

Reducing the prevalence of private estate management arrangements

Consultation response from Anthony Collins Solicitors LLP

Introduction

Anthony Collins have been involved in creating bespoke vehicles for long-term stewardship of new developments since the early 1990s. We have created trust type bodies in this context for:

- the Stockfield and Perry Common neighbourhoods in Birmingham;
- Ebbsfleet Development Corporation;
- the Chilmington Green development near Ashford, Kent; and
- numerous other developments including recently near Cirencester and in Leicestershire.

Our charities team register around two charities each week, on average, every year across a wide range of clients. In the context of community involvement in housing developments, we are also members of the National Community Land Trust Network and have registered numerous CLTs all over the country. We have also carried out practical assessments of stewardship options for Peabody Trust and Chelmsford City Council among others, as well as being part of the team that prepared the stewardship toolkit for Homes England. We believe our experience as lawyers in this area is extensive and sector-leading. We have worked closely with Community Stewardship Solutions and Mark Patchett on a number of those schemes, including on the Homes England toolkit and a series of recent commissions.

In that context we have developed constitutional principles (including the evolving governance model, where influence transitions to the residents over time) in documents which have been accepted by the Charity Commission. These governance principles have been rigorously scrutinised and tested in our various projects, and we are confident that they are robust and in line with good practice. Many of them featured in research authored by members of our team, commissioned by the Joseph Rowntree Foundation, and published by the Policy Press in 2002 in "Approaches to Community Governance".

In general, we would comment that the opportunity through the consultation to share experience from across the housebuilding sector covering developments of varying scale, complexity and geography is welcome and necessary. Improving the long-term position for residents and communities subject to estate charges, and where management companies or other stewardship bodies take on ownership and responsibility for community assets, is critical. These issues have been brought into sharp focus by the Competition and Markets Authority (CMA), particularly in its response to the MHCLG consultation on restricting ground rent for existing leases.

There is broad agreement that the industry must change to provide stronger protections for residents in perpetuity. This includes, in some cases, higher quality assets at the point of delivery, and greater engagement, transparency, accountability and resident influence within stewardship bodies regardless of legal form.

Over the past twenty years, as local authorities have largely withdrawn from adopting community assets on new housing developments, the sector has trialled a wide range of stewardship and management solutions. Practice across the country is mixed, with both strong and poor examples evident on large, complex sites as well as smaller developments. There is no single model that works universally. Local context, scale and character must be allowed to shape outcomes if distinctive, sustainable places are to be created.

The consultation represents a once-in-a-generation opportunity to improve and shape policy and legislation around the long-term stewardship of community assets on new housing developments. However, its current framing focuses predominantly on private management companies—typically limited companies—and does not sufficiently recognise the breadth of existing and emerging models that are already delivering successful long-term outcomes.

Stewardship and placemaking are increasingly recognised across the housebuilding sector, including by local authorities, as essential to creating successful places that endure. This wider context is largely absent from the consultation. As the Government progresses proposals for New Towns, stewardship and placemaking will be central to ensuring their long-term success. There is no reason why other large-scale developments should not be supported by the same principles.

The consultation also gives insufficient attention to the creation of outstanding places where people want to live, work and spend time. Active community involvement, engagement and ownership of place are essential components of this and must be embedded alongside high-quality stewardship.

Anthony Collins have been advocating that balancing placemaking alongside the affordability of running new housing is also fundamental for the affordable housing sector – as noted by Housing Partners Emma Hardman and Kate Davies [here](#). The Home Builders Federation reported in December 2024 that more than 17,000 affordable homes in England and Wales were not being built because housing associations were not bidding for them. In response, the G15's report '[Building Together, Building Better: Rethinking S106 for Affordable Housing Delivery](#)' was an important step forward in setting out clear expectations for successful s106 delivery. Service charges and estate charges were noted as a major issue for Registered Providers and one of the key issues raised by residents. They highlighted that such charges have to be affordable, transparent and offer value for money – with significantly increasing charges to date making it harder to let homes and making it more difficult for shared owners to secure mortgage funding.

There are already strong examples of effective stewardship and placemaking within the sector, from which lessons can be learnt and applied more widely. New legislation should build on the strengths of these models and embed them within the future framework. Equally, there are many failing sites where residents lack meaningful control over costs, transparency or the ability to replace underperforming managing agents (MA's). For these communities, mechanisms are needed to retrofit best practice, rectify poor arrangements and prevent the continuation of sub-standard governance and management.

About you questions

Question 1

Where are you based?

- England

Question 2

What is your name?

David Alcock

Question 3

What is your email address?

Question 4

Are you responding on behalf of an organisation?

- Yes

If 'Yes' what is the name of the organisation?

Anthony Collins Solicitors LLP

Question 5

If you are responding on behalf of an organisation, which of the following best describes your organisation.

- other (please specify) – law firm frequently advising on long-term stewardship arrangements

Please complete Part 1 and Part 2 of this consultation if you are a developer, public authority management company or managing agent.

Question 6

N/A

Please complete Part 1 and Part 2 of this consultation if you are a homeowner or resident who is living or has lived on a privately managed estate.

Question 7

Not applicable

Question 8

Not applicable

Question 9

Not applicable

Question 10

Not applicable

Question 11

Not applicable

Question 12

Would you generally be in favour of common standards serving as adoptable standards for amenities where appropriate amenities are subsequently maintained at public expense?

Yes, we would. Part of the difficulty for both developers and local authorities is the negotiation of standards in each case, which can become an issue dealt with development by development. This approach is time consuming, causes delays and can be costly. However there does need to be scope for improving quality and "bespoke" solutions.

Question 13

What are the risks of implementing mandatory common adoptable standards for amenities?
(tick all that apply)

- **increased development costs – Higher upfront costs for developers.**
- increased maintenance costs – higher ongoing costs for public authorities
- reduced flexibility – Limits ability to adapt designs to local context or innovate.
- slower delivery of housing and infrastructure – Adds complexity and delays to projects.
- viability challenges – Makes some schemes financially unfeasible.
- **lower quality outcomes – Standards may encourage compliance over creativity.**
- one-size-fits-all approach – May not suit diverse local conditions or site constraints.
- administrative burden – More paperwork and approvals for developers and authorities.
- potential for disputes – Increased risk of disagreements over interpretation or enforcement.
- discourages innovation – Developers may avoid new techniques or sustainable solutions.
- Flat Design – lack of opportunity for original or unique design
- other (please specify) – [Free text]

Question 14

When should wider discretion be allowed to depart from common standards - for example, to promote innovation, protect local flexibility, or allow higher standards?

If a planning authority or developers wish to encourage higher standards then this should be permissible. Innovation in the context of environmental issues should also be encouraged, but there should be a clear and accepted minimum standard.

Question 15

How can public authorities ensure consistent use of common standards across the same areas (e.g., planning and highways authorities), and who should be responsible for enforcing compliance with these standards?

Please explain how enforcement should work in practice – common standards should be enforced by the relevant planning authority; it is hard to see who else would be in a position to ensure and encourage compliance. Planning authorities will need support and funding to allow them to do so; too often we see developers not keeping to section 106 obligations, for instance, and local authorities can be slow to enforce because of the time and cost involved.

Question 16

How else can the government streamline adoption processes, including for existing estates?

Local authority adoption of most community assets is unlikely to be viable given financial constraints. However, statutory bodies should continue to adopt high-risk, high-cost

infrastructure such as roads, sewers and underground SUDS, as well as specialist assets such as district heating networks, which require technical expertise. The process would be streamlined by having nationally agreed standards (e.g. for roads) which would lead to mandatory adoption by highway authorities.

Question 17

Any other information you wish to provide in relation to common standards?

No further comment.

Question 18

Why do you think fewer amenities are adopted now compared to the past?

Local authorities are under significant financial pressure and cannot ringfence maintenance funds. This is an issue for local authorities, developers and the community. It is in no one's interest to see long term maintenance slip, but it is hard for local authorities to prioritise such investment when there so many short term pressures on their budgets. Developers wish to see maintenance of quality, especially where there are longer term projects in phased developments. Residents also wish to see quality maintained and, in our experience, want local accountability for those standards. All of these mitigate against LA adoption.

Our experience acting for Registered Providers on the acquisition of new build affordable housing delivered by private developers as part of section 106 contracts is that adoption of new roads, infrastructure and open spaces is now the exception, rather than the norm. As a consequence, our observation is that even where a relevant authority would be open to adoption in return for payment of commuted sums private developers opt to forego this as a cost saving measure, as the market no longer perceives this as unusual.

We suspect that whilst private roads and infrastructure may not be an issue now, private residential owners and Registered Providers with significant new-build stock could face significant replacement costs in 10-15 years if private management companies have not pooled sufficient sinking funds, potentially creating a "two-tier" market for homes with adopted vs private infrastructure.

Question 19

Should amenities which are not generally for the benefit of the wider public be subject to mandatory adoption? No

This is a complex issue and should be considered on a case by case basis. We would note that where stewardship bodies are required to adopt small roads and cul-de-sacs, these should be constructed to the same adoptable standards as those transferred to local authorities, with equivalent inspection regimes and funding arrangements. There should be no distinction in asset quality based on the adopting body.

Question 20

Should the government define different categories within certain types of amenities to establish those which are subject to mandatory adoption and those are not (please indicate in your responses the sorts of subcategories within each amenity type which should be subject to mandatory adoption)?

- highways – yes. We agree that national standards should be set for highways and they should be subject to mandatory adoption.

- sewers, pumping stations and drains – yes.
- sustainable drainage systems (SuDS) – yes.
- public open spaces and green infrastructure – no. We do not consider that local authorities are necessarily best placed to look after green infrastructure.
- other public amenities, such as playgrounds or car parks – no. There should be flexibility around the best solution for each asset in the context of each project.

Question 21

In what circumstances should mandatory adoption not apply? (tick all that apply) (bold options selected)

- **exclusive or Private Use - Amenities intended solely for residents and guests (e.g., gated gardens, private leisure facilities)**
- luxury or Bespoke Features - High-cost or ornamental amenities (e.g., water fountains, custom street lighting, decorative landscaping).
- **non-Standard or Specialist Design - Features requiring specialist maintenance or non-standard materials (e.g., heritage paving, bespoke drainage systems).**
- disproportionate Lifecycle or Maintenance Costs - Amenities with maintenance costs significantly above normal public budgets.
- small-Scale or Minor Amenities - Very small developments or features with negligible public benefit.
- pilot or Innovative Schemes - Experimental designs or innovation projects where flexibility is needed.
- **environmental or Heritage Constraints - Protected habitats, listed structures, or biodiversity features requiring specialist stewardship.**
- **integrated Private Management Models - Where residents have agreed to manage amenities collectively (e.g., commonhold or trust-based arrangements).**
- **Local Authority Capacity Limitations - Situations where adoption would compromise statutory obligations or service delivery.**
- Other (please specify) – we would note that this consultation makes little reference to placemaking or community development, representing a fundamental omission. Mandatory adoption must work with the broader stewardship model. Community development plays a central role in creating resilient, healthy and engaged communities. Good stewardship alone is insufficient; placemaking must be treated as an integral component. Most local authorities lack the skills or remit to deliver community development, requiring clearer distinction between the roles of local authorities, managing agents and stewardship bodies.

Question 22

Which public authority could adopt each type of amenity?

- highways (we assume this would be the highways authority but welcome alternative views) – highway authority

- sewers, pumping stations and drains – water company
- sustainable drainage systems (SuDS) – water company
- public open spaces and Biodiversity Net Gain – should not be subject to mandatory adoption, though there could be a distinction between smaller public open spaces and larger ones
- other public amenities, such as playgrounds or car parks – should also not be subject to mandatory adoption

Question 23

How could government support the introduction of mandatory adoption of amenities?

- 1) Agreement of national standards
- 2) Development of mandatory adoption policy
- 3) Legislation if necessary

Question 24

Should there be a process for agreeing exceptions to adoption on a case-by-case basis?

Yes

If yes, who should decide and how should this be managed?

Decision for the planning authority in consultation with the developer, taking into account the preferred stewardship solution.

Question 25

Are there any unintended consequences that the government should be aware of in relation to mandatory adoption? Provide details

Yes – the potential undermining of trust based stewardship models, as noted above. Alternative organisational models, such as charities, community interest companies (CICs) and parish or town councils can often provide stronger governance, transparency, tax efficiency, resident protection and asset security. These bodies should be equally recognised as adopting organisations and afforded protections and standards comparable to those available to local authorities. Applying any mandatory adoption proposals retrospectively could significantly disrupt models which are working well.

Question 26

What impact, if any, would mandatory adoption have on the following:

- long-term maintenance of amenities – it depends on the asset. We have noted above that we are only supportive of mandatory adoption for certain assets, in particular roads and sewage / water infrastructure.
- improved design and placemaking outcomes – we do not think that mandatory adoption would improve placemaking outcomes unless the models are also open to other stewardship providers.
- management – we are concerned that mandatory adoption is seen as a solution in all cases, when the capacity of local authorities to get involved and properly fund long term maintenance may be limited.
- housing supply – no comment
- viability of new development – mandatory adoption of roads and water infrastructure should help with this, as it will give developers more certainty.
- price of new homes – no comment
- cost of land – no comment
- developers – in our view it should support developers by giving a degree of certainty.
- public authorities – as noted above, we are concerned that mandatory adoption is seen as a solution in all cases, when the capacity of local authorities to get involved and properly fund long term maintenance may be limited.
- management companies – this depends on the model. We are not in favour of the widespread use of traditional management companies, but mandatory adoption should reduce the use of such models.
- consumers/homebuyers/Residents – any solution that promotes quality of maintenance should be positive for residents.
- bespoke amenities – no comment
- use of materials – no comment
- other (please specify) [Free Text]

Question 27

How can the goal of mandatory adoption support well-designed development and still allow innovation? Provide details

As noted above, we are in favour of selective mandatory adoption but not across the board. Trust-based models have a number of advantages, including hyper-local accountability, a clear link between service charges and work carried out, and resident involvement and control.

Question 28

Is there anything else that you want to tell us in relation to mandatory adoption? Provide details

No.

Question 29

What changes would encourage adoption and discourage non-adoption? – bold options selected

- **mandatory requirement for all amenities to meet adoptable standards, regardless of whether they are adopted or not**
- performance bonds or guarantees for all developments, even if adoption is not pursued
- **apply commuted sums or equivalent contributions to private estate management arrangement, so developers, cannot avoid contributing to long-term maintenance costs**
- penalties or levies for non-adoption, creating a financial disincentive for opting for private management where adoption is more appropriate
- require transparent disclosure of long-term costs to homeowners for private management arrangements, reducing developer advantage through consumer awareness
- a transparent and fair tariff (not set by the adopting body) for the calculation of commuted sums; if not a tariff some way for there to be an independent determination
- **create alternative funding models (e.g., endowments or trusts) that reduce reliance on resident fees and make adoption more sustainable**
- **nationally standardised framework for adoption processes, including clear timelines, documentation requirements, and compliance checks [Yes/No/Don't Know]**
- fixed or capped inspection fees and commuted sums or other contributions set at a national or regional level [Yes/No/Don't Know]
- **clearer guidance on adoptable standards to eliminate ambiguity and reduce redesign costs [Yes/No/Don't Know]**
- any other suggestions (please specify)

Question 30

Should inspection fees and commuted sums be set nationally, regionally or locally?

- nationally set
- regionally set
- locally set
- don't Know

no comment.

Question 31

What other steps could government take to discourage developers and public authorities from opting for private estate management arrangements where adoption is appropriate?

In every major development there should be a conscious and robust assessment of stewardship options, including adoption, parish / town council models, trust models and third party involvement. The role of planning authorities is key here, and government can set the tone by appropriate direction in the NPPF. The consultation underplays the role of the planning system. Planning conditions and section 106 obligations can secure governance structures, funding models, asset and landscape management plans, inspection regimes and robust handover processes. Stewardship bodies, as the ultimate asset owners, should have formal involvement in design, approval and handover, alongside Local Planning Authorities.

Placemaking also needs to be considered alongside considerations around long-term affordability. As noted above, high service charges and estate charges are a major issue for Registered Providers and have been expressly highlighted in the [G15's report](#) published in 2025 to outline what social landlords need when acquiring homes from housebuilders.

In considering whether adoption is appropriate, sufficiently robust procedures need to be in place to ensure appropriate weight is given to the critical role non-adoption plays in the wider affordability challenges of delivering new affordable housing in particular.

Question 32

What other funding models or approaches could help ensure fair and sustainable long-term maintenance of amenities?

A mix of funding options will be key in each case. Endowments and income generation need to sit alongside service charges (and the possible use of precept income through a Town or Parish Council) to give the full range of income possibilities.

Question 33

What other incentives drive non-adoption and how can government remove them? Provide details

Currently whether or not the amenity assets are adopted is for the developer to decide. Fundamentally that decision should be by whoever best represents the community and that is likely to be a local authority/town/parish council.

Question 34

What impact would proposals to reduce perverse incentives have on stakeholders (e.g., consumers, developers, public authorities, management companies)? [Free text]

No comment.

Question 35

Should public authorities be required to publish clear policies on the adoption of estate amenities (e.g., highways, SuDS, open spaces, other)? Yes

Please explain your answer. This would help to give clarity and certainty.

Question 36

Should authorities also publish data on the proportion of homes or new homes subject to estate management charges within their area? No

Please explain your answer. This would be unnecessarily divisive and could damage community cohesion.

Question 37

What information should be included in published adoption policies? (tick all that apply)

- types of amenities covered, and permissible exclusions
- adoption standards, including design and construction standards
- inspection processes and compliance requirements including inspection fees
- adoption fees, commuted sums
- timeframes for adoption decisions and approvals
- anything else

No comment

Question 38

How frequently should data be collected (please choose one)?

No comment

Question 39

What benefits would publishing adoption policies and data bring for developers, consumers, and local authorities?

This would help create certainty and clarity.

Question 40

Should the government provide guidance or a standard template for adoption policies to ensure consistency across authorities? Yes

Please explain your answer. This would help achieve consistent standards and certainty.

Question 41

What impact would this proposal have (e.g., on consumers, developers, public authorities, management companies)?

No comment.

Question 42

Should a financial sustainability and affordability test apply:

- at the planning stage
- the point of sale
- both

No comment

Question 43

If a financial suitability and affordability test were to apply, what consequences could there be if an assessment fails?

No comment

Question 44

What factors should the test consider to ensure charges remain fair and predictable? (tick all that apply)

No comment

Question 45

How should long-term maintenance costs for shared amenities be assessed and communicated to homebuyers?

No comment

Question 46

Should developers and management companies be required to establish contingency or sinking funds for major repairs? Yes

Contingency funds should be part of a prudent financial solution in each case, to avoid future shocks and to ensure long-term maintenance and sustainability.

Question 47

What governance arrangements would give homeowners confidence in the fairness of charges? (tick all that apply)

- independent validation of arrangements,
- **ability to challenge unfair charges,**
- dispute resolution/ Homeowner representation,
- involvement in ongoing charges/ regulation,
- licensing of management companies
- other (Please specify) [Free Text]

Question 48

Could this test affect housing supply or development viability [Yes/No/Don't Know]

No comment

If so, how could these risks be mitigated?

Question 49

What impact do you think the introduction of this test will have on mortgage lender confidence?

No comment

Provide details

Question 50

What unintended consequences should government anticipate if this test is implemented?

No comment

Provide details

Question 51

Should the government prohibit the establishment of new embedded management arrangements (where the management company is specified in property deeds)? No

Please explain your answer.

This creates an overly binary distinction between “adoption good, management company bad”. Embedded arrangements are often used in trust models which provide a far greater level of service and engagement than traditional management companies. Such models require service charge mechanisms which are linked to land ownership to ensure future sustainability.

Question 52

Do embedded management arrangements limit homeowner choice and create consumer detriment? [Yes/No/Don't Know] Don't know.

Please explain your answer.

See above response to question 51 – this is an overly simplistic analysis, as there are many different approaches where embedded arrangements are used. The trust model allows for resident engagement and influence, and it would be wrong to equate this with management companies.

Question 53

Are there any legitimate reasons why embedded management arrangements might still be necessary?

Yes, please see above for our comments on charity, CIC and trust models.

Question 54

If embedded arrangements are prohibited, what transitional measures should apply to developments already planned or under construction?

We do not support this approach.

Question 55

What enforcement mechanisms would be needed to ensure compliance with a prohibition on embedded management arrangements?

We do not support this approach.

Question 56

What impact would prohibiting embedded arrangements have on consumers, developers, homeowners, and management companies?

It would potentially damage positive stewardship options featuring the use of community led trusts and the associated models. In reality, this would reduce choice and flexibility for consumers and the wider market.

Question 57

Should resident-controlled management be the default model for new housing developments?
[Yes/No/Don't Know]

Yes. What works best for new housing developments depends on the scale of the development. We certainly support resident involvement in management, but this ignores the legitimate interests and exposure to risk of developers during the build-out phase. We have developed models which allow for resident influence to grow as developer exposure lessens, built into the governance documentation, which is a more practical option.

Question 58

Should resident-controlled buildings (such as a Resident Management Company) be not-for-profit management companies? yes

Please explain your answer

We consistently advocate for and create resident controlled bodies which are invariably not for profit distribution (and often charitable). We do not regard profit distribution as appropriate in this context.

Question 59

What benefits do you think resident-controlled management would bring for homeowners and communities? [Free Text] agreed options in bold

- **promotes accountability**
- **responsiveness to local needs**
- **better cost management**
- **strengthen community-trust**
- **reduce consumer harm**
- other (Please specify) [Free Text]

Question 60

What challenges or risks could arise from making resident-controlled management the default (e.g., governance capacity, disputes, need for professional support)?

Provide details

There is a need to moderate resident control through appropriate access to expert and professional support. We encourage a multi-stakeholder approach, where developers, local authority representatives and residents all work together at board level for the wider good of the community. Sole resident control risks damaging developer interests excessively and giving an overly strong focus on driving costs down, reducing quality and wider public benefit.

Question 61

What support or safeguards should be provided to help residents manage amenities effectively (e.g., training, access to professional advice, regulatory oversight)?

Provide details

All of the above would be helpful, but moderated by a multi-stakeholder approach.

Question 62

What impact would this proposal have (e.g., on consumers, developers, public authorities, management companies)?

See above for our comments on the risks.

Question 63

Are there any alternatives to resident-controlled companies that you think would be beneficial?
Yes

We have commented already on the use of multi-stakeholder trust or CIC models which we think are preferable.

Question 64

Are there any circumstances where resident-controlled management should not apply?

In general we are supportive of resident led approaches, with our above qualifications. However this should not preclude the use of Parish / Town Council models, or indeed adoption.

Question 65

Do you agree that the government should provide guidance to resident-controlled management companies? [Yes/No/Don't Know]

If so, what should be included in such guidance?

No further comment

Question 66

What additional support would help residents manage amenities effectively (e.g., access to professional advice, regulatory oversight, helplines)?

No further comment.

No comments on further questions.