

Modification or Discharge of Planning Obligations

Section 106A of the Town and Country Planning Act 1990 enables a person against whom a planning obligation is enforceable to apply to the local planning authority to have the obligation modified or discharged.

The Council charges the following fees for handling requests to vary the current S106 agreement. The fees are reflective of the planning officer costs for dealing with the request.

Please note that they are not inclusive of the council's legal costs for officers time spent on the request and drafting the required deeds and documents or any third-party specialist advice that the council may reasonably need to procure to independently assess your proposed variation (such as viability advice). Where third party specialist advice is required, it will continue to be the expectation that the applicant will meet the costs incurred by the council.

Timescales for negotiation of revisions to an original S106 agreement will be reflective of the complexity of the original S106 and the proposed variations and will need to be estimated by officers on a case-by-case basis.

Scale of Development	Fee	Timescale
Requests to vary S106 agreements associated with Householder Developments	£250	By Agreement
Requests to vary S106 agreements associated with Minor Developments (Development that creates up to 999m2 of new floorspace or up to 9 residential units.)	£500	By Agreement
Requests to vary S106 agreements on Major Developments (Development that create s between 1,000m2 or more of new floorspace or 10 or more residential units.)	£1000	By Agreement

How to apply

All requests to vary a S106 agreement, without making a S73 application, should be made by submitted the application form and with payment of the appropriate fee.

Please contact implementationteam@eppingforestdc.gov.uk for payment details.

Section 106A involves a precise and specific statutory test and does not bring in the full range of planning considerations involved.

What if the Council refuses the application?

Applicants have a right of appeal against a decision by the Council to refuse a Section 106A application. These provisions are set out in Section 106B of the Act.

However, the right of appeal applies only where the planning obligation is at least five years old.