

Developers Contributions

Guidance Notes

Please find below some information to help support you with your application to access Developers Contributions funding. At the end of this document you'll find contact details for the relevant Community Officers who can also offer support should you not find the answer to your question here.

GENERAL QUESTIONS

What are Developers Contributions?

Developers Contributions are also known as Section 106 funding (S106), this is because they are funds that a building developer is bound to pay to the Local Authority as set out in a Section 106 agreement. S106 Agreements (Section 106 of the Town & Country Planning Act 1990) are legal agreements between Local Authorities and building developers; these are linked to planning permissions and can also be known as planning obligations.

When a planning application is submitted to the Council (in this case East Hampshire District Council or EHDC), it will be assessed as to whether the development would cause a significant impact to the area and community. Section 106 agreements are drafted when it is considered that a development will have a significant impact on the local area that cannot be moderated by means of conditions attached to a planning decision.

The S106 will vary depending on the nature of the development and based on the needs of the area. The most common obligations that a developer will need to pay a specified contribution to include:

- Public Open Space
- Affordable Housing
- Transport Improvements
- Environmental Improvements

Once a S106 has been agreed, it is important that they are implemented or enforced 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 of the area.

What do I need to be eligible to apply for Developers Contribution funding?

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

- If your project relates to premises you must demonstrate security of tenure for at least 10 years.
- Applicants can demonstrate that the project will attract new participants/members or develop new audiences.
- You will be asked to demonstrate that you are capable of managing the project/facilities and sustaining it in the long term.
- 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 and helps to clearly identify the need/demand for your project.
- For larger and more complex projects applicants will be required to provide a business case and project management plans.

What types of projects can be funded?

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

East Hampshire District Council 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.

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

- New/improvements to community buildings.
- New/improvements to meeting halls.
- New/improvements to changing rooms.
- New/improvements to youth clubs.
- New/improvements to social clubs.
- New/improvements to public toilets.
- New/improvements to places of worship.
- New/improvements to crèches.
- New/improvements to post offices.
- New/improvements to public building for hire.
- Improvements to existing community halls.
- New/improvements to churches, cultural centres, theatres and museums.
- New/improvements to exhibition places.

Outdoor sports facilities

- New/improvements to buildings for sports changing rooms.
- Floodlighting.
- Improved surfaces/drainage of sports pitches.
- Cricket nets/specialist sports equipment.
- New/improvements to tennis courts and bowling greens.

Open spaces

- Creation of new equipped play areas.
- New/improved play equipment or improvements in existing play areas to enhance capacity and play value.
- New safety surfacing.
- Multi use games area.
- Creation of play spaces that do not have play equipment.
- Teenage zones/skateboard facilities or similar.
- Creation of new or improvements to existing open spaces.

Environmental Improvements contributions can be used as follows:

- Biodiversity, countryside and landscape management schemes;
- Countryside, biodiversity, and heritage grants;
- Tree and hedge planting, town and village centre improvements; and
- Funding towards the management of sites with nature, landscape or conservation designations such as the East Hampshire Area of Outstanding Natural Beauty (now superseded by the South Downs National Park), Liss Riverside Railway Walk, Buriton Chalk Pits and Staunton Country Park.

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 any necessary permissions;
- Promote that the project was funded/part funded by developer contributions, through East Hampshire District Council (funded organisation's/ Town/Parish website, newsletter on-site signage, publicity).

I have an idea for a project that my group wants to do, can we apply for W&B S106 developer contributions?

If your project is eligible to apply then you may want to complete the Expression Of Interest form, it's the same form as the under £10k application form. This will let EHDC know that you have a project in mind and the project can be assessed as to what it will deliver.

If the project is approved it would go on a project pipeline for a process of monitoring with the applicants and EHDC until the project is ready to apply for the developer contributions.

If you have a well developed project ready to implement, but need to seek some developer contributions to help deliver it, as well as a less well developed an idea for a project, we recommend you complete two applications; the relevant application form for your better progressed project, and an expression of interest for your less well progressed project / project idea.

What is the eligible area, for the projects to be located, for W & B developer contributions?

Please see the attached map from the EHDC mapping system.

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.

Is this just an Expression of Interest round?

EHDC is accepting full applications for funding. With the aim of awarding funds by the end of the year.

If organisations have projects which are not ready to implement within the next 12 months then groups are encouraged to complete the under £10k form and mark it as an expression of interest. This gives EHDC an idea of upcoming projects and when additional funding becomes available they can be invited to apply.

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. EHDC can only advertise and offer the monies already received. As further trigger points related to the development are reached eg number of houses completed, additional payments will be made by the developers and further funding rounds can be launched.

Is this the only funding round for Whitehill & Bordon?

This is the first round of funding based on developer contributions which EHDC have already received. There will be future rounds of funding as trigger points related to the developments are reached.

Why do I need to detail my project and detail 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.

SPECIFIC QUESTIONS ABOUT THE PROCESS

What is the process?

Below you will find a flow chart outlining the process for applying for the Developer Contributions fund. There are three different application forms depending on the total amount of funding you are requesting (£0 - £9,999, £10,000 - £49,999 and £50,000 and over). There are also three different decision routes for approval depending on the value of the application.

For areas within the South Downs National Park, if the S106 funds are held by the South Downs National Park Authority (SDNPA) then your application will go through an additional step. If your application is supported by EHDC it will be sent on to SDNPA for their final approval and if successful, payment by them.

Towards the end of this document you will find a flow diagram outlining the process routes.

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 Developers Contributions over the past year and reviewing the process.

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:

Money requested	Time framework
Project under and up to £9,999	8 weeks
Projects £10,000 to £49,999	12 weeks
Projects £50,000 and over	18 weeks

Depending on the decision level and any Council (EHDC) approvals needed, most grant 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. These timescales apply only to the EHDC process, additional time must be allowed for applications that need to be passed on to South Downs National Park Authority for their final approval.

When do I have to apply?

You can find the latest deadlines for applying online here – www.easthants.gov.uk/s106

What is a declaration of interest?

We need to know if there are any personal interests or non-financial interests with regards to the project being put forward, and may therefore ask if there is a process for governing such interests by the applicant.

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.

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.

Can I apply for funding for more than one project in the same funding round?

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

Who is going to check my application?

For applications in the Whitehill & Bordon area it will be the Project Support Co-ordinator. For the rest of the East Hampshire District it will be the relevant Community Development Officer.

Any information on project costs given by the applicant is 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.

What are the marking criteria?

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

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 and the extent to which it could affect their project and to set this out in their application.

When and how will I be notified of the decision?

We will send the official decision notice to the main contact, by email. 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.

East Hampshire District Council (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.

What is a grant agreement?

The grant agreement is a standard contract defining the basic conditions for the project financing, you will be asked to sign this if your application is successful.

Terms of payment

Payment is usually on completion of the scheme and on provision of invoices up to or exceeding the approved sum. For larger schemes individual terms may be agreed, e.g. stage payments at agreed contract valuations.

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

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.

After the money has been allocated, what happens next?

Once the money has been allocated, 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 Local Planning Authority, which in turn may involve joint-working by different parts of the authority.

Bibliography, references and further reading.

- Planning obligations: Practice Guidance (2006). Department for Communities and Local government. Available in:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7770/151363.pdf
- Tendring District Council.
<https://www.tendringdc.gov.uk/planning/planning-applications/what-are-section-106-legal-agreements>
- Planning permission and advice. East Hampshire District Council.
<https://www.easthants.gov.uk/planning-permission>
- Greed, Clara & Johnson, David (2014). Planning in the UK: an introduction. Palgrave Macmillan.
- East Hampshire District, Local Plan: Joint Core Strategy. Adopted June 2014.
<https://www.easthants.gov.uk/sites/default/files/documents/DP01EastHampshireDistrictLocalPlanJointCoreStrategy.pdf>

CONTACT DETAILS FOR FURTHER INFORMATION AND SUPPORT WITH COMPLETING YOUR APPLICATION:

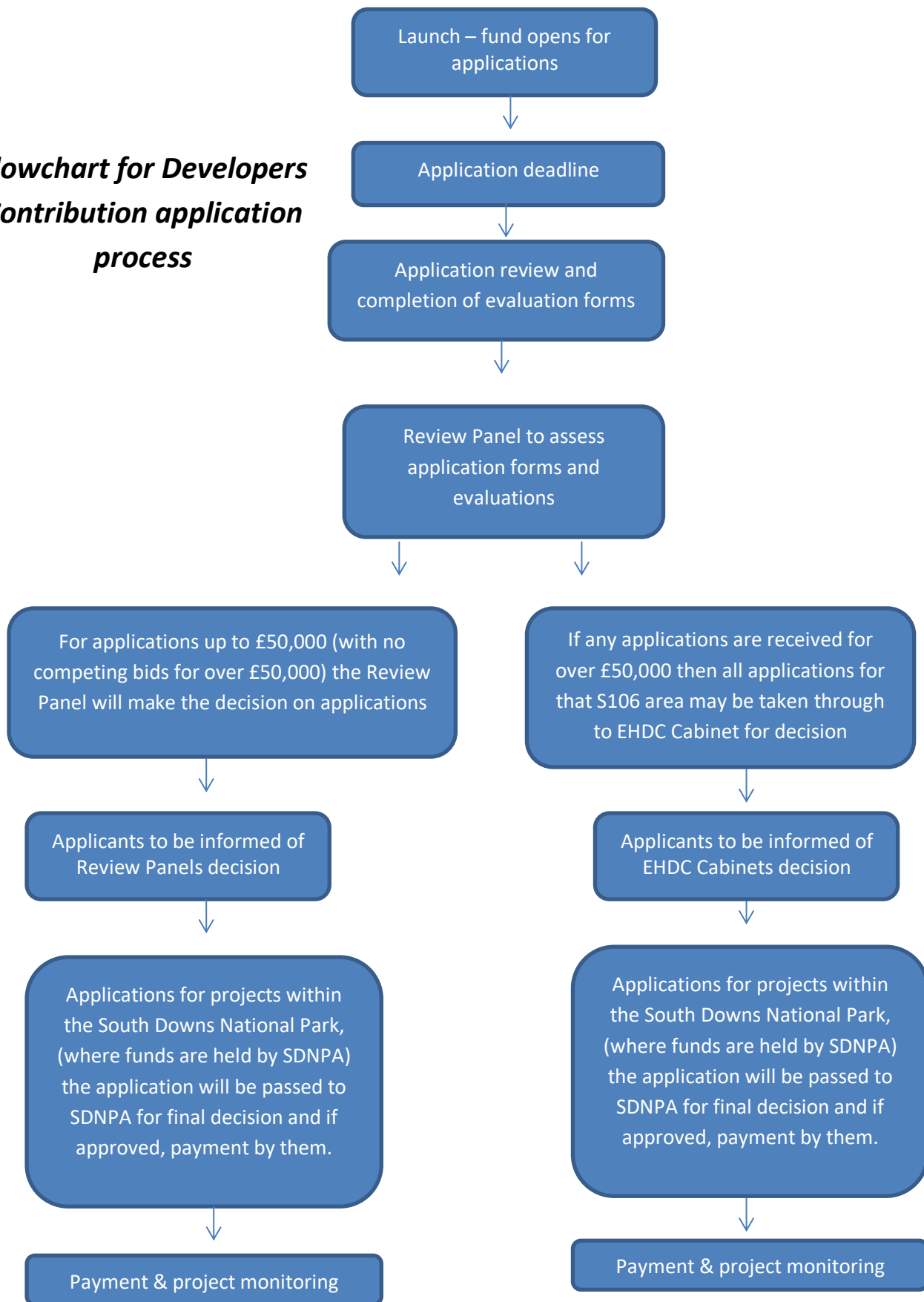
Whitehill & Bordon

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**Flowchart for Developers
Contribution application
process**



Whitehill & Bordon public open spaces, sport facilities & community's facilities

1. Definitions:

Site	Locality	Community Facilities	Open Space	Sports Facilities
Quebec Park	Locality means the area delineated by the Eco-town policy zone boundary on the Whitehill & Bordon: Overview Proposals Map in the East Hampshire District Local Plan: Joint Core Strategy adopted June 2014.	Community Facilities Contribution means the sum referred to in clause 16 being a financial contribution towards the cost of providing community facilities in the Locality.	Public Open Space Contribution means the sum referred to in clause 10 being a financial contribution towards the cost of providing public open space within the Locality.	Sports Facilities Contribution means the sum referred to in clause 11 being a financial contribution towards the cost of providing sports facilities within the Locality.
Louisburg Park	Locality means the area delineated by the Eco-town policy zone boundary on the Whitehill & Bordon: Overview Proposals Map in the East Hampshire District Local Plan: Joint Core Strategy adopted June 2014.	<p>1. Community Facilities means community facilities and leisure facilities in the Locality and required as a result of the Development.</p> <p>2. Community Facilities Contribution means the sum of £507,000 (five hundred and seven thousand pounds) (Indexed) to be paid to the District Council towards the provision and improvement of Community Facilities and the employment of a Community Project Worker.</p> <p>3. Index means: (c) in respect of the Community Facilities Contribution, Primary Education Contribution, Health Contribution, Post 16 Education Contribution, Secondary Education</p>	Public Open Space Contribution for the provision of public open space in that part of the area covered by the 'Whitehill and Bordon Area Development Scheme' masterplan dated 2010 known as the Prince Phillip Barracks or elsewhere in the Locality.	Sports Facilities means sports facilities (including but not limited to sports pitches, sports pavilion, sports hall and a new swimming pool) in the Locality and required as a result of the Development and as a result of the District Council's Sports Pitches Strategic Assessment Study.

Site	Locality	Community Facilities	Open Space	Sports Facilities
		<p>Contribution, Sports Facilities Contribution the relevant index shall be the Public Sector Index (Non-Housebuilding) (PUBSEC) published by the Department of Trade and Industry (multiplied by the regional factor for Hampshire) or if the same shall cease to be published such alternative index agreed by the parties.</p>		
<p>Prince Philip Barracks</p>	<p>Open Space as the context requires any or all of the various areas of green infrastructure provided for in Schedule 9 that are to be delivered on the Site to include the BOSC Pavilion Facilities;</p>	<p>Arts Culture Heritage and Community Facilities Contribution means a contribution for the purposes of upgrading and enhancing existing community halls and centres in Whitehill & Bordon and the provision of new cultural, community arts or heritage facilities in Whitehill & Bordon;</p>		<p>Off-Site Sports Pitches Contribution a contribution of £426,240 for the purposes of improving the sports pitches in Whitehill and Bordon and Headley as described in the Council's Whitehill and Bordon Playing Pitches Strategy (2015) (but not those on the BOSC Land) and the expression "Off-Site Sports Pitches" shall refer to the said sports pitches;"</p>