

Developers Guide to Section 106 (Planning Obligation) Agreements

If any planning obligations are required as a result of your application the planning officer dealing with your application will inform you of these requirements and provide you with a copy of this guide.

A planning obligation will bind your land and will be enforceable against the landowner and any other person with an interest in the land who enters into the Agreement. For this reason it is recommended that you obtain independent legal advice in relation to any planning obligation before proceeding.

What do I need to do to progress the Agreement?

You will need to instruct solicitors to act on your behalf if you do not feel confident to deal with the matter yourself.

You will be required to provide a payment on account either to your solicitors or to nplaw (cheques payable to "Norfolk County Council") acting on behalf of Breckland District Council if you do not wish to use solicitors.

These payments are not set fees or estimates of costs. They are an initial sum and the actual costs will depend on the time spent which may be more or less than the initial sum (this will be affected by the complexity of the agreement, the title documents, the number of parties and any other issues or delays which arise). The current hourly rate is £118.30 and the following initial payments on account / undertakings are sought:

- Major Residential Development over 50 Dwellings £1,500
- Other Major Development £1,000
- Minor Development and Deeds of Variation £750

These fees will be payable regardless of whether the Agreement is eventually completed.

Once you have decided how you wish to proceed you should complete the form "**Planning Obligation Information Sheet**" and return it to the planning officer dealing with your application.

What will happen once I have submitted my form?

The lawyer dealing with the matter will contact you to acknowledge your cheque or your solicitors if instructed to request the undertaking in the Council's approved form.

They will also ask for evidence of your ownership of the application site which your solicitor will deal with. Alternatively you can obtain a copy from H M Land Registry or ask nplaw to deal with this on your behalf.

Please note that not all properties are registered at the Land Registry. If your property is unregistered then you will need to ask a solicitor to prepare what is known as an "epitome of title" on your behalf based on your title deeds.

Nplaw will prepare a draft agreement for your approval and comments. Once the agreement is acceptable to all parties (which will include any mortgage company and leaseholders) nplaw will prepare final copies for signature by the parties. These will need to be signed and completed before your planning permission is issued.

Planning Obligation Information Sheet

Application Number:

Full site address:

Applicant's name, address & contact details:

Agent's name, contact number and email address:

For Applicants using Solicitors, complete the following:

Solicitors name, company name, contact number and email address:

For Applicants who do not intend to use Solicitors, complete the following:

The name and email address of the person the lawyer should contact with the draft agreement:

Your title number (if known):

A cheque on account of legal fees payable to "Norfolk County Council" for the sum of £1,500 / £1,000 / £750 (delete as appropriate) is enclosed with this form.

Authority to proceed for all Applicants to complete:

The applicant acknowledges that by completing this form and submitting it to the Council with your solicitor details or your cheque on account of legal fees the Council will instruct nplaw to progress this matter and legal fees will thereafter be incurred in connection with the negotiating and drafting of the Section 106 Agreement.

Signed Dated.....