

Application for the Modification or Discharge of Planning Obligations

Town and Country Planning Act 1990 (Section 106A)

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

Planning application forms are public documents and all information contained on them will be placed for public inspection on the Authority's website.

Please complete using BLOCK CAPITALS and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Application Type

Please tick

Are you applying to **modify** planning obligation(s)?

☐

Are you applying to **discharge** a planning obligation(s)?

☒

Is the Obligation more
than 5 years old?

Yes
☐

No
☒

Date Obligation was
signed:

5th December 2022

2. Applicant Name and Address

Title: First Name:

Last Name:

Company
(optional): Homes England

Unit: House
Number: House
Suffix:

Address 1: c/o Agent

Address 2:

Address 3:

Town:

County:

Postcode:

Telephone
Number:

Email:

3. Agent Name and Address

Title: First Name: Niamh

Last Name: McDevitt

Company
(optional): AECOM

Unit: House
Number: House
Suffix:

Address 1: AECOM 9th Floor

Address 2: 2 Leman Street

Address 3:

Town:

County:

Postcode: E1 8FA

Telephone
Number:

Email: niamh.mcdevitt@aecom.com

4. Address (to which obligation relates):

Unit: House Number: House Suffix:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

5. Nature of Applicant's Interest in Land

Freehold Owner: ☒

Lessee: ☐

Other (Please Specify):

6. Other Parties with Interest in Land:

Name	Address	Nature of Interest
West Sussex County Council	County Hall, West Street, Chichester, West Sussex, PO19 1RQ	Freehold owner of highway land

7. Details of Planning Application:

Application reference:

Date of Decision:

Description of Application:

Planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 2 (phasing), 4 (approved plans) and 5 (approved parameter plans) of planning permission DM/21/3279 (itself a section 73 approval that permitted a variation of the conditions attached to planning permission DM/18/5114), to allow amendments to the planning application site boundary, update to the phasing of development and the Access and Movement Parameter Plan (004) to clarify the approach to the Green Superhighway link over and in the vicinity of the western bridge on the Northern Arc Avenue

8. Details of Planning Obligation(s) to be Modified or Discharged:**Schedule 12 Off Site Highways**

Paragraph 7.4, Schedule 12 of the S106 Agreement (December 2022) pages 21-22:

"Prior to commencement of development on Plots 1.7 and 1.8, details of the Fairbridge Way Pedestrian Cycle Access shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Not to commence development on Plots 1. 7 or 1. 8 unless and until details of the Fairbridge Way Pedestrian Cycle Access have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Prior to the occupation of any development on Plots 1. 7 or 1. 8, the Fairbridge Way Pedestrian Cycle Access shall be constructed. Not to occupy any development on Plots 1. 7 or 1. 8 unless and until the Fairbridge Way Pedestrian Cycle Access has been constructed"

9. Reason for Modification or Discharge of Planning Obligation(s):

To discharge the planning obligation prior to above ground works on Plots 1.7 and 1.8

10. Certificates

Certificate under Regulation 4 Town and Country Planning Act 1990 (Section 106A)

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

Supporting Notes:

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 names and addresses of all such persons NOT known to the applicant after he/she has taken reasonable steps to ascertain the information.** The applicant shall during the 21 day period immediately preceding the application, publish notice of the application in a local newspaper.

Certificate A

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:

On behalf of:

Date:

Certificate B

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 was service

Address at which notice was served

Date on which notice was
served

West Sussex County Council	County Hall, West Street, Chichester, West Sussex, PO19 1RQ	15/07/2026

Signed:

On behalf of:

Date:

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 21 days before the planning obligation to which the application relates was enforceable

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

Signed:

On behalf of:

Date:

-
- 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 (describe steps taken)

Notice of the application, as attached to this application, has been published on the

Date of publication:

Name of newspaper in which the notice was published:

Signed:

On behalf of:

Date:

Notice of an application to modify or discharge a planning obligation
Town and Country Planning Act 1990 (Section 106A)
Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

I GIVE NOTICE that (name of applicant)

Homes England

is applying to MID SUSSEX DISTRICT COUNCIL to modify/discharge the planning obligation described below:

Obligation description:

(Insert a brief description of the planning obligation which the applicant wished to modify or discharge)

Prior to commencement of development on Plots 1.7 and 1.8, details of the Fairbridge Way Pedestrian Cycle Access shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Not to commence development on Plots 1.7 or 1.8 unless and until details of the Fairbridge Way Pedestrian Cycle Access have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Prior to the occupation of any development on Plots 1.7 or 1.8, the Fairbridge Way Pedestrian Cycle Access shall be constructed. Not to occupy any development on Plots 1.7 or 1.8 unless and until the Fairbridge Way Pedestrian Cycle Access has been constructed

Address of site:

(Insert address or location of land to which the planning obligation relates)

Land north and north west of Burgess Hill

Obligation date:

(Insert date that the obligation was entered into)

05/12/2022

Any person against whom the planning obligation is enforceable who wishes to make representations about this application should send them to Mid Sussex District Council, by no later than:

05/08/2026

Insert date giving a period of 21 days beginning with the date of service of this notice

Signed:

Niamh McDevitt

On behalf of:

Homes England

Date:

15/07/2026

12. Declaration:

I/We hereby apply for the modification or discharge of a planning obligation under Section 106A of the Town and Country Planning Act 1990 in accordance with the details above, and the submitted plan(s) and documents.

1/We have completed an ownership certificate (either certificate A, B or C as appropriate) and attached it to this application.

Signed:	Niamh McDevitt
On behalf of:	Homes England
Date:	15/07/2026

13. Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

	Submitted
Two copies of a completed and dated application form.	☐
Two copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North.	☐
Two copies of other plans and drawings or information necessary to describe the subject of the application.	☐
A copy of the press notice if appropriate for a certificate	☐

Notes

Application for Modification or Discharge of Planning Obligation

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1. Application Type

Please specify whether you are applying to **modify** or **discharge** a planning obligation by ticking the appropriate box.

2. Applicant Name and Address

Please enter the Applicant Details, including full name and title. Please also enter the house/flat number and/or name (if applicable) and street name in the Street address field. The town, county, country and full postcode should also be entered. If the application is being submitted by an agent (i.e. someone who is acting on the applicant's behalf) all correspondence, including the decision letter, will be sent to him/her.

3. Agent Name and Address

Please enter the Agent Details, including full name and title. Please also enter the house/flat number and/or name (if applicable) and street name in the Street address field. The town, county, country and full postcode should also be entered. If the application is being submitted by an agent (i.e. someone who is acting on the applicant's behalf) all correspondence, including the decision letter, will be sent to him/her.

4. Site Address Details

Please enter the same address of the site as stated on the decision notice, together with the full postcode or grid reference.

5. Nature of Applicants Interest in Land

Please specify the nature of the applicant's interest in the land to which the planning obligation relates.

6. Any Other Parties Interested in Land

Please provide the name and address of any other parties interested in the land to which the planning obligation relates. Please specify the nature of their interest in the land.

7. Details of Planning Application

Please provide details of planning application to which planning obligation relates. Please specify the planning application number, date of the formal decision notice, and the description of the planning application.

8. Details of Planning Obligation(s) to be Modified or Discharged

Please provide sufficient information to enable us to identify the planning obligation agreement you wish to have modified or discharged. The original planning application reference number will suffice. If this is not known please provide as much information as possible: e.g. original description of the proposal, dates and a copy of section 106 if retained. Please also provide a map identifying the land to which the obligation relates.

9. Reasons for Modification or Discharge of Planning Obligation

Please give your reasons for applying to modify or discharge the obligation and any other information required to enable us to determine the application.

10. Applicant Contact Details

Please provide contact information for the applicant.

11. Agent Contact Details

Please provide contact information for the agent.

12. Certificates

If you are the sole owner of the land to which the application relates, please complete **Certificate A** (owner means a person having a freehold or leasehold interest with at least seven years unexpired). Certificate A is not appropriate unless you are the sole owner.

If you are not the sole owner of the land, or if any part of the development to which the planning obligation relates goes outside land in your ownership (even if only foundations), please complete **Certificate B** and serve notice on each of the owners using the wording given on the notice attached to the application form.

If you do not know the names of all the owners you will need to complete **Certificate C**, serve notice on those owners you do know and describe what steps you have taken to identify and serve notice on those you are unable to identify.

It is an offence knowingly or recklessly to complete a false or misleading certificate.

13. Declaration

Please sign and date your application.

14. Checklist

Please use the checklist to ensure that the forms have been correctly completed and that all relevant information is submitted. Failure to complete the form correctly or to supply sufficiently detailed drawings or other relevant supporting information will result in your application being returned as invalid.