SECTION 106A TOWN AND COUNTRY PLANNING ACT 1990

Application for Modification or Discharge of Planning Obligation

1a. Applicant:		**1b. Agent:**	
Name	Dandara Southern Ltd	Name	Peter Cleveland
Address	Roman House South Hampshire Industrial Park, Eddystone Road, Totton, Southampton, United Kingdom, SO40 3SA	Address	Henry Adams LLP Rowan House Baffins Lane
Post Code	BN18 0SB	Post Code	PO19 1UA
Tel No	c/o agent	Tel No	[redacted]
Email	c/o agent	Email	

2. Address or location of the land to which this application relates:
Land east of Fontwell Avenue, Fontwell, West Sussex BN18 0SB
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 (i.e. landowner, leaseholder, developer, prospective purchaser):
Landowner.

4. Type of Application	
Application to discharge obligation(s)	NO
Application to modify obligation(s)	YES
Are you applying under **S106A (1)** to negotiate a new deed for a modification or discharge that has been agreed in principle? *If Yes, certificates at the end of this form are not mandatory*	NO
Are you applying under **S106A (3)** for a determination under an application to modify or discharge obligations that were agreed over 5 years ago? *If Yes, the certificates at the end of this form are mandatory*	YES

5. Planning Agreement	
Date Planning Agreement was entered into	13 July 2017
Reference of relevant Planning Permission	WA/22/15/OUT
Obligation(s) to be discharged/modified	The Deed of Variation seeks to amend the agreed S106 to address the amendments proposed under this Section 73 submission, but also to revise previously agreed obligations to provide greater clarity for all parties on its requirements and to reflect amendment requirements, following local consultation. The amendments relate to the following matters: • Bus Service Contribution – updated definition and specific contribution figure included • Discount Housing Units – Definition updated / added • Healthcare definition / obligation – obligation removed in line with Inspector's conclusions that there was no justification for the request • MUGA Contribution – obligation for a contribution removed as this is being provided on site It is requested that the amendments sought to the S106 are progressed alongside the consideration of this application and associated instructions provided to the Council's legal team.

6. Brief outline of reasons for applying to discharge or modify the obligation:
As above.

7. Please state any other information considered relevant to this application

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 ***P. Cleveland (***agent)	On behalf of (insert applicants name if signed by agent) Dandara Southern Ltd.
Date: 21/03/2023	

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 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: [redacted]

(If appropriate) On behalf of: Dandara Southern Ltd

Date: 21 March 2023

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 ……

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