S106 funding application

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**Section 106 application requirements**

Please ensure you read **S106 funding frequently asked questions and data processing** prior to applying for S106 funding**.**

When filling out this form, ensure that you refer to the[**guidance notes**](#Guidance)and[**checklist**](#Checklist)for details on the information requirements.

Please read and complete all questions within the application form fully and where indicated, submit copies of the documentation required to support your application.

The councils Infrastructure Funding and Implementation Officers are able to offer further advice and support. The team can be reached by email at: infrastructureobligations@southandvale.gov.uk or by telephone on:

01235 422576.

Once complete, please return your completed application form, with all necessary supporting evidence to; infrastructureobligations@southandvale.gov.uk.

A case officer will be allocated to check the application and issue an application case reference. The application case reference should be used on all further correspondence between the council and the applicant. The case officer will provide advice and periodical updates as the application progresses.

**Section 106 funding application form**

About your organisation (refer to [guidance note one](#One))

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| --- |
| Date of application:  |
| Name of organisation: |
| Address of organisation: |
| What is your organisation’s legal status?: |
| Company registration number or charity number: |
| Name of authorised contact:  |
| Position held in the organisation: |
| Email address: |
| Telephone/mobile number: |
| Please give a brief description of the service/activity your organisation provides: |
| Do you charge for the service/activity you provide?* Yes
* No

If yes - please provide details about the goods or services you charge for: |

About your project ([guidance note two](#Two)):

|  |
| --- |
| Proposed project title: |
| Proposed project description:  |
| What do you anticipate the total expenditure for the project to be?Including VAT: £ Excluding VAT: £Is your organisation able to recover VAT?* Yes
* No
 |
| How much S106 funding are you requesting?: |
| Is there a shortfall in the total amount of capital funding you require? If yes, how will this shortfall be met?: |
| Proposed project start date:Estimated project completion date: |

About your application ([guidance note 3](#Three))

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| 1.a. Property Address (including post code) of the proposed project:1b. Does the applicant own the Freehold title or a Leasehold interest with at least 10 years remaining on the property where the proposed project is going to take place.* Yes – documents enclosed\*
* No

\*If Yes, please supply a copy of the land registry title and plan (together with a copy of the lease and any consent required from the freeholder if leasehold). |
| 2. Planning permission reference(s) of the development providing the S106 funding: |
| 3. Section 106 agreement reference(s): |
| 4. Is your organisation and/or project specifically named in the S106 Agreement? * Yes
* No
 |
| 5. Why is this project needed?:  |
| 6. How will the project increase capacity and/or diversify the facility/offering to support the new population?  (Diversification may address the needs of residents in accordance with the 2010 Equality Act): |
| 7. Please describe how your project seeks to minimise energy use and carbon emissions? |
| 8. Where the project includes tree planting or biodiversity improvements, please explain how you have identified locally appropriate species and what long term management plans are in place to ensure the sustainability of the project? |

About your application continued ([guidance note 3](#Three))

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| 9. Is planning permission required before the project can start? * Yes
* No

If yes, please provide the planning permission reference number:Is a building regulation application required? * Yes
* No

If yes, please provide the reference number:Please note it is the applicants’ responsibility to seek the necessary consents. |

Declaration ([guidance note 4](#Four))

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Has your organisation received any Minimal Financial Assistance (MFA) in this financial year and/or the previous two financial years? * Yes
* No

If Yes, please complete the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| Amount of financialassistancereceived | Date received | Organisation providing assistance | Nature of assistance |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

I declare that the information given on this application form and supporting documentation is accurate.Name of applicant:Signature of applicant duly authorised to sign on behalf of Organisation:Position of the applicant in the Organisation: |

**Section 106 guidance notes**

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| 1. About the organisation
* We need to know about the applicant organisation’s formal, registered details and legal status.
* E.g. Civil Local Authority, Charitable Incorporated Organisation, Trust etc.
* If you are a company, the company registration number.
* If you are a registered charity, the charity registration number.
* The organisation will need to nominate a contact for the purposes of corresponding with the council about the application.
* For town and parish councils, this should be the Clerk.
* We need you to tell us what your organisation does and the details of any charged goods, services or activities must be disclosed to us.
1. Proposed project information
* We will need a brief descriptive title for your project, suitable for use in communications relating to the project. For example: Football Pitch Improvements at xxx.
* The more detailed project description should set out what you require the S106 funding for and what you expect your outcomes to be.
* To be considered for S106 funding, the full funding package needs to be in place.
	+ If S106 monies will not fund the entire project, provide evidence how the shortfall will be met and whether this additional funding has been confirmed.
	+ Provide a budget breakdown detailing all funding and borrowing required to complete the project.
* We need to understand your project timescales. Applicants should allow a minimum of three months for applications to be processed and longer where multiple levels of approval are required.
	+ Applicants may also be required to enter into a legal agreement with the council which will impact timescales for funding release.
	+ The allocated case officer will be able to provide further advice on expected timescales.
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**Section 106 guidance notes continued**

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| 1. About your application:

**Question 1:** * Please provide us with full address details and post code for the location of your project. Photographs and area maps are helpful to support this.
* For capital projects (i.e. a long-term investment to build upon, add to, or improve property, plant or equipment), the applicant must hold the Freehold or Leasehold Title of the property.
	+ For a Freehold property, a copy of the Land Registry Title and plan must be submitted.
	+ For a Leasehold property, a copy of the lease must be submitted with explicit permission from the registered proprietor to implement the proposed project.
* The Freehold/Leasehold title should accurately reflect the current organisation in order for funding to be released. It is strongly advised that individual freeholders/leaseholders or Trustees who no longer hold a position in the organsation be removed and the property title be updated prior to application, to prevent any unnecessary delays to the process of funding release.
* Applications for identified revenue funding need only provide address details, including postcode.

**Question 2:** * Planning application number for the development from which the funding was secured. These details can be obtained by identifying the funds you wish to apply for at: [South Oxfordshire District Council S106 parish receipts](https://eform.southoxon.gov.uk/ebase/S106PARISH.eb?SOVA_TAG=SOUTH&ebd=0&ebz=1_1666368186080) or [Vale of White Horse District Council S106 parish receipts](https://eform.whitehorsedc.gov.uk/ebase/S106PARISH.eb?SOVA_TAG=VALE&ebd=0&ebz=2_1666368127675). The planning application number is listed in the ‘Title’ column and has the prefix ‘P’ followed by a series of characters e.g. P21/S1240/FUL or P16/V1243/O. You may apply for S106 funding from one or more planning applications.

**Question 3:** * Legal agreement reference number relating to the development from which the monies were secured. These details can be obtained in the same way as question 2. The legal agreement reference number will also be found in the ‘Title’ column, in brackets e.g. (16S12) or (17V82). You may apply for S106 funding from one or more legal agreements.

**Question 4:** * Section 106 agreements often set out explicitly where or how the contributions can be spent. In these cases, the project will already have been identified at the planning application stage.
* Where funds are not explicitly linked to a particular project, it is important to note that S106 monies must be used in accordance with thecriteria set out in each individual S106 agreement.
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**Section 106 guidance notes continued**

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| **Question 5:** * Tell us how you identified a need in your community for this project and what problems or opportunities it seeks to address.
* Detail how you have consulted/engaged with the local community i.e. meetings, questionnaires, surveys etc.
* Detail any other consultation that has taken place e.g. current users, prospective users, staff, local ward members, parish/town council, governing bodies, clubs/sports bodies etc.

**Question 6:** * The intended purpose of S106 funding is to help mitigate the impact of development.  Projects would therefore need to meet the additional demands created by the new population by increasing capacity (serving more people) and/or diversifying (broadening the service offering to extend the range of the people it can benefit). Diversification may include one or more of the 9 [protected characteristics](https://www.equalityhumanrights.com/equality/equality-act-2010/protected-characteristics) under the [Equality Act of 2010](https://www.equalityhumanrights.com/equality/equality-act-2010), specifically:
	+ Age
	+ Disability
	+ Gender Reassignment
	+ Marriage and civil partnership
	+ Pregnancy and maternity
	+ Race
	+ Religion or belief
	+ Sex
	+ Sexual orientation

 * In this section, please describe how the development has impacted or how you anticipate it will impact demand for the facilities and/or the services on offer. For example, this could be demonstrated by a percentage increase in usage/membership over a specified time period or an increased radius/reach that can be attributed to the new development(s).
* Please demonstrate how your project has addressed access requirements, for instance explaining how a project has been designed in line with the [Inclusive Mobility Guidelines](https://assets.publishing.service.gov.uk/media/61d32bb7d3bf7f1f72b5ffd2/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf) to ensure that facilities are accessible to people with physical disabilities or how online facilities or written information has taken into account [Web Content Accessibility Guidelines.](https://webaim.org/intro/)
* Detail how your project will benefit residents who fall under the Equality Act of 2010, for example an arts project that will have sensory elements for Neurodiverse users, or accessible swings for Disabled residents.
* Describe how you intend to attract new users/members from the developments which generated the S106 funding.
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**Section 106 guidance notes continued**

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| **Question 7:*** Explain how you have considered the climate and ecological implications of your project. Have you chosen the most sustainable materials? Have you chosen the most climate friendly options for your project? If not, what are the barriers?
* Please describe how you have followed the energy hierarchy, as set out below, to reduce the carbon emissions from your project:
	+ **Reduce energy use** – for example how have you ensured your project will have efficient building fabric with high levels of insulation and efficient glazing?
	+ **Use energy efficiently** – for example will your project use efficient lighting or low carbon vehicles?
	+ **Use renewable energy sources** – will your project take advantage of opportunities to use solar energy or other low carbon energy sources?

**Question 8*** If your project includes planting to enhance biodiversity, you will need to provide details of the type of planting proposed, including species choice, numbers of trees etc. Please also describe how you intend to maintain the planting to ensure successful establishment.
* Who have you consulted with to determine the appropriateness of the project to the specific location?
* Permission needs to be granted by the landowner before any planting can take place.
* Please remember to submit (if relevant), the site location plan, photos or drawings, including planting locations with your application

**Question 9:*** It is the applicant’s responsibility to ascertain whether planning permission and building control is needed for the project.
* For more information, please visit [South Oxfordshire District Council’s planning guidance](https://www.southoxon.gov.uk/south-oxfordshire-district-council/planning-and-development/planning-permission-how-it-works/) or [[Vale of White Horse](http://www.whitehorsedc.gov.uk/services-and-advice/planning-and-building/application-advice/do-i-need-planning-permission-0) District Council’s planning guidance](https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/planning-and-development/planning-permission-how-it-works/).
* Please provide references for any planning applications requested or consented.

SouthVale Building are your local experts in Building Control. Operated by the Local Authority, we offer an independent building control service to our local residents and businesses. If you are planning any building works, it’s important that you understand what you need to do to meet with the requirements of The Building Regulations. Our Team of experienced and knowledgeable Building Inspectors are available to help with your queries and can be contacted either by telephone on 01235 422700 or by email to building.control@southandvale.gov.uk. |

**Section 106 guidance notes continued**

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| 1. Declaration - Minimal Financial Assistance (MFA)
* Minimal Financial Assistance (MFA) is when a grant is given below a specified threshold to an organisation which is offering goods or services on the market. This is considered a Subsidy, as it is seen as giving the organisation an advantage over private companies competing in the same marketplace which are having to raise their own income.
* We are looking to establish how much money the organisation has received this financial year and/or the previous two financial years (the **applicable period**) from us or any other public bodies, as MFA. A financial year is a period of 12 months ending with 31 March.
* This doesn’t mean funding in general, just the funding that was given as MFA (which was called de minimis under the previous State aid regime).
* If any of the funding the organisation has received has been awarded as MFA, your organisation should have been notified in grant offer letters confirming the amount of the grant and that it was being given as MFA.
* We need to understand if at the time of application, together with the grant the organisation is applying for from us, the total MFA received by the organisation during the applicable period has exceeded or would exceed £315,000.
1. When assessing proposed projects, the following criteria will be considered:
* The eligibility of the organisation and project for S106 funding.
* Ownership of the asset and whether consent is in place for any works.
* Evidence of need for the project.
* Endorsement of the local Town or Parish Council.
* An increase in usage of the asset or service as a result of awarding the funding.
* A broader usage of the asset or service as a result of awarding the funding. (e.g. use by disabled people, older or younger people who may not have had access previously).
* Carbon emissions and improvements to biodiversity.
* A complete funding package is in place.
* Future proofing and sustainability of the project.
* Inclusive and accessible design of the asset
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**Section 106 guidance notes continued**

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| 1. On Completion of the Project:

You will be required to submit evidence that you have spent the Section 106 funds on the project approved by the council. The specific evidence required will be set out and agreed in an acceptance of conditions letter or Third Party Funding Agreement, prior to the release of S106 funding. This may include (but is not exclusive to): * Copies of invoices.
* Photographs of the project at completion.
* Evidence that the project has achieved the outcomes set out in your application e.g., increase in numbers of new club members due to improved facilities or the number of young people playing bowls increased from x to x per year.
* Building regulations sign off (if applicable).
* Evidence that all planning conditions have been discharged (if applicable).

The council reserves the right to retrieve S106 funding that has not been expended for the purposes agreed, or for which the agreed project completion evidence has not been received.  |

**Supporting evidence**

S106 applicants are required to submit evidence to support funding applications. Please use the checklist provided to ensure you have submitted all the necessary information and note that it may not be possible to process an S106 application in the absence of this information.

If you need any advice or support with your application, or have any questions about the type of evidence you need to provide, please contact the Infrastructure Implementation and Funding Team at: infrastructureobligations@southandvale.gov.uk.

**Checklist**

* A signed constitution set of rules or memorandum and articles of association (not required for district, town or parish council applicants).
* Minimum of two quotes (like for like quotes) for the whole project\*. All quotes must be addressed to the organisation applying for the S106 funds, be valid at the time of application (not expired) and list VAT separately. Please indicate which is your preferred quote and should this be the higher quotation, provide justification.
	+ Please note you can only include VAT in your costs if your organisation pays it and is not able to reclaim it.

\* Should quotes not be applicable (e.g. applications for identified revenue funding), a clear breakdown of costs must be submitted as an alternative.

* Evidence of other secured funding streams for the project.
	+ Note that S106 funding is only considered where the project is proceedable, and all funding is in place. Should match funding be conditional on securing S106 funding, please provide evidence.
* Copies of Land Registry evidence of the organisation’s ownership/tenure (not applicable for identified revenue funding).
	+ If leasehold:
		- It must be a registered lease with at least 10 years left on the term.
		- The lease must clearly show that it is your organisation’s responsibility to deliver the work and that you have explicit permission under the terms of the lease to implement the project.
		- Formal written permission may be obtained from the Landlord approving the scheme / installation/ use and details of insurance and access arrangements where the works are not covered by the terms of the lease. Under these circumstances, the registered Proprietor may be required to enter into a legal funding agreement to release the funds.
		- The leasehold title must accurately reflect current leaseholders/trustees.
		- For funding under £25,000 towards mobile equipment, please provide a statement confirming how you can guarantee the items will continue to be used/accessed by local community for at least 10 years.

**Checklist continued**

* Proof of relevant permissions for the project. Permissions you might need include planning permission, building control, listed building consent and more.
* Evidence of any community consultation/engagement in relation to the project i.e. meetings, questionnaire, surveys.
* Written evidence of endorsement for the project to use S106 funding from the local Parish Council. This could be in the form of Parish Council meeting minutes or an e-mail from the Chairman or Clerk.
* Any other information which might help to describe the project e.g. photographs, maps, design plans, drawings and/or specifications for the work of the project, site location and management plan for any tree planting or biodiversity improvements.
* Where the application for S106 funds is in excess of £20K
	+ Minutes from a meeting of the organisation authorising two relevant officers/members to act as signatory to a Third Party Funding Agreement in accordance with any constitution or Standing Orders (for district, town or parish council applicants) (required by the councils legal team).
* Where the application for S106 funds is less than £20K
	+ Minutes from a meeting of the organisation authorising two relevant officers/members to act as signatory to the acceptance of funding agreement letter (not required for district, town or parish council applicants).

**Checklist continued**

Additional supporting evidence – build projects

New building projects will be required to:

* Appoint an independent Quantity Surveyor.
* Provide a project management plan, including details of professional project team, individual qualifications and responsibilities.
* Provide a copy of the build contract.
* Provide a cost breakdown.
* Provide specifications for the works.
* Provide detailed design plans, drawings and photographs.
* Provide schedule of works and timelines for delivery.
* Detail any sustainable and/or energy saving measures.
* Provide other information that may be necessary to support the application as advised by allocated case officer.

The organisation is required to tender for the works, where the contract is estimated to exceed £75,000 or service contract exceeds £75,000 (for the entire contract period including any extensions):

* At least three bids to be invited where the requirements of the Public Contracts Regulations 2015 must be complied with.
* All tenders must be addressed to the organisation applying for the S106 funds.
* VAT must be listed separately - Please note you can only include VAT in your costs if your organisation pays it and is not able to reclaim it.
* Copies of the bids to be provided to the Council plus full details of evaluation criteria.

Please note that unless otherwise advised, funding for larger scale building projects will be released in instalment on receipt of interim certificates and final certificates on completion of the works from your appointed architect, contract administrator and/or Quantity Surveyor.