

**Bolsover District Council**

**Meeting of the Planning Committee on 13<sup>th</sup> May 2026**

**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 22<sup>nd</sup> April 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 February, nine sums were identified as being within their 24-month deadline as of the January Monitoring Group meeting.
- 2.3 As reported to the Monitoring Group meeting on 22<sup>nd</sup> April 2026 there are now eight remaining sums within their 24-month deadlines (details below).

### **Spend Date within 12 months (by 31<sup>st</sup> March 2026)**

<b>Action Plan</b>	<b>Finance Spreadsheet</b>	<b>Site</b>	<b>Infrastructure and Project amount</b>	<b>Amount remaining</b>	<b>Date</b>
	Line 84	Spa Croft, Tibshelf	Artwork: Gateway Sculpture £10,176.20	£6.20  <b>Project completed.</b>	31.3.26
Item 6	Line 96	Land at Thornhill Drive, South Normanton	Artwork: Murals £10,757	£10,874.71  <b>No change</b>	24.6.26
Item 7	Line 98	Land at Thornhill Drive, South Normanton	Open Space: Pump Track £30,400	£30,400.07  <b>No change</b>	24.6.26
Item 8	Line 97	Land at Thornhill Drive, South Normanton	Outdoor Sport: Pump Track £22,843	£12,941.69  <b>Increased by £9,674.05</b>	24.6.26

Item 9	Line 99	Land at Thornhill Drive, South Normanton	Health: increasing surgery capacity £11,784.56	£11,784.56 <b>No change</b>	24.6.26
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- 2.4 Since last reported to Planning Committee The Gateway Sculpture Project at Tibshelf has been completed with £3,232.50 spent in Q4 leaving a residual sum to be reallocated. This item is thereby removed from the Action Plan.
- 2.5 There has been an increase in the last quarter against the sum held from the Land at Thornhill Drive development for Outdoor Sport (item 8). This is due to a £10,000 refund for repair works following an insurance claim for the cost of weather-related repairs to the pavilion at Broadmeadows. There has also been further minor spend of £325.95 against this contribution for repairs. The additional funds will be used towards the pump track.
- 2.6 Regarding the other 3 contributions, there has been no change against the amounts remaining to be spent. No further contributions have come within the 12 months spend threshold.

#### **Spend Date within 2 years (by 31<sup>st</sup> March 2027)**

<b>Action Plan</b>	<b>Finance Spreadsheet</b>	<b>Site</b>	<b>Infrastructure and amount</b>	<b>Amount remaining</b>	<b>Date</b>
Item 12	Line 101	High Ash Farm, Clowne	Artwork: to be agreed £12,695.12	£12,695.12 <b>No Change</b>	30.5.27
Item 13	Line 102	Land West of Homelea and Tamarisk	Outdoor Sport: Tennis Courts £19,026.71	£19,026.71 <b>No change</b>	30.6.27
Item 14	Line 105	Land West of Homelea and Tamarisk	Open Space: Footpath link £15,973	£15,973.50 <b>No change</b>	30.6.27
Item 15	Line 106	Blind Lane, Bolsover	Open Space: MUGA and associated improvements £100,821	£100,821 <b>No change</b>	10.6.27

- 2.7 Since the last Planning Committee, there has been no change against the amounts remaining to be spent within 12-24 months. No further contributions have come within the 2 years spend threshold.
- 2.8 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
6	<p><b>Land at Thornhill Drive, South Normanton – Art Planning Ref: 17/00148/OUT £10,757 (24.6.26)</b></p> <p><b>Project: Murals South Street Recreation Ground</b></p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between meetings</u> Version 2 of the community proposal is complete, with the project scheduled to begin in March 2026. It will run for three months across three phases: community development, creation of a co-produced mural, and professional installation, supported by a wider programme of parish events celebrating existing public art and the area's strong community arts heritage. The project will deliver a collaboratively designed mural at South Street Recreation Ground, chosen through consultation, helping to create a more vibrant and welcoming public space.</p> <p><u>April meeting update</u> Junction Arts have continued with consultation and development work. The building upon which the mural was to be painted is owned by Derbyshire County Council (Education) who are</p>	<p>CADO</p> <p>CADO</p> <p>CADO</p> <p>CADO</p>

	<p>not responding to emails. CADO stated that a new site may have to be found for the mural and will be exploring this and a possible extension to the spend deadline.</p> <p>PPPO confirmed that project development work undertaken by Junction Arts would not be considered eligible in terms of the S106 contribution as it does not constitute a physical artwork.</p> <p><u>Agreed Action</u> To consult with DMCO (PS) regarding an extension of time and re-siting the artwork</p>	CADO
<b>7</b>	<p><b>Land at Thornhill Drive, South Normanton – Open Space Planning Ref: 17/00148/OUT £30,400 (24.6.26)</b></p> <p><b>Project: Pump Track</b></p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between meetings</u> The preferred contractor 414 Ltd has been selected. They have confirmed they can meet the end-June spend deadline. A consultation event took place in early March with positive feedback and some suggested design tweaks. Contractors have indicated an April or early May start on site, with the exact date to be confirmed.</p> <p><u>April meeting update</u> JCT contract to be completed.</p> <p><u>Agreed Action</u> Project to be completed before next meeting</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
<b>8</b>	<p><b>Land at Thornhill Drive, South Normanton – Outdoor Sport Planning Ref: 17/00148/OUT £12,941.69 remaining (24.6.26)</b></p> <p><b>Project: Pump Track</b></p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>Update between meetings</u> As item 7</p> <p><u>April meeting update</u></p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>

	<p>As item 7. There has been an increase against the sum held from the Land at Thornhill Drive development for Outdoor Sport due to an insurance payment of £10,000 for the cost of weather-related repairs to the pavilion at Broadmeadows. There has also been spend of £325.95 against this sum for minor repairs.</p> <p><u>Agreed Action</u> Project to be completed before next meeting</p>	<p>LFPDM</p> <p>LFPDM</p>
<b>9</b>	<p><b>Land at Thornhill Drive, South Normanton – Health Planning Ref: 17/00148/OUT £11,784.56 (24.6.26)</b></p> <p><b>Project: Not confirmed</b></p> <p><u>Previous Action</u> Follow up with SDLPPSG&amp;H following outcome of escalation</p> <p><u>Update between meetings</u> Repeated attempts by PPPO and SDLPPSG&amp;H to obtain an update from the ICB. On 10 February 2026, PPPO emailed the ICB requesting progress before committee and asking for written confirmation if no further movement was likely. With no response, SDLPPSG&amp;H emailed again on 30 March 2026 seeking an urgent reply for a May Members update, requesting a Teams meeting within the next two weeks, and warning that the Council may have to return £11,784.56 due to the ICB's failure to propose a viable scheme. On 14 March 2026, SDLPPSG&amp;H informed PPPO that, given the continued silence, another email would be sent to the ICB that day. By 21 April 2026, response yet to be received from the ICB.</p> <p><u>April meeting update</u> No further progress to report.</p> <p><u>Agreed Action</u> Contribution to be considered for return to the developer.</p>	<p>PPPO</p> <p>PPPO</p> <p>PPPO/SDLPPSG &amp;H</p> <p>PPPO</p> <p>PPPO/SDLPPSG &amp;H</p>
<b>12</b>	<p><b>High Ash Farm, Clowne – Art Planning Ref: 14/00057/OUTMAJ £12,695.12 (30.5.27)</b></p> <p><b>Project: Not confirmed</b></p>	<p>CADO</p>

	<p><u>Previous Action</u> To contact the DMCO as a priority (PS) to discuss initial ideas</p> <p><u>Update between meetings</u> Following a review with DMCO (PS), the proposed “painted containers” idea put forward at the January meeting (by note) is not considered suitable, as it would not support placemaking and would be an inappropriate use of the contribution.</p> <p>CADO reported to planning committee in February that work had progressed on the public art brief for High Ash Farm and Edge which will go out to tender in July 2026. Three artists or organisations have expressed interest, and the Community Arts Development Officer is supporting those new to the tendering process. Early discussions are exploring ideas for linking the two development sites supported by the new amphitheatre at the Edge, through sculpture trails and connections into the wider village.</p> <p><u>April meeting Update</u> No further updates on progress.</p> <p><u>Agreed Action</u> To contact the DMCO (PS) as a priority to discuss initial ideas</p>	<p>CADO</p> <p>CADO</p> <p>CADO</p> <p>CADO</p>
<p><b>13</b></p>	<p><b>Land West of Homelea and Tamarisk – Outdoor Sport Planning Ref: 20/00209/FUL £19,026.71 (30.6.27)</b></p> <p><b>Project: Tennis Courts</b></p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>Update between meetings</u> As of mid-February, the Legal Agreement with the Tennis Club trustees was being finalised, with the contract for the works to be let Spring/Summer.</p> <p><u>April meeting update</u> Decision from Leisure Services to now also include padel courts on the site. This may require reorientation of the tennis courts in an east/west direction in order to accommodate the padel courts, although the exact orientation is yet to be agreed. Subject to there being sufficient space</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>

	<p>available, the final project will comprises 3 tennis courts and 2 padel courts. Due to the passage of time and now the change in the project, updated quotes required. LFPDM and Assistant Director Leisure, Health &amp; Wellbeing held a meeting with Pulse Design and Build on 24 April. Pulse could offer an alternative delivery mechanism. The Legal Agreement is currently with the Clowne Town Tennis Club Trustees, who are part funding the works.</p> <p><u>Agreed Action</u> Report to next meeting</p>	LFPDM
<b>14</b>	<p><b>Land West of Homelea and Tamarisk – Open Space Planning Ref: 20/00209/FUL £15,973 (30.6.27)</b></p> <p><b>Project: Cycle link</b></p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between meetings</u> Progress on this awaiting land transfer at The Edge</p> <p><u>April meeting Update</u> A lease has been sent by DCC for the land behind the Edge with a charge of approximately £700/annum for renting the land with full maintenance liability for the land, boundaries and trees. As such, creating a right of way across the land may not be possible.</p> <p>An alternative, shorter link could be created to connect the existing path within the ‘town park’ land at The Edge to Harvester Way.</p> <p><u>Agreed Action</u> Awaiting land transfer at the Edge to be completed. Report to next meeting</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
<b>15</b>	<p><b>Blind Lane, Bolsover – Open Space Planning Ref: 16/00463/OUT and 18/00481/REM £100,821</b></p> <p><b>Project: Upgrade to Houfton Road Recreation Ground</b></p> <p><u>Previous Action</u> Report to next meeting</p>	<p>LFPDM</p> <p>LFPDM</p>

	<p><u>Update between meetings</u> A package of works is being prepared for a late spring/summer start, beginning with footpath resurfacing followed by MUGA improvements. The scheme will be procured through an RFQ process.</p>	LFPDM
	<p><u>Update at April Meeting</u> Site visit 21<sup>st</sup> April LFPDM with contractors tendering for the works. Prices to be submitted by 24<sup>th</sup> April.</p>	LFPDM
	<p><u>Agreed Action</u> Report to next meeting</p>	LFPDM

- 2.9 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.
- 2.10 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 4 (31<sup>st</sup> March 2026), the 'summary of sums' against each Parish and Infrastructure Type can be found as an Appendix to this report.
- 2.11 Two of the sums have reduced since the last financial quarter, both are in relation to Outdoor Sport contributions. The sum from 'land south of 69 Oxcroft Lane, Bolsover' has been reduced by £16,340.51 with spending on roof repairs to football and cricket pavilions at Castle Leisure Park and the installation of concrete base for container at bowling green, Castle Leisure Park. A total of £4,22.15 remains of this contribution.
- 2.12 The sum from the Glapwell Nurseries development has been reduced by £20,922.71 with spending on various works to football pitch and ancillary facilities at Hall Corner, Glapwell. Glapwell Parish Council are the lead organisation. A total of £21,065.48 remains of this contribution.
- 2.13 The sum shown against Shirebrook is reduced from the previous report to committee with the removal of the added interest since the sum was received. The interest calculated will not actually be added to it as *income* until the sum is drawn down, as interest will be added right up to the point of use. The added interest at the end of Q4 2025/26 is £81,482.18 and is shown at the bottom of the S106 Finance Spreadsheet.
- 2.14 A contribution of £4,099.82 for Biodiversity has been received from the Oxcroft Lane / Shuttlewood Road site at Bolsover.

**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**

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**IMPLICATIONS:**

<p><b><u>Finance and Risk</u></b>      Yes <input checked="" type="checkbox"/>      No <input type="checkbox"/></p> <p><b>Details:</b> 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.</p> <p style="text-align: right;">On behalf of the Section 151 Officer</p>
<p><b><u>Legal (including Data Protection)</u></b>      Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p> <p><b>Details:</b> 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</p>

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

**Staffing**      Yes       No

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

On behalf of the Head of Paid Service

**Equality and Diversity, and Consultation**      Yes       No

**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.

**Environment**      Yes       No

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

**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>	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"/>
<b>Consultation carried out:</b> <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"/>
<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

<b>Links to Council Ambition: Customers, Economy, Environment, Housing</b>
<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
A	Infrastructure Contribution Sums 3-5 years Spending Deadline

<b>Background Papers</b> <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>