



# Northumberland County Council

## Section 106 Agreement Application Form (can also be used for Unilateral Undertakings)

This form should be completed by any developer who wishes to proceed with a Section 106 Agreement or Unilateral Undertaking. It should be read in conjunction with the attached notes and the Council's Guidance Notes and Protocol on Section 106 Agreements.

*The Developer (or their agent/solicitor) must complete this form in **Type or Block Capitals**. Where additional sheets are necessary, these should be added as necessary and clearly marked*

1.

<b>PLANNING REFERENCE NUMBER</b>	
Full Name of Developer	
Correspondence Address & contact telephone number	
Registered Address (if different from above)	
Name of Agent/Solicitor (if any)	
Address, <b>email address*</b> & contact telephone number	

2. Does the developer own all the land to be bound by the s106 Agreement? Yes / No

If yes, please go to question 3

If no, please complete –

Full Name of Land Owner (s)	
Correspondence Address	

(see note 4)

3. Does anyone else have an interest in the land? Yes / No  
 Does anyone have a mortgage or charge over the land? Yes / No  
 Does anyone else occupy the land (e.g. tenants, family members etc)? Yes / No  
 Does anyone else have any rights over the land (e.g. rights of way, easements)? Yes / No

If the answer to all these questions is no, please go to question 4

If the answer to any of the above is yes, please complete the following –

Name of Person	
Correspondence Address	
Nature of Interest in Land	

(see note 5)

4. Is everyone who will be signing the agreement a private individual? YES/NO

If yes, please go to question 5.

If no, please indicate how the Agreement is to be executed (e.g. under company seal, witnessed by directors etc).

(see note 6)

5. Is title to the land registered? Yes /No

If yes, please attach up to date office copy entries and plan for the land. (Produced within the last three months

If no, please provide an Epitome of Title and accompanying documents and plans, prepared by a solicitor.

**Signed:**

**Full Name:**

**Dated:**

THIS APPLICATION FORM SHOULD BE RETURNED TO THE **PLANNING OFFICER** dealing with the application.

Northumberland County Council  
 Planning Department  
 County Hall  
 Morpeth  
 Northumberland  
 NE61 2EF

**NB: You must include up to date office copy entries or title certificate (produced within the last three months) together with the title plan.**



## Section 106 Agreement /Unilateral Undertaking Notes to Accompany Application Form

1. The Application Form must be completed in full and all additional information supplied, before the Section 106 Agreement can be prepared. Planning permission will not be issued until a Section 106 Agreement is completed. \*Email address must be provided.
2. If you proceed with a Section 106 Agreement, you will be expected to pay the Council's reasonable legal fees. You will still have to pay these fees, even if your application is refused or withdrawn.
3. **A s106 agreement is a legally binding agreement which affects the future use of the land. It is binding on the applicant and all successors in title. It is registered as a local land charge. This may affect the future sale or use of the land. Applicants are strongly advised to take their own legal advice before completing a s106 agreement.**
4. Everyone who has an interest in the land must consent to the s.106 Agreement. In many cases, they will need to sign the Agreement. However, you should be aware that there are many people who may have an interest in the land, who you would not immediately think are relevant. This would include tenants who will be leaving the property before the development begins, family members who know about the development and other people who use the land on an informal basis.
5. Unless everyone involved with the agreement is a private individual, the terms of the Agreement may need to be altered slightly. For example, if the developer is a limited company or if the land is subject to a mortgage/charge held by a bank or building society or any other legal charge, there may need to be provisions relating to the use of a company seal. Please fill in all these details, as it avoids delays in drafting the final agreement.
6. The majority of land in England and Wales is registered. This will be the case if the land ownership has changed or a mortgage/charge has been made in the last few years. If you do not know, you can make enquiries at HM Land Registry. The Land Registry which deals with land in Northumberland is the Durham District Land Registry, Durham (Southfield) Office, Southfield House, Southfield Way, Durham, DH1 5TR or see [www.landreg.gov.uk](http://www.landreg.gov.uk) or telephone 0191 301 3500 or 020 7 917 8888. You can also search to see if your property is registered.

If your land is registered, you will be able to obtain an up-to-date copy\* of that register and a plan of the land (\* produced within the last three months). This needs to be submitted, with your completed s106 Agreement application form.

If your land is unregistered, you will need to show your title deeds to a solicitor and ask them to prepare an Epitome of Title for you. They will usually charge to do this.

**PLEASE NOTE: This is only a general guide. It is not intended to form legal advice and should not be relied upon as such. Applicants are strongly advised to take their own independent legal advice before entering into a Section 106 Agreement.**