
From:

[REDACTED]

To:

Housebuilding

Subject:

Private Management of public amenities on housing estates.

Good afternoon,

In response to the consultation document I set out an officer response below from Arun District Council. This response has not been subject to any committee scrutiny given the deadlines for a response.

Firstly, there is support for the view that there is a concern that the current system is not transparent for either the immediate residents or the wider general public interest. It is unclear how individual management companies are selected by developers and whether they have any ongoing financial stake in the management companies which might influence the selection process or whether there is any subsequent financial return to the developers. Residents don't appear to have any say in which company is selected and often don't have a controlling interest in how their particular estate is managed. Once established the arrangement appear permanent. There is no opportunity usually for residents to determine whether they wish to select an alternative management company since the ownership of the land and the management of the land is often conjoined.

It is also clear based on anecdotal evidence that new residents are not advised about what land is intended to be land accessible to the public as opposed to being private. There is an understandable reluctance for residents to pay charges for something the general public has a right to enjoy. We would suggest that as time passes the risk increases that tensions will increase between established residents on a development and the general public, particularly on larger developments where more significant areas of publicly accessible land are provided but residents are still responsible for the funding of its maintenance.

The use of management companies appear to have become in many cases the default position for developers because it allows the cost of management to be passed effectively to the residents through the charges, whereas if the Council is going to take control of the land then as part of the planning process there is usually a requirement for the developer to provide the management costs to the Council either as a lump sum or some form of phased payment. As Councils have needed to ensure their asks of developers are truly representative of the total cost of the management and maintenance the sums asked of developers have increased.

Part of challenge of reducing the prevalence of private management arrangements is how the funding issue would be addressed. Given the existing financial challenges upon Councils there cannot be an additional burden without a reasonable level of funding being provided. Any introduction of mandatory adoption would need to focus on future schemes. In terms of existing schemes the Council would support an approach where the developers undertook remedial measures based on specific standards for adoption on public open space set by the Council and funding for ongoing maintenance was provided. The water companies would be the appropriate body for any mandatory adoption of SuDs systems.

At paragraph 3.55 reference is noted to the challenge of checking the build quality and compliance once the works have been completed and the developer has left the site. The Council has sought to address this by requiring by planning condition the developer to employ an independent person to check compliance with the approved plans.

The Council would support government action that improves transparency and protects the customer. The Council can understand the merit of requiring land to be adopted by the relevant local authority land where it is intended for wider public benefit (but based on the scale of the proposed development). However, the reasonable costs of maintaining that land for a given period of time (say 25 years) needs to be provided to the local authority otherwise the cost falls disproportionately on the existing population of the area.

Regards



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Healthy Homes Act Campaign



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