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# 1 Introduction

1.1 This report provides information on the monetary (and non-monetary) contributions sought and received from developers for the provision of infrastructure to support development in South Tyneside, and the subsequent use of those contributions by South Tyneside Council. The report covers the financial year 1 April 2023 to 31 March 2024

1.2 South Tyneside Council seeks developer contributions through Section 106 agreements (also known as “planning obligations”) and Section 278 agreements. South Tyneside Council has not introduced a Community Infrastructure Levy charging schedule.

# 2 Funding from Section 106 agreements

2.1 Section 106 of the Town and Country Planning Act 1990 enables a local planning authority to enter into a negotiated agreement – a planning obligation - to mitigate the impact of a specific development in order to make it acceptable in planning terms. A planning obligation may require the provision or contribution to a new or improved road, school, health facility or local green infrastructure. Local planning authorities can also seek planning obligations to secure a proportion of affordable housing from residential developments.

2.2 The policies for seeking Section 106 contributions are set out in the suite of Local Development Framework (LDF) documents that comprise the adopted Development Plan for the borough. Ancillary guidance is provided in Supplementary Planning Document (SPD) 4: *Affordable Housing* and SPD 5: *Planning Obligations*.

# 3 Section 106 Incomes and Expenditure - headline figures

3.1 The headline figures in Table 1 show that significant sums from developer contributions have been invested in infrastructure to benefit local communities in 2023/2024 and significant funds remain available to invest.

**Table 1: Headline Figures**

|  |  |  |  |
| --- | --- | --- | --- |
| Regulatory Ref | Report Heading | Total | Report Ref |
| 3(a) The total amount of money to be provided under any planning obligations which were entered into during the reported year | Total money to be provided through planning obligations agreed in 2023/24 | **£46,039.50** | Table 2 |
| 3(b) The total amount of money under any planning obligations which was received during the reported year | Total money received through planning obligations (whenever agreed) in 2023/24 | **£115,494.19** | Table 3 |
| 3(c) The total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority | Total money received through planning obligations before 31st March 2023 which has not been allocated by the authority | **£3,434,619** | Table 4 |
| 3(d) Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year –  i. In relation to affordable housing, the total number of units which will be provided;  ii. In relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided. | n/a  n/a | n/a  n/a | Paragraph 4.2  Paragraph 4.2 |
| 3(e) The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure | The total amount of money received which was allocated but not spent during 2023/24 for funding infrastructure | n/a | Paragraph 7.1 |
| 3(f) The total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend); | The total amount of money received which was allocated but not spent during 2023/24 for funding infrastructure | n/a | Paragraph 7.1 |
| 3(g) In relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item | Section 106 funds held by the Council | **£2,839,915** | Table 5 |
| 3(h) In relation to money (received under any planning obligations) which was spent during the reported year by the authority (including transferring it to another person to spend), summary details of –   1. the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item; 2. the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part); 3. the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under Regulation 121A) in relation to the delivery of planning obligations | **£734,339.62**  n/a  n/a | Expenditure funded from Section 106 agreements in 2023/2024  n/a  n/a | Table 6  Paragraph 9.2  Paragraph 9.3 |
| 3(i) The total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held. \* | n/a | n/a | n/a |

\* Some Section 106 agreements include reference to ‘maintaining’; for example, *‘£3200.00 towards the Council’s costs in installing, maintaining and where necessary renewing or replacing an interpretation board …’* but the maintenance element is not separated in the agreement and nor is it held in a separate funding ‘pot’.

# 4 Planning obligations entered into - 2023/2024

4.1 Table 2 shows the planning obligations agreements entered into with developers during 2023/2024.

4.2 No non-monetary contributions, such as affordable housing units or school places for pupils, were entered into during 2023/2024.

**Table 2: The total amount of money to be provided under any planning obligations which were entered into during the 2023/2024 financial year**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Address** | **Who from** | **Date s.106 signed** | **Amount** | **Terms of agreement** | **Triggers and dates for proposed payment** | **Infrastructure** |
| Land at Lord Nelson Street South Shields | Keepmoat Homes North East | 2024-03-20 | £5,000 | TRO Contribution - £5,000 to be paid by the developer to the council and to be applied by the council towards the council's costs in undertaking informal consultation and statutory processes for progressing and implementing a traffic regulation order or orders to implement parking restrictions at the junction of Lord Nelson Street and Hudson Street. | To pay the TRO Contribution to the council prior to the occupation of the first dwelling. Not to occupy any dwelling until the TRO has been paid. | Strategic Transport |
| £26,598 | Coastal Mitigation Contribution - £26,598.00 to be paid to the council and applied by the council towards mitigating the impacts of the development on the Durham Coast Special Area of Conservation and Northumbria Coast Special Protection Area. | To pay the coastal mitigation contribution to the council prior to the occupation of more than 50% of the dwellings (33). Not to occupy more than 50% of the dwellings until the coastal mitigation contribution has been paid. | Ecology |
| "Former Buzzers Bar,  Victoria Road,  South Shields" | Beaumont and Partners Ltd / Origin Planning Services Ltd | 2023-10-11 | £5,000 | To be used by the council in connection with the introduction of on-street traffic restrictions to mitigate the impacts of the development in the surrounding streets. | To give at least 10 days written notice to the council of the intended commencement date. The council to request the payment within 6 months of the commencement date. To pay the council within 14 days of receipt of a written demand from the council. | Traffic Contribution |
| Vacant Formerly Boldon CE Primary School, Rectory Bank, North Road, West Boldon | George F White | 2023-07-12 | £7,441.50 | The sum of £7,441.50 towards measures within the borough of South Tyneside to compensate for the adverse impacts of biodiversity arising from the development and to secure a net gain to biodiversity. | To pay the council prior to the commencement of the development. To pay car park amount prior to car park construction commencing. | Biodiversity |
| Hebburn Sports Club Ltd,  16 South Drive,  Hebburn | Hebburn Sports Club Ltd,  16 South Drive,  Hebburn | 2023-11-29 | £2,000 | Not to use any part of the financial contributions other than for the purposes for which they have been paid, provided that the parties hereby agree and acknowledge the council may transfer or transmit any financial contribution (or part thereof) or an equivalent amount to a third party for use by that person in place of the council for the purposes of satisfying this Paragraph 2, but in any such case the council shall:  a) take reasonable steps to ensure that such person expands or commits the monies so transferred or transmitted for the purposes for which they were paid, and  b) obtain evidence from such person that such monies were expended or committed for expenditure for the purposes for which they were paid and provide the owner with copies of such evidence upon request. | The owner covenants to pay the off-site cricket Contribution to the council within 10 working days of the grant of planning permission. | Playing Pitches |
| **Total** | | | **£46,039.50** | | | |

# 5 Developer contributions received - 2023/2024

5.1 Table 3 shows the funds transferred to the council from planning obligations during 2023/2024. The table also shows when the planning obligations to which these funds relate were entered into and the types of infrastructure that they will fund.

*Table 3: Total money from developer contributions which was received during 2023/2024*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Site Address** | **Who from** | **Date s.106 signed** | **Amount** | **Infrastructure** |
| South Shields Football Club, Shaftsbury Avenue, South Shields | Adderstone Living | 2022-01-26 | £27,807 | Habitats Regulation Assessment |
| Neon Social Club Nairn Street Jarrow | Tandem Construction Ltd. | 2020-02-15 | £5,642 | Habitats Mitigation |
| Hebburn Town FC Media Tower | Hebburn Town FC | 2023-11-29 | £2,000 | Playing Pitches |
| Holborn Phase 1 | Keepmoat Homes Limited. | 2022-12-17 | £19,344 | Ecological Contribution |
| Former Boldon CE School Rectory Bank | Telmac Developments Limited- George F. White | 2023-07-12 | £7,441.50 | Biodiversity |
| 1-128 (excluding 13) Swan Close,  Land East of Lukes Lane,  Hebburn | BDW Trading Limited- Barratt Developments | 2023-05-24 | £43,259.69 | Strategic Transport |
| 1-128 (excluding 13) Swan Close,  Land East of Lukes Lane,  Hebburn | BDW Trading Limited- Barratt Developments | 2023-05-24 | £10,000 | Strategic Transport |
| **Total received 2023/2024** | | | **£115,494.19** | |

# 6 Funds not allocated/spent on 31st March 2023

6.1 The Council retained significant sums from developer contributions which has not been allocated / spent as of 31st March 2023. As explained at paragraph 7.1 the funds have been allocated to a funding ‘pot’ that is consistent with the Section 106 agreement but had not yet been applied to a capital programme for a given financial year i.e. have not been ‘drawn down’ as ready to be spent on a specific project. These funds are shown in Table 4.

*Table 4: The total amount of money under any planning obligations which was received before the reported year which had not been ‘drawn down’ by the authority on 31st March 2023*

|  |  |  |  |
| --- | --- | --- | --- |
| **Address** | **Who from** | **Amount** | **Infrastructure** |
| Sinclair Meadows Reed Street | Four Housing Group | **£3,234** | Open space |
| Oakleigh Gardens | Gentoo | **£267,855.54** | Affordable Housing |
| Cotswold Lane | Bett Homes | **£5,000** | Children's Play |
| Orwell Close | Persimmon Homes | **£31,818** | Affordable Housing |
| Orwell Close | Persimmon Homes | **£8,655.19** | Children's play |
| Orwell Close | Persimmon Homes | **£44,194** | Children's play |
| Orwell Close | Persimmon Homes | **£8,500** | Strategic Transport |
| Orwell Close | Persimmon Homes | **£114,000** | Affordable Housing |
| Orwell Close | Persimmon Homes | **£12,862** | Playing Pitches |
| Hebburn College - College Mews | Bellway Homes Ltd | **£28,385.43** | Children's Play |
| Hebburn College - College Mews | Bellway Homes Ltd | **£13,541.45** | Sports Facilities contribution |
| Victoria Road West | Miller Homes | **£6,150** | Ecology works |
| Salcombe Avenue | Housing Ventures | **£1,500** | Primrose Nature Reserve |
| Eskdale Drive | Housing Ventures | **£2,700** | Primrose Nature Reserve |
| Gordon House Site | Karbon Homes | **£2,250** | Dog Waste Litter Bins |
| Gordon House Site | Karbon Homes | **£3,200** | Noticeboard detailing the Natura 2000 sites |
| Land South of Orwell Close, South Shields | Persimmon Homes | **£107,335** | Affordable Housing |
| Victoria Road West | Miller Homes Limited | **£7,296** | Ecology works |
| Monkton Fell | Barratt Homes | **£355,674.97** | Affordable Housing |
| Monkton Fell | Taylor Wimpey | **£355,674.97** | Affordable Housing |
| Monkton Fell | Barratt Homes | **£179,800.61** | Affordable Housing |
| Monkton Fell | Taylor Wimpey | **£179,800.73** | Affordable Housing |
| Land bounded by Whitburn Rd/Moor Lane, East Boldon | Gentoo Homes | **£3,200** | Noticeboard detailing the Natura 2000 sites |
| Land bounded by Whitburn Rd/Moor Lane, East Boldon | Gentoo Homes | **£4,800** | Dog Waste Litter Bins |
| Eskdale Drive | Centaurea Homes Ltd | **£17,924.06** | Habitats' Mitigation Contribution |
| Victoria Road West | Miller Homes Limited | **£28,681.92** | Strategic Transport |
| Seymour Court, Ambleside Avenue, South Shields | McCarthy and Stones Retirement Lifestyles Limited | **£24,386.66** | Affordable Housing |
| Site of Former Industrial Units Bedewell Industrial Park | Barratt Homes | **£100,000** | Affordable Housing |
| Victoria Road West | Miller Homes Limited | **£584,558.66** | Education contribution |
| Victoria Road West | Miller Homes Limited | **£200,000** | Strategic Transport |
| Farding Square | Gentoo Homes | **£4,529.09** | Marsden Quarry Contribution |
| Farding Square | Gentoo Homes | **£37,315.69** | Further Habitats Contribution |
| Perth Green | South Tyneside Council | **£70,000** | Perth Green 3G Pitch - (mitigation costs) |
| Land adjacent Victoria Road East / Campbell Park Road | Keepmoat Homes | **£9,798.88** | Traffic Calming |
| Farding Square | Gentoo Homes | **£167,240.56** | Open Space Contribution |
| Farding Square | Gentoo Homes | **£26,116.70** | Further Habitats Contribution |
| Laygate Car Park | South Tyneside Council | **£16,639** | Laygate Car Park – 20 Years’ Offsite Ecology Mitigation |
| Victoria Road West | Miller Homes Limited | **£400,000** | Strategic Transport |
| **Total** | | **£3,434,619** | |

# 7 The total amount of money received which was allocated but not spent during 2023/24 for funding infrastructure

7.1 The council’s Finance Team only allocate funds (recorded as Applied Capital Programme 23/24) following a successful bid to draw down funds from the relevant team for funding for a particular project. Part of the criteria for a successful bid is that the money is ready to be spent. ‘Applied Capital Programme 23/24’ therefore is equated to both allocating and spending the funds and a distinction is not drawn between the two categories.

# 8 Section 106 funds held by the Council

1. As stated at paragraph 7.1, a distinction is not drawn between allocating and spending funds. Table 5 shows the balances on 31st March 2024 of Section 106 funds held by the Council but not yet committed to the Capital Programme.

*Table 5: Section 106 funds held on 31st March 2024 by the Council*

|  |  |
| --- | --- |
| **Capital Scheme/S106 Category** | **Grand Total** |
| Affordable Housing | **£1,959,006** |
| Children’s play | **£96,426** |
| Dog Waste Litter Bins | **£7,050** |
| Ecology works | **£19,344** |
| Habitats Mitigation Contribution | **N/A** |
| Notice board detailing the Natura 2000 sites | **N/A** |
| Open space | **£3,234** |
| Primrose Nature Reserve | **£4,200** |
| Sports facilities contribution | **£13,541** |
| Strategic Transport | **£343,868** |
| TPLC Skatepark | **£23** |
| Woodland Planting | **£34,380** |
| Marsden Quarry Contribution | **£4,529** |
| Further Habitats contribution | **£41,130** |
| Traffic Calming | **£9,799** |
| Open space contribution | **£167,241** |
| Biodiversity Net Gain | **£31,592** |
| Playing pitches | **£15,843** |
| Provision of mitigation associated with potential impacts on the Northumbria Coast Special Protection Area | **£27,807** |
| Habitats Mitigation | **£5,642** |
| Mitigation package loss of the cricket provision | **£2,000** |
| Traffic Contribution | **£43,260** |
| Offsite Streetlighting Contribution | **£10,000** |
| **Total** | **£2,839,915** |

1. The largest amount of unspent funding is for affordable housing which will be allocated to deliver the council’s five-year plan for housing- building new council homes and delivering new specialist and supported housing. These projects will focus on provision of extra care schemes, supported accommodation and specialist housing for vulnerable households, as well as general needs family housing, within South Tyneside, for which there is currently a gap in accommodation. In addition, the council will support Registered Provider partners in developing and acquiring additional affordable family accommodation to provide high quality affordable housing across the borough where this is determined to be the most appropriate vehicle.
2. Within the current annum, the council has set out two key spend streams relating to affordable housing provision. The first scheme is a resettlement programme provided for Afghan refugees, in which the S106 is being utilised to match fund the purchase and repair of properties under the Local Authority Housing Fund (LAHF) 2 and 3. The second scheme contributes towards general needs stock which primarily involves the purchase and refurbishment of properties back into the council's stock.
3. The associated S106 for Strategic Transport purposes will be committed on strategic junction improvements along with improving Active Travel routes throughout the borough. The council has a committed junction improvement scheme at the A185/Mill Lane Junction which seeks to reduce traffic congestion through changing the Arches and Hobson Way roundabouts into signalised junctions, introducing right lane turns into the widened A194 road and a new one-way section of Jarrow Road which includes proposals for new cycle and pedestrian routes.
4. The majority of the funding held for open spaces contribution on 31st March 2024 will be allocated to refurbishment of playground and outdoor recreational spaces within the borough, including a notable contribution to phase 1 of a playground refurbishment programme at Sutcliffe Play located in Perth Green, Jarrow.

# 9 Expenditure funded from Section 106 agreements in 2023/2024

9.1 Table 6 shows the usage of S106 monies during 2023/24. Expenditure from S106 receipts during the 2023/2024 financial year has been mainly on transport and travel. Some of the monies have been committed on pedestrian crossing improvements, but the majority has been committed for a strategic junction improvement at the A185 / Mill Lane junction.

***Table 6: Infrastructure spending during 2023/2024 funded from developer contributions***

|  |  |  |  |
| --- | --- | --- | --- |
| **Who from** | **Address** | **Amount allocated/spent** | **S106 Category** |
| Gentoo | Oakleigh Gardens, Cleadon | £87,438 | Affordable Housing |
| Persimmon Homes | Orwell Close, South Shields | £1,964 | Playing Pitches |
| Miller Homes | Victoria Road West, Hebburn | £6,150 | Ecology Works |
| Karbon Homes | Gordon House Site, South Shields | £3,200 | Noticeboard detailing the Natura 2000 Sites |
| Miller Homes Limited | Victoria Road West, Hebburn | £7,296 | Ecology works |
| Gentoo | Land at the junction, and bounded by Whitburn Road and Moor Lane East Boldon | £3,200 | Noticeboard detailing the Natura 2000 sites |
| Centaurea Homes Limited | Eskdale Drive, Jarrow | £8,940.18 | Habitats Mitigation Contribution |
| Miller Homes Limited | Victoria Road West, Hebburn | £584,558.66 | Education Contribution |
| Gentoo Homes | Farding Square, Hebburn | £22,302.87 | Further Habitats Contribution |
| Miller Homes Limited | Victoria Road West, Hebburn | £9,290 | Strategic Transport |
| **Grand Total allocated/spent over the period 1st April 2023 to 31st March 2024** | | **£734.339.62** |  |

9.2 The council does not use Section 106 receipts to repay debt, only to fund project costs. Therefore, zero monies were used for repaying money borrowed.

9.3 The council does not include a clause in Section 106 agreements in respect of the cost of monitoring the delivery of planning obligations.

# 10 Section 278 agreements

10.1 An agreement of this type covers works that need to be carried out on the existing adopted highway network.  It is South Tyneside Council’s policy to construct all ‘stand-alone’ works that fall into this category; this will be at the developers’ expense.  There are exceptions to this policy, and they are as follows:

* The works are of a minor nature such as forming the bell mouth junction to a new development or resurfacing a short length of footway.
* The works involve a number of visits to site to carry out small amounts of work. An example of this is re-development of existing housing sites.
* Where the council cannot carry out the construction within a reasonable timescale due to the workload.

10.2 The process for producing a Section 278 agreement depends on who is to complete the works; it can therefore be split into two parts.

1. When the works are to be built by South Tyneside Council the Section 278 drawing is submitted for approval and the required number are supplied for legal purposes. An estimate of total cost of works can be provided to the developer. The developer will provide his name and business address and that of his solicitor. From this information the draft agreement can be prepared by the Councils Legal Section.  This becomes the Section 278 Funding agreement.
2. When the works are to be designed and built by the developer the process is the same as that of a Section 38 agreement. Where the works are of a minor nature such as junction bell mouths or short lengths of footway the Section 38 and 278 agreement drawings can be combined.

10.3 South Tyneside Council, as the local highway authority, does not usually separate out the section 278 works from the other developer highway works; we combine the agreements into one and the developer undertakes the section 278 portion of the works.  Also, the council typically license the developer to carry it out.

10.4 Schemes that will be making alteration to the existing adopted highway but are likely to be undertaken by the developer so there are no cost estimates include the following:

* Redevelopment of Holborn site – new junctions and improvements to existing junctions and footpaths
* Land at Argyle Street / Ashworth Fraser – creation of new junctions into the development from existing highway network
* Lord Nelson Street – alterations and improvements to existing junction and footpaths
* Hedgeley Road (Fr James Walsh) – junction improvements

## Appendix 1: The Regulatory Requirements for Infrastructure Funding Statements

Regulation 121A states:

1. Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document (“the annual infrastructure funding statement”) which comprises the following—

(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 (other than CIL to which regulation 59E or 59F applies) (“the infrastructure list”);

(b) A report about CIL, in relation to the previous financial year (“the reported year”), which includes the matters specified in paragraph 1 of Schedule 2 (“CIL report”);

(c) A report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule (“section 106 report”).

(2) The first annual infrastructure funding statement must be published by 31st December 2020.

(3) A contribution receiving authority must publish each annual infrastructure funding statement on its website.

## Appendix 2: List of requirements to be included in the Section 106 Report

|  |  |
| --- | --- |
| **The matters to be included in the Section 106 Report** | **Reference in the South Tyneside Infrastructure Funding Statement** |
| 1. The total amount of money to be provided under any planning obligations which were entered into during the reported year; | Table 2 |
| 1. The total amount of money under any planning obligations which was received during the reported year; | Table 3 |
| 1. The total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority; | Table 4 |
| 1. summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year – |  |
| 1. In relation to affordable housing, the total number of units which will be provided; | Paragraph 4.2 |
| 1. In relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided. | Paragraph 4.2 |
| 1. The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure; | Paragraph 7.1 |
| 1. The total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend); | Table 4 |
| 1. In relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item; | Table 5 |
| 1. In relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of - |  |
| 1. the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item; | Table 6 |
| 1. The amount of money (received under planning obligations) spent on repaying money borrowed; including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part); | Paragraph 9.2 |
| 1. The amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations; | Paragraph 9.3 |
| The total amount of money (received under planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer-term maintenance (‘commuted sums’), also identify separately the amount of commuted sums held. | Table 1 - final row |