

# Section 106/Unilateral Undertaking (Eng/Wales) /Section 75 (Scotland) Agreements: Instructions and Guidance for Conveyancers

## General comments

These instructions and guidance for conveyancers cover the main requirements for us to consider a Section 106/Section 75/Unilateral Undertaking request.

## Definitions

- Section 106 (England and Wales)/Section 75 (Scotland) and Unilateral Undertaking (S106/S75/UU)– these are agreements relating to planning between a Landowner/Developer and the Local Authority that sets out the legal obligations required to be complied with to mitigate and dictate the impacts of a development proposal to the local area. These obligations can include funding infrastructure, affordable housing, community services or contributions to those aspects. Additional obligations can also include maintenance requirements for newly installed drainage systems or to meet Biodiversity Net Gains in the local area.
- References to “we”, “us” and “our” means Nationwide Building Society.
- The “Security” is the Property defined by our original lending, as secured under our mortgage charge.

## Important information

- Where Nationwide is asked to enter into these agreements, each request is reviewed on a case-by-case basis. A full assessment is completed to understand the impact on our security and what obligations, if any, are placed on the lender.
- Each request is reviewed on a case-by-case basis. A full assessment is completed to understand the impact on our security, and we reserve the right to make a final decision.
- In order for us to be able to review your request in a timely manner, we require all information as noted below to be provided as part of the request.
- Where the S106/S75/UU Agreement is in relation to the building of a new dwelling, please read this in line with our Release of Part Security (ROPS) guidance, as you may have to do both. This is to ensure we accurately assess the impact any new dwelling would have on our remaining security. In this scenario, we require a solicitor who is a member of our panel to be instructed. Please refer to our Release of Part Security guidance for further information.

## Section 106/Section 75/Unilateral Undertaking Agreements – Our Requirements

In order for us to make an assessment of the S106/S75/UU agreement, we require the following. Please send all requested information to the following email address: [PRServicingRiskManagement@nationwide.co.uk](mailto:PRServicingRiskManagement@nationwide.co.uk)

- i) A full copy of the S106/S75/UU to be provided for our review.
- ii) A summary of what the S106/S75/UU is in relation to (for example: a new dwelling; septic tank; biodiversity/net gains etc). We require this information to understand why Nationwide is being asked to enter into a S106/S75/UU and to assess the impact this has on our security.
- iii) Confirmation of obligations placed on owners/successors in title. We require this to understand the impact of the S106/S75/UU on our security.
- iv) Confirmation of mortgagee clause, whether it confirms we will not be liable for any previous breaches. In the event we take possession of the property, and the obligations of the S106/S75/UU have not been complied with, we would not want to be liable for any pre-existing breaches.
- v) Where we advise a ROPS is also required, this will need to be completed simultaneously alongside the S106/S75/UU.