



Torrige District Council

Section 106 Funds

Application Guidance Notes

Supporting improvements within:

- recreation and play facilities
- public open space
- sport
- community facilities
- public art
- tourism and regeneration
- town centre and public realm

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Foreword

These Guidance Notes have been developed to provide all applicants with an understanding of what Section 106 (S106) funding is, how it can be utilised and the district council's process for the allocation of S106 funds.

Background to Section 106 Funding

Under S106 of the Town and Country Planning Act 1990, as amended, contributions can be sought from developers to be put towards the costs of providing community and social infrastructure, the need for which has arisen as a result of a new development taking place.

The aim of the S106 Fund is therefore to support and enable local communities to provide and improve open spaces, sport recreation and community facilities and the public realm in order to enhance the quality of life across the Torridge district.

It is important to note that S106 contributions may only be spent on new facilities or improvements to facilities where the new development has, at least in part, contributed to the need for that facility or will have an impact on existing facilities. This means that funding will normally be invested in facilities based within the same locality or catchment area in which the contributing development is located.

The level of funding contribution is negotiated with developers during the planning application process. However the district council normally only receives the payment of a S106 monies either when the development work commences or more often, when it is partially complete.

Distribution of Funding

The district council is the accountable body for the spending of S106 monies that relate to such provision as public open space, sport and recreational facilities and the public realm. The district council must therefore allocate all funds in accordance with the S106 legal agreement that the district council will have already entered into with the land owner or developer.

Legal agreements can include the County Council as a signatory to the agreement where developer contributions will be required for education, highways and transportation, civic amenity and library facilities, as key examples. Developer contributions for these are normally paid directly to the County Council, in the event that they are not and the District Council receives the contribution it will be passed to the County Council in full, including any indexation, in a timely manner.

Where financial contributions are to be spent by the District Council they will be accounted for in such a way that contributions can be clearly identified and spent on the purposes for which they were intended.

Legal agreements will normally specify a time period within which any submitted contributions must be spent (where no phasing is otherwise agreed as part of the agreement). The usual time period for spending the contributions is five years from the date of receipt unless otherwise formally agreed between the applicant/ developer and Local Planning Authority and other recipient parties to the agreement. There must be certainty that a scheme will be forthcoming (beyond a five-year period) in such circumstances as it is unreasonable to hold funds in perpetuity. Where monies have not been spent within the agreed specified time period, they can be returned, including interest at the agreed rate.

Any developer contributions received which are the responsibility of the District Council will be spent within the area related to the proposed development.

Applying for Section 106 funds by external organisations

Following receipt of the Section 106 payment, and where it is deemed appropriate to make the contribution available to external 'not for profit'* organisations, the district council will promote the availability of funds to relevant organisations both directly and indirectly via Torridge District Council website.

To apply for funding, a 'Section 106 Funding Application Form' is required to be submitted to the District Council for assessment. This Application will seek details of the site and project that the relevant organisation wish to put the contribution towards, with its aims and principles and an explanation of why this is the preferred scheme.

How are Applications Assessed?

The district council assesses and aims to make a decision within 4 weeks following receipt of application. The decision is usually taken by the Planning and Development Manager, although it may be necessary on occasions for TDC's Community and Resource Committee to be part of the decision process. Where this is the case, the timescale is likely to extend beyond 4 weeks.

It has to be ensured that the proposed project complies with the stipulations that the developer has had placed in the legal agreement before the benefits of a project can be considered. If the proposed scheme does not comply with the stipulations in the legal agreement it will not be possible to support the scheme in the first instance.

Where external organisations are subsequently given responsibility for spending the financial contributions this will be provisional subject to the provision of a full job specification and a minimum of 3 quotes for the work from reputable companies, where these have not been provided at application stage.

It will also be necessary for bills from the successful contractors / suppliers in respect of the agreed scheme to be submitted as they arise and confirmation that the works / goods billed are satisfactory and meets the scheme's specification.

Before the S106 monies are released to delivery organisations external to TDC, these organisations will be required to enter into a legal funding agreement with TDC which will required detailed accounts to be provided of the disbursement of the S106 fund, to spend the monies in accordance with the S106 agreement within specific time periods and to repay to TDC any monies not used within the timeframe agreed in the S106. Final release of funds will be approved by the Planning Team Manager.

*Funding can only be allocated to 'Not for Profit' organisations, such as:

- Town/Parish Council
- Company Limited by Guarantee with Charitable Status
- Registered Charitable Organisation
- Unincorporated not for profit organisation

Appendix A - Provision Detail

Section 106 funding can only be awarded to projects that fall within one of the following 'Types of Provision' categories:

	Type of Provision	Primary Purpose
Recreational and Play Facilities	Provision for children and young people	Areas designed primarily for play and social interaction involving children and young people, such as equipped play areas, ball courts, skateboard areas and teenage shelters.
Open Space	Parks and Gardens	Accessible, high quality opportunities for informal recreation and community events.
	Cemeteries, disused churchyards and other burial grounds	Quiet contemplation and burial of the dead, often linked to the promotion of wildlife conservation and biodiversity.
	Allotments, community gardens and urban farms	Opportunities for those people who wish to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.
	Natural and semi-natural green spaces, including urban woodland	Wildlife conservation, biodiversity and environmental education and awareness.
	Amenity green space	Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas.
	Green Corridors	Walking, cycling or horse riding, whether for leisure pursuits or travel, and opportunities for wildlife migration.
Sports Facilities	Outdoor sports facilities (pitch and non pitch)	To enable participation in outdoor sports, such as pitch sports, bowls and athletics.
	Indoor sports facilities (built facilities)	To enable participation in indoor sports, such as badminton, swimming and gymnastics.

	Type of Provision	Primary Purpose
Public Art	Public Art may include such provision as murals and water features and commissioned design features in walls, paving or signage	Raising the quality of life by raising the quality of the environment through permanently enhancing the function, character or appearance of the area.
Community Facilities	Community, Village and Church Halls	To enable participation in community activities, clubs and societies.
Tourism and Regeneration of Westward Ho!	Enhancements to publicly owned streets, pathways and publically accessible open space which improves the attractiveness of Westward Ho! resort for both visitors and residents	To protect the role of Westward Ho! as a seaside resort and maintain the tourist character and viability of the area. Contribution to the regeneration, of the area by helping to attract investment and stimulating economic development.
Town Centre Improvement and Public Realm	Town centre enhancements to publicly owned streets, pathways and publically accessible open spaces	To support a well designed, easily maintained and inclusive street scape in town centres that provides a prosperous, vibrant and safe environment for the shoppers, visitors, businesses and the wider community.

Appendix B – Section 106 Grant Eligibility and examples of the types of projects which might be appropriate

Eligibility of the project for S106 funding

S106 funding is available for capital projects only. Revenue funding towards on-going running costs is not available. The types of project that might be eligible will be dependent primarily upon evidence that an assessment has been made of local community needs and that the project provides new or improved community or social infrastructure, the need for which has at least arisen in part as a result of new development in the community. Some examples of the types of projects which might be appropriate are listed below:-

Community Centre/Village Halls:

Upgrading facilities which are the main community centre in a village and which are available for anyone in the community to use. The funding can support works such as new build, extensions, refurbishment, provision of disabled facilities and provision of facilities which will enable the hall to diversify its use. Examples of an eligible project:

- *The installation of a new kitchen.*
- *Complete re-roofing of a facility.*
- *Entrance improvements including access ramps and automatic door openers.*

Minor repairs, redecoration and movable equipment items are excluded from the grant scheme. Examples of projects that would not be eligible for funding:

- *A new cooker.*
- *The replacement of broken roof tiles.*
- *Painting a meeting room.*

Multi-purpose sports and leisure centres which serve the general public:

Building a new facility, extending or refurbishing an existing facility or the provision of disabled facilities. When designing and developing facilities and implementing projects, applicants are advised to consider best practice guidance provided by Sport England and the relevant National Governing Bodies. The Sport England guidance can be found at the following link: <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/> [1]

Examples of an eligible project:

- *The installation of a new sprung floor.*
- *Complete re-surfacing of an astro pitch.*
- *Upgrading toilets and changing areas to improve accessibility.*

Minor repairs, maintenance, redecoration and movable equipment items are excluded from the scheme.

Examples of projects that would not be eligible for funding:

- *Patch repairs to an astro pitch.*
- *Fixing a broken shower.*
- *Goal posts or other sports equipment.*

Play facilities:

Building new or substantially refurbishing play areas, teenage zones, skateboard facilities and similar. The need for the facility should also normally have been identified within the District Council's Play and Recreation Strategy in order to be eligible. Where gaps in current play provision has been identified across the District grant should focus primarily on addressing these needs. In addition, we would expect to see evidence that families and young people have been consulted and have participated in the design of the proposed play facility. Examples of an eligible project:

- *New play equipment*
- *New safety surface*
- *A youth shelter*

Minor repairs, maintenance, redecoration and movable equipment items are excluded from the scheme. Examples of projects that would not be eligible for funding:

- *Patch repairs to safety surfaces.*
- *Painting existing play equipment.*

Open Spaces:

Grants are available to parish councils and community groups for the purchase or leasing of land for formal/ informal public open space, recreation and allotments. Leases must be for a minimum of 25 years or, where land is to remain in private ownership, there needs to be a Covenant or written agreement in place which protects public access and use of the site in perpetuity. Grants are also available for improvement to existing open spaces such as improving access, education or other facilities. Examples of an eligible project:

- *A new trail and signage in an existing open space that improves accessibility*
- *Securing a piece of land to develop into a community orchard*

Maintenance and repairs to existing provision are excluded from the scheme.

Examples of projects that would not be eligible for funding:

- *Repairing a sign*
- *Replacing or repairing a damaged bench.*