

Application for the Modification or Discharge of Planning Obligations

Town and Country Planning Act 1990 (Section 106A)

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

PLEASE READ ACCOMPANYING GUIDANCE NOTES (on page 3 of this form)
FIRST AND COMPLETE IN BLOCK LETTERS

PLANNING APPLICATION FORMS ARE PUBLIC DOCUMENTS AND ALL INFORMATION CONTAINED ON THEM WILL BE PLACED ON DEPOSIT FOR PUBLIC INSPECTION BOTH IN THE COUNCIL OFFICES AND ON A WEB SITE	
1a Name and Address of Applicant	1b Name and Address of Agent (if any)
FIRST GARDEN CITIES HOMES	
PIONEER HOUSE	
NORTON WAY SOUTH	
LETCHWORTH GARDEN CITY	
HERTFORDSHIRE	
SG6 1BE	
	Name for contact
Email: john.walton@fgch.co.uk Tel No: 07950 743149	Email: Tel No:
2. Address of the Site *	
LAND AT 1A HIGH STREET	
GRAVELEY	
HITCHIN	
HERTFORDSHIRE	
SG4 7LE	
3. Description of Planning Obligation ** - please give sufficient information to enable the identification of the Planning Obligation you wish to modify or Discharge.	
To vary the terms of the existing Unilateral Undertaking dated 16th June 2022 to amend the Minimum Income Provision (MiP) clause so that it is clear, enforceable, and acceptable to funders, thereby enabling the development to be charged.	

4. Please State why you are applying for the moderation or discharge of the planning obligation identified above The current drafting of the MiP clause introduces uncertainty in respect of its operation and enforceability from a lender's perspective. This creates a restriction on the ability to secure development finance against the site.

The proposed variation seeks to clarify the operation of the MiP clause and ensure it aligns with standard lender requirements, without altering the overall intent of the planning obligation or reducing the level of policy compliance.

The amendment is therefore necessary to facilitate funding and delivery of the development, ensuring the scheme can proceed in a timely manner.

5. Please provide any additional information that you consider relevant to the determination of this application.

Attach additional sheet if necessary

Please state the nature of the applicant's interest in the land. Land owner

Declaration TO BE COMPLETED BY ALL APPLICANTS

I/we hereby apply for the modification or discharge of a planning obligation under section 106A of the Town & Country Act 1990 in accordance with the details above, and the submitted plan(s) and documents
I/we have completed an ownership certificate (either certificate A, B, C or D as appropriate) and attached it to this application.

Signed On

behalf of *FIRST EARDON CITIES HOMES LTD*

(insert applicant's name if signed by agent)

Date *27/4/2026*

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Guidance Notes

Your completed application will comprise: -

- **One Electronic** copy of the completed application form.
- **One Electronic** copy of all plans submitted with the site edged in red.
- **One** copy of either Certificate A, B or C (and one copy of the notice served on individuals and press notice if appropriate).
- If you wish to bring other matters in support of your application to the attention of the Council, please provide it in writing either on the application form or use an additional sheet of paper.

Notes to assist completing the Application Form

* **Address of the Site:** Describe precisely the location of the land to which this application relates and attach one copy of an Ordnance Survey based plan showing the boundary of the land in red.

** **Description of Planning Obligation:** please give sufficient information to enable the planning authority to identify the planning obligation which the applicant wishes to have modified or discharged.

Notes to assist completing the Certificate and Notice

An application for the modification or discharge of a planning obligation shall be accompanied by a certificate, either Certificate A, B or C.

Certificate A - to be completed where 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.

Certificate B - to be completed where the applicant gives **notice** of the application to any person (other than the applicant) against whom, 21 days before the date of the application, the planning obligation to which the application relates was enforceable; **and whose name and address is known to the applicant.**

Certificate C - to be completed where the applicant needs to give notice of the application to any person (other than the applicant) against whom, 21 days before the date of the application, the planning obligation to which the application relates was enforceable; **but where the names and addresses of all such persons are NOT known to the applicant after he/she has taken reasonable steps to ascertain the information.** The applicant shall during the 21day period immediately preceding the application, publish notice of the application in a local newspaper.

PLEASE SUBMIT ONE COPY OF THIS FORM, PLANS AND ALL ACCOMPANYING DOCUMENTS by email to planning.control@north-herts.gov.uk

RETURN TO COUNCIL

**Town and Country Planning Act 1990 (Section 106A)
Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations
1992
CERTIFICATE UNDER REGULATION 4**

CERTIFICATE A

I certify that:

1. 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

*On behalf of

CERTIFICATE B

I certify that:

1. *I have/The applicant has given the required 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:

Name of person on whom notice served	Address at which notice was served	Date on which notice was served

SIGNED DATE

*On behalf of

NOTES

* Delete where inappropriate

s106A - certs A & B

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CERTIFICATE UNDER REGULATION 4

CERTIFICATE C

I certify that:

1. I / The applicant * cannot complete a Certificate A or B in respect of the accompanying application.
2. I have / The applicant has* given notice to the persons listed below, being persons against whom, on the day 21days before the date of the accompanying application the planning obligation to which the application relates was enforceable.

Name of person on whom notice served	Address at which notice was served	Date on which notice was served

1. I have/The applicant has* taken reasonable steps to ascertain the name and address of every person whom, on the day 21 days before the date of the accompanying application, the planning obligation to which the application relates was enforceable and who has not been given notice of the application: These steps were as follows: (a)

Notice of the application, as attached to this application has been published on the (b) In
the (c)

SIGNED DATE *On
behalf of

NOTES

* Delete where inappropriate

(a) description of steps taken

(b) date of publication

(c) name of newspaper in which the notice was published s106A - cert C

SERVE ON INDIVIDUAL(S) BY APPLICANT

Town and Country Planning Act 1990 (Section 106A)

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Notice of an Application to Modify or Discharge a Planning Obligation

I GIVE NOTICE that (a) _____

is applying to the North Hertfordshire District Council to modify/ discharge * the planning obligation described below: -

PLANNING OBLIGATION

Obligation description: (b)

Address of site: (c) _____

Obligation date: (d) _____

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should make them in writing to the Development and Conservation Manager, North Hertfordshire District Council.
Correspondence Address: PO Box 10613, Nottingham, NG6 6DW
by:

(e) _____

Signed _____ Date _____

*On behalf of _____

NOTES

- (a) Insert name of applicant.
- (b) Insert a brief description of the planning obligation which the applicant wishes to modify or Discharge
- (c) Insert address or location of land to which the planning obligation relates.
- (d) Insert date that the obligation was entered into
- (e) Insert date giving a period of 21 days beginning with the date of service of this notice

* Delete where inappropriate.

S106A notice

TO BE PUBLISHED IN A NEWSPAPER BY APPLICANT

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PLANNING OBLIGATION

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Obligation description :(c) _____

Obligation description :(d) _____

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by:
(e) _____

Signed _____ Date _____ *On
behalf of _____

NOTES

- (a) Insert name of applicant.
- (b) Insert description of planning obligation which the applicant wishes to modify or discharge (c)
Insert address or location of land to which the planning obligation relates.
- (d) Insert date that the obligation was entered into
- (e) Insert date giving a period of 21 days beginning with the date of publication of this notice

* Delete where inappropriate.

S106A notice - press