


From: 
To: [Housebuilding](#)
Subject: Management of Public Amenities Consultation
Date: 24 November 2023 16:11:04

Dear Sir/Madam,

Please find attached our answers in response to the **Housebuilding market study - Private management of public amenities on housing estates working paper** from and on behalf of Gleeson Developments Ltd.

Our mission - Changing lives by building affordable, quality homes. Where they are needed, for the people who need them most.

We have not put forward a response to questions 2, 3 and 4c as they fall outside of our expertise and business interests.

We look forward to seeing the outcome of this consultation in due course and would be pleased to continue engaging with you on this matter.

Question 1

a) How effective is the process for the adoption of roads on new housing estates in England?

- *The process is very simplistic in the fact that we enter into section agreements which detail the specification that we need to achieve, and we engage competent contractors to deliver.*
- *We have to ask the question why Developers would choose to keep things private - which may be due to Highways Authorities not processing s38/s278 applications quickly and delaying commencement on sites.*
- *The adoption process is frustratingly slow with Council highway inspectors delaying sign off for maintenance periods and adoption for the slightest of issues.*

b) What are the barriers to the adoption of roads on new housing estates in England?

- *Inspection delays*
- *Delays in S38 approvals*
- *Reluctance to phase adoptions into smaller sections meaning roads can be completed as quickly as plots are sold.*
- *Some councils don't work to service level agreement so approvals can be delayed.*

The biggest barrier to adoption is the Highways Inspectors as they have a tendency to go 'off script' which from a budgetary perspective makes the process very difficult.

Question 2 - N/A

a) How effective is the process for the adoption of roads on new housing estates in Wales?

b) What are the key barriers to adoption of roads on new housing estates in Wales?

c) What impact has the Good Practice Guide and Common Standards on highway design had on roads adoption on housing estates in Wales?

d) In particular, have they reduced any barriers to adoption and achieved greater consistency in approach across local authorities?

Question 3 - N/A

a) How effective is the process for the adoption of roads on new housing estates in Scotland?

b) What are the key barriers to adoption of roads on new housing estates in Scotland?

c) How does the process for adoption of roads in Scotland compare to the process for adoption in England and/or Wales? Sewers, drainage and SuDS adoption (Section 3)

Question 4

a) Please provide views on how effective the adoption process works in practice for (i) sewers and drains and (ii) SuDS. In responding, please state whether your response relates to England, Scotland or Wales, or a combination of nations.

Response relates to England.

- *Again, delays associated with adopting regulator delaying inspections, phasing could be looked so areas could be adopted in smaller tranches.*
- *Presently SUDS are limited to dry basins on our developments, generally these areas are reasonably easily adopted, however as SABs come into force the requirement for treatment trains will increase the complexity of adoption.*
- *Although SuDs are limited; its recognised that this could change with tightening requirements – preference for standard approach of a basin with an inner swale seems to satisfy and water authorities and NAVs happy to accept.*
- *Lincolnshire have a more pragmatic approach to site layouts, with the use of Roadside swales that don't require a commuted sum reducing the development to a single footpath with swale on the other side, downfalls are service provision, but recognised that with the removal of Gas things should become easier.*
- *SuDs and getting LPA approval through planning is difficult as they are at odds with Adopting Water Authorities. If the use of statutory details was introduced this will add costs and complications to how we currently view SuDs within our workbooks and onsite delivery - we still observe the hierarchy of drainage solution with "to ground" being first followed by "watercourse" and last "sewer" but tend to avoid things like permeable paving in adoptable areas as commuted sums are applied.*
- *Sewer adoption is very easily obtained and from a bond perspective can be cancelled at maintenance stage, difficulty is when we can apply as we must have MH covers at final surface level which delays the benefit in some ways.*

b) Will forthcoming changes in England remove any barriers to adoption?

- *Yes ... the time taken to adoption and maintenance would reduce as we expect the maintenance company would be more flexible in approach and work to service level agreement for approvals.*
- *There is already legislation under the water industries act for water authorities to charge highways to transfer their highway water - it's rarely used, we rather not have what would effectively be 2 systems - one draining highways and one draining plots as this could be very expensive and when discharging to a sewer changes nothing.*

c) In relation to Wales, if implemented, would the recommendations from the review of the implementation of Schedule 3 of the Flood and Water Management Act 2010 remove any barriers to adoption?

Possible measures to address our emerging concerns (Section 4) – N/A

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Question 5

a) What measure, or combination of measures would provide the best solution to our emerging concerns? Please give reasons for your views.

- *Creation of an ombudsman to mediate householder concerns should maintenance not being undertaken.*
- *Penalties levied on the maintenance provider for not adhering to SLA.*

- b)** Does the best approach to tackling our emerging concerns differ according to the amenity (e.g. roads versus public spaces) or by nation?
- *Probably as road and drainage maintenance would not be required every month or even year whilst landscape maintenance is required monthly.*
- c)** Are there any options that may be more effective in addressing our emerging concerns than those that we have proposed?
- *Plot holders being part of a management company committee to enable tasks required to be addressed on the development. This also ensures the maintenance company is held to task and SLA monitored.*
 - *Developers may well feel they could facilitate these meetings as part of their commitment for a number of years after completion however it would need to ensure that the developer / maintenance provider meeting isn't to be confused with a customer care service that developers provide to the customers.*

Question 6

a) Would enhanced consumer protection measures by themselves provide sufficient protection for households, or would mandatory adoption also be necessary to achieve a comprehensive solution to the detriment experienced by households living under private estate management arrangements?

- *Depends on the type of development and size.*
- *If we are talking 5 units at £1m plus houses then a private gated road with residents paying a management company then they will have the ability to challenge the SLA and swap provider easily.*
An estate with low-cost housing is a different matter and the residents probably require assistance to challenge and manage a management business appropriately.

b) Are there any other measures that are required to provide adequate protection to households living under private estate management arrangements?

- *Could a government backed scheme provide some form of insurance to cover potential failed maintenance companies?*
- *Commuted sum per house for estate management paid for by the developer.*

c) Do the protections afforded to households in Scotland by virtue of the Property Factors (Scotland) Act 2011 provide adequate protection, in accordance with the principles outlined above.

- *Yes the Property Factors(Scotland) act 2011 as described would address protection issues ... its effectively combines all our our thoughts on how this could be undertaken without putting householders at risk.*

d) Should such measures be implemented by the UK, Scottish and Welsh governments, as appropriate, or by the CMA following the conclusion of a market investigation? Please explain why, and whether this differs by nation.

- *Yes ... introducing a similar provision in England and Wales as per the Scottish scheme would work well.*

Question 7

a) Would the determination of common, adoptable standards support an increase in the adoption of amenities by local authorities?

- *Absolutely ... differing standards from council to council can create errors on site leading to adoption delays .*

b) Are there existing standards that could be used to support the determination of common adoptable standards?

- *A document was created called the 6c's that combined various highway authorities technical standards - we understand this has been superseded.*

c) Who should be responsible for determining and enforcing common adoptable standards?

- *Government would be ideally placed to set standards as per the Scottish system.*

d) Should this option only apply to future housing estates or include existing housing estates? If the latter, how and over what timescale could existing infrastructure be brought up to the agreed common standard?

- *New sites going forward due to potential cost implications of introducing new standards on site and additional costs on already contracted plots.*

Question 8

a) How should local authorities fund the cost of remedial work required to bring a public amenity up to adoptable standard?

- *Commuted sums ring fenced appropriately that is transparent also.*

b) Which sanctions, if any, should be available to public authorities in case a housebuilder fails to build a public amenity to the adoptable standard?

- *The use of the planning system and discharge of appropriate conditions with potentially deposit returns on successful completion of works to appropriate standard.*

c) Are there particular examples of standard setting arrangements in Britain that should inform our approach? For example, are there lessons from the requirements of the Roads (Scotland) Act 1984 and the Security for Private Road Works (Scotland) Regulations 1985, SI 1985/2080 (as amended) that should be considered across England and Wales?

- *N/A*

Question 9

a) Is mandatory adoption likely to be an effective and feasible option to address our emerging concerns in relation to new housing estates? Please state whether this applies in general terms, or to specific amenities, and/or in specific nations.

- *Mandatory adoption by a maintenance company that is adequately funded, well managed and is transparent backed by legislation should address all concerns.*

b) Do you agree with our preliminary view that mandatory adoption is likely only to be practicable for new housing estates, given the significant additional challenges and costs of retrospective adoption? Please explain your views.

- *Yes we would agree with, retrospectively applying adoption on privately managed sites could create unmanageable costs that would mean the site residents would have to pick up.*

c) Do you consider there to be any unintended consequences from mandatory adoption? If so, please describe the consequences and state whether this applies in general terms, or to specific amenities, and/or in specific nations.

- *Generally for all amenities the consequence would be unaccounted costs meaning someone picking up a significant cost or for retrospective sites a lower adoption standard is accepted but this would be hard to manage with respect to what standard need to be adhered to as a base line.*

d) Are there circumstances where it may not be appropriate for a local authority to adopt a public amenity? Please provide an explanation.

- *Yes in low cost socially deprived areas that would have a high risk of non-maintenance payments being made.*

Question 10

a) Are our proposed criteria for determining which public amenities should be adopted the right ones? Are there amenities that we have not mentioned but should be included?

- *No, generally roads, drainage, SUDS and landscaping.*

Question 11

a) How should local authorities fund the long-term ongoing maintenance of adopted public amenities? Please provide examples of existing or considered funding mechanisms where relevant (for example we noted in paragraph 3.58 the national commuted sums approach considered in the review in Wales of the implementation of Schedule 3 of the Flood and Water Management Act 2010).

- *Should maintenance remain with local authorities than commuted sums seem appropriate however SLA would need to be adhered to and residents would need to see community charges being lowered for properties with payments ring fenced.*

Please do not hesitate to contact us by return should you wish to discuss further / require any clarification points.

Thanks and Kind Regards,



