

# **Guidance for applications to the Council's Strategic CIL Fund (2024)**

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**January 2024**

- 1.1 This guidance is for those intending to apply to the Council's CIL fund (2024).
- 1.2 Applications are invited from **29<sup>th</sup> January 2024**. Applications should be submitted to [cil@easthants.gov.uk](mailto:cil@easthants.gov.uk) by the end of **15<sup>th</sup> March 2024**.
- 1.3 All the information needed to apply is on the Council's website at <https://www.easthants.gov.uk/cil-spending-bid-process>. This includes:
  - The application form (Form A) (to be completed and submitted by the applicant), in Word format
  - Factors considered when determining whether schemes should be funded by CIL (Form B) (to ensure transparency on how applications will be considered)
  - The CIL Spending Protocol (this provides the details of the mechanism and governance arrangements for how the Council will spend its CIL money)
  - The [Infrastructure Funding Statement](#) (the IFS reports how much CIL has been collected and is available to spend)
  - This guidance note, providing specific details for how to apply for the funding this year (2024).
- 1.4 It is **highly recommended** that before drafting applications, **any potential applicant carefully reads the documents listed above**, as they contain context and vital information on the process, what projects can be funded and how applications will be considered. It is also recommended that potential applicants speak to the Council's Developer Contributions Team at [CIL@easthants.gov.uk](mailto:CIL@easthants.gov.uk)

## 2. Who can apply to the CIL fund?

- 2.1 Any organisation that can successfully deliver an infrastructure project that supports growth in the East Hampshire District Council planning authority area can apply for funding. Applications for schemes located outside of the Council's planning authority area can be submitted, if they can demonstrate they support growth in Council's planning authority area. Eligibility to apply does not confirm funding will be granted.
- 2.2 Major infrastructure projects are most likely to be delivered by infrastructure providers such as Hampshire County Council (HCC), as Highways Authority and Education Authority, other transport providers and organisations such as the Environment Agency and Integrated Care Boards (ICB) and Health Trusts. Parish/Town Councils are also likely to deliver infrastructure projects in their local area.
- 2.3 For smaller projects and partial funding towards larger projects, organisations are reminded of the availability of Neighbourhood Portion money in some areas and should contact local Town/Parish Councils to check the availability of money and application process. Note Alton Town Councils runs a bidding process for Neighbourhood Portion money twice a year.

- 2.4 The process is considered open to all given its publication on the Council’s website. Town/Parish Councils and key infrastructure providers have been notified directly that the application process is open. In addition, education facilities (including nurseries and preschools) and dentists providing NHS services have been individually notified. Where previous contact has been established with some organisations in relation to projects, those organisations have also been notified where possible. The Council’s Communities Team has also raised the profile of the CIL fund through regular conversations with organisations.

### 3. Timescales

- 3.1 The Council approved its CIL Spending Protocol on 14 January 2021.
- 3.2 Applications for CIL funding are invited from **Monday 29<sup>th</sup> January 2024**. Applications should be submitted to [cil@easthants.gov.uk](mailto:cil@easthants.gov.uk) by the end of Friday 15th March 2024.
- 3.3 The Council intends to notify all applicants of the outcome of their application by the early August **2024**. Outcomes will be described in accordance with the recommendations listed in paragraph 5.1 of the Spending Protocol.
- 3.4 For those applicants who receive the outcome (c)<sup>1</sup> as described in the CIL Spending Protocol, Council officers will offer to work with the organisation to clarify what information is needed to support an application, to assist with any further applications.
- 3.5 If a project is not considered ready for this funding round by the prospective applicant, note the process will reopen at similar times in 2025. Timescales and updated guidance will be publicised nearer the time.

### 4. How much money is available to apply for?

- 4.1 As of 31 December 2023, there is £1,947,557.51 available of Strategic CIL money. However, note, this includes money carried forward from previous years, and if all these funds are allocated in this application round, there will likely be significantly less available next year. It is not always prudent for the Council to allocate all funds each year. The total amount allocated from that available will depend on the applications submitted and outcomes.
- 4.2 Equally note, whilst the total is a reasonable amount of money, it is considerably less than last year. Projects should not apply for any more money than it can be demonstrated is needed to

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<sup>1</sup> Funding for the scheme is not approved on the basis that insufficient evidence has been provided to justify it, but it could be a project in the future if supported with sufficient evidence

deliver a project, and should be mindful of demands on this fund by ensuring all other sources of funding have been explored.

- 4.3 As described above, there are smaller amounts of Neighbourhood Portion available from Town/Parish Councils, which is separate to this application process. Neighbourhood Portion money cannot be applied for from this process.
- 4.4 **The Council's CIL will not entirely fund a project**, partial funding is needed from other sources too. Whilst schemes can apply for large amounts of CIL funding, note from Form B that "Schemes that already have a large amount/majority of funding in place will receive a higher score." It therefore may be challenging for schemes proposing large reliance on CIL funding and seeking high sums to be successful, unless they can demonstrate significant wider benefits and meet other considerations.
- 4.5 When considering how much to apply for, applicants need to be mindful of the amount of money available. Seeking a large proportion of the available money, meaning few other projects could be funded, is unlikely to be successful unless the significant importance of that infrastructure to East Hampshire (planning authority area) can clearly be demonstrated.

## 5. What projects can be funded by CIL?

- 5.1 See Section 3 of the CIL Spending Protocol, 'What can CIL be spent on'?
- 5.2 Applications for funding for maintenance can be considered a grey area. The District Council must spend its CIL funds on the provision, improvement, replacement, operation, or maintenance of infrastructure<sup>2</sup> needed to support the development of the area. However, the Council's CIL Spending Protocol makes clear that applications for schemes that relate to the maintenance of a piece of infrastructure rather than capital works is an inappropriate use of CIL and will not be funded. The key determining factor when applying for CIL for maintenance is whether delivering the maintenance will support development, as in will increase capacity/usage. There will also be consideration given to scale, in that whether the scheme relates to a key piece of infrastructure and its use/capacity is being restricted.
- 5.3 In addition, if an application is for a new facility, the application can also include within the bid funds for maintenance in accordance with a long-term plan for the facility.
- 5.4 Any applications for standard maintenance that could be considered to relate to general failing management for instance, will be considered inappropriate.

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<sup>2</sup> Infrastructure is defined as including roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces (S216, Planning Act 2008, as amended by Regulation 63).

- 5.5 Applications for maintenance will be considered on a case-by-case basis. Whilst the above gives some guidance, it is not possible to fully set out what will and will not be considered suitable for funding in relation to maintenance.
- 5.6 Residential development will not be funded, including affordable housing. Affordable housing is not provided through CIL. However, where aspects of residential use form part of an infrastructure facility (e.g. education or health), there may be scope to consider aspects of the project if it relates specifically to learning or health for example. Any such applications would need to be considered carefully and on their individual merits.
- 5.7 Applications must not be retrospective - that is to replace money already spent, or to cover items or services that have already been purchased. Organisations should not commit themselves to a project or any spending if they are relying on CIL, before any final decision is made.

## 6. Determining applications

- 6.1 Please carefully read the CIL spending protocol and Form B – Factors considered when determining whether schemes should be funded by CIL, to understand how applications will be considered and the outcome determined. Please note, any applications for schemes that are not considered infrastructure in accordance with the CIL regulations (as per Item 1 of Form B), will not be successful, and any further scoring would not be able to outweigh that.
- 6.2 Considerable points are available to be awarded for schemes that can demonstrate great benefits (see item 5 of Form B, a maximum of 12 points), therefore applications should be aware of the importance of fully completing this section of the application process. We discourage excessively long text, and instead encourage applications to be concise, clear and succinct. The use of bullet points is welcome.
- 6.3 Item 3 of Form B refers to the Council’s Infrastructure Plan and IFS, in relation to the need for the scheme. An emerging Infrastructure Plan supporting the draft Local Plan 2021-2040 is available. The latest IFS was published in December **2023** and includes monitoring on CIL and Section 106 as well as details of those schemes that were successful in the Strategic CIL Bid in 2023. The application form (Part B) also includes reference to developments that result in the need for the scheme. If assistance is required with completing this part, in terms of identifying the planning reference numbers of schemes, please contact the CIL Team as soon as possible.
- 6.4 Item 10 of Form B references local support. Applications from Councils, Parish/Town Councils or Strategic Infrastructure Providers do not need to demonstrate local support. Such schemes will rely on their inclusion in existing strategies or plans and requiring local support could open debate on the merits of a scheme, which is not the intention of the CIL process. Where applicants are not Councils, Parish/Town Councils or Strategic Infrastructure providers, it is suggested they submit evidence of local support either in the form of confirmation of support

from the local Town/Parish Council and/or local ward councillor. Applications from health services (such as GP surgeries) need to include expressed support from the ICB, NHS Trust or relevant equivalent if their support is needed to deliver the project. Given complexities of NHS funding, demonstrating delivery of health infrastructure projects will be key.

- 6.5 Reference to previous CIL funding (Item 11 Form B) notes that schemes that have had previous CIL funding will score lower than those applying for the first time. This consideration is not to penalise genuine schemes where for instance costs have increased for unforeseen reasons, but to ensure CIL funding is not continuously provided year on year to schemes that are failing to deliver or could have used other funding or used funding more effectively.
- 6.6 Equally, on this point, applicants are encouraged to consider all sources of funding when making their applications, including the Neighbourhood Portion. Applications supported by the Neighbourhood Portion, and as such demonstrating contributions from other sources of funding, as per Item 7 Form B, will score more favourably. Achieving Neighbourhood Portion funding is advantageous to an application. However, local and strategic priorities should where possible align, and Neighbourhood Portion money needs to be carefully used for projects that deliver the widest benefits, and it is that consideration that is being made in Item 11 Form B. If schemes have benefited from CIL funds previously, they need to demonstrate why it is they should receive more.
- 6.7 No scoring is given regarding location of the proposed scheme. There is no greater scoring for schemes that are located within East Hants District Council planning authority area. The assessment is made on the criteria set out in Form B and the Spending Protocol. However, note, the crucial factor is that any proposed scheme must demonstrate it supports growth in East Hampshire District Council's planning authority area. It may be that a scheme also supports growth in another authority area, but it must support growth in East Hampshire District Council planning authority area. Funding sought is expected to be proportionate to the extent that it supports growth in East Hampshire District Council planning authority area . This is the area outside of the South Downs National Park (SDNP). The SDNPA has its own CIL fund.

## 7. Right of challenge

- 7.1 Applicants will be notified by email of the outcome of their application.
- 7.2 As the charging authority, it is the Council's decision on how it spends its CIL money, as long as it is spent in accordance with CIL regulations. The Council has set out the mechanism and governance for the process of allocating funds in its CIL Spending Protocol. Applications will be considered thorough due process, including consideration by the Council's Cabinet. There is no formal right of challenge to the decision.

## 8. GDPR and availability of information

- 8.1 Applications submitted will be treated in line with the Council's and the Planning Policy Privacy Notice (see [www.easthants.gov.uk/service-privacy-notice](http://www.easthants.gov.uk/service-privacy-notice)). Any requests for information will be dealt with via the Council's Freedom of Information process (see <https://www.easthants.gov.uk/access-information/freedom-information-foi>).
- 8.2 The Council will not as routine publish applications received but will publish a list of those projects allocated CIL funding and how much. The amount of money collected from CIL will continue to be reported in the IFS.

## 9. Contact

- 9.1 Any queries relating to this application process, or CIL generally, should be directed to the Community Infrastructure Team, by emailing [cil@easthants.gov.uk](mailto:cil@easthants.gov.uk). Please make the nature of your query clear in the subject of the email.