

# Submission of section 106 unilateral undertakings

## Guidance notes

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### Introduction

Where planning obligations are required in order to make a planning proposal acceptable, Luton Borough Council will accept planning obligations in the form of unilateral undertakings (UU) in cases where the obligations required are straightforward.

These obligations will usually take the form of financial payments to the council for example, payments towards education and/or payments towards waste.

[Download our standard form for this type of UU here](#) or from the [Luton Council website](#).

## Requirements

In order for any submitted UU to be acceptable the following requirements must be met.

1. The submitted UU must remain in our standard form - all square brackets are to be fully completed in typed print to include the following:
  - a. names and addresses of all freeholders, leaseholders, mortgagees and any person or body holding an option to purchase or a conditional or unconditional contract, together with company registration numbers
  - b. planning application reference number
  - c. full description and address of land
  - d. amounts of contributions as well as projects to be put towards - the applicant must find this information out from the planning case officer at Luton Council
2. No manuscript or hand written amendments are to be made to the UU. If other amendments are made, the matter will have to proceed by way of a bilateral agreement that will need to be negotiated in the usual way between the parties.

If the UU is improperly completed and any required accompanying documents are not submitted the council reserves the right to charge additional legal fees.

3. Our Legal department will need to carry out some work on the matter, namely checking:
  - a. title to the application site
  - b. that the UU conforms to our standard documentation and the instructions of the planning department
  - c. that the additional details are correct

A minimum fee of £300 is charged for this work. The fee should be sent to our Legal department when the UU is submitted. Cheques should be made payable to Luton Borough Council. VAT is not chargeable on these fees. Alternatively, arrangements can be made to pay by BACS.

4. If you have any specific queries about how to complete the UU and what to submit, please contact the council's planning solicitor on **01582 546024**.

Note however the council's solicitor cannot offer you legal advice and this does not equate to a checking service of the entire draft UU before its submission. Should you require a complete check then the legal fee will increase.

5. Full title for the whole of the application site must be supplied to Luton Council's Legal department at the outset to include up to date official copies of the register if the land is registered land or an epitome of title if the land is unregistered land.
6. A plan showing the entirety of the application site edged red should be annexed to the UU. If the application site is owned by several parties then a separate plan showing their individual interests in the land delineated in different colours should also be annexed to the UU.
7. If any party executes the deed by power of attorney, a copy of that document should also be submitted to Luton Council with the completed deed.
8. Authority to sign by signatories on behalf of mortgagees should also be submitted.

9. The UU should be dated on the cover page and on page two.
10. The original completed UU will be held by the council. If the applicant wishes to have a copy he or she should make a copy before sending the completed UU to us, or it should be executed in duplicate/triplicate (as the case may be).
11. The planning application will only be determined when Luton Council is satisfied with the completed UU and when all the fees have been paid. It would expedite matters if the UU could therefore be submitted with your formal planning application.
12. The completed UU will be registered as a Local Land Charge by Luton Council when it has been completed and will appear on the council's planning register. Consequently, the completed UU will also be available to view on line without any redactions to any personal details.