

## **HAMPSHIRE COUNTY COUNCIL**

### **Heads of Terms and Guidance**

As part of the County Council's drive to speed up the planning application process and identify the need for and detail of Section 106 Agreements at an early stage we have developed a precedent Section 106 Agreement and heads of terms.

This page contains information regarding our requirements for a Section 106 Agreement which we will require in circumstances where a planning application has an impact upon local infrastructure and/or the environment that needs to be mitigated.

Please find below a link to our standard form of Section 106 Agreement. This includes the clauses and provisions that we usually require in a legal agreement, but it is subject to the specific circumstances surrounding your planning application.

**We reserve the right to make further amendments and additions and will update this agreement from time to time. Please note that the use of this precedent does not commit Hampshire County Council to entering into the agreement on the terms submitted.**

#### **Please also be aware that:**

1. If you choose to print off this document and fill in gaps where factual information is required our Legal department will still need to check the document before we can formally enter into the Deed. If you wish to do this please do not sign or date the document before submitting it as it will still need to be checked by our Solicitors, and may require amendments. Clearly if you choose to make amendments to our standard terms and conditions this will make the negotiation of the document more protracted than if you choose to accept the standard terms.
2. Our in-house legal department will require their costs of checking and negotiating the agreement to be met by you as the Applicant. This will either be in the form of a cheque before the commencement of the matter so that our costs are on account, or more usually, you will have appointed your own Solicitors and we will accept an undertaking from them to be responsible for our legal costs. The amount of these costs will vary depending on the complexity of the application and terms of the agreement but we will be able to give an estimate of costs when we know what obligations are to be covered by the legal agreement.

3. If the circumstances surrounding your application are complex and meetings to discuss the terms of the agreement are required we will also seek to recover the costs of these meetings.

4. Our legal department will also require evidence of title to the site and would recommend that this is provided at the same time as the Solicitor's undertaking as to costs or money on account.

5. Our legal department are unable to give you legal advice in this matter as they represent the County Council. It is recommended that you obtain your own independent legal advice before you enter into the Agreement.

## **HEADS OF TERMS**

## **CONTACT/APPLICATION DETAILS**

<b>Site name (if any)</b>	
<b>Address</b>	
<b>OS grid reference of Site</b>	
<b>Applicant's: Name Telephone number Mobile number Email address</b>	
<b>Agent's: Name Address  Telephone number Mobile number Email address</b>	
<b>Solicitor's: Name Address  Telephone number Email address</b>	

**TERMS OF s106 AGREEMENT**

The obligations identified in respect of this application during pre-application discussions were as follows:

<b>Financial contribution towards highway and transport works/improvements</b>	
<b>Lorry routing</b>	
<b>Highway works</b>	
<b>Provision of new footpath/bridleway/cycletrack</b>	
<b>Diversion/stopping up of existing footpath/bridleway</b>	
<b>Groundwater monitoring</b>	Obligations for this will need to be drafted on a case by case basis
<b>Nature conservation management</b>	Obligations for this will need to be drafted on a case by case basis

**INFORMATION TO BE INCLUDED FOR PROGRESSION OF A S106 AGREEMENT:**

If a section 106 Agreement is required, the following information needs to be returned with this form to Hampshire County Council:

- Land Registry official copy of title to cover all land within the application site and/or subject to the proposed Agreement
- If unregistered land – certified copies of title deeds, to include information on all the land within the application
- A red line application Site boundary plan with other land in the applicants control shown outlined in blue
- A lorry routing plan where applicable
- A rights of way plan (where applicable) showing the routes of any diversion or new right of way
- A plan demarcating specific areas referred to in the Agreement i.e. areas subject to nature conservation management

I confirm that I/the company will be responsible for the Council’s legal costs in the preparation, negotiation and completion of the s106 Agreement, whether or not it proceeds to completion

Signed.....  
Date.....