

3/2021/0154

Ribble Valley Borough Council



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 FIRST AND COMPLETE IN BLOCK LETTERS
DATE RECEIVED:	
FEE PAID (AMOUNT): (DATE):	
RECEIPT NO:	
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 WEBSITE	
1a Name and Address of Applicant	1b Name and Address of Agent (if any)
Andrew Taylor	Ward Hadaway Solicitors
BDW Trading Limited North West	102 Quayside
303 Bridgewater Place	Newcastle-upon-Tyne
Birchwood Park, Warrington	NE1 3DX
WA3 6XI	Name for contact Chris Devitt
Tel No: [REDACTED]	Tel No: [REDACTED]
2. Address of the Site*	
Land off Waddington Road, Clitheroe, Lancashire BB7 2DE	
3. Description of Planning Obligation** - please give sufficient information to enable the identification of the Planning Obligation you wish to modify or Discharge	
Section 106 Agreement between Nicholas Guy le Gendre Starkie, The Clitheroe Auction Mart Company Limited, John Howard Taylor, Samantha Anne Howard and Sarah Jane Howard Ribble Valley Borough Council and Lancashire County Council. Dated 24 February 2015.	
The Section 106 Agreement relates to Planning Permission 3/2014/0597	
First Deed of Variation dated 22 July 2019. The First Deed of Variation related to Planning Permission 3/2019/0056. The Second Deed of Variation dated 18 November 2020.	

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

It is proposed to vary the 2015 Section 106 Agreement (as varied by the 2019 Deed of Variation and the 2020 Deed of Variation) to remove the Bus Contribution following correspondence (on 17/12/18) with David Bloomer, Development Support at Lancashire County Council, who confirmed that a Bus Service through the Site was no longer required.

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

At reserved matters stage, Lancashire County Council confirmed that they did not need a bus service through the site.

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

7. 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 and 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.


Andrew Taylor

On behalf of **BDW Trading Limited**
(insert applicant's name if signed by agent)

Date **10/02/2021**

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Check List

Please check that you have enclosed the following:

- 1 copy of the completed application form, each signed and dated.
- 1 copy of the location plan of the land. Scale 1:2500 ordnance survey extract.
- ONE copy of the completed certificate concerning notice to persons affected by the obligation.
- Copy of planning obligation.
- Requisite planning fee £450. Please note there will be a separate charge from our Legal Services Department. To discuss the legal fee, please contact the relevant department on 01200 414419 or email john.gorton@ribblevalley.gov.uk

Notes

- The applications may be made only by a person against whom the planning obligation is enforceable.
- A period of 5 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.

Notes to Assist Completing the Application Form

- * **Address of the Site:** Describe precisely the location of the land to which this application relates and attached 4 copies 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 21 day 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.

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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

 Andrew Taylor DATE 10/02/2021

*On behalf of BDW Trading Limited

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 who, on the day 21 days 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 RIBBLE VALLEY BOROUGH 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 Building and
Development Control Manager, Ribble Valley Borough Council, Council Offices, Church
Walk, CLITHEROE, Lancashire, BB7 2RA 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 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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SIGNED _____ DATE _____

*On behalf of _____

NOTES

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- (d) Insert date that the obligation was entered into.
- (e) Insert giving a period of 21 days beginning with the date of service of this notice.

* Delete where inappropriate.