



## 4. Submitting a project for ENTRUST approval

### 4.1 The project approval process

The project approval process is designed to provide evidence 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.**

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 of your project application, 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.

ENTRUST assess each project application against a checklist to ensure it complies with the Regulations and ENTRUST guidance. If a project is considered to be high risk based on the nature of the project, we require a high level of assurance regarding the project before it can be approved. We assess projects against a high-risk project framework that clarifies the information that we require, which is [available on the Project Application Framework page of our website](#).

ENTRUST will require enough financial information to make an assessment of the project items and their costs, to identify what LCF funds are being used for. Please aim to provide a clear and comprehensive cost breakdown, or if this is not possible, provide additional information that contains these details.

In addition to this, under certain circumstances a project application may require a more detailed review before it can be processed. The project application will be pended whilst the review takes place and ENTRUST will be in touch to arrange the review; this may include a project site visit but may be concluded via a desk-top review. At all stages, you will be advised as to the process.

## 4.2 Project duration

**All project applications must include estimated project start and end dates and an EB cannot spend LCF monies on a project outside of these dates.** Please allow yourself enough time as within the project timeframes should include all financial transactions of a project including the final transfer of funds from a funder, not just the duration of project works. 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 will not, or 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.**

### Costs

LCF funded costs should relate to physical works at the amenity and will include the costs of contractors and/or volunteers carrying out the works on site, costs in managing the contractors or volunteers while on site, and the purchase of equipment and materials used on the project. All costs must be clearly and specifically related to the project. EBs must not apportion their organisational overheads to project costs in any circumstances

If a project estimated start date is in the same month as it is approved, then the approval date will be considered as the authorised start date and any LCF monies spend that occurred before that date would be non-compliant with the Regulations.

For example, if you submit your application for a project in January with a start date of January and this project is approved on 15th January then the 15th will be the official start date of the project and spendings can only take place after this date.

## 4.3 LCF Objects

To be eligible for LCF funding your project must meet one of five LCF objects:

- **Object A** - the reclamation, remediation or restoration of land which cannot currently be used;
- **Object B** - the prevention of potential for pollution or the remediation of the effects of the pollution;
- **Object D** - the provision, maintenance or improvement of a public park or another public amenity;
- **Object DA** - the conservation or promotion of biodiversity; and
- **Object E** - the maintenance, repair or restoration of a place of religious worship or of historic or architectural interest.

All projects should be not for profit, and Object D, DA and E projects should be in the vicinity of a landfill site, interpreted as within 10 miles distance as the crow flies.

# Object A and B

## 4.3.1 Object A

**Object A is 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.** Projects should be:

- (i) Reclamation, remediation, or restoration; or
- (ii) Any other operation to facilitate economic, social, or environmental use.

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.

**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.**

You will be asked to confirm the following:

- The ceased activity;
- Who carried it out;
- When it stopped;
- That the person who polluted the land will not benefit (financially or through meeting other obligations); and
- How the proposed works will bring the land back into use.

## 4.3.2 Object B

**Object B is 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.** Projects should be:

- (i) Any operation intended to prevent or reduce any potential for pollution; or
- (ii) Any operation intended to remedy or mitigate the effects of any pollution that has been caused.

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.

**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.**

You will be asked to confirm the following:

- The ceased activity;
- Who carried it out;
- When it stopped;
- That the person who polluted the land will not benefit (financially or through obligations being met); and
- How the ceased activity caused/is causing pollution.

# Object D

## 4.3.3 Object D

**Object D is for the provision, maintenance or improvement of a public park or another public amenity in the vicinity of a landfill site;**

By a public amenity ENTRUST understands this to mean an amenity that is available to the general public, and not a specific section of the public. (Examples of projects include community centres, village halls, public sporting facilities, bridleways, and cycle paths.)

### Criteria to be met under Object D

To be eligible for LCF funding under Object D, the project needs to meet the following criteria:

- **The park/amenity must directly benefit the general public** by making environment more pleasant or comfortable and/or improves the aesthetic qualities of an area;
- **The park/amenity must run on a not-for-profit basis;**
- **The amenity must be in the vicinity of a landfill site** (usually within 10 miles);
- **The amenity must be open to the general public without unreasonable restrictions** (This means that the project cannot be restricted to a specific user group defined by age, sex, disability, or race. It also must be at a reasonable price to access). If groups from the wider public are accompanying specific user groups (e.g. parents/carers accompanying disabled users), that would overall constitute 'general public' and such a project would be considered eligible;
- It must be open to general public for at least four evenings, or two days a week, and at least 104 days in a year;
- **The focus of the project must be to undertake physical works** on a park/amenity;
- **The project timeframe must be no longer than 2 years;** and
- 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; or
  - article 40 of the Planning (Northern Ireland) Order 1991,to which the contributing Landfill Operator is a party.

### Things to remember when registering the project

- **Each application should be done for a single park, amenity, or defined area.** Project applications which cover multiple parks or amenities on different sites will not be approved as a single project.
- **If the project site is not owned by the project operator, the details (parties and remaining length) of the lease or management agreement should be provided on the project application form.** The length of the agreement should be as a minimum the length required by project or asset (if applicable) monitoring timescales (see sections 5 and 6); however, projects should remain in compliant use and be protected for as long as possible. For projects that have no monitoring requirements the lease or agreement should be for at least one year.

## Costs

### **Costs funded by LCF should:**

- Be necessary for the project to go ahead and directly relate to the actual improvement, maintenance, or provision of the identified park/amenity, rather than its management or its administration (EBs must not apportion their organisational overheads to project costs in any circumstances);
- Relate in majority to physical works; and
- All costs must be reasonable and relevant to the project.

### **Examples of acceptable costs**

#### **Costs which directly lead to the actual physical provision, maintenance, or improvement park/amenity such as:**

- contractors and/or volunteers carrying out the works on site; and
- costs in managing the contractors or volunteers while on site (Any project management costs must be clearly and specifically related to the project); and the purchase of equipment and materials used on the project.

#### **Costs directly related to the delivery of the physical works are allowable. These include:**

- publicity materials;
- information resources (guides/leaflets); and
- opening ceremonies and educational materials.

### **Preliminary works**

Costs of preliminary works such as obtaining consents and undertaking assessments can be considered an acceptable project cost as long as it can be demonstrated by the applicant that the project would not be able to go ahead without the works being undertaken.

Please note that feasibility studies or research which may result in the project not going ahead cannot be funded using LCF monies.

#### **The majority of the project expenditure must be for physical works if preliminary works are included. Preliminaries can 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; and
- Valuation fees.

### **Purchase of land or buildings**

The purchase of land and buildings to provide an amenity is an acceptable cost.

## Income derived

If the project makes any income as a result of the LCF funded works (such as from hire or admission fees), such income should be handled appropriately as LCF derived income. This could include spending the income derived 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.

## Eligibility for funding if the amenity is used by the NHS

Occasionally the NHS will utilise community centres and other such amenities for their services, such as screening or information drop-in sessions; in such situations the NHS book amenities for use of the available facilities as and when required, in the same way as other users. This is an acceptable use of LCF funded amenities as long as the amenity is available to all as a general principle. The NHS is a booker of the centre and the users of their services will be particular user groups, as can happen with other bookers of amenities. However, if an amenity was to be used solely by the NHS, then this would not be acceptable as the facility has been limited on a user group basis. This would also apply if a part of an amenity was solely used by the NHS with no potential availability by other users at any time. In such cases the LCF can only fund areas of the amenity that is available to all.

## Does my project require proportional registration?

ENTRUST recognises that some Object D projects may not be open to the public all 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. **This calculation should be realistic and achievable**, and we may ask for evidence of current use, a business case, or documents evidencing community engagement carried out for new amenities without any current community usage. For instance, we would not consider an outdoor facility without floodlights to be considered available outside of daylight hours.

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 to the general public in the weekday evenings, weekends and during school holidays. We do not consider an amenity that has a long-term booking for a specific user group as being subject to proportional registration. For example, if a village hall has a long-term arrangement for the hall to be used by a local children's nursery, then this is an example of community use of the amenity and should not be made subject to proportional registration.

# Object DA

## 4.3.4 Object DA

Object DA is for projects where it is for the protection of the environment, conservation, or promotion of biological diversity through –

- (i) the provision, conservation, restoration, or enhancement of a natural habitat; or
- (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.

'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 species, between species and of ecosystems.

### Criteria to be met under Object DA

- **The project must be not-for-profit;**
- The project **must be in the vicinity of a landfill site** (usually within 10 miles);
- The project **timeframe must be no longer than three years;**
- The focus of the **project must be to undertake physical works** that lead to the provision, conservation, restoration or enhancement of a natural habitat or the maintenance or recovery of a species in its natural habitat. (Programmes to re-introduce species or recreate habitats are acceptable.) **EBs must not apportion their organisational overheads to project costs in any circumstances;**
- **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; or
  - article 40 of the Planning (Northern Ireland) Order 1991, to which the contributing Landfill Operator is a party.
- Also, the works proposed cannot be required under the following notices and agreements:
  - an agreement made under section 16 of the National Parks and Access to the Countryside Act 1949;
  - an agreement made under section 15 of the Countryside Act 1968;
  - 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
  - under notices and orders specific to England, Wales or Northern Ireland.

See Regulation 33 Paragraph 4 in Appendix A for the full list.

### Things to remember when registering the project

#### Projects with multiple locations

Projects with multiple locations can be registered in particular circumstances. There should be 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.

A physical link could be present when there are multiple smaller locations within a distinct larger connected area such as along a river.



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.

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.

When registering the project with multiple locations, 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.

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.

### **Programmes to re-introduce species or recreate habitats**

LCF monies can be used for the maintenance 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.

### **Costs**

#### **Costs funded by LCF should:**

- Be necessary for the project to go ahead at the site and which directly lead to physical improvements for biodiversity at an identified location;
- Be reasonable and relevant to the project; and
- The bulk of project expenditure should be on funding physical works that conserve biodiversity.

#### **Examples of acceptable costs:**

##### **Costs which directly lead to the actual physical work such as:**

- contractors and/or volunteers carrying out the works at the site;
- managing the contractors or volunteers while on site (Any project management costs must be clearly and specifically related to the project); and
- the purchase of equipment and materials used on the project.



**Costs directly related to the delivery of the physical works are allowable. These include:**

- interpretation panels;
- publicity materials;
- information resources (guides/leaflets); and
- opening ceremonies and educational materials.

### **Preliminary works**

Preliminary works such as obtaining consents and undertaking assessments can be considered an acceptable project cost as long as you can demonstrate that the project would not be able to go ahead without the works being undertaken.

The majority of the project expenditure must be for physical works if preliminary works are included.

**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; and
- Valuation fees.

Feasibility studies or research which may result in the project not going ahead cannot be funded using LCF monies.

### **Purchase of land**

The purchase of land to safeguard a habitat is an acceptable cost.

### **Income derived**

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.

# Object E

## 4.3.5 Object E

**Object E projects, where it is for the protection of the environment, are the maintenance, repair or restoration of a building or other structure which –**

- (i) is a place of religious worship or of historical or architectural interest;**
- (ii) is open to the public; and**
- (iii) is situated in the vicinity of a landfill site.**

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.

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.

### Criteria to be met under Object E

- **the building must be run on not-for-profit bases;**
- The project **must be in the vicinity of a landfill site** (usually within 10 miles);
- **The building or structure must be a place of worship.** It has to have listed building status or be considered of historical interest (works to private residences are excluded);
- **The building or structure must be open and be accessible by 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 project timeframe must be no longer than 2 years;**
- **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; or
  - article 40 of the Planning (Northern Ireland) Order 1991to which the contributing Landfill Operator is a party.
- **The focus of the project must be to undertake physical works** on a building which is a place of religious worship and/or of historic or architectural interest structure to repair, restore or maintain it.

## Things to remember when registering the project

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 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.

## Costs

### Costs funded by LCF should:

- Be necessary for the project to go ahead and directly lead to the physical maintenance, repair or restoration of a building or structure (EBs must not apportion their organisational overheads to project costs in any circumstances.);
- The bulk of project expenditure should be funding physical works; and
- All costs must be reasonable and relevant to the project.

### Examples of acceptable costs

#### Costs which directly lead to the actual physical maintenance, repair or restoration of a building or structure such as:

- contractors and/or volunteers carrying out the works on site;
- costs in managing the contractors or volunteers while on site (Any project management costs must be clearly and specifically related to the project); and
- the purchase of equipment and materials used on the project. (EBs must not apportion their organisational overheads to project costs in any circumstances.)

#### Costs directly related to the delivery of the physical works are allowable. These include:

- interpretation panels;
- publicity materials;
- information resources (guides/leaflets) opening ceremonies and educational materials; and
- All costs must be reasonable and relevant to the project.

## Preliminary works

Preliminary works such as obtaining consents and undertaking assessments can be considered an acceptable project cost as long as you can demonstrate that the project would not be able to go ahead without the works being undertaken. The majority of the project expenditure must be for physical works if preliminary works are included.

### **Examples of acceptable preliminary work include:**

- Research and feasibility of the works that will be undertaken (however see further below);
- Other assessments which are necessary for the project to commence; and
- Licences and consents.

Feasibility studies or research which may result in the project not going ahead cannot be funded using LCF monies.

## Income Derived

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.

## Other Project Information

### 4.4 The Review Panel

If, upon review by the Registrations Officer, 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 Chief Operations Officer (Chair);
- ENTRUST's Compliance Manager;
- ENTRUST's Investigations and Assurance Officer;
- 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.

### 4.5 Un-approval 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.

### 4.6 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. **You must inform ENTRUST of all project changes that constitute a material change.** This means the following should be registered with ENTRUST before the changes have occurred:

- any cost change of one or more items on your cost breakdown, where the item value changes by over 10%;
- any cost change of one or more items on your cost breakdown, where the item value changes by 10% or less, that will have an impact on the project's delivery;
- the removal or addition of an item of whatever cost; and
- Where you have submitted a quote or estimate, if this quote/estimate is updated or a new contractor is preferred that materially changes the project as above, the latest quote/estimate should be provided.