

Reducing the prevalence of private estate management arrangements

Question 1

Where are you based?

- England
- Wales
- Scotland
- Northern Ireland

England

Question 2

What is your name?

Question 3

What is your email address?

Question 4

Are you responding on behalf of an organisation?

- Yes
- No

Yes

Vale of White Horse District Council

Question 5

If you are responding on behalf of an organisation, which of the following best describes your organisation.

- I am responding as a housing developer.
- I am responding as a public authority (local government, highways authority, planning authority)
- I am responding as a utility company.
- I am responding as a resident-controlled management company.
- I am responding as a private management company.
- I am responding as a property managing agent organisation (private)
- I am responding as a Registered Provider of Social Housing
- other (please specify)

I am responding as a public authority (local government, highways authority, planning authority)

Question 6

If you are responding as an individual, are you a:

- freeholder of private housing
- leaseholder of private housing

- homeowner
- resident of social housing
- private renter
- landlord
- registered provider of social housing
- legal representative
- other (please specify)

N/A

Question 7

Do common standards exist for the following amenities?

- highways [Yes/No/Don't Know]
Yes (Please note that this council is not a highways authority)
- sewers, pumping stations and drains [Yes/No/Don't Know]
Yes – Sewerage Sector guidance
- public open spaces and green infrastructure [Yes/No/Don't Know]
Yes – standards set through planning requirements where are common standards in respect of space, however the nature of provision / habitats may vary between sites / neighbourhoods due to topography, soils, existing habitats etc. Maintenance regimes / costs will therefore vary.
- other, such as playgrounds or car parks (if applicable) [Yes/No/Don't Know]
Yes
 - Play areas – RoSPA - RoSPA is a common standard for safety and there should be minimum standards for quality of equipment. However, in terms of design there must be flexibility to provide different spaces and equipment for different ages, genders and neuro diverse. Providing a diverse array of play is important for social development. Councils need to take account of existing play opportunities within localities so there will always be a variety of design, which may require varying maintenance regimes.
 - Allotments - BS standard 3882:2015 for topsoil checks for suitability for an allotment scenario, alongside chemical tests of soil to ensure there are no poisons. Waste Acceptance Criteria (WAC) for the purpose of deciding the disposal to landfill route. There are also various legislative frameworks that govern the provision and management of allotments including the Small Holdings and Allotments Act 1908, strengthened by the Allotments Act 1922 and 1950, the NPPF, and design standards

Question 8

Where standards exist, why are amenities often not delivered to these standards? (tick all that apply)

- cost constraints – Meeting standards is too expensive. ü
- viability issues – Standards reduce profitability. ü
- lack of enforcement – Authorities do not consistently or monitor standards. ü
- ambiguity in standards – Standards are unclear or open to interpretation.
- lack of clarity – It is unclear what the standards are.
- conflicting requirements – Different authorities or agencies apply inconsistent standards. ü
- design flexibility – Design is prioritised over standards.
- time pressure – Meeting standards slows down development. ü
- negotiation during planning – Standards are diluted through negotiation.
- local discretion – Permission to depart from standards for site specific reasons.
- innovation or bespoke solutions – Alternative approaches are used or encouraged that are not covered by standards.
- other (please specify)

- Allowing design flexibility (which may be due to local requirements or viability) and sufficient resources for enforcement could affect the delivery of amenities.
- Drainage - lack of action to fully implement the Flood and Water Management Act. The transfer of private sewer regulations occurred in 2011. This was meant to be followed by mandatory adoption and then a further transfer of sewers constructed in the intervening years. These later steps have not occurred. National legislation is needed to conclude these final steps and ensure that foul and surface water sewers and pump stations are adopted as intended by the original act.

Question 9

At what level should standards be set for the following amenities?

- highways [Nationally/ Locally /No Standard Required]
Nationally (Please note that this council is not a highways authority)
- sewers, pumping stations and drains [Nationally/ Locally /No Standard Required]
Nationally
- public open spaces and green infrastructure [Nationally/ Locally /No Standard Required]
Nationally in terms of maintenance regimes for planting / habitats but the ability to provide varying landscapes / habitats must exist.
- other, such as playgrounds or car parks (if applicable) [Nationally/ Locally /No Standard Required]
Nationally

Please explain your answers:

National standards provide consistency across the country for facilities where residents should experience the same standards as a minimum, regardless of their location.

However, common standards need to allow local authorities, where justified, to adopt higher standards of design for example in or affecting protected landscapes, heritage assets or biodiversity interests. In addition, provision should meet and reflect identified local needs, prevent repetition of play equipment on a development or adjacent developments, and meet sustainability ambitions of a council.

Question 10

Would the following amenity types benefit from common standards?

- highways [Yes/No/Don't Know]
Yes
- sewers, pumping stations and drains [Yes/No/Don't Know]
Yes
- sustainable drainage systems [Yes/No/Don't Know]
Yes
- public open spaces and green infrastructure [Yes/No/Don't Know]
Yes
- other, such as playgrounds or car parks (if applicable) [Yes/No/Don't Know]
Yes

Please provide further information if you want to:

Common standards provide consistency across the country for facilities where residents should experience the same standard as a minimum, regardless of their location.

However, common standards need to allow local authorities, where justified, to adopt higher standards of design for example in or affecting protected landscapes, heritage assets or biodiversity interests. In addition, provision should meet and reflect identified local needs, prevent repetition of play equipment on a development or adjacent developments, and meet sustainability ambitions of a council.

Question 11

What do you see as the main benefits of using common standards in these areas (tick all that apply)?

- consistency and predictability – Ensuring uniform quality across developments. ü
- improved safety and reliability – Standards help maintain essential safety requirements. ü
- efficiency in planning and approval – reduces delays and simplifies decision-making. ü
Common standards for maintenance e.g. using British standards generally exist and will make enforcement more straightforward. However, negotiating an appropriate design may still take time.
- cost certainty - provides more certainty when estimating costs. ü
- Lower maintenance and repair costs – lower cost to maintain and/or repair. ü
- can be adoptable standards – provides better consistency for public amenity adoption. ü
- supports interoperability – ensures compatibility between different systems and infrastructure. ü
- enhances consumer confidence – better trust in development built to recognised standards. ü
- reduces disputes – minimises disagreements between developers and authorities. ü
- promotes sustainability – encourages environmentally responsible design. ü
(Depending on if the standards priorities sustainability)
- efficient maintenance and repair – efficiencies in cost of management and cost ü
- design consistency – consistent design. Ü
Insisting on consistency of design will lead to homogeneous greenspaces and amenity.
There needs to be flexibility on design but not on quality (of planting / equipment).
- anything else

Question 12

Would you generally be in favour of common standards serving as adoptable standards for amenities where appropriate amenities are subsequently maintained at public expense? [Yes/No/Don't know]

Yes

Please explain your answer:

However, common standards need to allow local authorities, where justified, to adopt higher standards of design for example in or affecting protected landscapes, heritage assets or biodiversity interests. In addition, provision should meet and reflect identified local needs, prevent repetition of play equipment on a development or adjacent developments, and meet sustainability ambitions of a council.

Question 13

What are the risks of implementing mandatory common adoptable standards for amenities? (tick all that apply)

- increased development costs – Higher upfront costs for developers.
- increased maintenance costs – higher ongoing costs for public authorities
- reduced flexibility – Limits ability to adapt designs to local context or innovate. ü
- slower delivery of housing and infrastructure – Adds complexity and delays to projects.
- viability challenges – Makes some schemes financially unfeasible.
- lower quality outcomes – Standards may encourage compliance over creativity. ü
- one-size-fits-all approach – May not suit diverse local conditions or site constraints. ü
- administrative burden – More paperwork and approvals for developers and authorities.
- potential for disputes – Increased risk of disagreements over interpretation or enforcement.
- discourages innovation – Developers may avoid new techniques or sustainable solutions. ü
- Flat Design – lack of opportunity for original or unique design ü
- other (please specify)

Question 14

When should wider discretion be allowed to depart from common standards - for example, to promote innovation, protect local flexibility, or allow higher standards?

Provide details.

The council supports common standards for the quality of planting, equipment and maintenance regimes. However in terms of design there must be flexibility - for instance within National Landscapes or Protected Habitats particular or enhanced designs and planting will be appropriate, or for instance on a strategic site we should be creating a diverse range of play opportunities and habits and green space.

Question 15

How can public authorities ensure consistent use of common standards across the same areas (e.g., planning and highways authorities), and who should be responsible for enforcing compliance with these standards?

These should be enforced by the relevant public authority

Please explain how enforcement should work in practice.

Local authorities should have stronger/enhanced enforcement powers. There should also be a requirement for the sign-off of amenities by the relevant authority or an impartial professional (such as building control). Lack of sign-off will prevent transfer from the developer meaning these will remain their liability and at their cost. Planning/legal enforcement may be required where facilities are not being provided to the relevant standard following sign-off review with ability to prevent occupations past trigger points for the facilities should practical solutions not be agreed between developers and authorities. In practice local authorities have limited means to enforce through the courts and have concerns at doing so if this will impact housing delivery, particularly when there is a lack of 5YHLS.

Question 16

How else can the government streamline adoption processes, including for existing estates?

Provide details.

It will not be able to change this process for developments that are already complete. For developments in progress that have S106 agreed, changes of this nature would be likely to have implications on the agreements and other matters for which amending may have the opposite effect to streamlining the process. Any changes should focus on implementing changes for developments still in the planning process where these implications can be properly factored in and planned for from both the developer and authority perspective. Once agreed there is no appeal process.

A further 'mopping up' transfer of sewer regulations could force the adoption of foul sewers, some surface water sewers and pump stations constructed since 2011.

Question 17

Any other information you wish to provide in relation to common standards?

Provide details.

Question 18

Why do you think fewer amenities are adopted now compared to the past?

Provide details.

- Authorities are under financial pressures meaning that taking on non-statutory liabilities is not something that they can afford to do.
- Authorities are capped for Council Tax, which can impact on the amount of development/liability they can afford to take on.
- Some councils and or parish councils are not suitably resourced to take on management of amenities from development in their areas.
- Other options for ownership of amenities are now available.

- Developers may prefer to opt for a management company route as the transfer of amenities in this way is less bureaucratic than transfer to local authorities, particularly where there are no sign-off obligations by the planning authority
- Developers are reluctant to agree a commuted sum for maintenance, preferring a more cost-effective option with a management company
- Some developers can see non-adoption as a route to making money from homeowners for artificially high service charges.

Question 19

Should amenities which are not generally for the benefit of the wider public be subject to mandatory adoption? [Yes/No/Don't Know]

This will depend on the nature of the facility and circumstances, a mandatory adoption of all amenities would not be supported.

Please explain your answer

From a Planning Policy perspective, if new housing developments contain a mix of both private and public amenity facilities / space (i.e. some will be adopted and some won't), this could be confusing for future residents and make the administration of facilities even more complex. It could cut across good placemaking principles by creating "two-tier" public spaces. There is also the risk for future planning of services / facilities such as leisure / playing pitch / public open space. It will need to be clear from the outset which facilities / services will be adopted, and can form part of the network of publicly accessible services.

The councils would not wish to adopt foul water drainage arrangements and any space/facilities intended to be for private or use solely by residents on a development.

Likewise, we would not want to be involved in the mandatory adoption of facilities that we would not otherwise operate - e.g. community buildings, sports pitches, clubhouses or pavilions, and allotments - then placing an obligation on the councils to lease the facilities back out to an operator. In that scenario it makes more sense for the facility to be adopted by the operator in the first instance (e.g., allotments by Town or Parish Councils).

Currently we require that amenity and greenspace is public open space for the general public whether it is adopted or managed by a man co. This also applies to facilities, but allowing for clubs to apply reasonable costs to use.

Instead of mandatory adoption, we would, however, suggest that the government investigates other possibilities including the practicalities of an "adoption by default" approach. It would, however, be essential that any adopted spaces or facilities are accompanied by adequate funding to ensure the council can effectively manage and maintain them.

We would also like to emphasise that placing more public amenities under the stewardship of local authorities strengthens democratic accountability and helps ensure these spaces are cared for in a way that reflects community priorities and expectations.

Question 20

Should the government define different categories within certain types of amenities to establish those which are subject to mandatory adoption and those are not (please indicate in your responses the sorts of subcategories within each amenity type which should be subject to mandatory adoption)?

- highways [Yes/No/Don't Know]
Don't Know the Council is not a highways authority
- sewers, pumping stations and drains [Yes/No/Don't Know]
No
- sustainable drainage systems (SuDS) [Yes/No/Don't Know]
- public open spaces and green infrastructure [Yes/No/Don't Know]

No, in some cases this would be suitable but there will be instances where there would be better solutions which mandatory adoption would prevent.

- other public amenities, such as playgrounds or car parks [Yes/No/Don't Know]
- No, in some cases this would be suitable but there will be instances where there would be better solutions which mandatory adoption would prevent.

From a Planning Policy perspective, all services should be publicly adopted as it gives us greater control over place making, and helps ensure we can deliver a sustainable network of facilities.

From a practicality and property management perspective, there is benefit in mandatory adoption for placemaking purposes but there is a challenge where that adoption places a subsequent obligation on the council in terms of management / leases etc (e.g., car park operation, leasing of facilities). If we do not operate a type of facility already then we will face a challenge with adopting it. From a placemaking perspective it would be better adopted by a body who is resourced and skilled at managing / maintaining that type of facility.

As a district council we would not want to be responsible for highways, noting that that the position on this might change depending on local government review.

The councils would not want to be responsible for foul drainage and possibly not some elements of SUDS. The council is adopting SuDs at large development which have an uplifted maintenance cost. Maintaining an attenuation basin and swales would be satisfactory but we would not want to adopt underground services or 'brakes' which attenuate surface water run-off flows which would increase costs and we do not have the expertise to maintain them.

Instead of mandatory adoption, we would, however, suggest that the government investigates other possibilities including the practicalities of an "adoption by default" approach. It would, however, be essential that any adopted spaces or facilities are accompanied by adequate funding to ensure the council can effectively manage and maintain them.

We would also like to emphasise that placing more public amenities under the stewardship of local authorities strengthens democratic accountability and helps ensure these spaces are cared for in a way that reflects community priorities and expectations.

Question 21

In what circumstances should mandatory adoption not apply? (tick all that apply)

- exclusive or Private Use - Amenities intended solely for residents and guests (e.g., gated gardens, private leisure facilities). ü
- luxury or Bespoke Features - High-cost or ornamental amenities (e.g., water fountains, custom street lighting, decorative landscaping).
- non-Standard or Specialist Design - Features requiring specialist maintenance or non-standard materials (e.g., heritage paving, bespoke drainage systems).
- disproportionate Lifecycle or Maintenance Costs - Amenities with maintenance costs significantly above normal public budgets. ü
- small-Scale or Minor Amenities - Very small developments or features with negligible public benefit. ü
- pilot or Innovative Schemes - Experimental designs or innovation projects where flexibility is needed.
- environmental or Heritage Constraints - Protected habitats, listed structures, or biodiversity features requiring specialist stewardship. ü
- integrated Private Management Models - Where residents have agreed to manage amenities collectively (e.g., commonhold or trust-based arrangements). ü
- Local Authority Capacity Limitations - Situations where adoption would compromise statutory obligations or service delivery. Ü

If mandatory adoption was brought in, how would it be decided if LA's do not have capacity and how would a change in circumstances be considered. The process for establishing that capacity is limited and/or justifying that to avoid mandatory adoption could delay the adoption process.

- Other (please specify)

Institutional residential uses e.g. care homes or retirement villages. The green space is usually private for the residents use only Sports pitches, community buildings, clubhouses or pavilions. Some of these development types (e.g bespoke, luxury, drainage heritage) could still be adopted however an appropriate commuted sum needs to be agreed. Public authorities need to have the expertise / resources to properly maintain the spaces / facilities. Many district / parish councils are not in this position. If the commuted sum is proportionate to the maintenance obligation then this could be acceptable, but if there is no way to fund it then there is no public benefit associated with the council facing mandatory adoption.

Question 23

How could government support the introduction of mandatory adoption of amenities?

Provide details.

These should be clarified in national planning practice guidance to inform discussions / negotiations on planning contributions. Government should also consider how CIL-charging authorities are affected by these proposals. However, Central Government should allow management and maintenance costs to be secured through S106 agreements and not taken from CIL. Costs would need to be bespoke and depend on the public amenities provided and their standard.

If there is a standard approach to mandatory adoption then there should also be a standard approach to how the adoption requirements are written into a S106 and the process for adoption - i.e., streamlining the PC and transfer process with standard forms and templates (including for transfer so you don't have multiple developers introducing multiple obligations through transfer documents that take months for legal teams to review).

In theory providing standardised costs for maintenance could support mandatory adoption – however this will vary across the country because labour costs can vary widely.

Question 24

Should there be a process for agreeing exceptions to adoption on a case-by-case basis?

[Yes/No/Don't Know]

Yes

If yes, who should decide and how should this be managed?

Parishes or the council's property teams who can advise Planning accordingly. There needs to be a standard procedure in place for the whole process including an exceptions procedure. If there is a standard / understood way to engage between planning and other landowning bodies, then things can be addressed in a more timely / effective way.

Question 25

Are there any unintended consequences that the government should be aware of in relation to mandatory adoption?

Provide details

If LAs are required to adopt facilities that need to be leased - how do you ensure the long-term sustainability of the users of those facilities and/or prevent an ongoing burden on the public purse when commuted sums are expended.

How to manage the relationship between sites that have already been adopted via a ManCo and sites that will be managed by the LA following mandatory adoption and the fact you will have some people paying for their sites to be maintained and others not, even if both are used publicly.

What is the public perception in terms of funding - particularly where it comes from in the context of council tax (example - residents at an adopted site thinking they are being short changed because the facilities haven't yet been adopted, even though the maintenance of them won't be funded by council tax - at least in the first instance).

Question 26

What impact, if any, would mandatory adoption have on the following:

- **long-term maintenance of amenities** – Improved maintenance arrangements - providing there is sufficient funding and resource to do so, with an established maintenance plan. If there is not, this may not be the case.
- **improved design and placemaking outcomes** – There is a risk to diversity of design and materials and innovation by having standardised maintenance requirements. We already see this in relation to highways where the maintenance regimes dictate the highway design.
- **management** – Improved arrangements – but only if there is funding and resource (and appropriately skilled teams in the LA) to do so.
- **housing supply** – Risk of delays where infrastructure delivery is tied to trigger points in housing delivery (e.g. occupations / completions of dwellings) – if protracted legal discussions. However, we would envisage the developer still delivers and once complete is adopted by public authority which would not be different to the current delivery arrangement but if there is requirement for an ongoing maintenance fee and developers are therefore having to provide commuted sums to the LA for longer term management, that could drive up house prices which could slow down supply or protract negotiations.
- **viability of new development** Sufficient funding would be required upfront to ensure adequate resource to manage facilities in the longer term, which could impact viability - funding wouldn't be met by resident maintenance fees, unless such an arrangement was put in place
- **price of new homes** Potentially increase if funding for management of spaces is paid via S106 then the developer would need to fund it from somewhere, especially if the residents then do not need to pay a maintenance fee
- **cost of land** - Mandatory adoption will require commuted sums - the costs of these needs to be known upfront so developers can negotiate with the landowner (infrastructure costs normally come off the land price) - the cost of land and or house prices could be affected. The relevant expertise would be required to advise on this which may be reliant on external consultant advice. Management and maintenance cost calculations may need to be bespoke depending on the standard of the spaces/facilities to be adopted.
- **developers** Needing to deliver to a higher standard to be able have amenities adopted than if transferring to its own appointed management company and potential delays in transfer when going into public ownership. Also additional cost of providing a suitable commuted sum. However, sales might be easier through sites not requiring service charges.
- **public authorities** – Additional liabilities
- **management companies** – Reduced or no opportunities for management of site amenities if partial/full mandatory adoption arrangements are put in place.
- **consumers/homebuyers/residents** – Reduction in service charges through privately maintained amenities.
- **bespoke amenities**
- **use of materials**
- **other (please specify)**

Question 27

How can the goal of mandatory adoption support well-designed development and still allow innovation?

Provide details.

There is a risk to diversity of design and materials and innovation by having standardised maintenance requirements. We already see this in relation to highways where the maintenance regimes dictate the highway design. However, if the standard maintenance requirements are through public adoption, this could lead to better principles being sought through innovation not being stifled by the need for reduced maintenance costs. However, that would result in the need to secure higher commuted sums and costs that will ultimately but that of the taxpayer. Despite that, high quality design does not need to come with a costly maintenance burden and the councils already seek to secure well designed development through its planning policies.

Question 28

Is there anything else that you want to tell us in relation to mandatory adoption?

Provide details.

There are pros and cons for this. Whilst it is generally accepted that a better service will be provided through adoption, in some cases having amenities transferred to organisations who specialise in certain areas without the distractions of providing numerous other statutory public services would achieve the same. This means that the council cannot support mandatory adoption across all amenities, but does agree that, where practicable, adoption into public ownership is the preferred option.

It is, however, essential that any adopted spaces or facilities are accompanied by adequate funding to ensure the council can effectively manage and maintain them.

We would also highlight the fact that placing more public amenities under the stewardship of local authorities strengthens democratic accountability and helps to ensure these spaces are cared for in a way that reflects community priorities and expectations.

Question 29

What changes would encourage adoption and discourage non-adoption? (tick all that apply)

- mandatory requirement for all amenities to meet adoptable standards, regardless of whether they are adopted or not. ☒
- performance bonds or guarantees for all developments, even if adoption is not pursued. ☒
- apply commuted sums or equivalent contributions to private estate management arrangement, so developers, cannot avoid contributing to long-term maintenance costs. ☒
- penalties or levies for non-adoption, creating a financial disincentive for opting for private management where adoption is more appropriate. ☒
- require transparent disclosure of long-term costs to homeowners for private management arrangements, reducing developer advantage through consumer awareness. ☒
- create alternative funding models (e.g., endowments or trusts) that reduce reliance on resident fees and make adoption more sustainable. ☒
- nationally standardised framework for adoption processes, including clear timelines, documentation requirements, and compliance checks [Yes/No/Don't Know]
Yes
- fixed or capped inspection fees and commuted sums or other contributions set at a national or regional level [Yes/No/Don't Know]
No, unless commuted sums are still required to be paid if amenities are not being adopted. Cost for maintenance will vary across the country - standard sums might not cover costs in some areas.
- clearer guidance on adoptable standards to eliminate ambiguity and reduce redesign costs [Yes/No/Don't Know]
- No
- any other suggestions (please specify)

Question 30

Should inspection fees and commuted sums be set nationally, regionally or locally?

- nationally set
- regionally set
- locally set
- don't know

Please explain your answer.

Whilst inspection fees could be regionally set, commuted sums would vary greatly from authority to authority depending on matters such as maintenance standards, economies of scale, climate impact ambitions etc. Allowing locally set charges will help ensure that the authorities can capture the required costs for inspecting and maintaining facilities, which may not be the case if these are imposed on a wider basis. Any fees set would be done on the basis that they would need to stand up to inspection so these must be able to be justified.

Question 31

What other steps could government take to discourage developers and public authorities from opting for private estate management arrangements where adoption is appropriate? Provide details.

The determination of what amenities are transferred, currently sits with the owner. Adding weight to public authority policies which may call for public adoption as a preference would help encourage the adoption route.

Providing greater financial clarity and stability to public authorities to ensure that they can financially support adoption of amenities.

The potential introduction of a policy of "adoption by default" ..

Question 32

What other funding models or approaches could help ensure fair and sustainable long-term maintenance of amenities? Provide details.

Land trusts – See <https://thelandtrust.org.uk/> . Trusts would specialise in this field allowing to provide a better service than resource stretched local authorities whilst remaining more community focused than private management companies.

Land trusts – See <https://thelandtrust.org.uk/> . Trusts would specialise in this field allowing to provide a better service than resource stretched local authorities whilst remaining more community focused than private management companies.

Question 33

What other incentives drive non-adoption and how can government remove them? Provide details.

Cap on council tax and other financial uncertainties faced by local authorities. Also, the requirement to resource for maintenance or add an additional layer in terms of landowner management (via leasing of facilities etc) - which in turn adds an additional piece of work in terms of allocation and distribution of funds to third party operators. In addition, the financial benefits to developers who are often also management companies, or work closely with a particular management company.

Cap on council tax and other financial uncertainties faced by local authorities. Also, the requirement to resource for maintenance or add an additional layer in terms of landowner management (via leasing of facilities etc) - which in turn adds an additional piece of work in terms of allocation and distribution of funds to third party operators. In addition, the financial benefits to developers who are often also management companies, or work closely with a particular management company.

Question 34

What impact would proposals to reduce perverse incentives have on stakeholders (e.g., consumers, developers, public authorities, management companies)?

- Greater likelihood of adoption but with the associated liabilities to the public authorities
- Benefit to residents through not having to pay services charges
- Benefit to developers through selling houses without service charge clauses but with the additional complications of transfer of amenities into public ownership.

Question 35

Should public authorities be required to publish clear policies on the adoption of estate amenities (e.g., highways, SuDS, open spaces, other)? [Yes/No/Don't Know]

Please explain your answer.

As set out in our response to question 23, we believe government should set clear guidance through planning practice guidance on this. Local authorities should then develop local plans that provide the necessary local context for this. National policies and guidance should clarify that local plans can set policies on this matter. This will mean that policies are set locally but with national policy proving guidance.

Question 36

Should authorities also publish data on the proportion of homes or new homes subject to estate management charges within their area? [Yes/No/Don't Know]

No

Please explain your answer.

Historically this data has not been recorded meaning a full picture would not be able to be provided. If this was required for developments going forward, guidance would be required on what and where to publish this. This should be required to be provided in a clear and understandable format. However, if the use of private management companies is to be reduced, would this be required.

Question 37

What information should be included in published adoption policies? (tick all that apply)

- types of amenities covered, and permissible exclusions. ü
- adoption standards, including design and construction standards. ü
- inspection processes and compliance requirements including inspection fees. ü
- adoption fees, commuted sums. ü
- timeframes for adoption decisions and approvals ü
- anything else

Please specify.

Agree to all above but, in planning policy would need extra support on the policies regarding these matters. They go into a lot more detail than current LP topics, but if government provide guidance on this, we could work with internal colleagues to develop policies on this.

It may be difficult to be prescriptive on adoption fees and commuted sums as they may differ depending on the quality and requirements of a scheme. For example, biodiversity spaces will have different costs compared to grass amenity land.

Question 38

How frequently should data be collected (please choose one)?

- monthly
- quarterly
- annually ü
- something else Please specify.

Question 39

What benefits would publishing adoption policies and data bring for developers, consumers, and local authorities?

Provide details.

Transparency and ability to negotiate adoption over transfer to management companies should there be an adopted policy.

Question 40

Should the government provide guidance or a standard template for adoption policies to ensure consistency across authorities? [Yes/No/Don't Know]

Yes

Please explain your answer.

The council has its own policy template. Government guidance would be beneficial though. There is benefit in a standard approach to adoption / transfer (including standardised templates that all

developers use). Whilst the council has its own template, if the idea is to streamline the whole approach there is benefit to a national approach that all developers are familiar with using.

Question 41

What impact would this proposal have (e.g., on consumers, developers, public authorities, management companies)?

Question 42

Should a financial sustainability and affordability test apply:

- at the planning stage
- the point of sale
- both

Please explain your answer.

Sustainable charges cannot be determined at either point. The cost to maintain amenities will fluctuate over time based on factors that cannot be assessed in advance. There is a risk that, whilst providing clarity of future charges to residents, that sufficient charges may not be able to be secured to cover actual maintenance costs which may result in substandard maintenance or works not being done.

The above consideration is key 'Implementing a test would require a new framework and enforcement mechanism, potentially adding complexity to planning processes and resource demands for local authorities'. Introducing this test will necessitate expertise within local authorities, adding to the need for resources, and would likely delay the decision and implementation processes.

The formula for the charge calculations should be required to be set/provided which shows how costs are kept fair and reasonable against actual costs and this could be shown alongside an independent matrix produced by government for maintenance costs for each year for comparison.

Question 43

If a financial suitability and affordability test were to apply, what consequences could there be if an assessment fails?

Provide details.

See response to Q42, a test at the specified points should not be used to determine or set the costs.

Question 44

What factors should the test consider to ensure charges remain fair and predictable? (tick all that apply)

- Predictability of Costs: What the mechanisms are to limit annual increases in charges.
- Lifecycle Cost Assessment: Does the development include a long-term maintenance plan for shared amenities, with realistic cost projections and a plan for renewal.
- Affordability Thresholds: Do projected charges remain within a reasonable percentage of average household income or mortgage affordability criteria for the local area.
- Risk Mitigation: Are contingency funds or sinking funds established for major repairs or upgrades. Is it reasonable for homeowners to be responsible for the risks associated with the assets.
- Governance and Accountability: Is there a clear structure for homeowner representation and dispute resolution regarding charges; and
- Impact on Mortgage Lending: Does the test align with lender requirements to avoid mortgage offer withdrawals.
- Other Please specify.

See response to Q42 and Q43, it is not possible to determine or set the costs that remain predictable. Charges will need to adapt to reflect actual costs to undertake the required

maintenance. Setting costs/increases may lead to insufficient funds being collected leading to poorer service.

Question 45

How should long-term maintenance costs for shared amenities be assessed and communicated to homebuyers?

Provide details.

Charges should be assessed on actual costs on an annual basis, including a surplus to build a sinking fund for large scale maintenance requirements where needed. The charging and billing mechanism, including the scope of works that service charge will cover should be available to homebuyers in a clear format. Improvements should be made to ensure that these costs, the associated information and at what point these become payable are made clear to homebuyers as these matters have been reported as not being provided when purchasing properties, particularly when using the developer's preferred/mandated solicitor.

Question 46

Should developers and management companies be required to establish contingency or sinking funds for major repairs? [Yes/No/Don't know]

Yes

Please explain your answer.

This should be a standard requirement to support long term maintenance of amenities. However, funds for this would have to be generated from somewhere which would likely be retention by the management company of some/all of any commuted sum paid by the developer on transfer or through setting services in order to capture sufficient surplus for this.

Question 47

What governance arrangements would give homeowners confidence in the fairness of charges? (tick all that apply)

- independent validation of arrangements, ü
- ability to challenge unfair chargers, ü
- dispute resolution/ Homeowner representation, ü
- involvement in ongoing charges/ regulation, ü
- licensing of management companies ü
- other (Please specify)

Question 48

Could this test affect housing supply or development viability [Yes/No/Don't Know] Yes
If so, how could these risks be mitigated?

There is a risk to housing delivery if trigger points are also linked to agreeing adoption. However, that is not always going to be the case. The council has had some housing schemes delayed because it / the parish wanted to adopt a piece of infrastructure, and the developer did not. Either way, clarity would be extremely helpful on who adopts what as it prevents argument about delivery of infrastructure through S106.

The test will protract S106 negotiations, may require expertise and resources local authorities do not have. Agree that linking occupations to adoption will affect housing delivery, and increase the need for enforcement.

Question 49

What impact do you think the introduction of this test will have on mortgage lender confidence?

Provide details.

Don't know.

Question 50

What unintended consequences should government anticipate if this test is implemented?

Provide details.

Issues as a result of test being undertaken at a point well in advance of the management and maintenance requirements commencing meaning that assumptions are not inline with actual costs leading to unsustainable management arrangements.

Question 51

Should the government prohibit the establishment of new embedded management arrangements (where the management company is specified in property deeds)?

[Yes/No/Don't Know]

Don't Know

Please explain your answer.

This is a civil matter which the council is unable to be involved in enforcing. However, it would seem appropriate that property deeds should allow for a change(s) of management company. As the council is not involved in the content of property deeds, we are unable to comment if this is a regular or standard requirement.

Question 52

Do embedded management arrangements limit homeowner choice and create consumer detriment? [Yes/No/Don't Know]

Don't Know

Please explain your answer.

This is a civil matter which the council is unable to be involved in enforcing. However, buyers are not obliged to purchase specific properties so have choice in this matter. As per the response to the previous question, an embedded management company would prevent choice of owners and deeds should allow for alternative arrangements.

Question 53

Are there any legitimate reasons why embedded management arrangements might still be necessary?

Don't Know

Provide details.

Question 54

If embedded arrangements are prohibited, what transitional measures should apply to developments already planned or under construction?

Don't Know

Provide details.

This is a civil matter which the council is unable to be involved in enforcing. However, it would seem that this could only be applied from the point any changes are put in place to prevent this. It might be possible to change the requirements of the deeds at the point of sale. S106 agreements do not require or preclude this arrangement.

Question 55

What enforcement mechanisms would be needed to ensure compliance with a prohibition on embedded management arrangements?

Don't Know

Provide details.

This is a civil matter which the council is unable to be involved in enforcing. A change of this nature would need to be set in law and property solicitors should ensure that this is not included in deeds when advising buyers.

Question 56

What impact would prohibiting embedded arrangements have on consumers, developers, homeowners, and management companies?

Don't Know

Provide details.

This is a civil matter which the council is unable to be involved in enforcing. A change of this nature should allow for homeowners choice in changing management companies and lead to opportunities to change to better/more cost effective options.

Question 57

Should resident-controlled management be the default model for new housing developments? [Yes/No/Don't Know]

No

Please explain your answer.

At the outset of a development, it is unknown if there will be appetite from residents to take on this responsibility. While we would prefer new estates to be adopted we would suggest that the default arrangement is a management company that allows resident representation and allows for residents to assume control of the company once the amenities are complete and transferred should there be a desire to do so. This option could be exercised at any point, not just at the point straight after transfer.

Question 58

Should resident-controlled buildings (such as a Resident Management Company) be not-for-profit management companies? [Yes/No/Don't Know]

Yes

Please explain your answer.

It would seem inappropriate to a management company operated by residents to be profit making. Income should be restricted for use on the maintenance of the amenities and associated costs, including building sinking funds where necessary.

Question 59

What benefits do you think resident-controlled management would bring for homeowners and communities? (tick all that apply)

- promotes accountability. ü
- responsiveness to local needs ü
- better cost management
- strengthen community-trust.
- reduce consumer harm.
- other (Please specify)

Question 60

What challenges or risks could arise from making resident-controlled management the default (e.g., governance capacity, disputes, need for professional support)?

Provide details. If this option is default, a fallback solution would need to be written in to agreements should residents not be willing to take on the management of amenities. Issues may arise if key residents involved in the management arrangements move from the development leaving lack of will and/or expertise to take on the responsibilities. Any management company arrangement would need to be regulated to ensure that it is managed appropriately.

If things go wrong, councils may end up having to take over.

Question 61

What support or safeguards should be provided to help residents manage amenities effectively (e.g., training, access to professional advice, regulatory oversight)?

Provide details.

Access to professional advice, government guidance and regulatory oversight.

Question 62

What impact would this proposal have (e.g., on consumers, developers, public authorities, management companies)?

Provide details.

Greater support/opportunity where residents wish to take on management responsibility, but this comes with the potential of residents being put at greater risk should the arrangements not be well managed.

Question 63

Are there any alternatives to resident-controlled companies that you think would be beneficial? [Yes/No/Don't Know]

Yes.

If so, please describe.

Community Land Trusts, see response to Q32.

Question 64

Are there any circumstances where resident-controlled management should not apply?

Don't know.

Question 65

Do you agree that the government should provide guidance to resident-controlled management companies? [Yes/No/Don't Know]

Yes

If so, what should be included in such guidance?

Clear indication of risk and obligations of taking on these responsibilities.

Question 66

What additional support would help residents manage amenities effectively (e.g., access to professional advice, regulatory oversight, helplines)? Access to professional advice, government guidance and regulatory oversight.

Question 67

Do you agree that homeowners on new estates need a dedicated and accessible mechanism to resolve disputes about the quality and maintenance of communal amenities? [Yes/No/ Don't know]

Yes

Please explain your answer.

However, mechanisms should already be in place to ensure the delivery standard through sign-off of amenities by the planning authorities. This ensures that delivery is in accordance with the standards required by the planning permission. The mechanism stated would be more crucial for resolve disputes once facilities are transferred to management companies, but we would see that this process would not include the planning authority.

The adoption of new estates would, however, eliminate this problem.

Question 68

Do developers, management companies and public authorities also require a mechanism to resolve disputes regarding amenity adoption? [Yes/No/Don't Know]

No.

Please explain your answer.

The adoption of amenities needs to be in the control of the authority as there will be factors other than the standard of the delivery of the facilities that would need to be considered when taking on transfers.

Question 69

What types of issues should such dispute resolution mechanisms cover?

- poor construction of amenities
- failure to adopt amenities.
- inadequate maintenance ü
- service delivery failures. ü
- standards of conduct ü
- charges ü
- provision of information ü
- misrepresentation ü
- time to adopt amenities.
- other (please specify)

As per responses to questions 67 and 68, the dispute mechanism should cover service levels in terms of charges, quality and maintenance following transfer. The process for determining completion of facilities to an adoptable/transferable standard should continue to be managed through current processes which ensures that facilities are provided in accordance with approved planning permissions and building control sign off.

Question 70

How effective do you think current arrangements are for resolving disputes between homeowners, developers, management companies, and public authorities regarding communal amenities?

- disputes between homeowners and public authorities [Very effective/somewhat effective/not effective]
Somewhat effective
- disputes between homeowners and developers [Very effective/somewhat effective/not effective]
Don't know
- disputes between homeowners and management companies [Very effective/somewhat effective/not effective]
Don't know
- disputes between management companies and developers [Very effective/somewhat effective/not effective]
Don't know
- disputes between management companies and public authorities [Very effective/somewhat effective/not effective]
no example of dispute between public authority and management companies in this area
- disputes between developers and public authorities [Very effective/somewhat effective/not effective]
Somewhat effective

Please provide examples or reasons

Main challenges encountered relate to differing expectations. For example, disputes where the planning authority signs-off amenities as complete and allowable for transfer but residents feel that the standard is too low. Conversely, where the council has not signed-off but residents or parish councils are pushing to take ownership despite amenities not being delivered in accordance with approved permissions.

Disputes between councils and developers generally relate to timeframes and standard of completion of facilities which often delay facilities being delivered to a suitable standard for sign-off and subsequent transfer or adoption. Mechanisms for resolving these issues can be time consuming and costly leaving most situations of this nature being resolved through working with developers to ensure they provide facilities in accordance with approved permissions through remedial works or Section 73 or non-material amendment applications.

Homeowners sometime contact the council for support in resolving issues because there is a lack of understanding about which body is responsible.

Question 71

Are there any other gaps in redress provision for other stakeholders? [Yes/No/Don't Know]

Don't know

Please provide examples.

Question 72

What would be the most important features of a new dispute resolution process for communal amenities? (e.g., independence, speed, affordability, enforceability of decisions).

Please describe your priorities.

Independence, enforceability of decisions.

Question 73

What impacts – positive or negative – do you think introducing such a mechanism would have on homeowners, developers, management companies, and public authorities?

Provide details.

Better protection for homeowners and more accountability for management companies.

A new mechanism would, however, have to be paid for – this has potential cost implications.

Question 74

Should the UK government seek to implement proposals for reform across the United Kingdom where it is practical to do so with support and consent from the devolved administrations? [Yes/No/Don't Know].

Yes

Please explain your answer.

These proposals are intended to provide consistency, quality and fairness and residents should experience the same standards regardless of their location.

Question 75

Are there distinct practices in the different countries of the United Kingdom that require special consideration for a joined-up approach to resolve these issues?

Provide details.

Don't know

Question 76

Are you still living on an estate [Yes/No]

N/A

Question 77

How long have you lived on the estate?

Provide details.

N/A

Question 78

How many homes are/were on your estate?

- under 50
- 50–250
- 250–500
- 500–1000
- over 1000 (please specify)

N/A

Question 79

When was the housing estate built if known?

N/A

Question 80

Where in the country is/was your estate located (Local Authority Area)

N/A

Question 81

How is/was the estate managed?

- Resident Management Company managing themselves (RMC)
- Resident Management Company using a managing agent (RMC)
- Embedded Management Company
- other (please specify)

N/A

Question 82

Do/did you pay estate management charges for shared amenities? [Yes/No/Don't Know]

N/A

Question 83

What amenities do/did you pay for in addition to council tax and utility rates? (tick all that apply)

- roads
- sewers and drains.
- Sustainable Drainage Systems
- open spaces
- playground
- car park
- other (Please explain)

N/A

Question 84

How much are you required to pay each year? (If you no longer live please consider the amount you paid in your final year on the estate)?

Provide details.

N/A

Question 85

Did your estate management charge increase since you first bought your home/move into your home? [Yes/No]

N/A

If yes, what was the reason for the increase and by how much?

N/A

Question 86

Have you paid one-off charges for repairs or upgrades? [Yes/No/Don't Know]

N/A

Provide details.

N/A

Question 87

Have you paid fees for permissions (e.g., home improvements, sale packs)? [Yes/No]

N/A

Provide details.

N/A

Question 88

Have estate management charges affected your ability to sell or use your property?

[Yes/No/Don't Know]

N/A

Provide details.

N/A

Question 89

Is/was it clear to you how the charges you pay are/were calculated and what they cover?

[Yes/No/Don't Know]

N/A

Question 90

Do you think these charges are reasonable [Yes/No/Don't Know]

N/A

Question 91

Is/was your management company responsive? [Yes/No/Don't Know]

N/A

Question 92

Does/did your management company provide value for money? [Yes/No/Don't Know]

N/A

Question 93

When did you find out you had to pay estate management charges?

- during purchase
- after moving in
- other (please specify)

N/A

Question 94

Are/were you aware of who is responsible for maintaining and repairing the various amenities on your estate? [Yes/No Some amenities but not others]

N/A

Explain

N/A

Question 95

Did the estate allow some form of resident participation? [Yes/No/Don't Know]

N/A

If yes, what form of participation did this take?

N/A

Question 96

Are/were you a director or member of the management company? [Yes/No]

N/A

If not, would you want to be? [Yes/No/Don't Know]

N/A

Question 97

Are/were any of the shared amenities used by the wider public? [Yes/No]

N/A

Provide details.

N/A

Question 98

Has a public authority ever adopted amenities on your estate? [Yes/No/Don't Know]

N/A

Provide details.

N/A

Question 99

Overall, are/were you happy with your estate management arrangements?

- very satisfied
- fairly satisfied
- neither/nor
- fairly dissatisfied
- very dissatisfied

N/A

Question 100

What do you think is most important in estate management?

N/A

Provide details.

N/A

Question 101

Why do you think amenities are often not built to adoptable standards?

N/A

Provide details.

N/A

Question 102

Is there anything else you'd like to tell us?

No Response

Provide details.

N/A

Question 103

What types of amenities do you currently adopt?

None

Provide details.

The council does not currently adopt amenities secured through new S106 agreements. However, under some older S106 agreements with outstanding obligations, the council is obliged to adopt some areas of public open space, SUDs, allotments, play areas and one health centre. The council has also recently adopted some public open space, play areas, MUGA's, courts and community centres, again through older S106 agreements. There are instances in the district where the relevant town or parish council adopts amenities through arrangements secured in S106 agreements. Whilst the district council are party to these agreements, the transfer of facilities from the developer to the town or parish council is done directly between those organisations, albeit with the district council first confirming that the facilities have been delivered in accordance with the approved plans.

Question 104

Do you have a formal policy or framework for amenity adoption? [Yes/No]

No

If yes, please share details.

The council does have Developer Contributions Supplementary Planning Documents which address amenity adoption. (For example, [VOWH-Developer-Contributions-SPD-Nov-2021.pdf](#))

The council's Strategic Property team does not have any policy or framework.

Question 105

Are there amenities you could adopt but do not? [Yes/No]

Yes

If yes, why?

The council could adopt public open space, SUDs, play areas, community buildings, leisure facilities and allotments. The council would not be able to adopt education facilities, highways, drainage (although we could adopt above ground natural drainage type SUDS such as swales and basins) as it is not the relevant authority for these services.

Whilst the council's preference is for community facilities to be adopted into public ownership through the relevant town or parish council, the council does not currently agree to adopt amenities secured under new S106 agreements. While the council would like to be in a position to potentially adopt more amenities where appropriate, the commuted sums that can be secured for these types of facilities will not cover maintenance indefinitely. Beyond that, funding for the upkeep of these amenities would need to be covered by Council Tax revenue. However, district councils are capped on the amount that Council Tax can be increased, and this must also fund statutory services meaning that sufficient funding would not be able to be collected to cover additional maintenance burdens. Given that local authorities are under increasing financial pressures, taking on non-statutory financial obligations is, unfortunately, not something that we are currently in a position to consider.

Question 106

What are the main barriers to adopting amenities?

Provide details.

Lack of ability to fund the longer-term maintenance of amenities as set out in the response to Q105.

Lack of resources, physical and operational, of local authorities (district and town/parish) to be able to manage additional facilities.

Reluctance from developers to transfer amenities to public authorities due to higher adoption standards or delays in transfer due to bureaucracy.

The ability for management companies to make a profit from homeowners and housing associations.

Question 107

How do you ensure consistency and quality in adoption decisions?

Provide details.

Consistency in sign-off processes secured as part of S106 agreements.

Building control and planning enforcement having enhanced powers so that developers build to plan and adoptable standards consistently.

Use of national standards for various types of amenities, i.e. RoSPA for play facilities.

Policies, design guides and minimum standards for quality of equipment and planting regimes will positively affect the quality of development. Maintenance regimes should be consistent for the type

of space / facility that is being adopted but it must be recognised that bespoke maintenance might be required for particular facilities.

Question 108

What data do you currently collect on adopted and unadopted amenities?

Provide details.

Details of amenities secured through S106 agreements and intended management regimes recorded on planning database. This does not include amenities such as highways, education and drainage which are services which do not fall under the district council's area of responsibilities.

Question 109

How do you currently secure funding for ongoing maintenance of adopted amenities?

Provide details.

Commuted sums secured through S106 agreements which are payable on transfer of facilities. For amenities being transferred to town or parish councils, long term maintenance funding will be secured through precepts. For amenities being transferred to the district council (noting that the council does not currently seek to adopt facilities secured through new S106 agreements), long term maintenance would be covered by Council Tax revenue following the commuted sums being used, which normally cover the first 20 years of maintenance. In both cases the relevant council are able to ringfence and invest the commuted sum once received in order to maximise interest potential to extend the period that the commuted sum will cover. Economies of scale will also apply where the authorities maintain amenities from more developments.

Question 110

Do you seek financial contributions (e.g., commuted sums)? [Yes/No]

Yes.

If yes, how are they calculated? Provide details.

Through consultation with authority adopting amenities as the maintenance costs will vary from organisation to organisation depending on factors such as maintenance standards, contract costs and economies of scale. Sums are calculated to cover a 20-year maintenance period.

At present we do not have a standard formula for calculating commuted sums. This would be very helpful and essential if the adoption of open space becomes mandatory. We try to secure sums for a 20 year period however developers usually resist this, arguing that parish / town councils can use the council tax precept.

Question 111

How much do you charge for inspection fees?

Provide details.

- £508 per inspection for developments up to 40 dwellings
- £1,016 per inspection for developments of 40 to 399 dwellings
- £1,016 plus £1,016 per additional visit per inspection for developments of 400+ dwellings (where amenities are likely to come forward in phases)
- £635 per re-inspection (where amenities were not deemed as suitable for sign-off on the first inspection, and any subsequent inspections)

Inspections fees for community buildings, MUGA's, pitches and allotments are determined on a development-by-development basis depending on the detail of the facilities. Costs for inspections for community buildings can be up to £25,000 due to inspections being require through construction, usually on a monthly basis.

See [S106 monitoring and inspection fees](#) and [supporting statement](#).

Question 112

Do you require performance bonds for amenity adoption? [Yes/No]

No

If so, how is this calculated? (e.g., set fee, percentage of costs etc)

The district does not ask for them. The county council continue to do so but developers resist them due to the high bank charges. If there was a way the Local Authority could hold some form of bond that could useful, but only in relation to high value facilities.

Question 113

If mandatory adoption were introduced, what would be the estimated cost to your organisation?

Unable to provide figures for this.

Provide details.

If mandatory adoption was to be introduced, this could only apply to new developments so that suitable commuted sums can be secured. These should then cover the maintenance costs for up to 20 years following adoption, following which the cost for maintaining amenities would be too far in the future to be able to predict. The council could not take on facilities without suitable commuted sums or other financial settlement.

Question 114

Do you use standards or guidelines to assess adoptability? [Yes/No]

Yes

If yes, which?

RoSPA for play areas, Building control for community buildings, compliance with planning conditions/permission for all facilities, Sport England guidelines for sport and leisure facilities, National SUDS standards, LLFA local standards and Sewerage Sector Guidance for drainage.

Question 115

How do you provide assurance that private management arrangements are sustainable and affordable for residents?

Provide details.

Other than recording details of private management companies for developments where amenities are to be privately managed, a standard requirement of our S106 agreements, no assessment is done on the planned operation of these companies. In many cases, management companies are set up as new companies so it is not possible to undertake any financial checks on them, however, an assessment could be done if an established company is used. In either way, the council cannot be liable or responsible for the performance of whichever company is used. Standard S106 templates require for management companies to allow for membership on their board for residents and registered providers of affordable houses. Residents are given the option to assume control of the management arrangements should they not be satisfied with the service provided by the management company. It should be noted that service charge arrangements are secured through covenants on the purchase of properties and the application of these covenants is a civil matter.

Question 116

What changes would help make adoption easier and more consistent?

Provide details.

A more sustainable way of funding maintenance of amenities than commuted sums as these ultimately leave the district council with an ongoing maintenance liability once the sums have been fully spent. Restrictions on Council Tax and the need to use this income to fund statutory services make this an unrealistic source of funding for this purpose.

A standardised approach to adoption so that each document is standardised. Particularly helpful when legal teams are needing to review transfer documentation. If this is all different based on different developer obligations then it becomes very time consuming.

The council could set up an arms length company which may become a more attractive proposition following local government review. However, government guidance and support in doing this would be beneficial and this arrangement would still put the cost of maintenance to residents through some form of service charge.

Question 117

Do you have examples of good practice you would like to share?

Provide details.

Boundary Park Sports Association (BPSA) – BPSA were formed as a registered charity to take on the operation of the sports facilities at Great Western Park (GWP), a development of 3,300 dwellings, on the South Oxfordshire/Vale of White Horse district boundary. The sporting amenities (formal pitches, pavilion, MUGA and tennis/netball courts) were transferred to the district councils as required by the S106 agreement but the operation of these facilities are leased to BPSA. Whilst BPSA have an annual draw down arrangement for the commuted sum and interest secured on this, they are working towards being able to operate this as a sustainable facility once the commuted sums are fully expended, supported by the council enforcing a minimal lease charge. BPSA's sole function is the operation of these facilities meaning that this isn't lost amongst other pressures which might be the case if the councils operated the facilities in house. Another large development has commenced on land adjoining GWP for 4,250 dwellings which will again provide onsite sporting provision including two 3G pitches, grass pitches and two pavilions. BPSA has been in discussion with the Developer to operate these facilities which, on this development, will not be adopted into public ownership. If agreed, BPSA will benefit from an element of the service charges from residents to cover some of the maintenance costs of the facilities which the association consider to be a more sustainable model in the long term than public adoption with a commuted sum. However, whilst this arrangement is working well now, it is yet to be seen if the organisation will be able to operate without the need of further subsidies once the commuted sum is expended. If similar future arrangements were put in place, it would be better to plan for this route from the outset as it would then become more straight forward as this could remove the need for the local authority to operate as a middle-man between the developer and organisation. This would also protect the local authority in the event that the organisation fails as the council still hold liability on the current basis meaning that this may fall back to us and we do not have money and resource to manage the facility. The council is then at risk of bad reputation / unplanned financial commitments.

Completions Sign-Off Process – Whilst obligations in S106 agreements are not always consistent (particularly older ones), in most cases obligations are placed on the council to sign-off some amenities as complete to allow for from transfer to the council, town or parish council or management company. The council has adopted a process for developer notification once amenities are ready for inspection (trigger points for this monitored by S106/CIL Monitoring Officer), which includes evidence that the works have been completed in accordance with the approved plans and conditions and copies of the plans against which the facilities have been delivered. This enables the council to pre-assess the notifications in terms of readiness for inspection and compliance with approved plans and allow for further information to be requested before resources are committed to inspection. This process is managed by a council officer but with the inspection and associated reporting outsourced to a planning specialist who review the information provided by the developer, undertake the inspection and, as relevant, issue completion certificates/rejection notifications along with reports to support the determination. In more recent S106 agreements, reinspection fees have been added to cover costs for these but also to encourage developers to deliver to the required standard in the first instance.

This process clearly sets out what aspects are covered by inspections and certificates, and which areas are outside of scope, such as transfer matters, and acknowledges that the council's sign-off is against approved plans and to its satisfaction. In doing so, this allows the organisation taking ownership of the facility to make their own assessment of suitability for transfer supported by the council's determination that the amenities are compliant with the approved permissions.

Whilst this process does cover some community buildings, which also require building control approval, this process is predominantly for facilities that would otherwise not receive impartial sign-off prior to transfer such as public open space, play areas and allotments.

It has been commented by developers that this is a process not used in many areas where facilities are transferred without prior assessment and agreement by the planning authority.

Question 118

Is there anything else you would like to tell us?

Yes

Provide details.

This response is made noting that Local Government Reform is currently underway which will see the governance in the area currently covered by the council change. This will have an impact on how services and responsibilities are managed in the area but at this point in time, the implications of this are not fully known. This response to this consultation is made based on the council's current responsibilities.

The council's current preference for long term stewardship is through transfer to the relevant town or parish councils as this sees facilities taken into public ownership by the organisation with the strongest local connection and with the ability to secure sufficient long-term funding through setting of a suitable precept once commuted sums have been used. Adoption by the district council is not sustainable due to barriers limiting sufficient funding being collected once the commuted sums have been expended. Local Government Reform will also distance the gap between new unitary authorities and local communities when it comes to maintaining smaller scale facilities such as playgrounds and open space.

Negotiations through S106 agreements for the method of maintenance are done on the basis that the relevant town or parish council have first option with management companies as a fall-back position. However, we are aware that we have no powers to force town or parish councils to take up the option or to make developers offer the facilities for public adoption.

In cases where adoption is not in place, powers to prevent service charges being charged until facilities are signed-off and transferred and for developers to outsource maintenance to contractors would be welcomed and help in ensuring developers are bringing forward higher quality facilities which are in compliance with approved plans quicker as this will enable them to pass on liability to the management company and reduce their outgoings. This would be quicker way to resolve disputes as developers have a clear financial incentive to deliver to a satisfactory standard sooner.

There seems to be a lack of transparency and openness at the outset with purchasers of dwellings on estates where a management company is to operate. Furthermore, it is not uncommon for fees to increase above the rate of inflation as new infrastructure is delivered and then has to be maintained.

Some estates are lucky to have proactive and knowledgeable people to step up and run a ManCo. Many others do not. Enabling councils through powers and funding to adopt public spaces and facilities will ensure consistency and accountability for the long term.

Question 119

Please provide a brief summary of your organisation.

N/A

Provide details

N/A

Question 120

How many homes do you build in a typical year?

- under 10
- 11-50
- 51-100
- 101-500
- 501-1000
- 1000+

N/A

Question 121

As a percentage, how many of these will be built on estates with estate management companies?

N/A

Provide details.

N/A

Question 122

Do you generally seek adoption of amenities on new developments? [Yes/No]

N/A

Explain why.

N/A

Question 123

What types of amenities do you typically offer for adoption?

N/A

Provide details.

N/A

Question 124

Are there amenities you prefer to keep under private management? [Yes/No]

N/A

Explain why.

N/A

Question 125

What are the main barriers to adoption of amenities?

N/A

Provide details.

N/A

Question 126

Do you encounter inconsistencies in adoption standards across authorities? [Yes/No]

N/A

Provide examples.

N/A

Question 127

What standards do you follow when designing amenities for adoption?

N/A

Provide details.

N/A

Question 128

Do you pay commuted sums or other financial contributions for adopted amenities?

[Yes/No]

N/A

Explain how these are calculated.

N/A

Question 129

How much does this cost?

N/A

Provide details.

N/A

Question 130

If mandatory adoption were introduced, what would be the estimated cost impact on your organisation?

N/A

Provide details.

N/A

Question 131

Are you required to provide performance bonds or inspection fees? [Yes/No]

N/A

Please explain your experience and challenges

N/A

Question 132

How much are these fees?

N/A

Provide details.

N/A

Question 133

Do you believe these mechanisms are effective in ensuring quality? [Yes/No]

N/A

Explain why.

N/A

Question 134

How do you select estate management companies where amenities are not adopted?

N/A

Provide details.

N/A

Question 135

Why do you think amenities are often not delivered to an adoptable standard?

N/A

Provide details.

N/A

Question 136

What do you think are the most important aspects of estate management?

N/A

Provide details.

N/A

Question 137

Is there anything else you would like to tell us?

N/A

Provide details.

N/A

Question 138

Please provide a brief summary of your organisation.

N/A

Provide details.

N/A

Question 139

How many estates do you manage and how many customers do you serve?

N/A

Provide details.

N/A

Question 140

Which types of amenities do you manage (e.g., green spaces, play areas, private roads, lighting, drainage)?

N/A

Provide details.

N/A

Question 141

How is your management activity funded (estate management charges or other sources)?

N/A

Provide details.

N/A

Question 142

What is the average estate management charge?

N/A

Provide details.

N/A

Question 143

Do you receive commuted sums, endowments, or other contributions from developers or authorities? [Yes/No]

N/A

Provide details

N/A

Question 144

Do you operate sinking funds or reserves for long-term maintenance? [Yes/No]

N/A

Question 145

What services do you provide beyond basic maintenance (e.g., community engagement, sustainability initiatives)?

N/A

Provide details.

N/A

Question 146

Do residents need permission for certain actions (e.g., home improvements, sale packs)?

[Yes/No]

N/A

Provide details and costs.

N/A

Question 147

Do residents have a formal role in decision-making (e.g., RMC, advisory boards)? [Yes/No]

N/A

Please explain.

N/A

Question 148

What are the biggest issues residents report?

N/A

Provide details.

N/A

Question 149

What are the main challenges in managing estates effectively?

N/A

Provide details.

N/A

Question 150

Why do you think amenities are often not delivered to an adoptable standard?

N/A

Provide details.

N/A

Question 151

What works well about the existing arrangements?

N/A

Provide details.

N/A

Question 152

How do you work with residents to resolve issues?

N/A

Provide details.

N/A

Question 153

Have you supported transitions to resident-led management? [Yes/No]

N/A

Provide examples.

N/A

Question 154

Is there anything else you would like to tell us?

N/A

Provide details.

N/A

Question 155

Do you believe any of the proposals put forward could negatively or positively impact individuals who have a protected characteristic?

- [Yes/No] Age
No
- [Yes/No] Disability
No
- [Yes/No] Sex
No
- [Yes/No] Gender Reassignment
No
- [Yes/No] Marriage or civil partnership
No
- [Yes/No] Pregnancy and maternity
No
- [Yes/No] Race (colour, nationality, ethnic or national origins)
No
- [Yes/No] Religion or Belief
No
- [Yes/No] Sexual orientation
No
- [If you have answered yes to any of the above]
N/A

Please explain your rationale and evidence your thinking where possible.

Question 156

Do you anticipate any environmental impacts from this policy, either positive or negative?

[Yes/No]

Yes

If yes, please elaborate. How could positive impacts be maximised or negative impacts be mitigated or minimised?

Positive impacts can be maximised by using common standards to drive up quality of both provision and maintenance of amenities. This should include setting requirements for:

- Increasing biodiversity and managing land for nature recovery
- Designing sustainable drainage systems to deliver multiple benefits, including provision of new green infrastructure
- Water saving measures in maintenance regimes
- Carbon reduction plans in construction and maintenance phases, including embodied carbon of materials
- Measures to protect amenities through periods of extreme weather, such as floods and heatwaves.

There should also be scope for local authorities to decide to exceed the common standards, if budgets allow.

However, these benefits can only be achieved if a funding model can be put in place to ensure a high level of maintenance rather than cover a very basic level which may be limited if charges are set to a more restricted level.

