

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 Development 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 and landowners; 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 and recreation
- Community Facilities
- Transport Improvements
- Environmental Improvements

Once a S106 agreement has been completed, 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, 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.

- 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 South Downs National Park area, 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 and obtain 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).

Frequently asked questions

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 (details can be found on the top of the application form) 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.

What funding is available in my area?

Please see the attached spreadsheet which details the available funds.

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.

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.

Is this the only funding round for S106 funds?

Depending on funding available, there may be future rounds as and when trigger points related to developments are reached.

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.

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

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 is one application form to complete, however there are three different decision routes for approval depending on the value of the application.

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 Developer 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 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

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 applications will be checked by the Project Support Co-ordinator. For applications for the rest of the East Hampshire District, they will be checked by 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 is 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. Payment will be made 30 days in arrears. 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.

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 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.

Community Development Officers

Your dedicated Community Development Officer can help with the above if you are unsure, as well as support you through the application process. Their details are:

John Geoghegan

North West (Alton and the surrounding villages)

Tel: 01730 234184

Email: john.geoghegan@easthants.gov.uk

Dean Mohammed

North East (Bramshott & Liphook, Whitehill & Bordon, Headley, Lindford and Grayshott, Greatham)

Tel: 01730 234078

Email: dean.mohammed@easthants.gov.uk

[For completed applications for the Whitehill & Bordon area, please send to whitehillbordon@easthants.gov.uk.](mailto:whitehillbordon@easthants.gov.uk)

Rebecca Probert

South (Clanfield, Horndean and Rowlands Castle)

Tel: 01730 234185

Email: Rebecca.probert@easthants.gov.uk

Lucy Whittle

Central Area (Buriton, Colemore and Priors Dean, East Meon, Froxfield, Hawkley, Langrish, Liss, Petersfield, Sheet, Steep and Stroud)

Tel: 01730 234278

Email: lucy.whittle@easthants.gov.uk

Please submit completed application forms to communitygrants@easthants.gov.uk or by post to:

Community Team

East Hampshire District Council

Penns Place

Petersfield

GU31 4EX.

For completed applications for the Whitehill & Bordon area please send to whitehillbordon@easthants.gov.uk.

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>