

s106 funds for Open Space, Sport and Recreation – what are they and how can I apply?

What is a s106 agreement?

Section 106 (s106) agreements are legal agreements between Local Authorities and developers. They are linked to planning permissions and can also be known as planning obligations. s106 agreements are drafted when it is considered that a development will have significant impacts on the local area that cannot be mitigated on site, and where it is appropriate to seek financial contributions for off-site projects. These projects are either for new facilities, or the improvement of existing facilities, to meet the needs of, and mitigate pressure from, new residents.

In terms of Open Space, Sport and Recreation (OSSR), s106 agreements might cover new or improved open spaces, play areas and playing pitches/outdoor sports facilities.

What does West Devon Borough Council (WDBC) do with the s106 funds?

Once received, the funds are held in ring fenced accounts by WDBC. Many of the s106 agreements already name specific projects but where they don't applications are invited from relevant groups/clubs to ensure a fair and transparent way of allocating funds.

The opportunity to maximise benefits for existing and new residents, and to lever in additional funding, is considered particularly important in allocating funds.

The majority of projects will be on third party land (i.e. not belonging to WDBC). Where this is the case, funds will be offered by way of a conditional grant which secures the Council's interests and the requirements of the s106 agreement.

What s106 funds are available in Tavistock and how can I apply?

S106 Community Infrastructure Funds

Table 1 overleaf sets out the funds for community infrastructure in Tavistock. The table indicates the amount of funding available and the date by which the funds must be spent.

The funds are available to support community infrastructure projects that can show additional demands have been or will be placed on their facilities as a result of new housing development. They will also need to demonstrate that existing facilities cannot meet these additional demands.

Examples of projects include:

- New play area, or new equipment to improve existing areas.
- Sport facilities including equipment or building works
- New community centres, or upgrades to existing facilities
- Creation of new open spaces
- Creation of public art
- Creation of allotments for community use
- Creation of workspace for charities or community enterprises
- Purchase of land for sports or community facilities where development will follow immediately

There is a total of approximately £30,000 available. There is no maximum sum limit for applications but organisations need to be mindful that there will be competing projects. Match funding will be looked upon very favourably, with 50% match funding desirable.

How can I apply?

Further details, including an application form and guidance notes can be found [online](#).

It should be noted that if your group/club has secured funds for Open Space, Sport and Recreation (as outlined in the section below) you are not advised to apply for the s106 Community Infrastructure Funds.

S106 Open Space, Sport and Recreation Funds

Table 2 overleaf contains the current s106 funds for OSSR within Tavistock. The table includes s106 agreements which are signed, including those where funds are pending receipt once triggers are reached, or where funds have been received by WDBC and are available for spend.

The table indicates the amount of funding available, the date by which the funds must be spent (where funds have been received), and indicates the projects on which funds may or must be spent. Most of the s106 agreements define specific projects and effectively these funds are already committed with just the split of funding between clubs, and the specific details of projects to be agreed.

In the case of the Callington Road development there is more flexibility on the projects on which funds can be spent.

How can I apply?

If you have a project which is named in a s106 agreement and funds have already been received or partially received by WDBC, please read the attached guidance note and then complete the attached application form. If you require any assistance or want to discuss your application prior to applying please contact alexis.huggins@swdevon.gov.uk.

If you have a project which is named in a s106 agreement but funds have not yet been received, or you would like to log your interest in the more flexible funds from the Callington Road development, please contact alexis.huggins@swdevon.gov.uk with outline details of the project (facility, estimated costs, beneficiaries, evidence of need).

Other Funding Sources

To maximise the benefits of s106 funds, match funding is looked upon very favourably with 50% match funding desirable.

Other sources of funding available for your project may include the following. Note that some funding has currently been paused to focus on issues arising from the pandemic.

- Your own funds;
- Borough/County Councillor locality funds - Borough Councillors each have [£500 annually](#) and County Councillors have [£10,000 annually](#) to help fund community projects;
- Other [WDBC and Devon County Council funding](#)
- [Lottery Funding](#)

- [Sports England Funding](#)
- Sports National Governing Bodies – please contact your relevant national governing body to find out what funding they have available

Explanatory notes to assist interpretation of tables overleaf

Amount	This is either the amount included within the signed s106, or if funds are received – the amount received (this can be more than the signed s106 as interest may apply to payments). Where part of a s106 contribution have already been spent, the amount remaining and available for commitment is shown.
Status	Funds received - these funds are available for commitment and spend Signed s106 – the s106 is signed, but the development has either not commenced, or the trigger for payment has not been reached. Please note, there is no guarantee funds from a signed s106 will be received, the development must commence and triggers be met – not every development will be built out and some permissions (and s106s) will lapse.
Purpose of s106 funds	This is the purpose stated in the s106 agreement.
Payment trigger	Each OSSR contribution has a trigger within the s106 agreement. Once this trigger is reached the payment is due, and WDBC will invoice the developer/landowner. If you are aware (or suspect) that a trigger has been reached, please contact WDBC who can then confirm and if reached will invoice the developer/landowner. If trigger shows as N/a then the contribution has already been paid.
Proposed Project(s)	Hub Committee projects – these projects were named within a WDBC officer report to Hub Committee on 20th November 2018 . This gave officers the ability to allocate or spend funds on named projects of over £30,000 within the Hub report. These projects are not binding, but deviation would require officers to obtain agreement from the Specialist (Place Making), Portfolio Holder and local Ward Member(s) Named projects – where reference is made to ‘named projects’ these projects/sites are specifically named within the s106. There is limited flexibility to change such projects. TBC through Town OSSR Plan – recognises that the local community may identify and prioritise projects through a Town OSSR Plan – priority projects could be supported (with officers required to obtain agreement from the Lead Specialist, Portfolio Holder and local Ward Members). Where a Town OSSR Plan (or similar) is not planned or written, then project identification/prioritisation could be based on local consultation, or the Town Council/WDBC Members/officers or a local group identifying a need.
Spend or commit by	The majority of s106 agreements include a term within which a s106 contribution should be spent (this includes being ‘committed’ to a project within a formal offer agreement). This could be 5, 7 or 10 years from receipt of funds by WDBC, however if the funds are not spent (or committed by contract/formal offer) within this timescale then the developer/landowner is entitled to clawback the contribution.

Please note:

- Whilst every effort has been made to ensure this table is accurate there is of course room for human error – if you consider there are s106 agreements missing, or triggers have been met, please let us know.
- This table includes only off-site OSSR contributions.
- S106s which are being negotiated but are yet to be signed are not shown in this table – the table will be kept updated by officers as new s106s are signed which contain OSSR contributions.



**West Devon
Borough
Council**



**South Hams
District Council**

Section 106 Funds for Open Space, Sport and Recreation Application Guidance Notes

Please read these guidance notes carefully before completing the application form.

The Council is committed to acknowledging the full diversity of our communities and to promoting equality of opportunity for everyone.

If you require this form in a different format please contact us.

For further enquiries or if you wish to discuss with an Officer prior to completing your application, please contact Alexis Huggins - alexis.huggins@swdevon.gov.uk or 01803 861406.

What are Section 106 funds?

Section 106 (S106) of the Town and Country Planning Act 1990 allows a Local Planning Authority to seek contributions from developers through the planning application process towards the cost of providing services and infrastructure, the need for which arises as a result of the new development.

The Councils have secured s106 funds for Open Space, Sport and Recreation (OSSR) projects. Some of these funds have already been received by the Councils and the remainder has been secured through s106 agreements and will be received by the Councils when the relevant payment triggers detailed in the agreements are met.

Some s106 agreements already define specific projects upon which funds must be spent but others are more flexible. Projects need to evidence the additional demands placed on a local OSSR facility as a result of development, and evidence that the existing facility cannot meet these additional demands.

In assessing your application, we will look at the need for the works you want to carry out, how many people will benefit and the level of demand within the community. Without strong evidence of community support and need, applications will not be successful.

Who is eligible to apply?

- All community based groups, including sports clubs, that are not for private profit making, have a constitution (or governing document) and bank account.
- Town and Parish Councils are eligible to apply for funding.
- Businesses and individuals are not eligible for funding.
- Schools are not eligible to apply for funding unless community use of facilities is proposed, with a formal Community Use Agreement.

What type of project is eligible?

Only capital projects can be supported; the funds cannot be used for revenue costs unless specifically stated in the s106 agreement. Applications cannot be retrospective.

The funding is open to projects where the new development generating the s106 funding has contributed to the need for new or improved facilities. Only projects which can demonstrate the additional demands placed on a facility as a result of the development, and evidence the extent to which the facility cannot meet these additional demands will receive support.

Projects based within the relevant parish will be given priority. If a project is within an immediately neighbouring parish it is eligible for an application, provided it can be clearly demonstrated that the new development contributes to the need for the new or improved facility.

Examples of OSSR projects include:

- New play areas or new equipment to improve existing areas.
- New outdoor sports facilities or improvements to existing facilities, including both improvements to pitches/courts and associated clubhouses/changing facilities
- Purchase of land for OSSR facilities where development of such facilities will follow immediately.
- Creation of new open spaces for public enjoyment and recreation
- Creation of allotments for use by the community.

What do I need to consider in my application?

Applicants will need to consider the points detailed below. A strong application will give clear evidence to address each of these issues

The application should:

- Show how the need for the project relates to new housing development that generated the s106 funding. This might be due to a direct impact on loss of previous facilities, or a pressure from increased local population. Evidence of the additional demand resulting from the development, how existing facilities cannot meet this demand, and showing how the proposed project will meet this demand are essential.
- Evidence clearly that the community both need and support the project. Evidence of need for the project could be through the identification of the project in the District/Borough Council Playing Pitch Strategy, Greenspace Audit or Play Audit, Local Town/Parish Open Space, Sport and Recreation Plan, Neighbourhood Plan or through survey consultation responses. Evidence of community support could be through community consultation events or letters of support.
- Show the number and range of beneficiaries of the project. Include existing users of facilities, and expected future beneficiaries. Facilities open to the general public with no membership restrictions are likely to receive priority.
- Show that the project is deliverable and how the on-going financial sustainability/maintenance requirements of the project will be funded.
- Provide evidence of all necessary consents. These will be expected to be in place at the time of the application as far as possible.
- Provide written evidence of support from the Town or Parish Council. Applicants should also approach the Town or Parish Council for a contribution to the project, and make reference to the outcome.

How much can be applied for?

This will depend on the amount secured through the relevant s106 agreement(s). There will be no maximum sum limit for applications but applicants need to be mindful that there may be competing projects and match funding will be looked upon very favourably (see further detail below).

There is no set percentage of match funding required. However, it is considered important that the S106 funds reach their full potential by drawing in external funding whenever possible, and provision of 50% match funding is desirable. Community fundraising for a project is one way of demonstrating local support and shows commitment towards a goal. In addition there are a range of other external funding sources that fund OSSR projects.

It is important to note that when assessing applications, one of the criteria used will be the value for money for the s106 contribution. Applicants seeking a low contribution rate, where high proportions of external funding are already in place will be favoured, as this will enable the S106 funds to stretch further and achieve more benefits for the local community.

Revenue components of a project are not eligible as part of total project costs, and in-kind volunteer hours cannot be counted as match funding.

Applicants may not always receive the full sum requested and each request for funding will be compared to other funding requests granted to ensure consistency.

What is the deadline for applications?

Unless your organisation has been directly invited to apply due to specific projects being named in a s106 agreement, where a deadline for applications might be set, there is no set deadline. Applications will be considered as submitted and are normally dealt with in 4-6 weeks.

How will my application be assessed?

Applications will be considered against the criteria listed above. The application will be summarised and a recommendation made to the local Ward Member(s), Portfolio Holder, Head of Place Making and the Head of Finance & Audit. Where a decision cannot be reached, and for applications of £30,000 or above a report will be taken to the Executive Committee in South Hams or Hub Committee in West Devon which meets every 1 to 2 months.

Applications will normally be dealt with within 4-6 weeks of submission. However, applicants should be aware that it can take up to 2 months for a decision, given the fixed timetable of Committee meetings.

Please note support of the local Town/Parish Council is necessary for all projects.

If successful how do I claim the grant?

A grant offer letter will set out all relevant grant conditions and the applicant will be required to sign the agreement in confirmation of their agreement to these. Whilst most conditions will be standard some conditions may vary dependent on the project or application, and where considered appropriate additional conditions may be added.

Grants will be paid retrospectively on completion of the project or stages of the project.

Applicants will normally have 12 months to claim the funds following allocation; however extensions can be agreed where the applicant can show that the project has either started or will shortly be commencing.

Funds will have to be repaid in the event that they are either not used for the intended purpose or the applicant fails to meet one or more of the grant conditions.

What should I include with the application?

Copy of constitution (or governing document) for your organisation

Details of charitable status, including registered number, where appropriate

Copy of most recently audited accounts

Evidence of permission from the landowner if your organisation does not own the site/facility.

Three independent quotations for the work you intend to carry out if over £7,500. Minimum of one quotation if under £7,500 but good practice to seek most favourable prices and terms. Please include quotations with your application indicating which one you intend accepting. If your organisation has its own procurement policy/rules then you must adhere to these.

Evidence of other confirmed grant offers, or copy of your accounts if using your groups funding to match fund the contribution.

Details of necessary consents and approvals for the work prior to submitting an application as far as possible (e.g. planning application number/buildings regulation details).

Evidence of support from the Town or Parish Council – this can be financial or written.



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APPLICATION FOR S106 FUNDS FOR OPEN SPACE, SPORT & RECREATION

YOUR DETAILS

<p>Organisation applying for grant:</p> <p>Type of organisation: (e.g. charity/ community group)</p>	<p>Contact person:</p> <p>Post held in organisation:</p>
<p>Address for correspondence:</p> <p>Postcode:</p>	<p>Daytime ☎:</p> <p>Email:</p>

Does your group have a constitution & bank account?

Do you own your site or facilities (If not, please provide details of the owner and their permission to carry out the project)

THE PROJECT

Project details: *Describe the facilities that this grant will support.*

How has new housing development which generated the S106 funds contributed to the need for this new/improved facility? *Please supply evidence showing the additional demand on existing facilities, that the existing facilities cannot meet the demand, and how the proposed new/improved facility will meet this demand.*

How do you know that the project is needed and what support do you have for the project? Include information/evidence about community support that you have already gained including details of any community consultation undertaken, and reference to plans or surveys which evidence need for the project

Please tell us how people will benefit from this project and estimate their number and age ranges:

If this project is ongoing, please give details of your plans for financial sustainability/maintenance of facilities:

Have you gained planning or building regulation consent if required: YES/NO (Any offer will be subject to proof of planning consent and/or building regulations if appropriate)

Estimated start and end dates of work for which funding is required:
(Please note we cannot fund work already started)

Has your group applied for a grant from WDBC in the past 3 years? If yes, please include details

BUDGET

Please itemise your project costs. We require you to provide three independent quotations if the project cost is over £7,500 and a minimum of one quotation if under £7,500.

TYPE OF EXPENDITURE	GIVE DETAILS	NET AMOUNT (£)

TOTAL PROJECT EXPENDITURE - NET (£)	
VAT (£)	
TOTAL PROJECT EXPENDITURE - GROSS (£)	
WILL YOU BE ABLE TO RECOVER VAT?	

Please itemise your income generation

Organisation	Type of funding or income i.e. grant, sponsorship, own funds etc.	Funds received/Pending approval/Declined	AMOUNT

TOTAL PROJECT INCOME (£)	
TOTAL AMOUNT REQUESTED FROM WDBC (£)	
REMAINING SHORTFALL (£)	

If a shortfall remains, please explain how you intend to meet this shortfall:

Any further information:

Please attach the following items in support of your application:

- Constitution or governing document for your organisation
- Details of charitable status, including registered number, where appropriate
- Copy of most recently audited accounts
- Evidence of permission from landowner if your organisation does not own the site/facility
- Three independent quotations for the project if over £7,500; minimum of one quotation if under £7,500
- Evidence of other grants/financial contributions
- Details of necessary consents and approvals e.g. planning permission
- Evidence of support from Town or Parish Council
- Any additional items that may strengthen your application

Declaration: I am authorised by the applicant organisation named on page 1 to submit this application and declare that all information given is, to the best of my knowledge, true and accurate.

Signed: Date:.....

Printed name:

Forms with additional information to be returned by e-mail to alexis.huggins@swdevon.gov.uk

If you require this form in a different format please contact us.

The Council is committed to acknowledging the full diversity of our communities and to promoting equality of opportunity for everyone.

Data Protection

The information that you have provided will be held by the Council.

The information will be used for purposes of processing your grant application and administering any subsequent payments. The Council may share the information with local Councillors / Town or Parish Councils as necessary to ensure the grant application can be properly processed. If you wish to see the personal data that the Council holds, please contact the Data Protection Officer.