

## SECTION 106 AGREEMENT - AFFORDABLE HOUSING CONTRIBUTION PACK

### GUIDANCE AND NOTES ON COMPLETION OF DOCUMENTATION

#### Introduction

In order to minimise the work for Owners/Developers the Council as Local Planning Authority have developed this Affordable Housing Contribution Pack for those who wish to use it. If it is followed using the standard documentation provided it is likely that Planning Permission will be issued more speedily than if traditional procedures are used.

The standard Section 106 Agreement assumes that Owners/Developers own the freehold of the application site and that if there are Leasehold Owners it is unlikely that this "fast track pack" will be suitable.

Owners/Developers should however take their own legal advice on the documentation if they have any doubts about the implications to them prior to or after completion and the issue of Planning Permission.

#### The Standard Documents

These comprise:-

1. Section 106 Agreement
2. Consent to Dealing Form

There are three versions of the Section 106 Agreement (single owner, joint owners and a company owner) and Owners/Developers should choose the appropriate version and input the required information in accordance with the Guidance Notes below.

If there is a mortgage over the application site the Consent to Dealing Form must be completed and the mortgagee must sign it with unsigned/draft Section 106 Agreement attached.

#### The Council's Requirements

The Council will require all of the following documentation sent by e-mail to the relevant Planning Case Officer before a case can proceed:-

- Evidence of the Owners/Developers title. Up to date official copies from the Land Registry (**no longer than one month old**) will suffice or if the land is unregistered an Epitome of Title.
- Completed and executed **but undated** Section 106 Agreement in duplicate.
- Completed and signed Consent to Dealing Form by each mortgagee.
- A BACs payment made payable to Reading BC for the sum of £2,160 which represents the legal (£1760) and monitoring fees (£400), quoting reference

XXXX . The legal fees will be payable whether or not the matter proceeds to completion.

These documents will be checked by our Legal Services Team. They will be returned if incorrect with advice on how to put any errors right. When in order the Council will seal the Section 106 Agreement in duplicate, complete the agreement and within five working days issue the Planning Permission. The agreement will be recorded on the Planning Register and as a Local Land Charge.

Unless otherwise directed the Legal Services Team will send the completed Section 106 Agreement to any solicitor instructed and the Planning Case Officer will arrange for the Planning Permission to be sent to the Planning Agent.

### **Guidance Notes on Completing the Documentation**

#### **Section 106 Agreement**

Note 1 - Insert full name(s) of Owner(s) from Land Registry title information

Note 2 - Insert full address of application site from application

Note 3&4 - Insert Council application reference number

Note 5 - Insert Owner(s) address(es)

Note 6 - Insert agreed Affordable Housing Contribution in words and figures

Note 7 - Insert description of development from application

Note 8 - Insert title number or details of unregistered land

- In definitions of “New Dwelling” and “Occupation” delete that which does not apply
- Insert the Location Plan suitably coloured (available from the Planning Portal)
- Insert the Draft Planning Permission (to be provided by the Planning Case Officer)
- When using the Section 106 Company version (a) include company registration number where indicated and (b) delete the attestation that does not apply

#### **Consent to Dealing Form**

Note 1 - Insert title number or details of unregistered land

Note 2 - Insert full address of application site from application

Note 3 - Insert full name(s) of Owner(s) from Land Registry title information

Note 4 - Insert name of mortgagee from Land Registry title information (Charges Register)

Note 5 - Insert company registration number of mortgagee from Land Registry title information (Charges Register)

Note 6 - Insert address of mortgagee from Land Registry title information (Charges Register)

Note 7 - Insert date of mortgage from Land Registry title information (Charges Register)

Note 8 - Insert date mortgage registered (the date in brackets) from Land Registry title information (Charges Register)

October 2019