



City of York Council Infrastructure Funding Statement

Infrastructure Funding Statement for the reported year 1st
April 2021 to 31st March 2022

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**City of York Council
Infrastructure Funding Statement for 2020/21**

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Introduction

The Infrastructure Funding Statement (IFS) is an annual report which provides a summary of all financial and non-financial developer contributions relating to Section 106 Legal Agreements (S106) within the City of York for the reported year.

The requirement to publish an IFS is contained within The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019.

The Community Infrastructure Levy (CIL) is a planning charge, first introduced via the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure; it came into force in April 2010 through the Community Infrastructure Levy Regulations 2010.

In preparing an annual IFS the legislation sets out what information is required to be reported within an IFS.

The annual IFS must comprise of:

- a) A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL.
- b) A report about CIL, in relation to the previous financial year.
- c) A report about planning obligations in relation to the reported year.

Within the context of the CIL regulations the Council does not constitute a 'Charging Authority' as it does not have an adopted CIL Charging Schedule, nor do we collect CIL contributions on behalf of other authorities. As a result of this the published IFS needs only to comprise of those matters contained in c) concerning planning obligations.

What are planning obligations?

'Planning obligations are legal obligations entered into to mitigate the impacts of a development proposal.

This can be via a planning agreement entered into under Section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority; or via a unilateral undertaking entered into by a person with an interest in the land without the local planning authority.

Planning obligations run with the land, are legally binding and enforceable. A unilateral undertaking cannot bind the local planning authority because they are not party to it.' (Paragraph 001, Planning Obligations, National Planning Practice Guidance, 2019).

When can planning obligations be sought by the Local Planning Authority?

‘Planning obligations assist with mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development.*

These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.’ (Paragraph 002, Planning Obligations, National Planning Practice Guidance, 2019).

There are also specific limitations in when the Local Planning Authority can seek to secure obligations in respect of affordable housing. Obligations for Affordable Housing can only be sought for residential developments that are major developments.

A major residential development is defined within the National Planning Policy Framework as a development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

Monetary and Non-monetary obligations

Planning obligations can be usually categorised into two distinct types. Monetary and Non-monetary.

A monetary planning obligation is one where a developer pays an agreed sum of monies which the Council must then use to fund infrastructure elsewhere. An example of a monetary obligation would be a payment towards off-site affordable housing.

A Non-monetary planning obligation is one whereby the developer provides the required infrastructure ‘in kind’; this is often on the site of the development. An example of a non-monetary obligation would be where the affordable housing requirement is built and delivered on site as part of a wider development.

The level of obligations secured from one year to the next can also vary. This variation is ultimately driven by the nature of the developments that come forward as proposals.

When are planning obligations paid or delivered?

In all cases where planning obligations are secured via a Section 106 Agreement that agreement will set out the specific points in time or trigger points at which both monetary and non-monetary obligations have to be delivered.

The most common triggers are linked to the commencement of a development, or on a larger development scheme when a specified amount or proportion of the development is completed or occupied.

In reality there can often be a time lag between the completing of an agreement and the granting of planning permission to the point at which obligations are delivered. These time lags can be for a range of reasons some of which will be outside the control the Council such as the developer securing the necessary financial backing to proceed with the development. The scale of development can also impact upon the rate at which contributions are delivered as it takes time for the development to reach the agreed trigger points.

In cases where financial obligations are secured the legal agreement will specify the amount of that obligation. It is common for such obligations to be index linked. Whilst the measure of indexation can vary from one agreement to another the overarching principle is that this seeks to protect the obligations secured against inflation. Therefore once an obligation becomes payable the actual amount received often differs from that which is written in the associated legal agreement. In addition to this monies held by the Council are held in interest bearing accounts. This allows the monies held to accrue interest until such time they are drawn down for spending. This again provides a degree of protection to the Council from factors such as inflation and any other unforeseen cost increases.

Once a Section 106 agreement is secured it is registered against the land in question as a Land Charge and recorded in the Land Charges register. Section 106 agreements are binding on the land to which they relate. This means that in the event of planning permission being granted and the land then been sold to another party the obligations secured via the Section 106 agreement would remain in place.

How are planning obligations spent?

When planning obligations are secured the Section 106 Agreement will specify what the secured obligation must be used for. The exact specificity on the spending of each obligation will vary case by case. Typically spending will be restricted to infrastructure that is closely related or in close proximity, such as the same Ward area, to the development against which the obligation was secured. The general exception to this is off site contributions for affordable housing which normally allow for use across the administrative area of the Council.

In contrast to this, monies collected under a Community Infrastructure Levy (CIL) regime would have a far greater degree of flexibility in terms of what and where they are spent. This is due to CIL spending adopting a more strategic authority wide approach.

Estimating planning obligations

In some circumstances it will be necessary when reporting the obligations that have been secured for the reported year to use estimates. Estimates will only be used when the exact amount that an obligation would secure is unknown. All estimates will be a best case based on the known parameters.

The most common scenario where estimates will need to be used is in cases where the planning permission the Section 106 relates to is an Outline Planning Permission. Typically Outline planning permissions establish the principle of a development and usually set the upper limits of what can be constructed. It will not be until all the associated reserved matters are agreed that the final extent of development and therefore the amount of obligations secured will be known.

Data on developer contributions is imperfect because it represents estimates at a given point in time which can be subject to change. However the data presented within the IFS is the most robust available at the time of publication.

Example 1 – Estimating obligations:

Outline planning permission is granted for a development of up to 500 dwellings.

The associated S106 agreement has secured that a minimum of 20% of the dwellings will be affordable housing.

20% of up to 500 Dwellings = 100 Affordable Units.

100 Affordable Units included in the IFS as having been secured.

In this example scenario the 100 affordable units would only be achieved if the development as a whole delivered its upper limit of 500 dwellings. The developer may choose to pursue a lesser overall total amount. Therefore, the overall number of affordable units delivered will also be reduced albeit whilst still maintaining the 20% proportion of affordable units.

Section 278 Highways Agreements

Other legal agreements that can fund infrastructure are Section 278 Agreements. These are legally binding agreements made under the Highways Act 1990 between Local Highway Authorities and Developers. These are required to secure alterations

or improvements to the highway and could include new highway junctions or improvements to existing highway infrastructure.

At present Section 278 Agreements are not reported within the IFS.

Reporting Periods

The reporting period for each IFS will generally be the proceeding financial year.

This report covers the period of 1st April 2021 to 31st March 2022.

It is intended that the IFS will be published annually by the 31st December each year.

Monitoring Fees

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 makes provision to allow Local Authorities to charge a monitoring fee through S106 planning obligations. Monitoring fees are intended to cover the cost to the authority of monitoring and reporting on the delivery of that S106 planning obligation(s).

Monitoring fees can be calculated in a number of differing ways. They could be either be a fixed percentage of the total value of the section 106 agreement or individual obligation. Alternatively, a fixed fee could be charged linked to the overall scale of the associated development. In all cases any monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring.

Monitoring fees cannot be sought retrospectively. At present the Council does not have a fee schedule for the charging of monitoring fees which would be applied to all agreements. Monitoring fees are currently requested on a case by case basis.

For the period outlined the total amount of monies received to the Council in respect of monitoring fees for monitoring Section 106 Agreements is zero.

Section 106 Contributions Summary

The following information provides an overview of activity relating to Section 106 contributions for the reported year 2021-2022.

Contributions held at the start of the reported year

Prior to the reported year the Council held a total of 8,527,763.55 which had previously been paid by developers in relation to planning obligations that had been secured prior to the report year. This total can be broken down as follows:

Service Area or Function	Amount
Sport, Recreation and Open Space	£1,082,438.08
Transport, Highways and Sustainable Travel	£3,491,891.17
Housing	£363,601.76
Education	£3,589,832.55
Total	£8,527,763.56

Contributions secured during the reported year

During the reported year the Council has secured planning obligations from developers totalling £468,353.00. These are contributions which will be paid in future years; assuming that the developments under which they were secured progress as planned and the associated trigger points are reached. The monies secured can be broken down as follows:

Service Area or Function	Amount
Sport, Recreation and Open Space	£109,365
Transport, Highways and Sustainable Travel	£52,100
Housing	£206,579
Education	£100,309
Total	£468,353

Contributions received during the reported year

During the reported year the Council received monies totalling £2,212,362.36. This is money which was paid by developers as a result of their developments reaching the agreed trigger points.

Service Area or Function	Amount
Sport, Recreation and Open Space	£156,808.70
Transport, Highways and Sustainable Travel	£1,142,724.29
Housing	£446,067.46
Education	£466,761.91
Total	£2,212,362.36

Contributions spent during the reported year

During the reported year the Council has spent a total of £1,320,695.77. This is money which has previously been received under agreed planning obligations and then spent on the delivery of infrastructure.

Service Area or Function	Amount
Sport, Recreation and Open Space	£197,574.11
Transport, Highways and Sustainable Travel	£12,165.95
Housing	£284,614.60
Education	£826,341.11
Total	£1,320,695.97

Contributions held at the end of the reported year

At the end of the reported year (31st March 2021) the Council held a total of £9,353,705.53. This is money which was received under planning obligations and will be available to spend in future years; subject to the spending being in accordance with the Section 106 Agreement under which they were received.

Service Area or Function	Amount
Sport, Recreation and Open Space	£1,023,186.49
Transport, Highways and Sustainable Travel	£4,604,419.17
Housing	£525,411.83
Education	£3,200,688.04
Total	£9,353,705.53

In addition to the monetary contributions that were secured during the reported year there were a number of non-monetary contributions which were also secured. Details of these are listed later in this report.

Details of the obligations entered into during the reported year

During the reported year the Section 106 Agreements entered into by the Council have secured obligations totalling £468,353.00

These sums will be paid by developers in future years assuming that the developments to which they relate progress as planned. The tables below detail the developments from which the contributions have been secured and what general area of infrastructure the contributions will be used for.

Affordable Housing

Application Details	Amount secured (£)	Ward Area	Intended Use
20/01084/FULM – Joseph Rowntree Housing Trust, Beverley House, 17 Shipton Road	206,579	Rawcliffe and Clifton Without	Toward the provision of Affordable Housing activities within the City of York Council area.
Total	£206,579		

Sports, Recreation and Open Space

Application Details	Amount secured (£)	Ward Area	Intended Use
20/01084/FULM – Joseph Rowntree Housing Trust, Beverley House, 17 Shipton Road	5,738	Rawcliffe and Clifton Without	Improvements to Open space at York Tennis Club and/or York Squash Club and/or Homestead Park
20/01084/FULM – Joseph Rowntree Housing Trust, Beverley House, 17 Shipton Road	8,094	Rawcliffe and Clifton Without	Improvements to sports provision at Homestead Park

Application Details	Amount secured (£)	Ward Area	Intended Use
21/01570/FULM – Plumbase, Waterloo House, Fawcett Street	8,607	Fishergate	Provision or expansion of public open space within 720m of property
20/01200/FULM – Aubrey House, Foss Islands Road	12,231	Guildhall	Improve amenity space with the nearby St Nicholas Fields
19/00246/FULM – York City Football Club, Bootham Crescent	25,066	Clifton	Provision or improvement of amenity open space at Bootham Allotments, Crombie Avenue play area, Clifton Park and/or Homestead Park
19/00246/FULM – York City Football Club, Bootham Crescent	49,629	Clifton	Enhancements to sports and play facilities at either Crombie Avenue, Burton Green, Clarence Gardens or Bootham Park.
Total	£109,365		

Transport, Highways and Sustainable Travel

Application Details	Amount secured (£)	Ward Area	Intended Use
21/00796/FULM – Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton	2,500	Rural West York	Improved signage for shared use footpath/cycle track on West side of Northfield Lane between Northminster Business Park and Poppleton Park & Ride
21/00796/FULM – Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton	10,000	Rural West York	Support and Provision of Travel Plan

Application Details	Amount secured (£)	Ward Area	Intended Use
20/01200/FULM – Aubrey House, Foss Islands Road	10,000	Guildhall	Travel plan support necessary from the development
20/01200/FULM – Aubrey House, Foss Islands Road	6,000	Guildhall	Traffic Regulation Order – review of parking/loading restrictions on Mansfield Street and Foss Islands Road.
19/00246/FULM – York City Football Club, Bootham Crescent	5,000	Clifton	Implementation of a Traffic Regulation Order on Grosvenor Road.
19/00246/FULM – York City Football Club, Bootham Crescent	200 per dwelling – 18,600	Clifton	Provision of sustainable travel pack to the first occupier of each dwelling. Based on 93 Units.
Total	£52,100		

Education

Application Details	Amount secured (£)	Ward Area	Intended Use
19/00246/FULM – York City Football Club, Bootham Crescent	100,309	Clifton	Provision of 11 early years school places with a 1.5km radius of the land to accommodate anticipated pupil growth which directly arises from the development.
Total	£100,309		

Non-monetary contributions to be provided under obligations entered into during the reported year

During the reported year the following non-monetary obligations were secured.

Affordable Housing

Application Details	Total Units	Ward Area	Breakdown
19/00246/FULM – York City Football Club, Bootham Crescent	19	Clifton	14 units to be provided as Social Rented. 5 units to be provided at Discounted Sale
Total	19		

These units are made up of the on-site affordable housing provision that has been secured on each of the identified developments. These units will be provided by the developers of each site and built out as part of the wider development schemes; if these developments proceed as planned.

Details of the obligations received during the reported year

During the reported year the Council has received a total of £2,212,362.36. This money was paid by developers under obligations previously secured by the Council as a result of the developments to which the obligations relate reaching their specified trigger points.

Affordable Housing

Application Details	Amount Received (£)	Ward Area	Intended Use
18/01655/FULM – The Groundsmans House (No.24) and Land to rear of Mount Vale Drive	411,366.76	Micklegate	Provision of affordable housing and associated activities within the City of York Council Area.
17/02982/FUL – Former Piggeries Rear of Willow Court, Main Street, Holtby.	34,700.70	Osbalwick and Derwent	Provision of affordable housing and associated activities within the City of York Council Area.
Total	£446,067.46		

Sports, Recreation and Open Space

Application Details	Amount Received (£)	Ward Area	Intended Use
13/03481/FULM – Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, Fulford	19,705.97	Fulford	Scarcroft Road Playground and Public Realm
13/03481/FULM – Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, Fulford	324.97	Fulford	Scarcroft Road Playground and Public Realm
17/02576/FULM – Former Thomas Dick Limited Hallfield Rd	2,869.00	Heworth	Expansion of teaching and workshop facilities at St Nicholas Fields

Application Details	Amount Received (£)	Ward Area	Intended Use
18/01655/FULM – The Groundsmans House (No.24) and Land to rear of Mount Vale Drive	37,253.48	Micklegate	Provision of improved access at Little Hob Moor/Hob Moor allotments and/or play contribution to provide equipment and seating at Scarcroft Green play area.
15/02726/FULM – 26 Tadcaster Road, Dringhouses	28,455.28	Dringhouses and Woodthorpe	Sports pitch improvements at Dringhouses Sports and Social and upgrade Nelsons Lane Play area and Mayfields Pond area
14/02979/FULM – Former Civil Service Club to North of Boroughbridge Road, York.	64,153.00	Rural West York	Improve quality of pitches at Carr Vikings FC and/or provision of facilities at Poppleton Sports Association and/or improve community accessible pitches on the Manor School site
17/02982/FUL – Former Piggeries Rear of Willow Court, Main Street, Holtby.	4,047.00	Osballdwick and Derwent	Improvements to facilities at Dunnington and Grimston Bar playing fields
Total	£156,808.70		

Transport, Highways and Sustainable Travel

Application Details	Amount Received (£)	Ward Area	Intended Use
19/02615/FUL – The Retreat Strensall, Charles Court, Strensall.	5,000	Strensall	TRO within the vicinity of the development site
18/01884/OUTM, York Central, Leeman Road, York.	4,285.71	Holgate	Sustainable Travel Indexation
14/02979/FULM – Former Civil Service Club to North of Boroughbridge Road, York.	500,240.00	Rural West York	Bus Priority Measures on the A59 to serve the development.
14/02979/FULM – Former Civil Service Club to North of Boroughbridge Road, York.	125,060.00	Rural West York	Bus Stop Provision on A59 and Millfield Lane to serve the development.
14/02979/FULM – Former Civil Service Club to North of Boroughbridge Road, York.	20,843.00	Rural West York	Pedestrian Crossing over A59 to serve the development.
14/02979/FULM – Former Civil Service Club to North of Boroughbridge Road, York.	18,019.00	Rural West York	Sustainable Transport measures
14/02979/FULM – Former Civil Service Club to North of Boroughbridge Road, York.	20,843.00	Rural West York	Support of Travel Plan delivery

Application Details	Amount Received (£)	Ward Area	Intended Use
14/02979/FULM – Former Civil Service Club to North of Boroughbridge Road, York.	435,653.00	Rural West York	Bus Service Contribution to improve frequency of service number 10.
21/00796/FULM – Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton.	12,780.58	Rural West York	Support of Travel Plan delivery
Total	£1,142,724.29		

Education

Application Details	Amount Received (£)	Ward Area	Intended Use
13/03481/FULM – Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York.	712.85	Fulford and Heslington	To provide classroom expansion at St Oswald's Primary and expansion of kitchen and dining facilities at Fulford Secondary
13/03481/FULM – Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York.	31,080.85	Fulford and Heslington	To provide classroom expansion at St Oswald's Primary and expansion of kitchen and dining facilities at Fulford Secondary

Application Details	Amount Received (£)	Ward Area	Intended Use
09/01606/OUTM - Factory, Bishopthorpe Road, York. (Terry's Chocolate Works)	292,097.00	Micklegate	Provision of new educational facilities and/or the improvement of and/or support and/or subsidy of educational facilities for nursery primary or secondary school places within 1.5 miles of the development or such other facilities that in the opinion of the Council best serve the development.
16/02358/OUTM – York St John University Playing Fields, Windmill Lane, York	122,635.95	Hull Road	To fund the increased education provision required by the affected education providers.
15/02726/FULM – 26 Tadcaster Road, Dringhouses	20,235.26	Dringhouses and Woodthorpe	Toward the refurbishment of the kitchen at Dringhouses primary school to increase the production of school meals.
Total	£466,761.91		

Details of the projects wholly or partly funded by monies secured from planning obligations

In addition to summarising the headline amounts in terms of the amount secured, amount received, and amount spent. It is useful to look at the spend element in more detail and document the projects and operations that planning obligations have been used to fund. It is these projects that are the tangible assets that are being delivered and that in part are made possible by the planning obligations process. Monies secured via planning obligations will rarely cover the full cost of delivering infrastructure. It is common for projects, particularly large ones, to draw funding from multiple sources. These can include capital budgets, service area specific budgets and can also include funding from external sources such as grants from central government.

Affordable Housing

Use	Units Delivered
Purchase or provision of Affordable Housing within the City of York Area funded by off-site s.106 contributions.	85
Affordable Housing delivered on site.	60
Total	145

Sport, Recreation and Open Space

Development Site	Amount of S106 Monies spent (£)	Project to benefit from contribution(s)
14/01716/FULM, 15/02840/FULM and 17/00894/FULM – The Residence, Bishopthorpe Road, York	100,000	Ashfield Sports Pitches
13/01833/FULM – Former Civic Amenity Site, Beckfield Lane, Acomb.	18,526.25	Viking Road Playground
13/03522/FULM – Former Brickworks, Hallfield Road, York	19,336.07	Public realm maintenance and/improvements within the locality of the development

Development Site	Amount of S106 Monies spent (£)	Project to benefit from contribution(s)
16/02269/FULM – Site to rear 1-9 Beckfield Lane, York	10,416.00	Acomb Green Playground
14/00590/FUL 29C Walmgate, York	5096.39	Public realm maintenance and/improvements within the locality of the development
13/03597/FUL – The Junction, Leeman Road, York	2,122.50	Carlisle Street Playground
12/03214/FUL – Land to the West of 50 Acomb Road, York	1,875.55	Public realm maintenance and/improvements within the locality of the development
13/00822/FUL – 114 Gale Lane, York	485.53	Foxwood Playground
13/03481/FULM – Royal Masonic Benevolent Institute, Connaught Court, St Oswalds Road, York	19,715.82	Scarcroft Road Playground
11/02581/OUTM – land including Huntington Stadium to the West of Jockey Lane, York	20,000	Provision of Sports Officer
Total	£197,574.11	

Transport, Highways and Sustainable Travel

Development Site	Amount of S106 Monies spent (£)	Project to benefit from contribution(s)
02/03723/FUL – 62-68 Low Petergate, York	2,381.95	Provision of CCTV
01/01315/OUT – Germany Beck Site East of Fordlands Road, Fulford	9,784.00	Provision of Bus Stops
Total	£12,165.95	

Affordable Housing

Development Site	Amount of S106 Monies spent (£)	Project to benefit from Contribution(s)
02/02754/OUT – 187 Tadcaster Road, York	284,614.60	Marjorie Waite Court sheltered housing/extra care scheme.
Total	£284,614.60	

Education and Community Facilities

Development Site	Amount of S106 Monies spent (£)	Project to benefit from Contribution(s)
06/01387/FULM – Heworth Croft, 19 Heworth Green, York	37,153.82	Park Grove School
02/02941/FUL – Former Kays Warehouse, Peter Lane, York	375,137.07	Fishergate School
03/03698/FUL – Minster Engineering Works, Dennison Street, York	27,301.93	Fishergate School
10/01094/FULM – 74 Micklegate, York	13,094.80	Millthorpe School
14/01716/FULM, 15/02840/FULM and 17/00894/FULM – The Residence, Bishopthorpe Road, York	239,240.87	Scarcroft School

Development Site	Amount of S106 Monies spent (£)	Project to benefit from Contribution(s)
03/02709/OUT, 12/02163/OUTM and 12/01286/REMM – Land lying to the West of Metcalfe Lane, Osbaldwick	90,962.82	Badger Hill School, windows and nursesey.
14/02446/FULM – Hunter House, 57 Goodramgate, York	27,288.24	Fishergate School
03/02709/OUT, 12/02163/OUTM and 12/01286/REMM – Land lying to the West of Metcalfe Lane, Osbaldwick	33,606	Osbaldwick School – Hygiene suite.
14/02446/FULM – Hunter House, 57 Goodramgate, York	27,288.06	Fishergate School
12/02971/FULM – YWCA, Water Lane, York	24,248.43	Clifton Green School
01/01315/OUT – Germany Beck Site East of Fordlands Road, Fulford	51,076.50	Fulford School Sports Hall
01/01315/OUT – Germany Beck Site East of Fordlands Road, Fulford	250,000	Fulford School Sports Hall
Total	£826,341.11	

Spending on Forward Funding Infrastructure and the Monitoring of Planning Obligations

No monies received under planning obligations was spent on repaying or servicing money borrowed including interest to forward fund infrastructure during the reported year.

No monies received under planning obligations was spent in respect of monitoring in relation to the delivery of planning obligations. The costs of monitoring planning obligations are covered by existing staffing and departmental budgets.