

SECTION 106A TOWN AND COUNTRY PLANNING ACT 1990

Application for Modification or Discharge of Planning Obligation

1a. Applicant:	
Name	Rachel Ballam on behalf of BDW Trading Limited (Southampton)
Address	Tollbar House, Tollbar Way, Hedge End, Southampton
Post Code	SO30 2UH
Tel No	
Email	

1b. Agent:	
Name	
Address	
Post Code	
Tel No	
Email	

2. Address or location of the land to which this application/obligation relates:
Nursery Fields, Land to the North of Chalcraft Lane, West Bersted, PO21 5TS
The application must be accompanied by a location plan with the site edged red

3. Please state the nature of the applicant's interest in the land to which the obligation applies (i.e. landowner, leaseholder, developer, prospective purchaser):
Landowner, developer

4. Type of Application	
(a) Application to discharge obligation(s)	NO
(b) Application to modify obligation(s)	YES
(c) Are you applying under S106A (1) to negotiate a deed of modification or discharge that has been agreed in principle? (DOV app) <i>If YES, please provide evidence of this negotiation/agreement in Q.7.</i>	NO
(d) Are you applying under S106A (3) for a determination under application to modify or discharge obligations that were agreed over 5 years ago that have not been agreed in principle? (PO app) <i>If YES, the certificates at the end of this form are mandatory</i>	NO

5. Planning Agreement	
Date Planning Agreement was entered into	7 th September 2021
Reference of relevant Planning Permission	BE/148/20/OUT
Obligation(s) to be discharged/modified (include clause references)	Paragraph 6 (Release and Lapse), 6.2.3

6. Brief outline of reasons for applying to discharge or modify the obligation(s):
To add a clause which binds the S106 Agreement and all obligations therein to all future S73 consents, or other such applications as would result in a new planning permission relative to the outline consent to which the Agreement relates.

7. Please state any other information considered relevant to this application
<i>Include evidence of any prior discussions/correspondence for a deed of variation agreed in principle.</i>

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8. Are you, or the person you are acting for, related to any member of staff or Elected member of the Council? If yes, please specify details:
No

I/We hereby apply for the approval of the planning obligation.	
Signed 	On behalf of (insert applicants name if signed by agent)
Date: 16/06/2026	

Certificates – If you are applying under S106A (3) This application must be accompanied by a completed ownership certificate A, B or C (whichever is appropriate) and if Certificate B applies a Notice* must also be served on the Owner(s)
*Separate Notice attached to the end of this form

Data Protection The information collected from this form will be used by Arun District Council only for purposes as indicated on our Privacy Notice for Planning Applications: https://www.arun.gov.uk/planning-privacy-statements

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: (If appropriate) On behalf of: Date:
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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 related was enforceable as listed below:

Person on whom notice served	Address it was served	Dated it was served

Signed

(If appropriate) On behalf of:

Date:

CERTIFICATE C

I certify that the applicant cannot issue a Certificate A or B in respect of the accompanying application; the applicant has taken reasonable steps to ascertain the name and address of every person against whom, on the 21 days before this application, the planning obligation to which this 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)
- (b)
- (c)

Insert

(a) description of steps taken

(b) name of local newspaper in which the notice was published

(c) date of publication

Signed

(If appropriate) On behalf of:

Date:

**The Notice (overleaf) must be served by the applicant on all persons to which this obligation is enforceable. 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 immediately preceding the application, publish the notice of the application in a local newspaper circulating in the locality of the land to which the application relates*

NOTICE

Notice of an application to modify or discharge a planning obligation under Section 106A of the Town and Country Planning Act 1990 Regulation 4(5)

I give notice that *(insert name of applicant)*:

Is applying to Arun District Council to modify/discharge the planning obligation described below *(enter brief description of the planning obligation which the application wishes to have modified or discharged)*:

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

Date on which the 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 Planning Department, Arun District Council, The Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17

5SS by (enter a date giving a period of 21 days beginning with the date of service or publication of the notice as the case may be):

.....

Signed Date

(if appropriate) on behalf of

Data Protection

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Checklist

Have you answered all the questions with as much detail as possible?

Have you included the relevant certificates served notices, if answering Yes to Q4(d)

Have you included a Location Plan with the site red edged?

Have you included evidence to support any proposed amendments that have previously been negotiated as acceptable in principle if answering Yes to Q4(c)?

Have you included a draft deed of variation and title deed if answering Yes to Q4(c).