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**Adoption of land by Bromsgrove District Council and the management of Commuted Sums for off-site provision.**

Relevant Portfolio Holder	Councillor Adam Kent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Report Author	Job Title: Ruth Bamford, HOS Planning, Regeneration and Leisure Services Contact email: r.bamford@bromsgroveandredditch.gov.uk Contact Tel: 01527 883219
Wards Affected	All
Ward Councillor(s) consulted	n/a
Relevant Strategic Purpose(s)	Communities which are safe, well-maintained & green
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

**1. RECOMMENDATIONS**

The Cabinet RESOLVE that: -

- 1) **The Adoption of Land by Bromsgrove District Council and the management of Commuted Sums for off-site provision policy attached at Appendix A is used if the council is offered open space land for adoption.**

**2. BACKGROUND**

If a new development includes open space this needs to be managed in perpetuity so that the open space is attractive both visually and for the benefit of its users. The management can be undertaken via a plethora of mechanisms including by the developer, a management company, charity, co-operative, or district council. In terms of the council, the developer does not have to offer the open space to the council for adoption and maintenance. If the developer does offer the council the land for adoption, then two key matters need to be in place. Firstly, the land and any equipment thereon need to be constructed to the appropriate standards and any actual or potential snagging issues addressed. Secondly the cost of on-going maintenance, specific to the development, needs to be at the cost of the developer and not the council. Please note that the council cannot ask for maintenance beyond the 30-year period because adoption subjects the Council to increased

liabilities in perpetuity. The Council will assume ownership and responsibility for the future long-term maintenance of the public open space

**3. FINANCIAL IMPLICATIONS**

- 3.1 There should be no financial implications for the council for the initial 30-year period of adoption of open land as the developer will be expected to cover all anticipated costs for this period. After this 30-year period the council will have to maintain these open spaces at its own cost. This will require a budget to be in place and be a pressure on council resources. As such when each proposed open space adoption is proposed a report will be prepared which shows the potential future costs of the land. This will need to be modelled up in line with future council resources to ensure that in future years there are no unanticipated unfunded pressures and that the council will have enough resources to take this on.

**4. LEGAL IMPLICATIONS**

- 4.1 Adoption of open space subjects the Council to increased liabilities in perpetuity. The Council will assume ownership and responsibility for the future long-term maintenance of the public open space.

**5. STRATEGIC PURPOSES - IMPLICATIONS**

**Relevant Strategic Purpose** - Communities which are safe, well-maintained & green.

- 5.1 This policy sets out the requirements to be met should a developer offer the maintenance of open space in new developments to the council to own and manage in perpetuity. It could be argued that if the council is responsible for the management of the open space that acceptable standards can be achieved thereby assisting with achieving the strategic objective of communities which are safe, well-maintained and green.

**Climate Change Implications**

- 5.2 Land management is very important to both reducing carbon emissions and being resilient to the effects of climate change, so both carbon reduction and resilience should be maximised within any proposed adoption.

**6. OTHER IMPLICATIONS**

**Equalities and Diversity Implications**

**BROMSGROVE DISTRICT COUNCIL**

**Cabinet**  
2021

15 September

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6.1 None.

**Operational Implications**

6.2 The Environmental Services Team are co-authors of the attached appendix that includes all relevant operational details and information.

**7. RISK MANAGEMENT**

7.1 None

**8. APPENDICES and BACKGROUND PAPERS**

Appendix A - Adoption of land by Bromsgrove District Council and the management of Commuted Sums for off-site provision.

**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Portfolio Holder	Councillor Adam Kent	
Lead Director / Head of Service	Ruth Bamford, HOS Planning, Regeneration and Leisure Services	
Financial Services	Chris Forrester, HOS Finance and Customer Services	
Legal Services	Clare Flanagan, Principal Solicitor	
Climate Change Officer (if climate change implications apply)	Kath Manning, Climate Change and Energy Support Officer	