



APPLICATION TO MODIFY OR DISCHARGE A PLANNING OBLIGATION

GUIDANCE NOTES FOR APPLICANTS

Introduction

Section 106A of the Town & Country Planning Act 1990 provides that a planning obligation may be modified or discharged by agreement between the parties, or in default of such agreement, by application to the Local Planning Authority at the end of the period of five years beginning with the date when the obligation was entered into.

After the expiry of the five years, an application can be made. Upon receipt of such an application the Council will decide that the planning obligation should continue in effect without modification, discharge the obligation, or modify the obligation.

Where the Council has failed to respond to an application or has refused to modify or discharge an obligation there is a right of Appeal.

If you need advice or help contact Development Management on the contact details below. To avoid any delay in processing your application, please make sure that the correct forms and site plans are sent.

Help with completing the form

1. **TYPE OF APPLICATION** – tick the appropriate box for modifying an obligation or to discharge it.
2. **APPLICANT/AGENT** – The applicant is the name of the person for who this application is being made. If you are using an agent to submit this application all future correspondence will be with him/her.
3. **ADDRESS OR LAND OR BUILDINGS** – Give the full postal address of the property/land (including the postcode) or as complete a description of the site as you can.
4. **APPLICANTS INTEREST IN THE LAND** – Please supply exact details of your interest in the site.
5. **DETAILS OF PLANNING OBLIGATION TO BE MODIFIED/DISCHARGED** – Please supply as much information as possible including the date of the obligation and the reference number of the original planning application.
6. **REASON(S) FOR APPLYING TO MODIFY/DISCHARGE THE OBLIGATION** – Please complete as fully as possible.
7. **NOTIFICATION TO INTERESTED PARTIES** – The applicant must give notice of the application to any person against whom, on the day 21 days before the date of this

application, the planning obligation is enforceable (Notice 1 accompanying the application forms). You must take reasonable steps to find out the name and address of such person(s). Where the names and addresses of all such persons are not known the applicant must, during the 21 day period immediately preceding this application, publish their notice in a local newspaper (Notice 2 accompanying the application forms).

8. **APPLYING FOR PERMISSION** – Please sign and date this section.
9. **SITE PLANS** – The application must be accompanied by three copies of a site plan showing the land to which the obligation relates. The plan must be based on Ordnance Survey data and show enough detail to show the site in relation to any adjoining properties and the nearest public highway(s). The site of the application must be edged in red. The plans must be to a scale of 1:2500 or 1:1250.
10. **FEES** – There is no fee payable for these applications.

Contact details

Development Management
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White Cliffs Business Park
Dover
Kent CT16 3PJ

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Email: developmentcontrol@dover.gov.uk

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