S106 funding frequently asked questions and data processing

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**About Section 106 funding**

Section 106 of the Town and Country Planning Act 1990 allows local planning authorities to enter into a legally-binding agreement or planning obligation with a landowner or developer as part of the granting of planning permission.

1. What is a Section 106 Agreement?

The Section 106 (S106) agreement is used to set out the infrastructure required to mitigate the impact of development, in order to make the development acceptable in planning terms. The infrastructure may be delivered directly on the development site, or a financial contribution agreed towards off-site provision.

The agreed infrastructure is intended to support the increased population created by the development. Landowners are not obliged to contribute towards existing local infrastructure, unless impacted by the increased population.

1. Who is responsible for managing section 106 funds?

The District Council is the accountable body for the spending of S106 monies and therefore the Council needs to ensure that:

* The funding is spent on purposes for which they are intended i.e. to mitigate the impact of development. This is usually by increasing capacity or diversifying an offering to specifically meet the additional demands created by the new population.
* The process is transparent.
* Projects are viable and will be well managed.
1. What types of projects can section 106 monies support?

S106 funding is for **capital projects** and unless otherwise specified is generally not for on-going revenue running costs or minor repair work. S106 funding is not allocated retrospectively for projects, unless exceptional circumstances are justifiable.

In addition, the Council encourages S106 projects that use energy and resources efficiently to minimise carbon emissions in line with its Climate Emergency objectives and those that contribute to and enhance the local environment.

The Council is committed to creating an accessible environment for all residents and encourages S106 projects to take into account accessibility requirements 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). Our [Diversity and Inclusion strategy](https://www.whitehorsedc.gov.uk/wp-content/uploads/sites/3/2023/02/Diversity-and-Inclusion-Strategy-FINAL.pdf), adopted by Cabinet in 2022 aims to ensure the council is doing everything it can to be inclusive to all ethnic minorities and other diverse and hard-to-reach communities in its staff recruitment, representation, and service provision.

Please note that approval for expenditure of S106 funding is set out in the Constitution of South Oxfordshire District Council and Vale of White Horse District Council financial procedure rules here: [South Oxfordshire District Council](https://www.southoxon.gov.uk/south-oxfordshire-district-council/about-the-council/who-we-are/the-councils-constitution/) or [Vale of White Horse District Council](https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/about-the-council/who-we-are/the-councils-constitution/).

**S106 application process**

To explore S106 funding availability, you can view parish receipts for [South Oxfordshire District Council](https://eform.southoxon.gov.uk/ebase/S106PARISH.eb?SOVA_TAG=SOUTH&ebd=0&ebz=1_1666368186080) or [Vale of White Horse District Council](https://eform.whitehorsedc.gov.uk/ebase/S106PARISH.eb?SOVA_TAG=VALE&ebd=0&ebz=2_1666368127675) for detail about S106 amounts secured, received and allocated/spent.

Should it be required, the councils Infrastructure Implementation and Funding Officers are able to offer further advice. The team can be reached by email at: infrastructureobligations@southandvale.gov.uk or by telephone on: 01235 422576.

1. How do I apply for section 106 funding?

Once you have identified S106 funding for your project and are ready to progress, please ensure you download the latest version of the Section 106 Funding Application Form for [South Oxfordshire District Council](https://www.southoxon.gov.uk/south-oxfordshire-district-council/planning-and-development/infrastructure-to-support-our-communities/section-106-apply-for-funding/) or [Vale of White Horse District Council](https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/community-support/infrastructure-to-support-communities-2/section-106-agreements/section-106-apply-for-funding/) prior to completion.

When filling out the application form, ensure that you refer to the **guidance notes** and **checklist** for details on the information requirements. Ensure you read and complete all questions within the application form fully and where indicated, submit copies of the documentation required to support your application.

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

1. How long does the process take?

The process of authorisation is dependent on certain factors, including the type of planning consent under which S106 was agreed; the specifics of the S106 spending criteria and project proposal, and the value of the S106 funding being applied for. It can take several months from the date the S106 funding application is submitted to obtain the necessary approvals and it is important to allow for this in the project delivery timescales.

Once your application is received, 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.

1. What are the funding arrangements?

Applicants may be required to enter into a legal funding agreement to set out the terms and conditions of expenditure before the District Council releases the funds. For capital projects, applicants must have Freehold or Leasehold title (ownership) of the property and have explicit permission from any party from whom consent is required (such as a head

landlord or freeholder) to implement the proposed project. The title should accurately reflect the current legal owner /organisation in order for funding to be released. If the title is held by Trustees it is important that the registered title is up to date with the current trustees and that any retired or inactive Trustees are removed, prior to application, to prevent any unnecessary delays to the process of funding release. It is recommended that applicants seek independent legal advice to review the agreement and to act on their behalf.

**Processing your data**

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| Privacy Notice – S106 Funding Version 1, 13/10/2023South Oxfordshire District Council and Vale of White Horse District Council operate as a joint service and both councils are registered as a data controller with the Information Commissioner’s Office as a public authority. South Oxfordshire District Council is registered under reference Z6629204 and Vale of White Horse District Council under reference Z6666984. Our named Data Protection Officer is Adrianna Partridge.Why we process your personal dataWe need to process your personal data so that we can manage your application for Section 106 Funding.  How we collect your dataWe collect your personal data in many ways including:

|  |  |  |
| --- | --- | --- |
| * Emails
 | * Letters
 | * In person
 |
| * Post
 | * Online forms
 | * Telephone calls
 |

Our lawful basis for processing your personal dataThe Data Protection Act 2018 and UK GDPR requires us to have a specific basis for processing your personal data. In this case we rely on Article 6(1)e – performance of a public task with a basis in law. The underpinning legislation is Section 106 of the Town and Country Planning Act 1990. The types of personal data we processWe only process the minimum amount of personal data needed to manage your application, this is your name, address, telephone number, email address and our application reference.Who we may need to share your data withTo manage your funding application, we may need to share your personal information with:* Other departments within the council, for example our finance team to arrange payments
* We publish S106 funding in a way that does not reveal personal data unless this has been agreed in writing beforehand

Local authorities are under a legal duty to protect the public funds they administer. To do this we may use the information provided to the council for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes. |

**Processing your data**

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| We will only disclose information if we have a legal reason to do so and this may be the case where we have a duty to:* Prevent or detect fraud
* Prevent or detect crime
* Protect public funds.

We do not transfer your personal data abroad.Automated decision makingWe do not use automated decisions making while processing your data for S106 funding applications.**How long do we keep your data**The council retains financial transactions for a period of six years. Your application for funding will be held for the lifetime of the S106 agreement, once complete.**Your rights over your personal data**The rights you have over your data depend on which lawful basis we use to process that data. As our lawful basis is that of public task the right to erasure does not apply however you do have the right to request at any time:* what data we hold about you; please refer to our webpage on data subject access requests, as you may wish to use our specific form for this,
* that incorrect or out of date information about you is corrected,
* that we suspend processing your data for a short while if appropriate
* to object to our processing your data.

If you would like to exercise these rights, please contact our Information Governance Team at data.protection@southandvale.gov.uk. If you believe we have not handled your personal data as we have described here, please contact us by email at data.protection@southandvale.gov.uk or by writing to us and your concerns will be fully investigated.  If, after we have investigated your concerns, you are not satisfied with our conclusion, you have the right to refer the matter to the Information Commissioner’s Office (ICO).  You can reach them [through this link to their website](https://ico.org.uk/concerns/) or call them on 0303 123 1113 or write to them at:Information Commissioner's OfficeWycliffe HouseWater LaneWilmslowCheshireSK9 5AF |