes	[ ] No
Are you applying to discharge a planning obligation	[ ] Yes	[ ] No

2. Nature of the Applicant's interest in the Land

Please state the nature of the applicant's interest in the land: **DEVELOPER**

3. Applicant Name, Address and Contact Details

Title:	
First name:	
Last name:	**EMERALD HOMES**
Company (optional):	**C/O LINCS DESIGN CONSULTANCY**
Unit:	
House number:	**12**
House suffix:	
House name:	
Address 1:	**VICKERS LANE**
Address 2:	
Town:	**LOUTH**
County:	**LINCOLNSHIRE**
Country:	
Postcode:	**LN11 9PJ**
Email:	[redacted]
Telephon	[redacted]

4. Agent Name, Address and Contact Details

Title:	
First name:	**RICKY**
Last name:	**NEWTON**
Company (optional):	**LINCS DESIGN CONSULTANCY**
Unit:	
House number:	**12**
House suffix:	
House name:	
Address 1:	**VICKERS LANE**
Address 2:	
Town:	**LOUTH**
County:	**LINCOLNSHIRE**
Country:	
Postcode:	**LN11 9PJ**
Email:	**admin@lincsdesignconsultancy.co.uk**
Telephone:	**01507 611155**

5. Site Address Details

Address : **SITE ADJ SILVERDENE, BOSTON ROAD GOSBERTON**

Town:

County: **LINCOLNSHIRE**

Postcode (optional):

Description of location or a grid reference.
(must be completed if postcode is not known):

Easting: Northing:

Description:

6. Pre-Application Advice

Has assistance or prior advice been sought from the local authority about this application? ☐ Yes ☐ No

Officer name:

Reference:

Date (DD/MM/YYYY):
(must be pre-application submission)

Details of pre-application advice received?

7. Description of Approved Development

Please provide a description of the approved development as shown on the decision letter

PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 20 DWELLINGS

Reference number: **H08-0870-22**

Date of decision: **04/05/2023**

S73 reference number (if any):

Date of decision:

Has the development already started? ☐ Yes ☒ No

If Yes, please state when the development started:

Has the development been completed? ☐ Yes ☐ No

If Yes, please state when the development was completed :

8. Description of Planning Obligation

Please state the relevant planning obligations: **AFFORDABLE HOUSING AND CASH CONTRIBUTIONS**

Date of S106 Agreement: **04/05/2023**

Date of Deed of Variation (if any):

9. Reason for Applying for Discharge or Modification

Please give reasons for applying for discharge or modification of the relevant planning obligations:

PLEASE REFER TO ENCLOSED / ACCOMPANYING LETTER AND SUPPORTING INFORMATION

10. Certificate of Compliance with the Notification Requirements in Regulation 4

Please complete either certificate A, B or C

Certificate A

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

Signed - Applicant | Signed - Agent [redacted] | Date: **02/12/2024**

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 application, the planning obligation to which this application relates was enforceable, as listed below.

Persons on whom notice was served:

Addresses at which notice was served:

Signed - Applicant | Signed - Agent | Date:

Certificate C

I certify that:
- 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 application, the planning obligation to which this application relates was enforceable

Persons on whom notice was served:

Addresses at which notice was served:

Date on which notice was served:

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:

Notice of the application, as attached to this application form, has been published 21 days before the date of this application in the:

Name of local newspaper: | Date of publication:

Signed - Applicant | Signed - Agent | Date:

11. Application Requirements - Checklist

Please read the following checklist and the guidance on the reverse of this page to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

Map identifying the land to which the obligation relates [X]

Other information the applicant considers relevant to the determination of the application [X]

Other information the authority consider necessary to enable them to determine the application [X]

Please consult the Local Planning Authority on what other information is considered necessary to enable the Authority to determine the application

Name of Planning Officer consulted: | Date:

12. Declaration

I/we hereby apply for modification/discharge of a S106 Planning Obligation as described in this form and the accompanying plans/ drawings and additional documents

Signed - Applicant

Signed - Agent [redacted]

Date: **02/12/2024**

Appendix 1. Guidance Pursuant to Field 11 of the Application Form

Due to the wide scope of planning obligations and variety of modifications which can be applied for it is not considered possible to provide a general, definitive list of information necessary for the Local Planning Authority to determine each and every application made under Section 106a of the Town and Country Planning Act 1990.

In light of the above and the requirements of Regulation 3 of the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, the applicant should consult the Local Planning Authority with regards to what other information is considered necessary to enable the Authority to determine the application.