

## **S106 Distribution of non-specified funds Guidance Notes**

Please find below some information to help support you with your application to access S106 funding held by East Hampshire District Council (EHDC). At the end of this document, you will find contact details for the relevant Community Development Officers who can also offer advice should you not find the answer to your question here.

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## **GENERAL QUESTIONS**

### **1. What are Developers Contributions?**

Developer Contributions are funds that a building developer pays to the Local Planning Authority to mitigate the impact of their development on local infrastructure.

On 8 April 2016, the Council introduced the Community Infrastructure Levy (CIL), which for the majority of new development is now the main source of developer contributions. Prior to this developer contributions were collected through legal agreements/undertakings, under Section 106 of the Town & Country Planning Act 1990 (S.106).

The S.106 contributions varied depending on the nature of the development and needs of the area. The most common obligations that a developer would have paid were contributions towards the provision of, or improvements to:

- Public open space and recreation
- Community facilities
- Transport improvements
- Environmental improvements.

The exception to this being the Whitehill and Bordon Regeneration Project Zone, where CIL does not apply and S.106 obligations/contributions continue to be sought.

### **2. What do I need to be eligible to apply for Developers Contributions funding?**

You must be a voluntary organisation, an organisation that operates a community facility on a not-for-profit basis, an operator, manager or owner of site facilities; or be a Town or Parish, County or District Council or a school with community use.

Your organisation must have a constitution or a set of rules and a bank or building society account.

It is better if you have already consulted with users and the local community to demonstrate support for your proposals to clearly identify the need/demand for your project.

Where facilities are provided, these must be open to the general public.

Organisations with memberships can apply for funding, but only if the general public is allowed to become members without restriction. Facilities should be available to non-members on reasonable terms, and organisations should operate a satisfactory pricing policy and promote access for members and non-members.

Applicants can demonstrate that the project will attract new participants/members or develop new audiences.

If your application is retrospective, there is no guarantee that your application will be successful, therefore any work carried out before a decision is made is entirely at your own risk.

If your project relates to premises, you must demonstrate security of tenure for at least 10 years.

You will be asked to demonstrate that you are capable of managing the project/facilities and sustaining it in the long term.

For larger and more complex projects, applicants will be required to provide a business case and project management plans.

### 3. What types of projects can be funded?

Projects must be in accordance with the terms of the funding allocated in the relevant S106 agreements.

Generally, proposals for new and improved community facilities, arts, heritage, leisure and cultural facilities that result in improvements to meeting the needs of the district will be supported, for example:

Community facilities	Outdoor sports facilities
<ul style="list-style-type: none"> <li>• New/improvements to:               <ul style="list-style-type: none"> <li>○ community buildings</li> <li>○ meeting halls</li> <li>○ changing rooms</li> <li>○ youth clubs</li> <li>○ social clubs</li> <li>○ public toilets</li> <li>○ crèches</li> <li>○ post offices</li> <li>○ public building for hire</li> <li>○ places of worship, churches, cultural centres, theatres and museums</li> <li>○ exhibition places</li> </ul> </li> <li>• Improvements to existing community halls</li> </ul>	<ul style="list-style-type: none"> <li>• New/improvements to buildings for sports changing rooms</li> <li>• Floodlighting</li> <li>• Improved surfaces/drainage of sports pitches</li> <li>• Cricket nets/specialist sports equipment</li> <li>• New/improvements to tennis courts and bowling greens</li> </ul>
Open spaces	Environmental improvements
<ul style="list-style-type: none"> <li>• Creation of new equipped play areas</li> <li>• New/improved play equipment or improvements in existing play areas to enhance capacity and play value</li> <li>• New safety surfacing</li> <li>• Multi use games area</li> <li>• Creation of play spaces that do not have play equipment</li> <li>• Teenage zones/skateboard facilities or similar</li> <li>• Creation of new or improvements to existing open spaces</li> </ul>	<ul style="list-style-type: none"> <li>• Biodiversity, countryside and landscape management schemes</li> <li>• Tree and hedge planting, town and village centre improvements</li> <li>• Funding towards the management of sites with nature, landscape or conservation designations such as South Downs National Park area, Liss Riverside Railway Walk, Buriton Chalk Pits and Staunton Country Park</li> </ul>
Transport	
<p>Measures that promote the use of sustainable modes of transport and not the private car. e.g.:</p> <ul style="list-style-type: none"> <li>• Cycling and walking infrastructure and supporting measures</li> <li>• Highway works such as traffic management/traffic calming</li> <li>• Signage/wayfinding</li> <li>• Bus shelters</li> <li>• Signing and lining</li> <li>• Speed indicator devices/Speedwatch</li> </ul>	

If a proposed project is deemed as Maintenance – it will not be funded through the S106 scheme.

EHDC reserves the right to be able to part fund, or honour in part only, any funding requests or proposals that are put forward by applicants, especially if there is high demand for the available funding.

#### **4. The standard funding terms are as follows:**

The funded organisation/Town/Parish Council is informed that it should:

- Maintain and / or manage the (approved project / facility) and ensure it has funds for this
- Ensure that all health and safety requirements, together with any necessary insurance cover, are met
- Seek and obtain any necessary permissions
- Promote that the project was funded/part funded by developer contributions, through EHDC (funded organisation's/ Town/Parish website, newsletter on-site signage, publicity).

### **FREQUENTLY ASKED QUESTIONS**

#### **5. I have an idea for a project that my group wants to do, can we apply for S106 developer contributions?**

In the first instance please contact your Community Development Officer to discuss your project. If your project is eligible for S106 funding then you will need to complete an application form. Any projects ready for delivery will be fully assessed. If your project is not fully developed or ready to implement, please make this clear on the application form and these projects will be added to the project pipeline.

#### **6. What if my project is not in the eligible area? Can I still apply?**

There are exceptions to the eligibility area; In the Whitehill & Bordon S106 agreements there is reference to the sports contributions being delivered in accordance with the Whitehill & Bordon Playing Pitch Strategy. In that playing pitch document there are some sites specified as priorities for action.

If your project is one of these sites and involves improvements to one of these sites in accordance with the Whitehill & Bordon Playing Pitch Strategy, then it would be eligible for Whitehill & Bordon developer contributions funds.

For other areas of the District you will need to ensure there are available funds and that your project meets the S106 criteria.

#### **7. Why aren't the advertised monies the full amounts expected from the S106 agreements?**

The monies currently stated on the website reflect the amounts which EHDC has already received and have not been spent. EHDC can only advertise and offer the monies already received. As further trigger points related to the development are reached e.g. number of homes completed, additional payments will be made by the developers and further funding rounds can be launched.

#### **8. Why do I need to detail my project and timescales?**

For larger projects, particularly those involving capital works, providing a breakdown of each piece of work, the associated cost and a priority order will help EHDC confirm which aspects of the project are eligible for funding. This will also assist EHDC should the application need to be part-funded.

If an organisation has a series of items, or works, for which they wish to seek developer contributions funding, we recommend setting them out in one application. These works and items can be detailed separately in the application form, and if one item is not eligible it does not mean the whole application fails. Itemising the works allows assessors to separate the recommendations for awards of funds if this is needed.

Projects will need to demonstrate how they align with local and national plans, visions and strategies, and will be scored accordingly. This is done to ensure that projects fulfil a local need and avoid duplicating the provision of facilities and services.

It is important that you include all evidence such as results of any consultation, plans, etc as this may delay or jeopardise your application.

### **9. My project is in the South Downs National Park, can I still apply?**

EHDC do hold a small amount of S106 funds which you can apply for if there are funds available in your area. Please discuss this in the first instance with the relevant Community Development Officer.

For all other S106 money in the National Park area, please contact [CIL@southdowns.gov.uk](mailto:CIL@southdowns.gov.uk).

## **SPECIFIC QUESTIONS ABOUT THE PROCESS**

### **10. What is the process?**

Below you will find a flow chart outlining the process for applying for the Developer Contributions fund. There is one application form to complete, however there are two different decision routes for approval depending on the value of the application.

If the project is approved the last stage is the monitoring of the project's delivery; reporting its progress and general annual reporting of all projects that have been funded with Developer Contributions over the past year and reviewing the process.

### **11. How long will the process be between the deadline for the application to be submitted and the decision?**

An indicative guide is in the table below:

<b>Money requested</b>	<b>Time framework</b>
Projects up to £49,999	12 weeks
Projects £50,000 and over	18 weeks

Depending on the decision level and EHDC approvals needed, most applications may be decided within 12 weeks. For larger or complex projects, the time limit is extended to 18 weeks. We will do our best to ensure your application can be decided within these times.

### **12. Can joint applications be made?**

Yes; If projects are to be managed and / or delivered by more than one organisation this needs to be clearly set out in the application form, including who the partner organisations are, their roles and who the lead partner will be.

### **13. Can an organisation help another organisation to apply?**

Yes; If one organisation is helping another to apply this needs to be clearly set out in the application form, including who the supporting / helping partner organisations are and if they have any other role in the management and / or delivery of the project.

### **14. Can I apply for funding for more than one project?**

Yes; this can be done. All projects will be assessed in the same way.

### **15. Who is going to check my application?**

Applications will be checked by Officers from the Community Development team. Depending on the type of application (i.e. a play park or sports facility) they may be checked by the relevant subject matter expert within EHDC.

Any information on project costs given by the applicant are expected to have been checked by the applicant. EHDC may seek confirmation on this from the applicant and may make enquiries. Applicants need to be reasonably certain that their cost estimates are accurate and have fully considered what happens to the project in the event of cost overruns and shortfall in funding. If project costs increase, EHDC reserve the right to enquire with applicants how any shortfall is made up and makes no guarantee to fund that shortfall through developer contributions.

### **16. What is the marking criteria?**

The marking criteria is a score system that EHDC will use to assess if an application meets the criteria of the S106 funding agreement and will act as evidence for the decision maker.

### **17. How do we assess our project risk?**

Applicants are encouraged to think about what things might affect the delivery of their project, how it affects their project it is important to set these risks out in the application.

### **18. When and how will I be notified of the decision?**

We will email the official decision notice to the main contact. If your project is approved, it's very important that you read the decision confirmation carefully. It may set out conditions for your project, and you should check and clarify any points you are unsure about.

EHDC reserves the right to part fund any funding requests or proposals that are put forward by applicants, especially if there is high demand for the available funding, or match-funding opportunity has been identified.

### **19. Terms of payment**

Payment is usually made following completion of the scheme/project once the expenditure has been evidenced by provision of copy of supplier /contractor invoices. EHDC will issue a Purchase Order against which the successful applicant can invoice for payment. EHDC standard terms for payment are 30 days following receipt and processing of the invoice.

For larger schemes individual terms may be agreed, e.g. stage payments at agreed contract valuations. If an applicant cannot or will struggle to adhere to the standard terms, they will need to write to EHDC setting this out with a copy of their latest accounts or standing orders, whichever is relevant to your organisation.

VAT must be dealt with by the applicant. If organisations are eligible to pay VAT, it needs to be covered in project costs.

**20. If work is staged how will this be funded?**

Work can be carried out in stages and this needs to be made clear by the applicants where this is intended. Where this may be the case, EHDC reserves the right to fund specific stages of work. Further applications for other stages can be made.

Where there may be a series of items of work proposed applicants are encouraged to itemise the costs of these items of work.

**21. After the money has been awarded, what happens next?**

Once the money has been awarded, it is important that projects are implemented in an efficient and transparent way in order to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability in the area

This will require monitoring by EHDC, which in turn may involve joint-working by different parts of the authority.

Applicants should ensure that they update EHDC on the progress of their project’s delivery.

**22. How can I get some help with my application?**

Your dedicated Community Development Officer can answer any questions regarding the process. Their details are:

Area	Villages	Community Development Officer
Central Area	Buriton Froxfield East Meon Langrish Liss Petersfield Sheet Steep Stroud	<b>Lucy Whittle</b> Tel: 01730 234278 Email: <a href="mailto:lucy.whittle@easthants.gov.uk">lucy.whittle@easthants.gov.uk</a>
North East	Bramshott Grayshott Greatham Headley Lindford Liphook Whitehill & Bordon	<b>Jo Utting</b> Tel: 01730 234382 Email: <a href="mailto:joanne.utting@easthants.gov.uk">joanne.utting@easthants.gov.uk</a>
North West	Alton and surrounding villages	<b>John Geoghegan</b> Tel: 01730 234184 Email: <a href="mailto:john.geoghegan@easthants.gov.uk">john.geoghegan@easthants.gov.uk</a>
South	Clanfield Horndean Rowlands Castle	<b>Dean Mohammed</b> Tel: 01730 234078 Email: <a href="mailto:Dean.mohammed@easthants.gov.uk">Dean.mohammed@easthants.gov.uk</a>

**23. How can I submit my application?**

Please submit completed application form/s:

- By email to [communitygrants@easthants.gov.uk](mailto:communitygrants@easthants.gov.uk) or
- by post to: Community Team  
East Hampshire District Council  
Penns Place  
Petersfield  
GU31 4EX

## S106 Distribution of non-specified funds Application Process Flowchart

