



Town and Country Planning Act 1990 Application form to modify or discharge a Section 106 Planning Obligation

Please use this form when applying for the modification or discharge of a planning obligation to North York Moors National Park Authority. The completed form and supporting information can be submitted via the post marked for the attention of the planning department, The Old Vicarage, Bondgate, Helmsley, YO62 5BP or by email to planning@northyorkmoors.org.uk. For further information please refer to the [Town and Country Planning \(Modification and Discharge of Planning Obligations\) Regulations 1992](#) and the [Town and Country Planning \(Modification and Discharge of Planning Obligations\) \(Amendment\) \(England\) Regulations 2013](#)

Important note

Only use this form if:

- the planning obligation was entered into before 6 April 2010 or
- for obligations after 6 April 2010, more than five years has elapsed since the obligation was entered into.

There is no statutory right to apply for a modification/discharge of an obligation where five years hasn't elapsed, but the Authority has the discretion to consider a request depending upon the circumstances involved.

Publication of applications on planning authority websites

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

1 Type of application

Are you applying to modify a planning obligation? Yes No

Are you applying to discharge a planning obligation? Yes No

2 Applicant name, address and contact details

Name:

Company name:
(optional)

House number:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone number:

Email address:

3 Agent name, address and contact details

Name:

Company name:
(optional)

House number:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone number:

Email address:

4 Full postal address or location of the site to which the obligation relates

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Grid reference:

Eastings:

Northings:

5 Nature of the applicant's interest in the land

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6 Please provide sufficient information to enable us to identify the planning obligation e.g., planning reference numbers, land registry reference numbers) and confirm the particular obligation(s) to be modified/discharged

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7 What reason(s) do you have for applying for the modification or discharge of the obligation? You may wish to submit a separate statement.

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8 Declaration

I confirm that the information contained in this application is accurate and complete.

Signed – applicant or agent:

Date (DD/MM/YYYY).....

Checklist

1. Prior to application submission please ensure that you give notice of the application to any person 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.

You must take reasonable steps to ascertain the name and address of every such person and where the names and addresses of all such persons are not known you 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. See appendix 1 for the notice template.

2. Please submit to the authority:
 - i. A single copy of this application form signed and dated.
 - ii. A single copy of one completed certificate certifying that the notification process at point one has been carried out. See appendix 2 for the certificates template.
 - iii. A single copy of a map identifying the land to which the obligation relates. Please ensure that any map provided does not breach the provisions of the Copyright Designs and Patents Act 1988.
 - iv. A single copy of such other information you consider relevant to the determination of the application.
3. An hourly charge rate of £100 per hour may be charged for work undertaken by our legal advisor to negotiate, prepare, and execute the modification/discharge of the obligation. An estimation of cost can be obtained from the authority on request once the application has been submitted and validated.

Appendix 1 Notice

Notice of 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 the applicant)

Is applying to the North York Moors National Park Authority to modify/discharge the planning obligation described below.

Planning obligation

Obligation: (brief description of the planning obligation which the applicant wishes to have modified or discharged)

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

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Date on which obligation was entered into: (relevant date):

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should write to the Planning Department, North York Moors National Park Authority, The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP or by email to planning@northyorkmoors.org.uk by(enter date giving a period of 21 days beginning with the date of service or publication of the notice as the case may be)

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

Signed:

Date (DD/MM/YYYY)

on behalf of (if appropriate):

Appendix 2 Certificates

Please complete and sign one relevant certificate A, B or C.

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 (DD/MM/YYYY)

on behalf of (if appropriate):

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 which notice was served:

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Date which notice was served:

Signed:

Date (DD/MM/YYYY)

on behalf of (if appropriate):

Certificate C

I certify that:

1. The applicant cannot issue a Certificate A or B in respect of the accompanying application:
2. 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 served:

Address which notice was served:

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Date which 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):

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- Notice of the application, as attached to this certificate, has been published in:

.....(insert local press publication name)

on.....(enter date of publication)

Signed:

Date (DD/MM/YYYY)

on behalf of (if appropriate):