

NORTHUMBERLAND

Northumberland County Council

Section 106 Agreement Application Form

This form should be completed by any developer wishes to proceed with a Section 106 Agreement. It should be read in conjunction with the attached notes and the Council's Guidance Notes 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 clearly marked and firmly stapled to the form.*

1.

Full Name of Developer	
Correspondence Address & contact telephone number	
Registered Address <i>(if different from above)</i>	
Name of Agent/Solicitor (if any)	
Address or DX (if appropriate) & 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	
Registered Address <i>(if different from above)</i>	

(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.
 If no, please provide a certificate of Title and accompanying plan, prepared by a solicitor.

Signed:
 Full Name:
 Dated:

THIS APPLICATION FORM SHOULD BE RETURNED TO:-

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

The Council's solicitor (Regulation Team) may be contacted on 0845 600 6400

The planning officer is { } who may be contacted on **01670** { }

NB: You must either include up to date office copy entries or title certificate. Make sure you include the title plan.

**Section 106 Agreement
Notes to Accompany Application Form**

1. The Application Form must be completed fully 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.
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 s.106 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 s.106 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, 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 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. This needs to be submitted, with your completed s.106 Agreement application form.

If your land is unregistered, you will need to show your title deeds to a solicitor and ask them to prepare a Certificate of Title for you. They will usually charge to do this. Your solicitor will probably need to speak to the Council's solicitor to agree an appropriate wording for the Certificate of Title. The Council's solicitor (Regulation Team) can be contacted on 01670 533758.

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.