

Report to Leader of the Council

Subject: Transfer of S106 developer contributions for open space development projects

Date: 10th December 2025

Author: CIL and Section 106 Officer

Wards Affected Newstead Abbey Ward

Purpose

The purpose of this report is:

1. To seek approval to transfer the maintenance portion of the “Open Spaces Off Site Contribution” received under Section 106 Agreements to the relevant Parish Councils to be used towards the maintenance of previously approved capital projects;
2. To establish by virement the revenue programme budgets for the maintenance of open spaces funded through capital Section 106 Contributions by relevant Parish Councils.

Key Decision

This is not a key decision as it does not impact all wards in the borough and the financial implications are below £500,000.

Recommendation(s)

To approve:

1) the transfer of the maintenance portion of the Open Spaces Off Site Contribution (up to £39,385) from the Section 106 Agreement dated 7th April 2015 in relation to the planning permission 2014/0950 Land at Wighay Road to Linby Parish Council to be expended in accordance with schedule 1 of the Section 106 Agreement.

2) the transfer of the maintenance portion of the Open Spaces Off Site Contribution (up to £46,876) from the Section 106 Agreement dated 13th October 2014 in relation to the planning permission 2013/0836 Cornwater Fields,

Longdale Lane to Ravenshead Parish Council to be expended in accordance with schedule 1 of the Section 106 Agreement.

3) the transfer of the maintenance portion of the Open Spaces Off Site Contribution (up to £13,500) from the Section 106 Agreement dated 3rd July 2020 in relation to the Planning Permission 2019/0770 84-86 Chapel Lane to Ravenshead Parish Council to be expended in accordance with schedule 1 of the Section 106 Agreement.

4) the establishment, by virement, of the revenue programme budgets for maintenance of open space development projects funded by capital Section 106 Contributions as detailed in the above recommendations.

1 Background

- 1.1 Planning obligations are taken forward through legal agreements, principally known as Section 106 Agreements made under Section 106 of the Town and Country Planning Act 1990 (as amended). They are usually negotiated and entered into between the local planning authority, the developer / applicant and all parties with a legal interest in the development site.
- 1.2 Where necessary, Section 106 Agreements can require the developer to make an off-site financial contribution in lieu of suitable on-site provision for infrastructure such as open space. Any financial contribution is then expended in accordance with the terms of the relevant Section 106 Agreement.
- 1.3 Gedling Borough Council, in its capacity as the Local Planning Authority, have secured various Section 106 Contributions, a full report of which can be viewed publicly on the Council's Infrastructure Funding Statement on the [Gedling Borough Council website](#). Many of these Open Spaces Off-Site Contributions are restricted in terms of how they may be spent, whether that be a certain distance from the centre of the development from which they were collected or on the improvement of a specific area of open space.
- 1.4 Instances may arise where it is appropriate for the Local Planning Authority to transfer Section 106 Contributions to other organisations, such as the Integrated Care Board (ICB) or Local Parish Councils, to expend in accordance with the terms and obligations of the Section 106 Agreements if Gedling Borough Council are not able to do so. This may be due to a lack of land under Gedling Borough Councils ownership, or to ensure that the monies are expended in a timely manner. Where Section 106 Contributions are not expended within a certain timeframe, typically 10 years from collection, the developer can request that the relevant monies, including any indexation, are re-paid by the Local Planning Authority.

- 1.5 Off-Site Open Space Contributions usually comprise of a capital and revenue element. The capital contribution is typically used towards the improvement or provision of open spaces/recreational facilities within a certain distance of the site whilst the revenue contribution is used to fund the future maintenance of those Open Spaces delivered through the capital contributions.
- 1.6 On the 20th July 2023, following a formal request from Linby Parish Council, approval was granted to transfer the Capital contribution (up to £59,652.67) of the Open Spaces Off Site Contribution, collected through the Section 106 Agreement dated 7th April 2015 in relation to the planning permission 2014/0950 Land at Wighay Road, to Linby Parish Council to expend on the redevelopment of the Linby Heritage Centre. Gedling Borough Council hold £39,385 in revenue contribution collected through the Section 106 Agreement which must be expended on the maintenance of those open spaces for a period of 10 years.
- 1.7 On the 16th April 2024, following a formal request from Ravenshead Parish Council, approval was granted to transfer the Capital contribution (up to £103,224.00) of the Open Spaces Off Site Contribution, collected through the Section 106 Agreement dated 13th October 2014 in relation to the planning permission 2013/0836 Cornwater Fields, Longdale Lane, to Ravenshead Parish Council to expend on the improvement of leisure facilities at Ravenshead Leisure Centre. Gedling Borough Council hold £46,876 in revenue contribution collected through the Section 106 Agreement which must be expended on the maintenance of those open spaces for a period of 10 years.
- 1.8 On the 12th September 2025, following a formal request from Ravenshead Parish Council, approval was granted to transfer the Capital contribution (up to £30,359) of the Open Spaces Off Site Contribution, collected through the Section 106 Agreement dated 3rd July 2020 in relation to the planning permission 2019/0770 84-86 Chapel Lane to Ravenshead Parish Council towards the installation of new play equipment at Haddon Road playpark. Gedling Borough Council hold £13,500 in revenue contribution collected through the Section 106 Agreement which must be expended on the maintenance of those open spaces for a period of 10 years.
- 1.9 The above projects have been delivered using the capital contributions from the relevant Section 106 Agreements and requests have now been made by Linby Parish Council and Ravenshead Parish Council for the associated revenue contributions to be used towards future maintenance costs.
- 1.10 Transfers of the Section 106 Maintenance Contributions to the relevant Parish Council are made only where that Parish Council has completed and signed a copy of the Councils Developer Contributions Commitment Request Form.

- 1.11 A signed and dated copy of the Developer Contributions Commitment Request Form has been received from Linby Parish Council and Ravenshead Parish Council – see appendix 2 and 3.

2 Proposal

- 2.1 It is proposed that the following revenue contributions, collected as part of the Open Spaces Off Site Contributions, are transferred to the relevant Parish Councils following receipt of a signed and dated Developer Contributions Commitment Request Form. These revenue contributions will be spent on maintaining the respective capital projects as follows:

- £39,385 (Revenue Contribution), collected from the Section 106 Agreement dated 7th April 2015 relating to the planning permission 2014/0950 Land at Wighay Road, to Linby Parish Council.
- £46,876 (Revenue Contribution), collected from the Section 106 Agreement dated 13th October 2014 in relation to the planning permission 2013/0836 Cornwater Fields, Longdale Lane, to Ravenshead Parish Council.
- £13,500 (Revenue Contribution), collected from the Section 106 Agreement dated 3rd July 2020 in relation to the planning permission 2019/0770 84-86 Chapel Lane, to Ravenshead Parish Council.

- 2.2 It is proposed that the Leader approves the establishment, by virement, of a revenue programme budget for the maintenance of open space projects delivered by the Parish Councils as detailed above.

3 Alternative Options

- 3.1 Gedling Borough Council could not transfer the Section 106 revenue contributions to the relevant Parish Councils however, this would result in the Council not being able to spend the financial contributions in accordance with the obligations and timescales within the relevant Section 106 Agreements. This could subsequently result in the contributions, including any indexation, having to be paid back to the developer.

4 Financial Implications

- 4.1 The council has received the aforementioned Section 106 Contributions which must be spent on the delivery of open spaces and recreational facilities and the subsequent maintenance of those open spaces projects in accordance with the Section 106 Agreements.
- 4.2 The proposed transfer of the revenue contribution to the Parish Councils, as detailed in paragraph 2, towards the maintenance of relevant capital projects requires the establishment of the revenue programme budget.

- 4.3 Failure to ensure that Section 106 Contributions are spent in accordance with the relevant Section 106 Agreements in a timely manner could result in the contributions, including any indexation, having to be paid back to the developer.

5 Legal Implications

- 5.1 The Council has a legal obligation to spend the financial contributions secured through Section 106 Agreements in accordance with the terms of those agreements. Where such financial contributions are transferred to a Parish Councils, as proposed in this report, the Council must ensure that there is an appropriate legal agreement between the Council and the Parish Council to ensure that the Parish Council does not put the Council in breach of the relevant Section 106 Agreements and to enable a clawback of any of the financial contributions if required.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report. Equalities impacts should be assessed as part of any proposed project at each site.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 The delivery of new Open Space through Section 106 Contributions can help contribute to carbon reduction in the borough. Non-formal physical activity opportunities, such walking and cycling, provide a more sustainable alternative to high carbon emission transport options whilst the provision of additional green infrastructure can further reduce the Councils carbon footprint.

8 Appendices

- 8.1 Linby Parish Council Developer Contributions Commitment Request Form
- 8.2 Ravenshead Parish Council Developer Contributions Commitment Request Form

9 Background Papers

- 9.1 Section 106 Agreement dated 7th April 2015 in relation to the planning permission 2014/0950 Land at Wighay Road
- 9.2 Section 106 Agreement dated 13th October 2014 in relation to the planning permission 2013/0836 Cornwater Fields, Longdale Lane
- 9.3 Section 106 Agreement dated 3rd July 2020 in relation to the planning permission 2019/0770 84-86 Chapel Lane

10 Reasons for Recommendations

- 10.1 To ensure the transferring of funds for delivery of open space provision in line with planning obligations detailed in the above 106 agreements.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer