EXPLANATORY NOTES TO UNILATERAL UNDERTAKING

This sheet has been provided to give advice to applicants regarding the use of Unilateral Undertakings as a means of securing planning obligations.

A Unilateral Undertaking is a legally binding document which may have significant financial consequences if planning permission is granted. If you are in any doubt about the meaning and effect of the Undertaking you are advised to seek independent legal advice.

Note 1. Date and Execution

Please ensure that before the unilateral undertaking is submitted it is signed by the parties submitting it and returned undated and sent to the Planning Department. It is necessary to send an original paper copy of the signed Unilateral, an electronic copy will not be sufficient. If planning permission is granted then the Unilateral will be dated by the Council as the same date as the application decision date.

Note 2. Name and Address

2.1 The full name(s) and addresses of both the person(s) who own the land and all other persons (if any) who have any other interest in the land (eg pursuant to a conditional contract or option agreement) should be entered here in capital letters. There must not be any leases or tenancies affecting the Land.

2.2 References to mortgagee/mortgage is only required where there is a charge on the land. If there is no mortgage delete references to them throughout.

Note 3. Application Number

If not known leave this blank and the Planning Department will insert it once the Unilateral Undertaking and the Planning Application is validated.

Note 4. The Land
This should be the full postal address as stated on the planning application and should correspond with the address in the title deeds.

Note 5.   The Plan

The plan should be an [up to date OS plan at 1:250 (or less) scale and the extent of the land which is the subject of the planning permission should be accurately edged in red.

Note 6.   Title

6.1. This information should be taken from up to date office copy entries obtained from HM Land Registry (not more than 21 days old) for registered land or from the title deeds if unregistered land.

6.2 Please ensure that proof of title by way of either up to date office copy entries and filed plans or an epitome of title is submitted to the Council with your draft undertaking.

Note 7.   The Planning Obligations must consist solely of the payment of financial contributions of one or more types described in the template to be paid on or before the date of commencement of development.

Note 8.   Once approved the document must be executed. Please ensure that the correct wording is used, eg if a company is to sign choose the clause which refers to the company seal, if appropriate. If an individual is to sign his/her signature must be witnessed by an independent witness who must sign and print his/her name, address and occupation.