

## **NOTE ON MORTGAGEES AND FEES AND SECTION 106 AGREEMENTS**

### **MORTGAGEES**

Your planning application is subject to completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 between you and Spelthorne Borough Council.

In order to complete this agreement, any other party with an interest in the land, including any company, such as a bank, which holds mortgage of the land, will need to be a party to that agreement.

The details of the mortgagee needs to be included in the agreement. To enable these details to be included you are required to provide to the Council before or at the time of submission of the planning application;

1. Confirmation of every party that has a mortgage of the application site.
2. The contact details of any person with whom you deal within the mortgage company (their name, address, telephone and fax numbers)

The usual practice is for you, as the planning applicant, to ensure that the mortgagee consents to this agreement. It will also be your responsibility to ensure that the mortgagee completes the agreement. Spelthorne Borough Council cannot be responsible of any charges that the mortgagee incurs as a result of considering or entering into this agreement. In order to ensure there are no delays please contact your mortgage company right away to advise them of the agreement and to establish, from them, the estimated time scale they will need to approve and to sign the document. These details would also be of use to the Council in preparing the agreement

It will be helpful if you can provide your mortgage account number so that the mortgagee will know which property this matter concerns if they contact the Council directly.

The agreement cannot be completed without the mortgagee being a party. Although it is anticipated that any dealing with the mortgagee would be a matter for you, if there is any untoward delay, providing these details will enable the Council legal section to contact them to progress completion of the agreement.

### **FEES**

The Council requires the applicant to pay the Council's legal fees for the completion of the agreement. These fees are set out at £125 per hour. You will be provided with a general estimate of the number of hours the transaction is anticipated to take. when the Council's legal services contact you. That figure is calculated on the basis that the matter does not become unduly protracted.

This amount will be payable at completion of the agreement or upon refusal of the application if the matter take longer than 13 weeks or upon withdrawal if you cease to continue with the application prior to the application being decided.

A monitoring fee of £350 is also payable on the completion of the agreement.

VAT is not charged on these fees.