



Application No: S106

Date Received:

Please complete 5 copies of this form and return with 5 copies of the obligation and a site plan to:

Department of Development Services, Planning Division, Knapping Mount, West Grove Road, Harrogate, HG1 2AE

Tel: 01423, 500600, Fax: (01423) 556510; Text phone: 01423 556543

Opening Hours: Mon – Fri 8.30am –16.00pm

Town and Country Planning Act 1990 - Section 106A

The Town and Country Planning (Modification and Discharge of Planning Obligations)

Regulations 1992

APPLICATION FOR THE MODIFICATION OR DISCHARGE OF PLANNING OBLIGATIONS

NO FEE IS REQUIRED WITH THIS APPLICATION

1. Applicant (in block capitals)	2. Agent (if any)
Name:	Name:
Address:.....	Address:.....
.....
.....
.....
Post Code:	Post Code:
Tel No:	Tel No:

3. State the address or exact location of the land to which this application relates:

Enclose 5 copies of an OS-based plan showing the boundary of the land to which the obligation relates edged in red.

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3. State the nature of the applicant's interest in the land.

4. Give sufficient information to enable the Borough Council to identify the planning obligation which the applicant wishes to have modified or discharged.

Enclose 5 copies of the Planning Obligation (Agreement) made under Section 106 of the Act.

5. State the applicant's reasons for applying for the modification or discharge of the obligation referred to in Question 4 above.

Declaration

I*/we* hereby apply for the modification*/discharge* of the planning obligation described in this application and the documents and plans accompanying it and declare that the information given on the form is correct.

Signed Date

On behalf of *Delete if inappropriate

(Insert name of applicant if signed by an agent)

REGULATION 4 - Giving Notice of the application

Notification of applications by applicant

- (1) An applicant for the modification or discharge of a planning obligation shall give notice of the application to any person (other than the applicant) against whom, on the day 21 days before the date of the application, the planning obligation is enforceable and whose name and address is known to the applicant.
- (2) In order to comply with paragraph (1), the applicant shall take reasonable steps to ascertain the name and address of every such person.
- (3) Where the names and addresses of all such persons are not known to the applicant after he has taken reasonable steps to ascertain that information, he shall, during the 21 day period immediately preceding the application, publish notice of the application in a local newspaper circulating in the locality of the land to which the application relates.
- (4) The notice required to be served or published by this regulation shall be in the form set out in the box below and shall invite representations on the application to be made to the Borough Council within 21 days of the date on which the notice is served or published, as the case may be.

NOTICE OF AN APPLICATION TO MODIFY OR DISCHARGE A PLANNING OBLIGATION UNDER SECTION 106A OF THE TOWN AND COUNTRY PLANNING ACT 1990

(Notice to given by applicant)
 I give notice that (a)
 is applying to the Harrogate Borough Council
 to modify/discharge* the planning obligation described below

Planning Obligation
 Obligation: (b)
 Land to which obligation relates: (c)
 Date on which obligation was entered into: (d)

+Any person against whom the planning obligation is enforceable who wishes to make representations about this application should write to the Council at Department of Technical Services, Knapping Mount, West Grove Road, Harrogate, HG1 2AE by (e). (Members of the public will be invited to make representations when the application has been submitted to the Council).

Signed

*On behalf of

Date.....

*delete as appropriate

NOTES
 Insert

- (a) name of the applicant
- (b) brief description of the planning obligation which the applicant wishes to have modified or discharged
- (c) address or location of the land
- (d) relevant date
- (e) date giving a period of 21 days beginning with the date of service or publication of the notice, as the case may be.

REGULATION 4 - Certifying that Notice has been given or is not required

An application for the modification or discharge of a planning obligation shall be accompanied by one of Certificates A, B or C set out below certifying that the requirements of Regulation 4 have been satisfied.

CERTIFICATE OF COMPLIANCE WITH THE NOTIFICATION REQUIREMENTS IN REGULATION 4

***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.

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

<i>Person on whom notice was served</i>	<i>Address at which notice was served</i>	<i>Date on which notice was served</i>
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OR

***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 the application relates was enforceable.

<i>Person on whom notice was served</i>	<i>Address at which notice was served</i>	<i>Date on which notice was served</i>
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- The applicant has taken reasonable steps to ascertain the name and address of every person against whom, on the 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.....

*delete where inappropriate

NOTES

Insert-

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

(c) date of publication