

Bolsover District Council

Meeting of the Planning Committee on 10th December 2025

QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

Report of the Assistant Director: Planning & Planning Policy

Classification	This report is Public
Report By	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 24th 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 September, eleven sums were identified as being within their 24-month deadline as of the July Monitoring Group meeting.
- 2.3 As reported to the Monitoring Group meeting on 30th October 2025 there are now ten remaining sums within their 24-month deadlines (details below).

Spend Date within 12 months (by 30th October 2026)

Action Plan	Finance Spreadsheet	Site	Infrastructure and amount	Amount remaining	Date
Item 3	Line 84	Spa Croft, Tibshelf	Art £10,176.20	£7,863.70 No change	31.3.26
Item 10	Line 71	Creswell Road, Clowne	Outdoor Sport £26,207	£0 Spent	3.3.26
Item 11	Line 96	Land at Thornhill Drive, South Normanton	Art £10,757	£10,757.25 No change	24.6.26
Item 12	Line 98	Land at Thornhill Drive, South Normanton	Open Space £30,400	£30,400.07 No change	24.6.26
Item 13	Line 97	Land at Thornhill Drive, South Normanton	Outdoor Sport £22,843	£2,004.60 Reduced by £3,267.64	24.6.26
Item 14	Line 99	Land at Thornhill Drive, South Normanton	Health £11,784.56	£11,784.56 No change	24.6.26

- 2.4 Since last reported to Planning Committee the Skatepark at Clowne has been constructed and the Creswell Road, Clowne Outdoor Sport sum has thereby been spent. There has also been a further spend against the Outdoor Sport contribution from the development at Thornhill Drive South Normanton

Spend Date within 2 years (by 30th October 2027)

Action Plan	Finance Spreadsheet	Site	Infrastructure and amount	Amount remaining	Date
Item 17	Line 101	High Ash Farm, Clowne	Art £12,695.12	£12,695.12 No Change	30.5.27
Item 18	Line 102	Land West of Homelea and Tamarisk	Outdoor Sport £19,026.71	£19,026.71 No change	30.6.27
Item 19	Line 104	Land rear of 17-95 Alfreton Road, Pinxton	Outdoor Sport £29,697.04	£29,697.04 No change	1.7.27
Item 20	Line 105	Land West of Homelea and Tamarisk	Open Space £15,973	£15,973 No change	30.6.27
Item 21	Line 106	Blind Lane, Bolsover	Open Space £100,821	£100,821 No change	10.6.27

2.5 Since the last Planning Committee, there has been no further spend against these sums. No further sums have come within the 2 years spend threshold.

2.6 The updates for the above items as discussed at the Section 106 Monitoring Group are set out below for Member's information.

Item	Development site, relevant S106 sum and spend by date	Responsible officer ¹
3	<p>Spa Croft, Tibshelf – Art £10,176.20 of which £7,864 remaining (31.03.26)</p> <p>Project: Stone Sculpture</p> <p><u>Action from previous quarterly meeting</u> To work with the Artist to ensure that applications are submitted as a priority.</p> <p><u>Update between July and October Meeting</u> CADO advised by DMCO that the site is within the Tibshelf Conservation Area, requiring a</p>	<p>CADO</p> <p>CADO</p> <p>CADO</p>

¹ 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

	<p>Statement of Heritage Significance before validation. Conservation Manager assisted with drafting. Heritage statement submitted on 10th October by the Artists and planning application validated. DCC Highways raised the need for a site line survey.</p> <p><u>October meeting update</u> CADO has completed the site line survey and passed it onto the artist for submission to DCC. Once Planning Permission has been secured the third payment will be due.</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>CADO</p> <p>CADO</p>
10	<p>Creswell Road, Clowne – Outdoor Sport (SP) Planning Ref: 14/00603/FUL £26,207 (3.3.26)</p> <p>Project: Skatepark</p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between July and October meeting</u> Works commenced on the skatepark at the end of July. Confirmation in October that the skatepark was completed</p> <p><u>Agreed Action</u> Remove from Action Plan</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>ALL</p>
11	<p>Land at Thornhill Drive, South Normanton – Art Planning Ref: 17/00148/OUT £10,757 (24.6.26)</p> <p>Project: Murals South Street Recreation Ground</p> <p><u>Previous Action</u> Revisit the S106 to assess compliance of the dinosaur artwork restoration and notify CADO.</p> <p><u>Update between July and October meeting</u> Meeting in September between CADO, PPPO and DMCO. Concerns raised in Development Management about refurbishing the dinosaur as being a suitable use of S106 funds; a new artwork preferred. CADO confirmed that money for the dinosaur could be sourced from elsewhere. CADO proposed a broader plan including community engagement and artwork in</p>	<p>CADO</p> <p>CADO</p> <p>CADO</p> <p>CADO/PPPO/DMCO</p>

	<p>nearby locations, as the developer is in support of the off-site use of their contribution. PPPO clarified that physical artwork is the priority and suggested artistic gates as a lasting, place-making solution though would require additional funding to support this.</p> <p><u>October meeting update</u> CADO has sourced other funding for the dinosaur. The entrances to the site are vehicular accesses and not appropriate for artistically inspired gateway schemes. The contribution is to be used for new murals on the site.</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>CADO</p> <p>CADO</p>
12	<p>Land at Thornhill Drive, South Normanton – Open Space Planning Ref: 17/00148/OUT £30,400 (24.6.26)</p> <p>Project: Pump Track</p> <p><u>Previous Action</u> To forward details of the proposal with measurements to PPODM so that the need for planning approval can be assessed.</p> <p><u>Update between July and October meeting</u> As of early October, the Pump Track project out to tender with time allowed for a planning application if required. No conclusion yet on whether it is permitted development as PPODM needing more information from LFPDM.</p> <p><u>October meeting update</u> Tender deadline tomorrow, 1st November.</p> <p><u>Agreed Action</u> To send LFPDM Part 12 of the GPDO to see if the proposal falls within permitted development.</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
13	<p>Land at Thornhill Drive, South Normanton – Outdoor Sport Planning Ref: 17/00148/OUT £2,004.60 remaining (24.6.26)</p> <p>Project: Pump Track</p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>Update between July and October meeting</u></p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>

	<p>These remaining monies are to be used as a contribution towards the Pump Track project, Item 12 above.</p> <p><u>October meeting update</u> As item 12</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>LFPDM</p> <p>LFPDM</p>
14	<p>Land at Thornhill Drive, South Normanton – Health Planning Ref: 17/00148/OUT £11,784.56 (24.6.26)</p> <p>Project: Not confirmed</p> <p><u>Previous Action</u> To follow up with the ICB in two weeks to check on progress.</p> <p><u>Update between July and October meeting</u> A meeting between PPPO, SDLPPSG&H and the Integrated Care Board at the end of July was followed up with meeting notes sent in early August with a request for an update on the proposed meeting at the Practice that was to take place on the week of the meeting. No response received.</p> <p>An email to the ICB in early September requesting an update on discussions with the Practice. No response received.</p> <p>An email to the ICB near the end of September asking for confirmation that there has been no change with regard to the ICB engaging with the Practice and suggesting that there may still be time with 9 months left for the Feasibility Study suggested in July to be undertaken. No response received.</p> <p>Email from PPPO to SDLPPSG&H in early October to request escalation. An email to the ICB at the end of October requesting an update to report to the S106 Monitoring Group. No response received.</p> <p><u>October meeting update</u> Discussion in the group on the ongoing difficulties securing progress with health infrastructure due to the lack of communication from the ICB and the concern that there are further monies already in the Council's coffers</p>	<p>PPPO</p> <p>PPPO</p> <p>PPPO</p> <p>PPPO</p>

	<p>for this Practice that should also be spent on increasing capacity.</p> <p><u>Agreed Action</u> To be escalated due to lack of progress/communication from the ICB.</p>	PPPO/ SDLPPSG&H
17	<p>High Ash Farm, Clowne – Art Planning Ref: 14/00057/OUTMAJ £12,695.12 (30.5.27)</p> <p>Project: Not confirmed</p> <p><u>Previous Action</u> To confirm with PPODM as DMCO that any proposed plans for the contribution conform with the requirements of the S106.</p> <p><u>Update between July and October Meeting</u> In August DMCO (PS) confirmed that a proposed artwork on The Edge would be suitably located and meet the aims of the public art contribution. However, there is also potential to use the contribution on the High Ash Farm land which may offer a better fit for the spending of the contribution as it sits within the application site.</p> <p>CADO states that the current intention is to focus the project around the newly installed amphitheatre at The Edge, delivering a physical artwork supported by community engagement, ideally in partnership with an arts organisation. Plans are at an early stage, with work scheduled to begin September 2025.</p> <p>Given time pressures and the need to use the funds within a reasonable period DMCO recommends proceeding with the Edge proposal <u>unless</u> the High Ash Farm acquisition progresses quickly.</p> <p><u>October meeting Update</u> CADO currently having conversations with artists.</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>CADO</p> <p>CADO</p> <p>CADO</p> <p>CADO</p>
18	<p>Land West of Homelea/Tamarisk – Outdoor Sport Planning Ref: 20/00209/FUL £19,026.71 (30.6.27)</p>	LFPDM

	<p>Project: Tennis Courts</p> <p><u>Previous Action</u> Provide further details to PPODM to assess need for formal approval.</p> <p><u>Update between July and October meeting</u> Tender process completed, resulting in the identification of two potential suppliers.</p> <p>Progress is currently delayed due to ongoing discussions with the trustees of the former Clowne Town Tennis Club, who are the primary funders and require assurance that the facility will remain accessible following local government reorganisation. The Council's Legal Services are exploring the most suitable mechanism to secure this, potentially through a legal agreement or a charge on the title, similar to arrangements made for the 3G pitch.</p> <p>From a planning perspective, the sports use will be retained as the site transitions from a 5-a-side pitch to tennis courts, with resurfacing and floodlight upgrades included in the project scope. So, not a change of use.</p> <p><u>October meeting update</u> Paperwork currently with Legal Services to look at a possible charge on Land Registry. Work is targeted for Spring 2026, contingent on resolving these outstanding issues.</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
19	<p>Land rear of 17-95 Alfreton Road, Pinxton – Outdoor Sport Planning Ref: 17/00396/OUT £29,697.04 (1.7.27)</p> <p>Project: MUGA</p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between July and October meeting</u> The contribution could be used to provide a MUGA at Wharf Road as the obligation predates the current Local Plan. LFPDM in talks with the Parish Council.</p> <p><u>October Meeting Update</u></p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>

	<p>There are two instalments for this Outdoor Sports contribution that have been listed separately on the S106 Finance Spreadsheet in error (lines 104 and 123). They amount to a single contribution of £64,239.34. As the second 50% payment was received on 18 February 2025, the 'spend by' date should be 18 February 2030 and not 1 July 2027.</p> <p>Following wider consultation, the MUGA remains the suggested project.</p> <p><u>Agreed Action</u> Remove from Action Plan</p>	<p>LFPDM</p> <p>ALL</p>
20	<p>Land West of Homelea and Tamarisk – Open Space Planning Ref: 20/00209/FUL £15,973 (30.6.27)</p> <p>Project: Not confirmed</p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between July and October meeting</u> Work is underway to link The Edge green space with Arc Leisure Centre via a 550m multi-user trail. Estimated costs: £250k for a 2.5m path or £180k for a 2m path, including fencing, gates, and vegetation clearance. S106 funds could support fence removal from unauthorised equestrian land or act as match funding. Officers are considering Compulsory Purchase due to unclear land ownership.</p> <p><u>October meeting Update</u> HOL, LFPDM, SPPO and SDLPPSG&H have met to progress the project. Costs exceed available funds, so external funding is needed. Land ownership involves two parcels—DCC and Avant (under transfer for The Edge open space). A planning issue remains. If unresolved, S106 funds will be used for improvements at The Edge, e.g., additional play equipment</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
21	<p>Blind Lane, Bolsover – Open Space Planning Ref: 16/00463/OUT and 18/00481/REM £100,821 (10.6.27)</p> <p>Project: Not yet agreed</p>	<p>LFPDM</p> <p>LFPDM</p>

	<u>Previous Action</u> Report to next meeting	LFPDM
	<u>Update between July and October meeting</u> Consultation is underway with Castle Estate residents on how to spend the S106 contribution, with options including paths, play equipment, and environmental improvements. So far, 80 responses have been received. Youth clubs will be consulted directly to ensure a representative sample.	LFPDM
	<u>Update at October Meeting</u> Consultation completed and LFPDM's original ideas to be taken forward. In the process of contacting suppliers. A former garage site within the boundary of the open space needs a change of use application.	LFPDM
	<u>Agreed Action</u> Report to next meeting	LFPDM

- 2.6 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.
- 2.7 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 2 (31st October 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	£0.00	£195,418.36	£0.00
Art	£0.00	£99,328.11	£117.46
Outdoor Sport	£20,551.66	£139,011.98	£526,113.42
Informal Open Space	£36,916.00	£72,443.00	£229,892.18
Health	£0.00	£0	£124,789.55
Highways	£0	£0	£569,000.00

Biodiversity	£0	£0	£8,029.96
	£57,467.66	£506,201.45	£1,457,942.57

- 2.8 Since the last financial quarter, there has been no spending across the years for those contributions in years 3-5 aside from the Affordable Housing sum which has moved into year 4. The total of S106 contributions held by the Council across all infrastructure allocations at the end of October 2025 was £2,253,898.

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.

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:

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.

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.

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:

Yes ☐No ☒(a) ☐(b) ☒(a) ☐(b) ☒All ☒

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	Yes <input type="checkbox"/> No <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>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Portfolio Member for Growth

Links to Council Ambition: Customers, Economy, Environment, Housing
<u>Environment</u> <ul style="list-style-type: none"> 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.
<u>Housing</u> <ul style="list-style-type: none"> Enabling housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population.

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>