

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

FOR OFFICE USE ONLY

APPLICATION NO.	PLEASE READ ACCOMPANYING GUIDANCE NOTES (on page 3 of this form) FIRST AND COMPLETE IN BLOCK LETTERS
DATE REGISTERED	
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)
BDW Trading Limited	
c/o agent	c/o Rapleys LLP
	120 Colmore Row
	Birmingham
	B3 3AP
	Name for contact : Mrs S R Smith
Email: as agent Tel No:	Email: sarah.r.smith@rapleys.com Tel No: 07787 527109
2. Address of the Site *	
Highover Farm	
Highover Way	
Hitchin	
SG4 0RQ	
3. Description of Planning Obligation ** - please give sufficient information to enable the identification of the Planning Obligation you wish to modify or Discharge.	
Attached to permission 18/01154/OP for the development of 700 dwellings, circa 500sqm of neighbourhood-level facilities, 2FE primary school, open space and associated access	
S106 dated 28 November 2024, clause 1 definition of 'open space scheme'; schedule 2, part 2 paragraphs 14.1-14.7	

4. Please state why you are applying for the modification or discharge of the planning obligation identified above.

To enable the S106 agreement to reflect condition 13 of the planning permission – the latter allows provision of open space and commencement of the development on a phased basis, whereas the S106 is all pre-commencement which is not necessary from a commercial and practical point of view.

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

Please see attached Draft Deed of Variation and Covering letter

Attach additional sheet if necessary

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

Owner and developer of the land

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.

SignedMrs Sarah R Smith.....On behalf of

.....BDW Trading Ltd...

(insert applicant's name if signed by agent)

Date15 July 2025.....

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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

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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

SIGNEDMrs Sarah R Smith..... DATE15 July 2025.....

*On behalf ofBDW Trading Ltd
