



Report to Planning Committee 4 December 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Helen White, Senior Planner (Development Management), 5409

Report Summary			
Application Number	25/00971/VAR106		
Proposal	Application for deed of variation to Section 106 agreement to remove occupation restrictions associated with Ollerton roundabout works attached to planning permission 16/02173/OUTM.		
Location	Former Thoresby Colliery Ollerton Road Edwinstowe Nottinghamshire NG21 9PS		
Applicant	Harworth Group	Agent	Louise Burnett Freeths LLP
Web Link	25/00971/VAR106 Application for deed of variation to Section 106 agreement to remove occupation restrictions associated with Ollerton roundabout works attached to planning permission 16/02173/OUTM. Former Thoresby Colliery Ollerton Road Edwinstowe Nottinghamshire NG21 9PS		
Registered	19.06.2025	Target Date	24.07.2025 EOT agreed
Recommendation	Agree to variation		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the previous deed of variation for the site was determined by planning committee.

1.0 The Site

- 1.1 The site of the former Thoresby Colliery is identified as a strategic site for housing and employment as noted in the Council's Amended Core Strategy. The site lies close to Edwinstowe village in the Sherwood area. The site is currently being redeveloped.

2.0 Relevant Planning History

- 2.1 Outline planning permission was granted in March 2019 for:
- 2.2 **16/02173/OUTM** – *‘Residential Development up to 800 dwellings (Class C3), Strategic Employment Site comprising up to 4,855 sqm Class B1a, up to 13,760 sqm Class B1c, and up to 13,760 sqm Class B2, a new Country Park, a Local Centre, "The Heart of the New Community" containing a mix of leisure (to include zip wire), commercial, employment, community, retail (up to 500 sqm), health, and residential uses, a Primary School, Open Space and Green Infrastructure (including SUDS), and associated access works including the details of the primary access junctions into the site from Ollerton Road.’*
- 2.3 This was approved 12th March 2019, subject to 51 conditions and a section 106 Agreement which secured the following:
- *Affordable Housing of 7.5% of total number of dwellings, subject to a review mechanism half-way through the development*
 - *Primary Education contribution, 1.3ha of land and £3,600,000 for new school*
 - *Healthcare contribution of £786,096*
 - *Sports Pitch contribution £590,176*
 - ***Ollerton Roundabout contribution of £1,198,000****
 - *Library contribution of £35,130*
 - *Community Facility contribution of £607,256*
 - *Open Space of 11.89 ha of land comprising;*
 - *Sustainable urban drainage;*
 - *Multi-use games area;*
 - *Public open space;*
 - *Children’s and young people’s space comprising 2 x locally equipped area for play and 1 x neighbourhood play area;*
 - *Maintenance of the open space/country park and monies to do so.*
 - *Review of viability prior to occupation of 400th dwelling*
- 2.4 The s.106 obligation is a trilateral agreement between the District Council, NCC and the Harworth Group.
- 2.5 As originally drafted, the contribution of £1,198,000 was to be paid to NCC towards the cost of improving Ollerton roundabout at the A614/A616/A6075 junction, at the earliest of either (a) 20 working days of receiving County Council’s notice of the occurrence [of works progressing] or (b) prior to occupation of 151 dwellings. The obligation (at Schedule 2) prevented occupation of any more than 150 dwellings and no more than 25% of the employment site unless (a) the contribution was paid and (b) the roundabout works had been materially completed.
- 2.6 **Deed of Variation: Ref: 20/01860/VAR106** – An application was sought to modify the s.106 agreement relating to Schedule 2 (Ollerton Roundabout Contribution) to allow the developers to pay NCC Highways Authority the full contribution and have the obligation removed. This was not agreed but it was varied to allow the residential

occupations to increase from 150 to 500 in advance of the roundabout works being 'practically completed'. The 25% of employment land permitted to be occupied in advance of Ollerton Roundabout improvements remained the same. The Deed of Variation was signed and sealed on 24.11.2020. Harworth Group plc, in order to assist NCC colleagues in securing match funding towards the Ollerton Roundabout have paid the £1.198m in full early.

- 2.7 **Deed of Variation Ref: 23/00030/VAR106** – An application was sought to vary the s.106 agreement relating to Schedule 2 (Ollerton Roundabout Contribution) to allow continued progress and investment on site and prevent any danger of mothballing given the current occupations restrictions linked to Ollerton Roundabout. The applicants request an increase in the number of residential occupations allowed before Ollerton Roundabout is secured. Two options were presented:
- a) An increase from 500 to 655 residential occupations. In order to manage net traffic effects it is proposed there be a corresponding decrease (based on traffic TRICS rate data) in the release of the employment land such that this could not come forward until the Ollerton Roundabout works are progressed; or
 - b) An increase from 500 to 608 residential occupations. In order to manage net traffic effects it is proposed there be a corresponding decrease (based on traffic TRICS rate data) in the release of the employment land from 25% to 7.5% occupations.
- 2.8 The latter variation was agreed to. The current restriction is on the occupation of more than 608 Dwellings and 7.5% of the Employment Site until the Ollerton Roundabout Works have been Practically Completed.
- 2.9 The master developer, Harworth Group plc, has already undertaken enabling works to facilitate residential phases to be delivered by other house builders on already serviced parcels of land. Development is well advanced, and occupation of dwellings has occurred on Phase 1 by Harron Homes (for 143 houses) and Phase 2 by Barratt/David Wilson Homes (for 219 new homes). Planning permission has been granted for and development has commenced on residential Phases 3 by Barratt/David Wilson Homes (22/01922/RMAM for 74 dwellings), 4 by Homes for Honey (23/02156/RMAM for 114 dwellings), and 5 by Barratt/David Wilson Homes (22/01934/RMAM for 99 dwellings). Planning Committee have motioned to grant planning permission for up to an additional 190 houses on phases 6a and 7 subject to the completion of a S106 legal agreement. Planning application for phases 6B and 6C (22/02228/RMAM for 116 dwellings) has been submitted and is subject to a live planning application. Also, the Primary School granted planning permission (22/01846/RMAM) has been completed and brought into use.

An extract from the updated masterplan



3.0 The Proposal

- 3.1 The application submitted seeks a further amendment to the Planning Obligation to allow continued progress and investment on site and prevent any danger of mothballing given the current occupations restrictions linked to Ollerton Roundabout. The applicants request the removal of the occupancy cap on the site following the announcement that funding for the project has been secured.

4.0 Departure/Public Advertisement Procedure

N/A

5.0 Planning Policy Framework

Due to the type of application there are no relevant planning policies.

6.0 Consultations

Edwinstowe Parish Council – No objection.

NCC Highways Authority – Formal comments yet to be received.

7.0 Comments of the Business Manager – Planning Development

- 7.1 It is widely accepted that works to Ollerton roundabout are needed to increase highway capacity and to ease congestion. This has been identified by NCC and the works to remedy this are a priority, as captured in the Non Strategic Rounds Network Funding being secured from the Department for Transport (DfT). Ollerton Roundabout is one of 5 junctions which is part of this process, with the Full Business Case (FBC) having been approved by DfT and funding secured. An announcement was made confirming this on

the 17th September 2025.

- 7.2 The original outline planning consent included a requirement for the development to make a financial contribution towards upgrading Ollerton Roundabout, a long-standing aspiration of Nottinghamshire County Council (NCC), the District Council (NSDC) and many residents, visitors and business who pass through it. At the time, NCC had insufficient certainty as to how any Thoresby contribution to the roundabout (c£1.1m plus indexation) could be matched to give confidence of delivery. It was therefore agreed that a cap would be placed on the development, controlled by the S106 Agreement, that no more than 150 homes and 25% employment land could be released until the Ollerton Roundabout works could be completed.
- 7.3 Capital has been committed by NCC, the East Midlands County Combined Authority (EMCCA) and national government, in addition to Harworth Estates paying 'up-front' the S106 Ollerton Roundabout contribution to NCC. Over many years, negotiations on funding have run in parallel with discussions between NSDC, NCC and Harworth regarding the appropriate point to lift any cap on quantum of development. Critical to lifting any restriction is the confidence that any Ollerton Roundabout improvements are funded.
- 7.4 It is noted a previous agreement reached to allow further residential occupations in advance of Ollerton Roundabout improvements (initially allowing the sale of the Phase 2 land to Barratt David Wilson Homes and subsequently allowing a further increase of 108 residential occupations (608 occupations in total) and allowing 7.5% of employment land to also still come forward). The initial increase was done in anticipation of funding from DfT having been secured. However, it became clear that DfT funding would not be secured before further residential land parcels would need to be transacted. In other words, Harworth would not be able to sell to housebuilders if there was a restriction on occupation.
- 7.5 At that time, whilst some funding announcements had been made, this remained subject to further processes such as Compulsory Purchase and Full Business Case sign off. NCC were of the opinion, at that time, that there was insufficient confidence that the Ollerton Roundabout works could be delivered to such an extent as to agree to lifting the current restrictions. On those occasions, NSDC and Harworth agreed, with the overall caps being revised by mutual agreement. In simple terms, the current extant agreement is that more homes can be delivered with some of the commercial land being scheduled for a later date. NSDC and NCC were also satisfied with this outcome as the respective Local Planning and Local Highway Authorities. Notwithstanding this stance, NCC, Harworth and NSDC have consistently agreed that once there is confidence on delivery of the Ollerton Roundabout scheme, the restrictions on development could be removed. At the heart of that confidence remains the securing the funding. There are no concerns with delivery once funding is secured given that all of the highway works in this case would be delivered by NCC as the relevant highway authority
- 7.6 Some sympathy is given to the situation with which the applicant finds themselves. They have paid an Ollerton Roundabout contribution early and in full in anticipation that NCC and DfT would be able to conclude necessary processes to release funds thus removing

all occupation restrictions. It has been confirmed that the project is now fully funded capital having been committed by NCC, the East Midlands County Combined Authority (EMCCA) and national government, in addition to Harworth Estates paying 'up-front' the S106 Ollerton Roundabout contribution to NCC.

- 7.7 Over many years, negotiations on funding have run in parallel with discussions between NSDC, NCC and Harworth regarding the appropriate point to lift any cap on quantum of development. Critical to lifting any restriction is the confidence that any Ollerton Roundabout improvements are funded. This point has been reached, and the Ollerton Roundabout junction improvement works are due to be completed by NCC as the Local Highway Authority (LHA). Nottinghamshire County Council have yet to formally confirm their position which is pending the outcome of the NCC Cabinet meeting of 18th December 2025.
- 7.8 This year has seen the final sign-off by Government of the Full Business Case, grant injection into the scheme from EMCCA. The removal of the occupation cap would be consistent with discussions over many years. On this basis it is considered that there is no reasonable need for the restrictions to remain. Moreover, removal of the restriction will allow the continued acceleration and delivery of new homes, employment opportunities and the new local centre which are much needed for the area and the region.
- 7.9 The applicants have showed commitment to progressing with the redevelopment of the site, and have continued at their own risk, by accelerating their portion of the improvement costs for Ollerton roundabout with no certainty that the number of residential occupations can exceed 608 dwellings. It is considered (subject to confirmation that NCC agree) that the removal of the occupation cap is acceptable. It is therefore considered there are benefits to the variation and it is recommended that it is agreed.

8.0 Legal Implications – LEG2526/7662

- 8.1 Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application. Legal Services have been instructed in respect of the drafting and negotiation of the Deed of Variation.

9.0 Recommendation

That subject to confirmation from NCC Highways Authority that they agree, the s.106 Planning Obligation is varied to delete paragraph 2.2, 2.3 and 2.5 of Schedule 2 in their entirety to allow:

- Removal of the occupation cap on the number of dwellings to be occupied in advance of the Ollerton roundabout works being commenced/contract being let; and

- The amount of employment land allowed to be brought into use prior to the roundabout works being commenced/contract being let.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

