

Ministry of Housing, Communities & Local
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Reducing the prevalence of private estate management arrangements

Dear Consultation Team,

The Association of Directors of Environment, Economy, Planning & Transport (ADEPT) is the voice of local authority place directors and their teams. Our members manage vital local services – from highways, waste, recycling and planning – while also preparing for the challenges and opportunities of the future.

ADEPT is a membership based, voluntary organisation with members across England. We bring together directors from county, unitary, metropolitan and combined authorities, along with sub-national transport bodies and corporate partners drawn from key service sectors.

ADEPT welcomes the Government's consultation on reducing the prevalence of private estate management arrangements and recognises the importance of improving outcomes for residents where communal infrastructure is delivered through new development. Local authorities share concerns about the growth of private estate management arrangements, particularly where residents experience unclear responsibilities, inconsistent maintenance standards and long-term financial uncertainty regarding the upkeep of shared amenities.

Key Messages

- Across local authorities there is growing concern regarding the increasing use of private estate management arrangements. These arrangements can result in unclear responsibilities for infrastructure maintenance, limited transparency for residents, and long-term financial liabilities associated with the upkeep of shared amenities.
- ADEPT supports the principle that residents should expect access to well designed, durable and maintainable infrastructure within new developments. However, this must be balanced against long-term affordability and the practical realities of managing infrastructure within publicly maintained networks.

- ADEPT does not support the introduction of centrally mandated infrastructure standards. Standards and design guidance need to be determined locally so they reflect geography, environmental conditions, existing network characteristics and local asset management strategies.
- Similarly, ADEPT does not support mandatory adoption of infrastructure by local authorities. Mandatory adoption could introduce significant long-term maintenance liabilities and resource pressures for councils without addressing the underlying causes of non-adoption.
- Many of the challenges associated with infrastructure adoption arise not from the absence of standards, but from issues relating to design compliance, construction quality and governance around adoption agreements.
- ADEPT supports improved transparency and stronger consumer protections for residents, particularly around the long-term costs associated with estate management arrangements.
- The Government should work collaboratively with local authorities, developers and other stakeholders to improve the processes surrounding infrastructure delivery and adoption.

Common Standards for Amenities

ADEPT supports the principle that residents should expect access to high quality infrastructure and amenities.

However, authorities must retain the ability to determine standards locally. Infrastructure intended for adoption ultimately becomes part of the local authority's asset base and must therefore be appropriate for the network and capable of being maintained effectively over the long term.

Local authorities already operate within a framework of national standards supported by a hierarchy of technical guidance and locally developed design guidance. These allow national engineering principles to be applied in a way that reflects local environmental conditions, network characteristics and operational requirements.

Mandating centrally determined standards risks limiting this flexibility and may result in infrastructure that is not appropriate for local conditions.

Mandatory Adoption of Amenities

Local authorities have historically adopted infrastructure where it is appropriate and sustainable to do so.

However, adoption has always operated as a voluntary arrangement between the developer and the adopting authority. This reflects the long-term responsibilities associated with maintaining infrastructure within the public network.

Mandatory adoption could create significant financial and operational pressures for councils. Adoption requires authorities to assume responsibility for inspection, maintenance, renewal and asset management over many decades.

If infrastructure includes non-standard materials or bespoke features, the long-term costs associated with maintaining these assets may exceed the financial contributions secured through development.

Mandatory adoption would also not address situations where infrastructure is poorly designed or constructed, which remains one of the primary causes of delays and disputes within the adoption process.

Mandatory adoption also risks creating circumstances where authorities may be required to adopt infrastructure that meets minimum national standards but is not appropriate for their network or long-term asset management strategy.

For these reasons ADEPT believes adoption should remain a locally determined process.

The Government may wish to consider lessons from Wales where Schedule 3 of the Flood and Water Management Act has introduced SuDS Approving Bodies and mandatory approval processes. This may provide useful evidence regarding the operational and resource implications for councils where drainage infrastructure approval and maintenance responsibilities are expanded.

Funding and Long-term Maintenance

Where infrastructure introduces additional maintenance liabilities, local authorities typically require commuted sums to cover the lifecycle maintenance and replacement of those assets.

These contributions are calculated based on forecast maintenance costs over the design life of the asset together with estimated replacement costs, ensuring that infrastructure entering the public estate does not create an unfunded liability for local taxpayers.

Inspection fees and financial securities such as performance bonds are also essential tools that allow authorities to ensure infrastructure is delivered to the required standard before adoption takes place.

These financial mechanisms must remain locally determined, as lifecycle costs vary between authorities depending on asset management strategies, environmental conditions and operational requirements.

Governance and Adoption Processes

ADEPT believes that improvements to adoption outcomes can be achieved by strengthening governance around adoption agreements.

This includes ensuring adoption agreements and appropriate financial securities are secured before construction begins. Mechanisms such as Advanced Payment Codes play an important role in discouraging the construction of roads without adoption agreements.

Any future reform of these powers should consider existing statutory exemptions to ensure enforcement powers operate consistently across authorities.

Improving early engagement between developers and adopting authorities, alongside clear local design guidance and structured inspection regimes during construction, can also help ensure infrastructure is delivered to adoptable standards.

Consumer Protection

ADEPT supports stronger consumer protections and improved transparency for residents purchasing properties on new developments.

Residents should have clear information regarding the long-term costs associated with estate management arrangements and a better understanding of which infrastructure will be publicly maintained and which will remain privately managed.

Improved transparency at the point of purchase would help ensure residents are better informed about the responsibilities and costs associated with communal infrastructure.

Moving Forward

ADEPT believes that improvements to the current system should focus on strengthening processes rather than introducing mandatory national frameworks.

Government should work with local authorities and the development sector to support best practice in infrastructure design, construction and adoption processes.

Areas for collaboration could include:

- Improving early engagement between developers and adopting authorities
- Strengthening governance around adoption agreements before construction begins
- Sharing best practice on adoption processes and inspection regimes
- Improving transparency for residents regarding long-term infrastructure responsibilities
- Ensuring financial mechanisms such as commuted sums and bonds remain locally determined.

ADEPT

Association of Directors of
Environment, Economy, Planning & Transport

Through collaborative working across the sector, it is possible to improve infrastructure delivery and reduce the reliance on private estate management arrangements while ensuring infrastructure entering the public estate remains sustainable for the long term.

Yours sincerely,



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