



The countryside charity
Bedfordshire

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CPRE Bedfordshire's comments regarding the Government's proposed reforms to the
NPPF - December 2025 Consultation

The prevention of the “privatisation” of Public Open Green Spaces, Children's Play Areas and Allotments etc. on new housing developments.

CPRE Bedfordshire is extremely concerned that the proposed new NPPF fails to tackle the issue of the “privatisation” of Public Open Green Spaces, Children's Play Areas, Allotments etc. on new housing developments.

A practice heavily criticised by the Competitions & Markets Authority (CMA) and identified as “fleecehold” by the Government.

1. Current situation

This is where landowners/developers retain ownership of Public Open Spaces and set up Management Companies to charge residents of new housing developments for the maintenance of features such as hedgerows, grass verges, open green spaces, allotments and children's play areas.

These maintenance fees are very substantially higher (between 2 and 4 times) than a Parish or Town/City Council would charge for doing the same work.

There are no democratic means by which the Management Companies charges can be challenged by residents and no limit on cost increases.

This is instead of the situation which was commonplace until approximately 5 years ago, when landowners/developers handed over these public spaces to Local Authorities or Parish Councils for adoption - ownership and future maintenance, together with a sum of money laid out in the Local Plan. This would generally be equivalent to the estimated cost of the first 3 to 5 years of maintenance – the time period and the sum payable may vary according to the Local Authority.

The maintenance costs of the Town/Parish Council or Local Authority would be paid for through the Council Tax and would be open to scrutiny by local residents.

Parish Councils and other Local Authorities have no profit motivation.

In the case of Parish Councils, their costs are very low since Parish Councillors are volunteers and receive no salary or expenses. The only salary costs are for the Clerk. Their motivation is the best interest of their residents.

Residents of new housing developments are therefore finding themselves liable for substantial costs that they were not expecting since many are not told about this “privatisation” at the time of purchase.

These costs add significantly to the “cost of living” experienced by residents, often first time buyers.

Residents find themselves trapped in a “leaseholder” situation.

Paying for the total maintenance costs of Public Open Spaces, Childrens Play Areas and Allotments etc. which will also be used by people who are not residents of the new housing development and may even come from a different area e.g. children playing with visitors from another housing development or town.

A frankly ludicrous and totally unfair situation from which residents are unable to extract themselves.

The winners are landowners/developers making excessive profits guaranteed in perpetuity!

In addition, they do not have to pay the transitional “handover” maintenance costs to Parish Councils and Local Authorities, a significant sum in the case of a large development of several hundred homes.

2. Competitions & Markets Authority - Housing Market Analysis and Recommendations

In October 2024, the Competitions & Markets Authority (CMA) investigated this issue of the “privatisation” of Public Open Spaces within new housing developments as part of their analysis of the Housing Market - see here:

<https://www.gov.uk/cma-cases/housebuilding-market-study>

The CMA came out firmly against the practice and recommended as follows:

- *We recommend that the UK, Scottish, and Welsh governments each implement common adoptable standards for public amenities on new housing estates.*
- *We recommend that the UK, Scottish, and Welsh governments each implement mandatory adoption of public amenities on new housing estates (outside of minor, well-defined exceptions).*
By this they mean “adoption” by Local Authorities/Parish Councils.

3. The Government’s response to the CMA recommendations (October 2024)

<https://www.gov.uk/government/publications/uk-government-response-to-the-competition-and-markets-authoritys-market-study-into-housebuilding/af84089f-53f9-41e1-9863-c0b5148fe9fe>

The Governments response was to call the practice of the “privatisation” of Public Open Spaces as unacceptable “Fleecehold” and a practice that should not be allowed to continue.

They decided to consult on the CMA recommendations.

Since then no action has been taken.

Government movement on this very important issue has been “glacially slow”.

More interested, it would appear, in the protection of landowner/developer profits than reducing the living costs of people purchasing homes on new housing developments and, removing unacceptable “fleecehold” contracts which residents are unable to challenge in an open and democratic manner.

4. Suggested action to be taken as part of the proposed reforms to the NPPF

The proposed NPPF or the “Government Guidance” that will presumably be associated with it, needs to be modified to clearly state, in line with CMA recommendations;

“That all Public Open Spaces, Children’s Play Areas, Allotments etc. included on new housing developments, should be handed over by the landowner/developer for adoption by Local Authorities or Town/Parish Councils for future ownership and management”.

The statement could be written as part of the proposed NPPF Policy DP3 – “Key Principles For Well Designed Places” – Para DP3g “Public Space”, page 66.

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