

**Bolsover District Council**

**Meeting of the Planning Committee on 3<sup>rd</sup> September 2025**

**QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING**

**Report of the Assistant Director: Planning & Planning Policy**

<b>Classification</b>	This report is Public
<b>Report By</b>	Julie-Anne Middleditch Principal Planning Policy Officer

**PURPOSE / SUMMARY OF REPORT**

- To provide a progress report on the spending of S106 contributions.
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**REPORT DETAILS**

**1. Background**

- 1.1 Section 106 agreements are legal agreements between the Council and landowners / developers that are often completed alongside applications for planning permission for major developments. They are needed to deal with the additional pressures on infrastructure that result from the new development. They are only required where the effects of the development would otherwise be unacceptable in planning terms and where they cannot be dealt with by conditions of the planning permission.
- 1.2 Implementation of Section 106 Agreements in a timely manner alongside the build-out of the approved developments is important as failure to achieve this will mean important infrastructure improvements lag behind the impact of the development.
- 1.3 Furthermore, if the Council fails to spend monies provided through the Section 106 Agreement within a set period, often within 5-years of entering into the agreement, there is a risk to the Council that the developer would be entitled to request the money back. Although the risk is relatively low, it is one that the Council must take seriously due to both the negative impact on the affected local community and the consequential reputational impact on the Council.
- 1.4 To manage and mitigate this serious risk the Council has an approved procedure for recording and monitoring Section 106 Agreements. The S106 Monitoring Procedure governs the work of the Council's cross-departmental Section 106 Monitoring Group.

- 1.5 Following the quarterly Section 106 Monitoring Group meetings, officers provide a progress report to the Planning Committee in respect of the monitoring of Section 106 Agreements. In line with the approved Procedure the progress report is required to highlight any sums at risk of clawback that need spending within 24 months, as well as a summary of the sums being held by infrastructure type that are in years three, four and five.
- 1.6 Accordingly, this report is the quarterly progress report following the meeting of the Section 106 Monitoring Group held on 24<sup>th</sup> July 2025.

## **2. Details of Proposal or Information**

- 2.1 The Council's Section 106 Agreement Monitoring Procedure requires sums within 24 months of their deadline to be highlighted for Member's attention.
- 2.2 Members will recall that in the report provided to Planning Committee in June, six remaining sums were identified as being within their 24-month deadline as of the April Monitoring Group meeting.
- 2.3 As reported to the Monitoring Group meeting on 24<sup>th</sup> July 2025 there are now eleven remaining sums within their 24-month deadlines (details below).

### **Spend Date within 12 months (by 24<sup>th</sup> July 2026)**

<b>Action Plan</b>	<b>Finance Spreadsheet</b>	<b>Site</b>	<b>Infrastructure and amount</b>	<b>Amount remaining</b>	<b>Spend Date</b>
Item 3	Line 84	Spa Croft, Tibshelf	Art £10,176.20	£7,863.70 <b>Reduced by £2,312.50</b>	31.3.26
Item 10	Line 71	Creswell Road, Clowne	Outdoor Sport £26,207	£26,207 <b>No change</b>	3.3.26
Item 11	Line 96	Land at Thornhill Drive, South Normanton	Art £10,757	£10,757.25 <b>No change</b>	24.6.26
Item 12	Line 98	Land at Thornhill Drive, South Normanton	Open Space £30,400	£30,400.07 <b>No change</b>	24.6.26

Item 13	Line 97	Land at Thornhill Drive, South Normanton	Outdoor Sport £22,843	£5,272.24 <b>No change</b>	24.6.26
Item 14	Line 99	Land at Thornhill Drive, South Normanton	Health £11,784.56	£11,784.56 <b>No change</b>	24.6.26

- 2.4 Since last reported to Planning Committee there has been spending against the Spa Croft Tibshelf sum. The four sums from the development of the land at Thornhill Drive, South Normanton have come within the 12-month spending threshold. Over the last financial quarter there was no reduction in these sums.

**Spend Date within 2 years (by 24<sup>th</sup> July 2027)**

Action Plan	Finance Spreadsheet	Site	Infrastructure and amount	Amount remaining	Spend Date
Item 18	Line 101	High Ash Farm, Clowne	Art £12,695.12	<b>£12,695.12</b> <b>No change</b>	30.5.27
Item 19	Line 102	Land West of Homelea and Tamarisk, Clowne	Outdoor Sport £19,026.71	<b>£19,026.71</b> <b>No change</b>	30.6.27
Item 20	Line 104	Land rear of 17-95 Alfreton Road, Pinxton	Outdoor Sport £29,697.04	<b>£29,697.04</b> <b>No change</b>	1.7.27
Item 21	Line 105	Land West of Homelea and Tamarisk, Clowne	Open Space £15,973	<b>£15,973</b> <b>No change</b>	30.6.27

Item 22	Line 106	Blind Lane, Bolsover	Open Space £100,821	<b>£100,821</b> <b>No change</b>	10.6.27
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- 2.5 Since the last Planning Committee, 5 new sums have come within the 2 years spend threshold. The contributions are for a range of infrastructure in Clowne, Open Space in Bolsover and Outdoor Sport in Pinxton.
- 2.6 The updates for the above items as discussed at the Section 106 Monitoring Group are set out below for Member's information.

**Acronyms:** DMLCM = Development Management and Land Charges Manager; CADO = Community Arts Development Officer; = Leisure Facilities Planning & Development Manager; PPPO = Principal Planning Policy Officer; CLE = Chartered Legal Executive; SDLPPSG&H = Senior Devolution Lead for Planning Policy, Strategic Growth and Housing; PPDM = Principal Planner Development Management; PA= Principal Accountant; HOL = Head of Leisure; DMCO = Development Management Case Officer; P&SM = Partnership and Strategy Manager

Item	Development site, relevant S106 sum and spend by date	Responsible officer
<b>3</b>	<b>Spa Croft, Tibshelf – Art £10,176.20 (31.03.26)</b>	<b>CADO</b>
	<u>Action from previous quarterly meeting</u> Report to next meeting	CADO
	<u>Update between April and July Meeting</u> On reporting to Planning Committee in June, Committee members expressed concern over the proposed timescale given the need for planning permission. Following the community consultation which finished at the end of June, CADO is to be responsible for putting the planning application in close partnership with the Artist to get the application together.	CADO
	<u>July meeting update</u> The artist, Andrew Vickers Art, is to be the applicant for the planning application, with support from CADO. The planning and licensing applications are now to be submitted at the end of August. PPPO reiterated the offer of guidance from the Development Management Case Officer. CADO's preference is to discuss the submission with the Artist first.	CADO
	<u>Agreed Action</u> To work with the Artist to ensure that applications are submitted as a priority.	CADO

10	<p><b>Creswell Road, Clowne – Outdoor Sport (SP)</b>  <b>Planning Ref: 14/00603/FUL</b>  <b>£26,207 (3.3.26)</b></p> <p><u>Previous Action</u>  An update to be reported to the next meeting.</p> <p><u>Update between April and July meeting</u>  The parish council has approved the final skatepark design from Wheelscape. The skatepark's location has been slightly adjusted to wrap around the existing Multi-Use Games Area (MUGA). A contract has been signed by the Parish Council. Construction is set to begin around 14 July 2025. A lease to be prepared by the District Council, giving the Parish Council responsibility for the skatepark's future management and maintenance. The works are programmed for completion in August.</p> <p><u>July meeting update</u>  Works to commence Monday 28<sup>th</sup> July.</p> <p><u>Agreed Action</u>  Report to next meeting</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
11	<p><b>Land at Thornhill Drive, South Normanton – Art</b>  <b>Planning Ref: 17/00148/OUT</b>  <b>£10,757 (24.6.26)</b></p> <p><u>Previous Action</u>  Report to next meeting.</p> <p><u>Update between April and July meeting</u>  In an update to the Planning Committee in June, CADO reported that initial discussions are to take place with Junction Arts around a tie in 50<sup>th</sup> anniversary celebratory project to rejuvenate the concrete dinosaur situated in South Street Park in South Normanton. A plan is being created to develop a piece of community consultation, some sustained youth activity and a repaint of the sculpture. For a launch/event in Spring 2026. PPODM of the view that the mural would conform to the requirements of the S106, though the restoration of the dinosaur may not.</p> <p><u>July meeting update</u>  Discussion in the group regarding the Junction Arts, Past/Present/Future Project and the works to the dinosaur artwork.</p>	<p>CADO</p> <p>CADO</p> <p>CADO</p> <p>ALL</p>

	<u>Agreed Action</u> Revisit the S106 with Development Management Case Officer to assess compliance of the dinosaur artwork restoration and notify CADO.	PPPO/DMCO
<b>12</b>	<p><b>Land at Thornhill Drive, South Normanton – Outdoor Sport</b>  <b>Planning Ref: 17/00148/OUT</b>  <b>£17,086.99 remaining (24.6.26)</b></p> <p><u>Previous Action</u>  Report to next meeting.</p> <p><u>July meeting update</u>  To use the remaining sums against provision of Pump Track (Item 13)</p> <p><u>Agreed Action</u>  Report to next meeting</p>	LFPDM     LFPDM  LFPDM  LFPDM
<b>13</b>	<p><b>Land at Thornhill Drive, South Normanton – Open Space</b>  <b>Planning Ref: 17/00148/OUT</b>  <b>£30,400 (24.6.26)</b></p> <p><u>Previous Action</u>  Report to the next meeting</p> <p><u>Update between April and July meeting</u>  A total of £63,000 had been put forward from a number of S106 contributions including this S106 contribution and Parish Council funds. It was planned to use the Lees Lane Outdoor Sport contribution towards the cost however the Lees Lane permission was granted under the policies of the latest Local Plan that refer to Outdoor Sport as relating specifically to Playing Pitches provision and improvement. The Lees Lane contribution cannot therefore be used for a pump track proposal. The Parish Council therefore agreed to contribute a further £20,000 in order that the project can go ahead. The project is to go out to tender shortly.</p> <p><u>July meeting update</u>  The remaining monies from the Thornhill Drive development (a permission that predates the current local plan) Outdoor Sports contribution of £5,272.24 are to be added to the pot for this project making the total monies available £68,272.24.</p>	LFPDM     LFPDM  LFPDM  LFPDM

	<p>Discussion in the Group around whether the works fall within Permitted Development and therefore not in need of planning permission as essentially the refurbishment and rejigging of an existing construction.</p> <p><u>Agreed Action</u> To forward details of the proposal with measurements to PPODM so that the need for planning approval can be assessed.</p>	LFPDM
<b>14</b>	<p><b>Land at Thornhill Drive, South Normanton – Health</b> <b>Planning Ref: 17/00148/OUT</b> <b>£11,784.56 (24.6.26)</b></p> <p><u>Previous Action</u> PPPO to have further talks with the ICB.</p> <p><u>Update between April and July meeting</u> ICB meeting on 21<sup>st</sup> July where the long-standing issues with engaging the doctor's practice in improvements were reiterated. A discussion was had on the more recent additional contributions held by the Council and the benefits of a feasibility study to see how best these further contributions could be spent.</p> <p><u>July meeting update</u> Reported that although the contribution is for the Pinxton and South Normanton Surgeries, the ICB are to focus on Pinxton. ICB proposing to visit the Pinxton Surgery during the week to see what enhancements can be made with this contribution.</p> <p><u>Agreed Action</u> To follow up with the ICB in two weeks to check on progress.</p>	<p>PPPO</p> <p>PPPO</p> <p>PPPO</p> <p>PPPO</p> <p>PPPO</p>
<b>19</b>	<p><b>High Ash Farm, Clowne – Art</b> <b>Planning Ref: 14/00057/OUTMAJ</b> <b>£12,695.12 (30.5.27)</b></p> <p>New Action Plan Item</p> <p><u>July meeting Update</u> There is an Art component in relation to the amphitheatre at The Edge. Awaiting the transfer of land at The Edge and the removal of the temporary fence around the amphitheatre. The plan was to use the contribution to hold events based around</p>	<p>CADO</p> <p>CADO</p>

	<p>the amphitheatre. Working with Junction Arts. CADO to talk with Economic Development in the Autumn.</p> <p><u>Agreed Action</u> To confirm with the Development Management Case Officer that any proposed plans for the contribution conform with the requirements of the S106.</p>	CADO
<b>20</b>	<p><b>Land West of Homelea/Tamarisk – Outdoor Sport</b> <b>Planning Ref: 20/00209/FUL</b> <b>£19,026.71 (30.6.27)</b></p> <p>New Action Plan Item</p> <p><u>July meeting update</u> A project for three tennis courts currently out to tender. Also funded by Clowne Tennis Club with BDC contracting the works. Likely to be next summer. The site is already a disused 5 a side pitch, so there is an existing fence which is staying along with the light columns, although the lamps are being changed. The main works are a change in surface material and lining out.</p> <p><u>Agreed Action</u> Provide further details to a Principal Planning Officer in Development Management to assess need for formal approval.</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
<b>21</b>	<p><b>Land rear of 17-95 Alfreton Road, Pinxton – Outdoor Sport</b> <b>Planning Ref: 17/00396/OUT</b> <b>£29,697.04 (1.7.27)</b></p> <p>New Action Plan Item</p> <p><u>Update July meeting</u> The contribution could be used to provide a MUGA at Wharf Road. LFPDM in talks with the Parish Council.</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
<b>22</b>	<p><b>Land West of Homelea and Tamarisk – Open Space</b> <b>Planning Ref: 20/00209/FUL</b> <b>£15,973 (30.6.27)</b></p> <p>New Action Plan Item</p>	LFPDM



	<u>Update July meeting</u> In the S106 Agreement there is reference to a cycle link to Mansfield Road from The Edge. The Senior Planning Policy Officer and Leisure Facilities Planning & Development Manager currently undertaking feasibility work.	LFPDM
	<u>Agreed Action</u> Report to next meeting	LFPDM
<b>23</b>	<b>Blind Lane, Bolsover – Open Space</b> <b>Planning Ref: 16/00463/OUT and 18/00481/REM</b> <b>£100,821 (10.6.27)</b>  New Action Plan Item  <u>Update July meeting</u> Out to consultation to the people that live on the Castle Estate to get views on what the money could be spent on, such as paths, play equipment, environmental works. Responses received so far total 80. Youth clubs are to be consulted directly to ensure a representative sample.	LFPDM
	<u>Agreed Action</u> Report to next meeting	LFPDM

2.7 These updates demonstrate the monitoring carried out by Planning Officers and the progress being made by Spending Officers to ensure that S106 monies are spent in a timely manner alongside the build-out of the approved developments. However, in line with the Council's S106 Agreement Monitoring Procedure the relevant Spending Officers will attend the Committee to answer any questions to Members on the above Action Plan items.

2.8 In addition to these time sensitive items, the Procedure requires that Members are provided with summary information in relation to Section 106 Agreement monies held with deadlines beyond the 24-month period. Based on the position at the end of Quarter 1 (30th June 2025), the following 'summary of sums' can be provided for years three, four and five.

Infrastructure type	Amount in later years		
	Year 3	Year 4	Year 5 and beyond
Affordable Housing	£0	£0	£195,418.36
Art	£0	£99,328.11	£117.46 (no clawback)
Outdoor Sport	£20,551.66	£139,001.98	£377,854.66
Informal Open Space	£36,916.00	£72,443.00	£55,220.07
Health	£0	£0	£124,789.55
Highways	£0	£0	£569,000

Biodiversity	£0	£0	£8,029.96
	<b>£57,467.66</b>	<b>£310,773.09</b>	<b>£1,330,430.06</b>

- 2.9 Since the last quarter the passage of time has brought changes with regard to the yearly profile of sums of the infrastructure contributions for Art, Outdoor Sport and Informal Open Space. A new contribution for Outdoor Sport has been received from the development at Glapwell Nurseries for £71,104.51.

### **3. Reasons for Recommendation**

- 3.1 The implementation of Section 106 Agreements in a timely manner is essential to achieving sustainable growth across the district and protecting the quality of life for the district's residents and businesses.
- 3.2 As a result, it is important that Members receive information about the progress being made by the various Council departments to deliver Section 106 Agreements and to give Members the opportunity to assess the effectiveness of the monitoring procedures.
- 3.3 It is recommended that Members note the contents of the latest monitoring report and highlight any concerns about the implementation of the Section 106 Agreements listed.

### **4 Alternative Options and Reasons for Rejection**

- 4.1 Providing a progress report in respect of the monitoring of Section 106 Agreements to Planning Committee addresses recommendations made in recent Audit reports and recommendations of Members of the Planning Committee as set out in the Council's procedure for recording and monitoring Section 106 Agreements. Therefore, officers have not considered alternative options.

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### **RECOMMENDATION(S)**

That Planning Committee note the contents of the report and highlight any concerns about the implementation of the Section 106 Agreements listed.

**Approved by Cllr Tom Munro, Portfolio Holder – Growth**

### **IMPLICATIONS:**

**Finance and Risk:**      Yes ☒      No ☐

**Details:** If obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and public confidence in the Council's decision taking. If financial contributions are not spent within a defined period, then the money has to be returned to the developer and normally returned with interest. Therefore, there are finance and risk implications if procedures for recording and monitoring Section 106 Agreements are not sufficiently robust.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**                      Yes ☐                      No ☒

**Details:** There are no data protection implications insofar as Section 106 Agreements are part of the statutory planning register and are therefore public documents. Section 106 of the Town and Country Planning Act 1990 provides the legal framework for the acceptance and discharge of the Section 106 Agreements and the Council's approved procedure addresses the key legislative provisions of this section of the 1990 Act.

On behalf of the Solicitor to the Council

**Environment:**                      Yes ☐                      No ☒

**Details:** Section 106 Agreements cover a range of policy and infrastructure requirements, albeit they do not specifically contribute to this subject.

**Staffing:**                      Yes ☐                      No ☒

**Details:** There are no human resources implications arising from this report.

On behalf of the Head of Paid Service

**DECISION INFORMATION:**

☒ ***Please indicate which threshold applies:***

**Is the decision a Key Decision?**

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Yes ☐                      No ☒

**Revenue (a)** Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

(a) ☐                      (b) ☒

**Capital (a)** Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

(a) ☐                      (b) ☒

**District Wards Significantly Affected:**

*(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)*

Please state below which wards are affected or tick **All** if all wards are affected:

**All** ☒

<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
<b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
<b>Leader</b> <input type="checkbox"/> <b>Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/>	Portfolio Member for Growth

Links to Council Ambition: Customers, Economy, Environment, Housing
<u>Environment</u> <ul style="list-style-type: none"> <li>Ensuring all area, neighbourhoods and streets in the district, irrespective of housing tenure or type, are places where people want to live, feel safe, and are proud to live.</li> </ul>
<u>Housing</u> <ul style="list-style-type: none"> <li>Enabling housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population.</li> </ul>

**DOCUMENT INFORMATION:**

Appendix No	Title

Background Papers
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i>