



## **Growth and Development Scrutiny Group**

**Wednesday 26 March 2025**

### **Management of Open Spaces**

## **Report of the Director Development and Economic Growth**

### **1. Purpose of report**

- 1.1. This report sets out the Council's position with regard to the management of open spaces on new developments within the Borough, following a report to Growth and Development Scrutiny Group in January 2024 and a report to Cabinet in May 2024.
- 1.2. This report provides an update on the actions set out at the Growth and Development Scrutiny Group in January 2024 (Appendix A).
- 1.3. This report presents a draft Good Practice Guide for the Management of Open Spaces (Appendix B), which sets out our expectations in respect of the service Rushcliffe residents will receive from developers and management companies in any arrangements for the maintenance of public open spaces.

### **2. Recommendation**

It is RECOMMENDED that the Growth and Development Scrutiny Group:

- a) endorses the Good Practice Guide for the Management of Open Spaces and forwards it to Cabinet for consideration; and
- b) requests that the Leader continues to lobby Government to regulate the governance of management companies to ensure transparency and remove charges unrelated to the management of open spaces.

### **3. Reasons for Recommendation**

- 3.1. In May 2024, Cabinet reaffirmed its position not to adopt open spaces on new developments due to the significant financial burden this entails. However, Cabinet did support proposals for the Council to take a more active role working with developers and management companies to encourage good practice. Officers have developed a draft Good Practice Guide for the Management of Open Spaces in response to this.
- 3.2. While the Council accepts its role in encouraging good practice within the industry, it is clear there remains a significant role for Government to play in establishing much clearer consumer protections and introducing regulation of management companies.

## 4. Supporting Information

- 4.1. Since 2011, in consideration of the financial burden to the Council, all new open space constructed as part of new housing developments has been the sole responsibility of the developer to provide and then inspect and maintain post development. Most developers pass that maintenance responsibility onto a management company with the financial responsibility for paying the management company resting with the residents of the new developments.
- 4.2. Concerns have been reported in recent years by residents and Councillors about management company arrangements. Concerns can be broadly categorised under the themes of 'transparency and fairness', 'quality of maintenance' and 'customer service and rights of redress'. These concerns are echoed across the country and have been considered by the Competition and Markets Authority (CMA) in their [Market Study](#) published in February 2024. In [response to the study](#), in October 2024, Government stated their intention to "consult publicly on the best way to bring the injustice of 'fleecehold' private estates and unfair costs to an end, gathering evidence to supplement the CMA report".
- 4.3. In July 2024, Leader of the Council, Councillor Neil Clarke hosted a round table meeting with residents, cross-party Councillors and representatives from housing developers and estate management companies. This was an opportunity to hear first-hand from a variety of key stakeholders. All parties agreed that Government must take a greater role in establishing much clearer consumer protections and introducing regulation of management companies. Councillor Clarke wrote directly to Angela Rayner MP, Secretary of State for Housing, Communities and Local Government to raise concerns and to urge officials investigate this matter further (Appendix C). A follow up meeting with Baroness Taylor, Parliamentary Under-Secretary of State at the Ministry of Housing, Communities and Local Government, is being arranged.
- 4.4. It was also agreed at the round table meeting that the Council has a role to play in encouraging best practice in the industry, which supported the idea of the development of a Good Practice Guide, a concept which was supported by the Growth and Development Scrutiny Group in January 2024 and Cabinet in May 2024.

### **Good Practice Guide for the Management of Open Spaces**

- 4.5. A draft Good Practice Guide for the Management of Open Spaces has been developed (Appendix B). The guide sets out the Council's expectation that developers and management companies consistently provide good levels of service. The core principles of service, fairness, transparency and community underpin the Council's expectations in respect of the service Rushcliffe residents will receive from developers and management companies in any arrangements for the maintenance of public open spaces.
- 4.6. The guide is closely aligned with the [New Homes Quality Code](#) and is designed to represent a reasonable and achievable commitment from developers and management companies, in the interest of achieving the best quality service for

residents. Ultimately, the Council's ask is that developers and management companies within Rushcliffe commit to operating within the framework set out in the Good Practice Guide.

- 4.7. A draft of the Good Practice Guide was shared with attendees of the round table meeting for feedback, to ensure it serves its intended purpose of achieving the best quality service for our residents while being a document that partners can sign up to. Where possible, feedback has been incorporated into the draft attached (Appendix B).
- 4.8. A commitment from a developer or management company to operate in line with the principles set out in the guide will not represent a legal or enforceable commitment. The requirements of the Good Practice Guide go beyond the controls that can be put in place by Planning through either conditions or a Section 106. The maintenance of the open space in terms of replanting and ensuring the landscaping scheme is protected for at least 5 years are currently secured through Planning, either through a Section 106 or planning conditions. However, the details of the company who maintain the open space and their arrangements, costs and complaints procedures etc would sit outside the remit of Planning, therefore difficult to require or enforce. However, it will be a positive statement of intent and an acknowledgement of the importance of fair and transparent operating practices.
- 4.9. In addition to the development of a Good Practice Guide, Growth and Development Scrutiny Group also requested that Officers progress a number of additional actions. These can be viewed in full in Appendix A, with progress updates presented below.

#### **Develop a Supplementary Planning Document**

- 4.10. A Supplementary Planning Document on Developer Contributions is currently being developed. This document includes guidance regarding management of open spaces and will be presented to the Local Development Framework group in April 2025.

#### **Management Companies to be invited to join Growth and Development Boards**

- 4.11. The relevant management companies have been invited to join the Growth and Development Boards for the Fairham and Bingham developments.
- 4.12. Relevant management companies will be invited to join their respective Boards moving forward. Where Growth and Development Boards are not yet in place, officers will engage with management companies at the earliest opportunity to build positive relationships and establish expectations.

#### **The Council to make contact with Management Companies on behalf of Resident Groups**

- 4.13. The Council is unable to act as an advocate for residents on an individual case by case basis, however, it can, where requested, act as convener with management companies and residents' groups where there are wider issues are raised.

#### **The Council to work collaboratively with external agencies**

- 4.14. There is a role for other agencies and authorities to be working collaboratively with the Council to advocate for best practice in the management and maintenance of relevant infrastructure. This is particularly the case with regards to sustainable drainage systems on new developments.
- 4.15. Schedule 3 of the Flood and Water Management Act 2010 provides a framework for the widespread adoption of SuDS and could give Nottinghamshire Council (NCC) the role of sustainable drainage approval body (SAB), with responsibility for checking compliance and approving their use on new housing development. This schedule has not yet been implemented, but the Council is in touch with NCC to understand what implications this could have.

### **5. Risks and Uncertainties**

The risk to the Council of promoting the Good Practice Guide is raising expectations that the Council has power to act, which it does not. However, it is considered the benefits of the Guide, when promoted clearly, will outweigh this risk.

### **6. Implications**

#### **6.1. Financial Implications**

There are no financial implications associated with this report

#### **6.2. Legal Implications**

There are no financial implications associated with this report

#### **6.3. Equalities Implications**

The recommendation aims to improve the experience of new homeowners in relation to management companies.

#### **6.4. Section 17 of the Crime and Disorder Act 1998 Implications**

There are no crime and disorder implications associated with this report.

#### **6.5. Biodiversity Net Gain Implications**

There are no biodiversity net gain implications associated with this report.

## 7. Link to Corporate Priorities

The Environment	Well-managed open spaces on new developments have a positive impact on the environment, increasing the amount of green space in the Borough and improving biodiversity.
Quality of Life	The improvement in management company practices will have a significant positive impact of the quality of life of Rushcliffe residents living on new estates
Efficient Services	Were the Council to adopt open spaces, this would have a significant impact on the Council's ability to deliver efficient services. By taking a more active role in working with developers and management companies, the Council will work to improve the experience for our residents without impacting on existing Council services.
Sustainable Growth	Ensuring the management companies operate fairly and transparently on new development is key to our commitment to sustainable growth.

## 8. Recommendations

It is RECOMMENDED that the Growth and Development Scrutiny Group;

- a) endorses the Good Practice Guide for the Management of Open Spaces and forwards it to Cabinet for consideration; and
- b) requests that the Leader continues to lobby Government to regulate the governance of management companies to ensure transparency and remove charges unrelated to the management of open spaces.

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<b>Background papers available for Inspection:</b>	<a href="#">Growth and Development Scrutiny Group - Jan 2021 - Management of Open Spaces in New Developments</a>  <a href="#">Cabinet - March 2021 - Management of Open Spaces in New Developments</a>
<b>List of appendices:</b>	Appendix A – Actions from Growth and Development Scrutiny Group (January 2024)  Appendix B – Open Spaces Good Practice Guide

	Appendix C – Letter from the Leader to Secretary of State for Housing, Communities and Local Government
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