



Cabinet

Tuesday 8 July 2025

Management of Open Spaces

Report of the Director – Development and Economic Growth

**Cabinet Portfolio Holder for Strategic and Borough-wide Leadership,
Councillor N Clarke**

1. Purpose of report

- 1.1. This report provides an update on the work completed to date on the management of open spaces on new developments within the Borough, following reports to Growth and Development Scrutiny Group and Cabinet in January 2024, May 2024 and March 2025.
- 1.2. An update on the actions identified at the Growth and Development Scrutiny Group in March 2025 is provided at **Appendix A**.
- 1.3. A revised draft of the Good Practice Guide for the Management of Open Spaces is included at **Appendix B**, which sets out the Council's expectations in respect of the service Rushcliffe residents should receive from developers and management companies in any arrangements for the maintenance of public open spaces.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) adopts the Good Practice Guide for the Management of Open Spaces to allow officers to engage with developers and management companies; and
- b) requests the Leader continues to lobby Government to regulate the governance of management companies to ensure transparency and remove charges unrelated to the direct 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 creates. However, Cabinet did support proposals for the Council to take an active role working with developers and management companies to encourage good practice. Officers developed a draft Good Practice Guide for the Management of Open Spaces, which was presented to the Development and Growth Scrutiny Group in March 2025.

- 3.2. The Growth and Development Scrutiny Group recommended that the guide be brought to Cabinet with a provisional recommendation for its adoption. This was provisional upon changes being made to strengthen the wording around time frames for elements of the guide, including notice given to residents ahead of increases in annual service charges. These changes have been made to the updated version at Appendix B and this report is seeking Cabinet approval to adopt the Guide.
- 3.3. 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, open spaces constructed as part of new housing developments have been the responsibility of the developer to provide, 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 regarding 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 to gather evidence to supplement the CMA report.
- 4.3. In July 2024, the 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. Following the meeting Councillor Clarke wrote directly to Angela Rayner MP, Secretary of State for Housing, Communities and Local Government (MHCLG) to raise concerns and urge officials to investigate this matter further (Appendix C). The Council received a reply from Baroness Taylor (Appendix D), Parliamentary Under-Secretary of State at MHCLG supporting the work Rushcliffe is doing and a meeting is being arranged to discuss next steps and further action.
- 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 going forward and 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.

- 4.5. The Good Practice Guide was reviewed by the Growth and Development Scrutiny Group in March 2025. It was recognised by the Group that the content of the Guide was not enforceable and having more performance monitoring embedded in the document would enhance the accountability of management companies. However, it was explained that the Council would not be able to sufficiently monitor performance indicators, nor hold the management companies to account and this would therefore be misleading to residents. The Group acknowledged that Rushcliffe was leading the way seeking a resolution, whilst accepting the limitations of the Guide and recommended it be taken to Cabinet for adoption.

Good Practice Guide for the Management of Open Spaces

- 4.6. The Good Practice Guide for the Management of Open Spaces (at Appendix B) 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.
- 4.7. The Guide is closely aligned with the New Homes Quality Code, which sets out standards of operation for developers and most of the larger housebuilders are signed up. The Guide 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 on future developments.
- 4.8. 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 final version.
- 4.9. A developer's or management company's pledge to adhere to the principles outlined in the Guide does not constitute a legal or binding obligation. 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 Agreement. The maintenance of the open space, including replanting and safeguarding the landscaping scheme is currently enforced through Planning, either through a Section 106 or planning conditions. The details of the company who maintain the open space and their operating procedures including costs, handling of complaints etc. sit outside the remit of Planning and are therefore difficult to enforce. However, it will be a positive statement of intent and an acknowledgement of the importance of fair and transparent operating practices.
- 4.10. 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

- 4.11. A Supplementary Planning Document (SPD) on Developer Contributions has been drafted. This SPD includes guidance regarding management of open spaces and has been recommended by the Local Development Framework Group in April 2025. The SPD will be consulted on for a period of six weeks.

Management Companies to be invited to join Development and Community Boards

- 4.12. The relevant management companies have been invited to join the Development and Community Boards for the Fairham and Sharphill developments.
- 4.13. Relevant management companies will be invited to join their respective Boards at Bingham, Newton and Gamston/Tollerton when they have been identified. Where Development and Community 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

- 4.14. 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 raised.

The Council to work collaboratively with external agencies

- 4.15. 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.
- 4.16. 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. Alternative options considered and reasons for rejection

- 5.1. The Council have assessed the option to adopt open spaces on new developments previously and have agreed (Cabinet May 2024) not to do this, due to the financial implications.
- 5.2. Another option is to do nothing; however, by creating the Good Practice Guide and following the other actions identified, the Council is setting the tone of its expectations for its residents.

6. 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.

7. Implications

7.1. Financial Implications

There are no financial implications associated with this report.

7.2. Legal Implications

On sites where there are BNG conditions, if management companies fail to deliver on those conditions, then they are liable to enforcement from Planning.

7.3. Equalities Implications

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

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

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

7.5. Biodiversity Net Gain Implications

Properly managed open spaces will ensure a minimum BNG of 10% on residential development, although this figure will differ between developments.

8. Link to Corporate Priorities

The Environment	Well-managed open spaces on new housing 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 on the quality of life of Rushcliffe residents living on new housing estates.
Efficient Services	Where 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.
Sustainable Growth	Ensuring the management companies operate fairly and transparently on new development is key to our commitment to sustainable growth.

9. Recommendation

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- b) requests the Leader continues to lobby Government to regulate the governance of management companies to ensure transparency and remove charges unrelated to the direct management of open spaces.

For more information contact:	Leanne Ashmore Director of Development and Economic Growth lashmore@rushcliffe.gov.uk 0115 914 8578
Background papers available for Inspection:	Growth and Development Scrutiny Group - Jan 2021 - Management of Open Spaces in New Developments Cabinet - March 2021 - Management of Open Spaces in New Developments Growth and Development Scrutiny Group - January 2024 Cabinet - May 2024
List of appendices:	Appendix A – Actions from Growth and Development Scrutiny Group (March 2025) Appendix B – Open Spaces Good Practice Guide Appendix C – Letter from the Leader to Secretary of State for Housing, Communities and Local Government Appendix D – Reply letter from Baroness Taylor