



## 4. Submitting a project for ENTRUST approval

### 4.1 The project approval process

The project approval process ensures that proposed LCF expenditure is in compliance with the Regulations. **No LCF monies may be spent on a LCF project before that project has been approved by us** unless you are an Accredited EB. An Accredited EB is a separate category from an enrolled EB. Information on accreditation can be found in section 3 of our guidance.

Project approval is sought by submitting a project registration application (Form 2) on ENTRUST online (EOL). There is no fee for project approval.

Within five working days of submission you will receive a response from ENTRUST either confirming the project has been approved or asking for further details to allow us to be confident that the project is in compliance with the Regulations. **If there is a change to the original application after a project has been approved, or the project does not go ahead, ENTRUST must be informed.**

A downloadable guide to completing a project registration (Form 2) application on EOL can be found on the [project registration](#) page on our website.

### 4.2 Project duration

**All project applications must include estimated project start and end dates.** We would expect a project under Objects D or E to be no longer than two years in duration, and a project under Objects A, B or DA to be no longer than three years. **If a project has not been completed by its estimated project completion date then an extension of time should be sought from ENTRUST. Any money spent before the approved start date or after the approved end date will be considered non-compliant spend.**

### 4.3 LCF Objects

Object A: Remediation of land	What work can be covered under Object A?
<p><b>In relation to any land the use of which for any economic, social or environmental purpose has been prevented or restricted because of the carrying out of an activity which has now ceased –</b></p> <p><b>(i) Reclamation, remediation or restoration; or</b></p> <p><b>(ii) Any other operation to facilitate economic,</b></p>	<p>The work must be on a single site where an activity once took place that now stops the land being used. The site may have been contaminated.</p> <p><b>Any person who contaminated the land or knowingly permitted the contamination must not benefit from the project. LCF monies must not be used to fulfil any statutory duties.</b></p> <p>You will be asked to confirm the following:</p> <ul style="list-style-type: none"> <li>• The ceased activity;</li> <li>• Who carried it out;</li> <li>• When it stopped;</li> </ul>

<p><b>social or environmental use.</b></p>	<ul style="list-style-type: none"> <li>• That the person who polluted the land will not benefit (financially or through meeting other obligations); and</li> <li>• How the proposed works will bring the land back into use.</li> </ul>
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<p><b>Object B: Reduction of pollution</b></p>	<p><b>What work can be covered under Object B?</b></p>
<p><b>In relation to any land the condition of which, by reason of the carrying on of an activity on the land which has ceased, is such that pollution (whether on that land or not) is being or may be caused –</b></p> <p><b>(i) Any operation intended to prevent or reduce any potential for pollution; or</b></p> <p><b>(ii) Any operation intended to remedy or mitigate the effects of any pollution that has been caused.</b></p>	<p>You must be able to demonstrate that the project activity which is intended to mitigate, prevent or reduce pollution, is linked to a ceased activity. Opposed to Object A which concentrates on reclaiming or remediating land, Object B focuses on reducing or mitigating the pollution itself. <b>Any person who polluted the land or knowingly permitted the pollution must not benefit. LCF monies must not be used to fulfil any statutory duties.</b></p> <p>You will be asked to confirm the following:</p> <ul style="list-style-type: none"> <li>• The ceased activity;</li> <li>• Who carried it out;</li> <li>• When it stopped;</li> <li>• That the person who polluted the land will not benefit (financially or through obligations being met);and</li> <li>• How the ceased activity caused/is causing pollution.</li> </ul>

<p><b>Object D: Public parks and amenities</b></p>	<p><b>What work can be covered under Object D?</b></p>
<p><b>Where it is for the protection of the environment, the provision, maintenance or improvement of –</b></p> <p><b>(i) a public park; or</b></p> <p><b>(ii) another public amenity</b></p> <p><b>in the vicinity of a landfill site.</b></p>	<p>The focus of the project must be to undertake direct physical works on a park/amenity. Examples of amenities include:</p> <ul style="list-style-type: none"> <li>• Community centres and village halls;</li> <li>• Public sporting facilities; and</li> <li>• Bridleways and cycle paths.</li> </ul> <p>ENTRUST will review applications to ensure that each proposal concentrates on direct physical works and has acceptable costs. ‘Direct physical works’ are those that are <i>solely</i> attributable to the delivery of the project and include all costs that are necessary for the project to go ahead. Project costs which can be directly linked to improvements on site, such as contractors, volunteer management, signage and interpretative materials that will be kept on site are examples of direct costs. ‘Additional associated costs’ are costs that are not necessary for physical works such as publicity material. ENTRUST is not able to approve projects that have excessive additional associated costs greater than 10% of total project expenditure. All costs will be considered on a case by case basis.</p> <p>You will be asked to confirm the following:</p> <ul style="list-style-type: none"> <li>• <b>That the project site is in the vicinity of a landfill site;</b></li> </ul>

	<ul style="list-style-type: none"> <li>• How the park/amenity makes the environment more pleasant or comfortable and/or improves the aesthetic qualities of an area;</li> <li>• <b>That the park/amenity directly benefits the general public and is somewhere they can access</b> without unreasonable restriction and with reasonable access costs. Restrictions include amenities which are only available to specific user groups defined by age, sex, disability or race. Any park or amenity that is available for fewer than four evenings or two days a week, or fewer than 104 days in any one year, will not be sufficiently open to the general public;</li> <li>• <b>That the costs of the works directly relate to the actual improvement, maintenance or provision of the identified park/amenity</b>, rather than its management or its administration;</li> <li>• <b>That the park/amenity is run on a not-for-profit basis</b> and any income made as a result of the LCF funded works (such as from hire or admission fees) will be handled appropriately as LCF derived income which could include spending on the ongoing maintenance or operation of the amenity (for information on requirements relating to income derived from projects please see section 6 of our guidance); and</li> <li>• Each project is a single park, amenity or defined area (a single project application which covers multiple parks or amenities on different sites will not be approved as a single project).</li> </ul> <p><b>The works proposed must not be required as part of a condition (of any planning permission, approval or other consent) imposed on the contributing Landfill Operator or a term of agreement made under:</b></p> <ul style="list-style-type: none"> <li>• <b>section 106 of the Town and Country Planning Act 1990;</b></li> <li>• <b>75 of the Town and Country Planning Act (Scotland) 1997; or</b></li> <li>• <b>article 40 of the Planning (Northern Ireland) Order 1991,</b></li> </ul> <p><b>to which the contributing Landfill Operator is a party.</b></p>
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<b>Object DA: Conservation of biodiversity</b>	<b>What work can be covered under Object DA?</b>
<b>Where it is for the protection of the environment, conservation or promotion of</b>	‘Biological Diversity’ is defined as ‘the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within

<p><b>biological diversity through –</b></p> <p><b>(i) the provision, conservation, restoration or enhancement of a natural habitat; or</b></p> <p><b>(ii) the maintenance or recovery of a species in its natural habitat, on land or in water situated in the vicinity of a landfill site.</b></p>	<p>species, between species and of ecosystems’.</p> <p>LCF monies can be used for the conservation or recovery of a species in its natural habitat, or the provision, conservation, restoration or enhancement of a natural habitat. This means that a species should be protected in a habitat in which it would naturally occur. Programmes to re-introduce species or recreate habitats are acceptable. You will be asked to confirm the following:</p> <ul style="list-style-type: none"> <li>• <b>That the project site is in the vicinity of a landfill site;</b></li> <li>• Which species or habitats will be conserved by the project going ahead;</li> <li>• That the costs of the works solely relate to the conservation of the species or habitats; and</li> <li>• That the works will be carried out on a site where the species or habitat naturally occurs.</li> </ul> <p>Each project should be for a single identifiable site. Projects with multiple locations can be registered in particular circumstances if there is a link between the sites. We will consider there to be a link if the EB registering the project can show a physical or ecological connection between the sites on the application to register the project.</p> <p>A physical link could be present when there are multiple smaller locations within a distinct larger connected area such as along a river or within a country park.</p> <p>An ecological link could be present when there are multiple smaller locations that aren't physically connected but an ecological link can be illustrated. The link between the locations must be more than the sites sharing similar characteristics.</p> <p>For all projects that focus on the maintenance or recovery of species that move between multiple locations, or the provision, conservation, restoration or enhancement of habitats situated across multiple locations, the project site must still intersect within 10 miles of the relevant licensed landfill site. The project site does not have to be wholly contained within 10 miles of the landfill site but its ultimate reach must remain within a reasonable and relevant distance of the licensed landfill site as all LCF projects must have the ultimate aim of not only creating significant environmental benefits, but improving the lives of communities living near landfill sites.</p> <p>The EB must provide a map showing the boundary of the larger connected area and the individual locations where actual physical work will be taking place within it. The map should also show the relevant landfill site and its distance to the project area. Where it is not possible to provide an address and postcode for each individual location, the EB should provide a grid reference. Maps and site information can be emailed to ENTRUST.</p> <p>Projects with multiple sites where the only connection is that they are within a larger geographic region (e.g. the North West) or political area (e.g. Council) will not be approved.</p>
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The focus of all LCF projects must be to undertake 'direct physical works' on the project. 'Direct physical works' are defined as those that are solely attributable to the delivery of the project. In some instances costs relating to preliminary studies may also be included as direct works provided the findings of the study result in direct physical works. Examples of acceptable preliminary work include:

- Research and feasibility of the works that will be undertaken (however, see further below);
- Environmental impact assessments;
- Other assessments which are necessary for the project to commence;
- Licences and consents;
- Land acquisition and associated legal fees; and
- Valuation fees.

When considering whether preliminary works can be included as direct project costs, if you can demonstrate that the project would not be able to go ahead without the works being undertaken, then they may be defined as direct project costs. However, feasibility studies or research which may result in the project not going ahead cannot be funded using LCF monies.

Ongoing project management or costs incurred to safeguard the site or habitat, such as fences, gates and boundary markers, can also be classed as direct physical works. This is in contrast to visitor facilities which do not, in themselves, conserve or promote biodiversity.

'Additional associated costs' include costs that are not necessary for the physical works, for example publicity materials. ENTRUST is not able to approve projects that have additional associated costs in excess of 10% of total project expenditure.

The project application should include details of *any* project works or research which will conserve or promote diversity, even if the LCF will not be funding these works.

**The works proposed must not be required as part of a condition (of any planning permission, approval or other consent) imposed on the contributing Landfill Operator or a term of agreement made under:**

- **section 106 of the Town and Country Planning Act 1990;**
- **75 of the Town and Country Planning Act (Scotland) 1997; or**
- **article 40 of the Planning (Northern Ireland) Order 1991,**

**to which the contributing Landfill Operator is a party.**

**Also the works proposed can't be required under the following notices and agreements:**

	<ul style="list-style-type: none"> <li>• an agreement made under section 16 of the National Parks and Access to the Countryside Act 1949;</li> <li>• an agreement made under section 15 of the Countryside Act 1968;</li> <li>• under section 28J of the Wildlife and Countryside Act 1981 or required to be carried out by a notice served under section 28K of that Act; and</li> <li>• under notices and orders specific to England and Wales, Northern Ireland or Scotland. See Regulation 33 Paragraph 4 in Appendix A for the full list.</li> </ul> <p><b>Object DA projects must be not-for-profit.</b> Any income generated from the running of a LCF funded project must be spent appropriately which can include on the maintenance and operation of the project. For more information on the requirements relating to income derived from projects please see section 6 of our guidance.</p>
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<b>Object E: Restoration of religious buildings or buildings of architectural or historical interest</b>	<b>What work can be covered under Object E?</b>
<p><b>Where it is for the protection of the environment, the maintenance, repair or restoration of a building or structure which –</b></p> <ul style="list-style-type: none"> <li><b>(i) is a place of religious worship or of historical or architectural interest,</b></li> <li><b>(ii) is open to the public, and</b></li> <li><b>(iii) is situated in the vicinity of a landfill site.</b></li> </ul>	<p>We interpret a place of worship as a building or structure that is exempt from business rates by virtue of Schedule 5 Case 11 of the Local Government Finance Act 1988 or has a certificate issued under the Places of Religious Worship Act 1855 to confirm it is a place of worship.</p> <p>We interpret a building or structure to be of historical or architectural interest if it has listed building status, or equivalent, or if it has county archivist or local historian support.</p> <p>Works undertaken under Object E must protect the environment of a building or structure, or maintain, repair or restore the building or structure. The focus of the project must be to undertake ‘direct physical works’ on the building or structure in question. ENTRUST will review applications to ensure that every proposal concentrates on direct physical works and that any additional associated costs are at an acceptable level. ‘Direct physical works’ are defined as those that are solely attributable to the delivery of the project. In some instances costs relating to preliminary work may also be included as direct project works. ‘Additional associated costs’ include costs that are not necessary for the physical works. This includes elements such as any costs not solely related to the project such as publicity material. ENTRUST is not able to approve projects that have additional associated costs in excess of 10% of total project expenditure.</p>

You will be asked to confirm the following:

- **The building or structure is in the vicinity of a landfill site;**
- **The building or structure is open and accessible to the general public;**
- **The building or structure is a place of worship, has listed building status or is considered of historical interest (works to private residences are excluded);** and
- **The works are to repair, restore or maintain the place of worship or structure of architectural interest.**

If your project is for new works or is predominantly new works, for example, if you are intending to add an extension or additional features to a building or structure, then it is unlikely that your project would be compliant under Object E. However, it may be that such a project is compliant under Object D. (the provision, maintenance or improvement of a public amenity).

**The project must be open to the general public.** In acknowledgment of the varying opening times of buildings restored or maintained under Object E, when considering public access, ENTRUST expects that the building or structure will be open for a similar amount of time as would be expected from similar buildings or structures. For example, a place of religious worship would be expected to be open for religious worship on its primary day of worship.

The works proposed under Object E must be carried out on a specific building or structure. A single project application which covers multiple structures on different sites is not able to be approved as a single project.

**The works proposed must not be required as part of a condition (of any planning permission, approval or other consent) imposed on the contributing Landfill Operator or a term of agreement made under:**

- **section 106 of the Town and Country Planning Act 1990;**
- **75 of the Town and Country Planning Act (Scotland) 1997; or**
- **article 40 of the Planning (Northern Ireland) Order 1991,**

**to which the contributing Landfill Operator is a party.**

**The building must be run on a not for profit basis.** Any income generated from the running of a LCF funded building or structure must be spent appropriately which could be on the maintenance and operation of the building or structure. For more information on the requirements relating to income derived from projects please see section 6 of our guidance.

#### 4.4 Does my project require proportional registration?

ENTRUST recognises that some Object D projects may not be open to the public all of the time. **The LCF can only fund a project to the extent that it is open to the general public.** It is possible to make a proportional registration but it is important to note that where projects are proportionally registered, the amenity must still be available to the public for at least four evenings or two days a week, or 104 days in any one year. If the amenity is open to the public for the duration above, but closed for the remaining time, it will not need to be subject to proportional registration. If the amenity is open to the public for the duration above, but open to other groups for the rest of the time, it will need to be subject to proportional registration. We require that at project application stage EBs confirm the days and hours when the amenity will be open to the general public and a calculation showing the percentage of the time the facility will be available to the public.

The most common example of proportional registration is for works on school sites, when only the school pupils have access to the amenity during the day but the amenity is opened up to the general public in the weekday evenings, weekends and during school holidays.

#### 4.5 The Review Panel

If, upon review by the Registrar, the proposed project is considered not to be compliant with the Regulations, it will be rejected. A project rejection will automatically be referred to the ENTRUST Review Panel. This panel meets quarterly (as required) to review any rejected project or enrolment applications. The panel ensures that the correct decision has been made in accordance with the Regulations. The project applicant or EB is invited to attend the Review Panel to make the case for project approval or enrolment.

The Review Panel is drawn from ENTRUST and HM Revenue & Customs (HMRC) staff to ensure that there is a balance of functional skills and experience. The Panel's quorum is three members, drawn from the following:

- ENTRUST's Deputy Chief Executive (Chair);
- ENTRUST's Compliance Manager;
- ENTRUST's Enforcement Manager;
- an ENTRUST Compliance Inspector; and
- a representative from HMRC.

A member of ENTRUST's Policy and Regulations Team will attend the meeting to explain the reason for rejection to the panel and take minutes of the meeting. The project applicant or EB is invited to attend the meeting to explain the application in more detail but the EB will not take part in the decision making process. The outcome of this meeting will be that the application rejection is either upheld or over-turned.

#### 4.6 Unapproval of a project which does not proceed

**If a project does not go ahead once approved ENTRUST must be informed so that the project can be un-approved.** A project can only be unapproved if there has been no spend on the project.



#### 4.7 Making changes to project information

**If the details of an approved project change, ENTRUST must be informed.** The project details may be amended or a new project registration application will be required depending on the nature of the changes.