

Southend on Sea Borough Council

PO Box 5557, Civic Centre
Victoria Avenue, Southend on Sea, SS2 6ZF

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**The Town and Country Planning (Modification and Discharge of
Planning Obligations) Regulations 1992**

**APPLICATION FOR THE MODIFICATION OR
DISCHARGE OF A PLANNING OBLIGATION**

Please read the guidance that will help you to complete this form. 3 copies of the form and 3 sets of the plans should be submitted to the above address.

1. APPLICANT

Name: _____

Address: _____

Postcode: _____ Daytime Tel: _____

Fax no/email address: _____

2. AGENT (if you have one)

Name: _____

Address: _____

Postcode: _____ Daytime Tel: _____

Fax no/email address: _____

3. Address and postcode or location of the land to which the application relates.

4. Applicant's interest in the land:

5. Details of the planning obligation to be modified or discharged:

Please supply a copy

Date of Obligation: _____

Parties:

Planning Permission No. to which obligation relates

Description of Development

6. This application is for: (please tick one of the boxes)

Discharge of the obligation, or

Modification of the obligation .

7. Application for a modification of the obligation only

Please state the clause(s) you wish to be modified

Please state your proposed modifications.

8. Please state your reasons for applying for the modification or discharge of the planning obligation.

9. Any other relevant information

Signed: _____

On behalf of (if submitted by an agent): _____

Date: _____

GUIDANCE NOTES

CHECK LIST

Please check that you have enclosed the following:

- THREE copies of the completed application form, each signed and dated
- THREE copies of the location plan of the land. Scale 1:1250 or 1:2500 ordnance survey extract
- ONE copy of the completed certificate concerning notice to persons affected by the obligation
- Copy of planning obligation

NOTES

- The application may be made only by a person against whom the planning obligation is enforceable.
- A period of five years must have expired beginning with the date upon which the planning obligation was entered into.
- A proposed modification of a planning obligation may not impose an obligation on any other person against whom the obligation is enforceable.
- You must give notice of this 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.
- If you do not have this information you must take reasonable steps to ascertain the name and address of every such person. If you are unable to ascertain this information you must, during the 21 day period immediately preceding the application, publish notice (in a prescribed form obtainable from the local planning authority) in a local newspaper circulating in the locality of the land to which the application relates.
- There is no fee for this application

**CERTIFICATE OF COMPLIANCE WITH THE
NOTIFICATION
REQUIREMENTS IN REGULATION 4
THE TOWN AND COUNTRY PLANNING (MODIFICATION AND DISCHARGE
OF PLANNING OBLIGATIONS) REGULATIONS 1992**

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:

*On behalf of :

Date:

**delete where 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:

<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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Signed: _____

*On behalf of: _____

Date: _____

**delete where appropriate*

CERTIFICATE C

I certify that:

- the applicant cannot issue a Certificate A or Certificate 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.

*Person on whom
notice was served*

*Address at which
notice was served*

*Date on which
notice was served*

- The applicant has taken reasonable steps to ascertain the name and address of every person against whom, on the day 21 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 appropriate*

NOTES

Insert-

(a) description of steps taken

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

(c) date of publication