

HERTSMERE BOROUGH COUNCIL

S106 Unilateral Undertaking Template User Guide

The Agent/Applicant/Owner should ascertain through a pre-application approach to the Council's Planning Department whether a Section 106 Unilateral Undertaking (UU) linked with the planning application will be required.

If a UU is required and if the proposed scheme involves less than 5 residential units a template UU in electronic word format will upon request be emailed to the agent/applicant/owner by the Planning Case Officer (PCO). The available relevant details [names of parties including mortgagees (if applicable), monetary contribution amounts etc] can then be inserted by the agent/applicant/owner or the solicitor acting on their behalf into the electronic word version following which it should be emailed back to the PCO who will then refer it to the Council's Legal Department for review when/if the application is registered.

For reference purposes, the template UU appears in PDF format on the Council's Planning Website in the section entitled Planning Policy/Planning Publications/Planning Obligation SPD. Note: This PDF version is intended to let prospective applicants know what the S106 UU covers and should not be used as a draft to be submitted for review since it does not allow for amending/track changing unlike an electronic word format version.

Monetary contribution amounts can be provided by the PCO or can be calculated in the case of HBC from an online spread-sheet and in the case of Hertfordshire County Council (HCC) by using its SPD. Details of where these are located online can be provided by the PCO.

Immediately prior to or just after the application is registered the Agent/Applicant/Owner should provide details to the PCO as follows

1) up to date title information on the application site which normally will be Land Registry Official Copy of the Register (OCR) with title plan showing the ownership red line in colour;

2) name and contact details (ideally direct email address) of a solicitor if acting preferably one with experience of drafting/negotiating S106 Planning Obligations;

This information will be referred to the Council's Legal Department who will then progress the UU in liaison with the relevant parties.

Note: There will be legal costs payable to HBC's Legal Department by the applicant/owner towards finalisation of the UU the normal estimate being 3 hours work at a standard rate of £150 (no VAT) per hour that is a total sum of £450 but if the process becomes unnecessarily drawn out the sum may increase on the basis of every additional hour charged at £150 per hour. If a solicitor is acting on behalf of the applicant/owner a solicitor's costs undertaking will normally be required. If no solicitor is acting, payment in full of the costs will be required on or before finalisation of the UU which will need to occur before the Planning Permission Decision Notice is issued.