

Bolsover District Council

Meeting of the Planning Committee on 18th February 2026

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.

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 22nd January 2026.

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, ten sums were identified as being within their 24-month deadline as of the October Monitoring Group meeting.

2.3 As reported to the Monitoring Group meeting on 22nd January 2026 there are now nine remaining sums within their 24-month deadlines (details below).

Spend Date within 12 months (by 31st December 2026)

Action Plan	Finance Spread sheet	Site	Infrastructure and amount	Amount remaining	Date
Item 3	Line 84	Spa Croft, Tibshelf	Art £10,176.20	£3,238.70 A further £4,625 spent	31.3.26
Item 11	Line 96	Land at Thornhill Drive, South Normanton	Art £10,757	£10,874.71 Increased by £117.46 with the addition of the underspend from other contribution	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	£3,267.64 No change	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 there was further spend against the contribution for Art from the development at Spa Croft Tibshelf, leaving one final

payment to be made once the planning approvals have been secured. The sum against Art from the Land at Thornhill Drive development has increased slightly with the reallocation of underspend from development at The Brambles, Doe Lea (£1.11) and at Carter Lane West South Normanton (£116.35)

Spend Date within 2 years (by 31st December 2027)

Action Plan	Finance Spreadsheet	Site	Infrastructure and amount	Amount remaining	Date
Item 18	Line 101	High Ash Farm, Clowne	Art £12,695.12	£12,695.12 No change	30.5.27
Item 19	Line 102	Land West of Homelea and Tamarisk	Outdoor Sport £19,026.71	£19,026.71 No change	30.6.27
Item 21	Line 105	Land West of Homelea and Tamarisk	Open Space £15,973	£15,973 No change	30.6.27
Item 22	Line 106	Blind Lane, Bolsover	Open Space £100,821	£100,821 No change	10.6.27

2.5 Since the last Planning Committee, item 20 has been removed from both the Action Plan, and the 2 years spend table. This is due to an error in logging the contribution, as it was the first of two instalments. On receipt of the second and final instalment, the deadline for the spending of the contribution from the development at Land to the Rear of Alfreton Road Pinxton is February 2030.

2.6 There has consequently been a reduction in the number of sums within the 2 years threshold in Q3 from five to four sums. There has been no further spend against these sums. No further sums have come within the 2 years spend threshold.

2.7 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
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> Report to next meeting</p> <p><u>Update between meetings</u> The Tibshelf Gateway Structure project has moved forward, with the required heritage statement submitted in October and the planning application validated. Planning permission has since been conditionally granted, and the project is now waiting for approval from Derbyshire County Council of the "Object in the Highway" Licence. The sculpture is complete and ready for installation, which is expected to take two days. The final S106 spend will cover installation and a £920 transfer to a local community group for complementary planting. Remaining funds total £3,238, with £2,312.50 allocated to Phase 3 and £925.50 left afterwards.</p> <p><u>January meeting update</u> CADO not at the meeting, the following update being provided in lieu.</p> <p>The project is now just awaiting the granting of an 'Object in the Highways license from DCC Highways dept. The recent involvement of SLT and Local Members with DCC Cabinet Members has now yielded a case number and request for siting information (sent 18/1/26). Application for license was made by the artist rather than BDC, but CADO is the signed officer, so DCC communications are now coming direct to CADO.</p> <p>Remaining funds are planned to be expended as follows: £2,312.50 - Phase 3 payment to artist post installation of sculpture. £920 - Payment to community group as contribution towards planting scheme / schedule. £5.67 - 'write off' amount Payments will be complete before end date.</p> <p>Issues with Highway Licenses taking some time to come forward, potentially up to 30 weeks, was discussed at the meeting.</p>	CADO CADO CADO CADO CADO

	<p><u>Agreed Action</u></p> <p>To continue to chase the Highway License given that the deadline for spending the contribution is 8 weeks away.</p>	CADO
10	<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> Report to next meeting</p> <p><u>Update between meetings</u> The Thornhill Drive contribution will fund new murals. A revised three-phase project with Junction Arts will be delivered at South Street Recreation Ground, centred on a co-produced mural with Brigg Infants pupils to celebrate local identity and improve the space.</p> <p><u>January meeting update</u> CADO not at the meeting, the following update being provided the following in lieu.</p> <p>Work is continuing with Junction Arts to develop the 3-stage programme of exploration, consultation and creation for murals work on the site. Meeting in early February of 2026 to finalise planning for a start in March 2026. Timeline for project is March, April and May 2026. 1 month for each stage of the work.</p> <p><u>Agreed Action</u> Report to next meeting</p>	CADO CADO CADO CADO CADO

11	<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 send LFPDM Part 12 of the GPDO to see if the proposal falls within permitted development.</p> <p><u>Update between meetings</u> The Thornhill Drive open-space contribution is progressing through the pump-track proposal, which went out to tender in early October. Clarification was sought on whether the scheme qualifies as permitted development, dependent on the height and volume of the raised track features. By December, the tender process had been completed and evaluated, with approval due from the parish council on 11th December. Parish-council approval pending before the contract is awarded. Once approved, the contract will be awarded and the final design agreed. Planning permission may not be required if the scheme meets permitted-development thresholds. Construction is anticipated for spring 2026, lasting around four weeks.</p> <p><u>January meeting update</u> Signed off by the Parish Council in December. Procurement delays have resulted in the matter being escalated.</p> <p><u>Agreed Action</u> Report to next meeting</p>	LFPDM LFPDM LFPDM LFPDM LFPDM
12	<p>Land at Thornhill Drive, South Normanton – Outdoor Sport Planning Ref: 17/00148/OUT £3,267.64 remaining (24.6.26)</p> <p>Project: Pump Track</p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>Update between meetings</u> The remaining outdoor-sport contribution for Thornhill Drive will be used to support the pump-track project referenced under item 11. The tender process has been completed and evaluated, with parish-council approval pending</p>	LFPDM LFPDM LFPDM

	<p>before the contract is awarded. LFPDM will report back at the next meeting.</p> <p><u>January meeting update</u> As item 11</p> <p><u>Agreed Action</u> Report to next meeting</p>	LFPDM LFPDM
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 be escalated due to lack of progress / communication from the ICB.</p> <p><u>Update between meetings</u> The Thornhill Drive health contribution remains stalled due to an ongoing lack of engagement from the ICB.</p> <p><u>January meeting update</u> SDLPPSG&H is working with senior leadership and political representatives, including the local MP's office, to secure ICB engagement and prevent the need to return unspent contributions.</p> <p><u>Agreed Action</u> Follow up following outcome of escalation</p>	PPPO PPPO/ SDLPPSG&H PPPO SDLPPSG&H PPPO
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> Report to next meeting</p> <p><u>Update between meetings</u> CADO's current intention is to develop a project to be implemented in 2026 linking The Edge and High Ash Farm, potentially through sculpture trails and connections into the wider village. Conversations with artists and arts organisations are underway, with community involvement expected to shape the final design. CADO will report back at the next meeting.</p>	CADO CADO CADO

	<p><u>January meeting Update</u> CADO not at the meeting, the following update being provided the following in lieu.</p> <p>Exploration time has been made with several artists / arts organisations around a 6-to-8-month programme starting in June of 2026 to look at how the new amphitheatre site can be made to incorporate new works of art to reflect the community / village links through the High Ash Farm, Edge and possibly even the Arc into the 'journeys' into the town itself. Consultation and exploration to start with Parish Council in April / May 2026. One other idea that has come forward is the decoration in mural form of several shipping containers on the Arc site leading towards the rear 3G pitches/ new tennis development. CADO to explore this option with the planning officer concerned with the High Ash farm site in the first instance.</p> <p><u>Agreed Action</u> To contact the DMCO as a priority (PS) to discuss initial ideas</p>	CADO
17	<p>Land West of Homelea and Tamarisk – Outdoor Sport Planning Ref: 20/00209/FUL £19,026.71 (30.6.27)</p> <p>Project: Tennis Courts</p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>Update between meetings</u> Legal Services are preparing an agreement and a charge on the title to secure long-term access for the Tennis Club. Once completed, contracts can be awarded, with construction targeted for spring 2026.</p> <p><u>January meeting update</u> Legal Agreement close to completion but may require updated quotes / re-tender.</p> <p><u>Agreed Action</u> Report to next meeting</p>	LFPDM LFPDM LFPDM LFPDM LFPDM LFPDM
18	<p>Land West of Homelea and Tamarisk – Open Space Planning Ref: 20/00209/FUL £15,973 (30.6.27)</p>	LFPDM

	<p>Project: Not confirmed</p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between meetings</u> A recent appeal decision has reopened options for this contribution, including extending existing footpaths or using the funds for play-area improvements at The Edge or Arc. Land acquisition is still being progressed by Avant. A shorter internal path with play-area enhancements is now being considered as a potential project.</p> <p><u>January meeting Update</u> No further update</p> <p><u>Agreed Action</u> Report to next meeting</p>	LFPDM LFPDM LFPDM LFPDM
19	<p>Blind Lane, Bolsover – Open Space Planning Ref: 16/00463/OUT and 18/00481/REM £100,821 (10.6.27)</p> <p>Project: Upgrade to existing recreation area</p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between meetings</u> LFPDM is now developing the scheme based on the original improvement ideas and is contacting suppliers. Quotes are being obtained for paths, MUGA resurfacing, lighting, planting, landscaping, and play-area upgrades. Additional land from Avant and the former BDC garage site is being incorporated. A change-of-use application is required for a former garage site within the open-space boundary. Works are planned for spring–summer 2026.</p> <p><u>Update at January Meeting</u> Prices for path resurfacing have been received with prices for other components to be pursued.</p> <p><u>Agreed Action</u> Report to next meeting</p>	LFPDM LFPDM LFPDM LFPDM LFPDM

2.8 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.

- 2.9 In addition to these time sensitive items, the Procedure requires that Members are provided with summary information in relation to Section 106 Agreements monies held with deadlines beyond the 24-month period. Based on the position at the end of Quarter 3 (31st December 2025), the 'summary of sums' against each Parish and Infrastructure Type can be found as an Appendix to this report.
- 2.10 This is a change in the presentation of the data from previous Quarterly Update reports. It was felt that this new presentation would provide the information in a way that was more useful to monitoring in the way of providing early and ongoing information.

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:

<u>Finance and Risk</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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		
<u>Legal (including Data Protection)</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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		
<u>Staffing</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details: There are no human resources implications arising from this report.		
On behalf of the Head of Paid Service		
<u>Equality and Diversity, and Consultation</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Details: There are no specific direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic arising from this report.		
<u>Environment</u>		
Details: Section 106 Agreements cover a range of policy and infrastructure requirements, albeit they do not specifically contribute to this subject.		

DECISION INFORMATION:

<i>☒ Please indicate which threshold applies:</i>	
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>
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) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>

<p>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.</p> <p>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:</p>	<p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p> <p>All <input checked="" type="checkbox"/></p>
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<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p> <p>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>)</p> <p>Consultation carried out: (this is any consultation carried out prior to the report being presented for approval)</p> <p>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 checked="" type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Portfolio Member for Growth</p>
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<p>Links to Council Ambition: Customers, Economy, Environment, Housing</p> <p>Environment</p> <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. <p>Housing</p> <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. 	
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DOCUMENT INFORMATION:

Appendix No	Title
A	Infrastructure Contribution Sums 3-5 years Spending Deadline

<p>Background Papers (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).</p>
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