Response from the Chartered Institution of Highways and Transportation (CIHT) to the Reducing the prevalence of private estate management arrangements consultation

March 2026

The Chartered Institution of Highways and Transportation (CIHT) is a charity, learned society and membership body, with over 10,000 members across 12 UK regions and several international groups. CIHT represents and qualifies professionals who plan, design, build, manage, maintain and operate transport and infrastructure. CIHT run and manage the national Bus Centre of Excellence with funding from the Department for Transport.

CIHT welcomes this consultation and the recognition of the problems that private estate management can cause. We have responded only to the questions which are most relevant to CIHT members and provided some general comments below to frame our response.

General comments

Adopting all roads within a new development may not be practical for highway authorities as local authorities have increasingly reduced budgets, including budgets for highways maintenance. Nevertheless, local authorities are ultimately responsible for public safety and should be provided with the necessary budget to adopt and maintain roads within their jurisdictions.

When a local authority is asked to adopt a new road, it needs to be satisfied that the layout, construction and materials are up to the relevant standards so that the authority is not taking on an ongoing maintenance liability. In some cases, developers wish to retain control of the road post-development so they can allocate parking to specific properties, something which would not be possible if the road was adopted, or use premium materials to increase the value of the properties on the estate – the use of premium materials would mean that the commuted sums required would make adoption uneconomical.

The lack of road adoption can mean that a new development is not served by a public bus service. Although mandatory adoption of all roads may be unfeasible, it is vital that, to ensure sustainable development, all main "spine" roads of any new development are constructed to adoptable standards so they can be mandatorily adopted, to ensure that a public bus service can serve the development. This road adoption needs to take place before properties are occupied to avoid residents becoming car dependent. This may prove difficult if the development is phased as the local authority will not want to take over the cost of maintaining a road which will be damaged instantly by construction traffic. Therefore, it is necessary for the developer to provide funds in the form of commuted sum to the highway authority for resurfacing all adopted roads upon completion of the development.

A major concern would be if local authorities were asked to adopt roads which have already been constructed but have not been built to an adoptable standard. This would be very costly and local authorities are not likely to have the funds to do this. Local authorities are sometimes asked to adopt roads where a developer has gone out of business or is no longer carrying out maintenance works. However, roads need to be brought up to standard before they can be adopted and if the landowner cannot be traced, it would fall on the residents to fund the work under the Highways Act 1980 Private Street Works Code[1]. If developers knew that there was a

[1] Highways Act 1980

duty on local authorities to step in and adopt new roads, they would have less incentive to construct the road to a good standard, as they know that the local authority would ultimately need to take on the liability.

CIHT recommends a "deliverability check", where local authorities would confirm adoptability early in the planning process to avoid developments being built that cannot be adopted and that a pre-application conversation is held with the highway authority and planning authority regarding which roads will be adopted.

National guidance should be used to standardise processes between different local authorities. However, rigid national standards for road construction or design could undermine local distinctiveness and place-making and so should be avoided. Flexibility is needed to allow for context-sensitive designs that reflect local geology, materials, and community needs.

Play areas and green spaces should be required to be free and accessible to all residents, to not create two-tier developments.

Potential consequences of not following adoptable standards include:

- If no footpaths are provided there is a risk to pedestrian safety (particularly children) having to walk on the private roads. As private roads do not have mandatory speed limits, if vehicle speeds are high then pedestrians walking in the carriageway will be at greater risk of injury.
- If there is no street lighting, road illumination is dependent on residents' properties external lighting, increasing pedestrian, and cyclist/other, road safety risk and increasing pedestrian personal safety concerns and security risks.
- If no visitor parking spaces are provided or there is inadequate road width, vehicles parked on the road may cause obstruction to emergency, refuse and service vehicles.
- Inadequate corner radius can lead to damage by service vehicles turning.
- Drainage channel covers can be damaged by heavy vehicles if they have not been designed to take adequate loads

Bringing completed developments up to an acceptable adoptable standard will incur both significant cost and disruption to residents.

Whilst we note that the consultation is limited to privately managed housing estates in England, similar issues apply to retail and business parks and industrial estates so the scope of any legislation or guidance produce should extend to include privately managed housing estates, retail and business parks and industrial estates.

A key driver in encouraging developers to build amenities to adoptable standards is pressure from potential house buyers - despite the local searches, the conveyance processes, information provided on planning decision notices, etc., anecdotally, our members tell us that house purchasers still state they were unaware of the private management arrangements they have committed to (including the non-adoption of internal estate roads). Hence, increasing awareness by property purchasers is key, to enable more informed purchasing decisions. CIHT recommends that there should be mandatory disclosure of all private management arrangements including a clear explanation of long-term liabilities, standard national wording for conveyancing packs and a statutory right for purchasers to receive information on adoption status, management fees and future maintenance liabilities.

Answers to specific questions

Q7 Do common standards exist for the following amenities?

Common standards for designing highways do not exist – The Design Manual for Roads and Bridges[2] should be used for the strategic road network and Manual for Streets[3] provides guidance for local roads; however standards vary between local authorities. The National Planning Policy Framework[4] (NPPF) provides guidance on how new developments should be planned but does not cover road adoption in sufficient detail. CIHT recommends that the NPPF be strengthened in relation to its position on road adoption to ensure that bus services are in place prior to new homes being occupied, ensuring that late road adoption does not prevent bus services from be available from day one.

Q9 At what level should standards be set for the following amenities?

Standards can apply to both:

- **Design & Construction quality** (the specification and control of the design and construction from road surfacing to drainage). This is detectable in durability and serviceability e.g. are drainage assets adequate and does road surface need repair in a short period.
- The **design quality as users experience it** – e.g. layout, accommodation of active travel, parking, landscaping, aesthetic aspects of design

Whilst national standards would provide consistency for developers, it would create inconsistency locally where the rest of the local road network was built to a different standard. As the same maintenance team needs to maintain all roads in a local authority area, it is important that there is consistency locally. Non-statutory guidance on standards would be helpful in creating more consistency between local authorities, where this is possible. Manual for Streets reflects the needs for avoiding over-standardised designs to allow local place-making.

Q12 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 are in favour of common standards serving as adoptable standards for amenities where appropriate amenities are subsequently maintained at public expense but as discussed in our response to Q9, these standards need to be locally set, as they are locally maintained.

Q13 What are the risks of implementing mandatory common adoptable standards for amenities?

Mandatory common adoptable standards would lead to poorer aesthetics in some higher market price developments as the standard would no doubt be one which had a cost-

[2] Design Manual for Roads and Bridges

[3] CIHT (2010), Manual for Streets 2: Wider Application of the Principles, Chartered Institution of Highways and Transportation

[4] MHCLG (2024), National Planning Policy framework, Ministry of Housing, Communities and Local Government

effective asset management and maintenance regime. In lower market price developments, homebuyers will bear the cost of higher highway standards, through higher house prices.

National guidance should be used to standardise processes between different local authorities. However, rigid national standards for road construction or design could undermine local distinctiveness and place-making and so should be avoided. Flexibility is needed to allow for context-sensitive designs that reflect local geology, materials, and community needs.

Q14 When should wider discretion be allowed to depart from common standards - for example, to promote innovation, protect local flexibility, or allow higher standards?

Discretion could be applied to depart from a common standard when safety, functionality and environmental consequences are improved and are not compromised.

Q15 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?

Developers should be obligated during the Planning phase to adhere to the Council's design standards and any non-compliance identified and challenged. During the Construction phase of works, regular inspection of works should be carried out. The additional cost implication for highway departments of this should be added to the planning application charges.

Q16 How else can the government streamline adoption processes?

There need to be consequences for failing to comply with adoption requirements both in terms of timescales and standards.

Q18 Why do you think fewer amenities are adopted now compared to the past?

Increasing financial pressures on local authorities and poorer design / construction methods favoured by developers, make road adoption less attractive.

Financial pressures may also undermine developers' designers having current knowledge about design and users' requirements from tactile paving design to drainage practices.

Q19 Should amenities which are not generally for the benefit of the wider public be subject to mandatory adoption?

If an asset has no strategic or local benefit, local authorities should not feel obligated to adopt it. The limited resource available should be directed to adoptions that are less likely to be a maintenance liability (by being constructed to an adoptable standard) and offer the maximum benefit to the wider public highway network.

Q20 Should the government define different categories withing certain types of amenities to establish those which are subject to mandatory adoption and those are not?

Yes – adherence to categories and usage will be necessary, e.g. a “spine” road within a development could become a distributor route, alleviating congestion on nearby roads.

Q22 Which public authority could adopt each type of amenity?

Highways Authorities must retain their assets to ensure effective and responsive asset management. Similarly, Water Companies must retain their assets for the same reason. In the event of collaborative working, such as responding to pluvial flooding then collaborative approaches to responsibilities should be undertaken.

Q23 How could government support the introduction of mandatory adoption of amenities?

The Government should provide the legal basis for adoption of amenities and standards and guidelines for processes and standards to be applied. The Highways Act (1980) needs to be updated to give local authorities more power to control developer actions and streamline adoption processes as local authorities currently have agreements with the developer and not the contractor. Standardising processes and providing clear guidance on adoption, commuted sums, and advanced payment codes would improve certainty for developers and authorities alike.

Q24 Should there be a process for agreeing exceptions to adoption on a case-by-case basis?

Yes – exceptions should be agreed by the local Authority and developer as part of the Planning process.

Q26 What impact, if any, would mandatory adoption have on the following?

Long-term maintenance of amenities

Government will need to substantially increase revenue budgets to ensure effective maintenance of the asset. When a local authority is asked to adopt a new road, it needs to be satisfied that the layout, construction and materials are up to the relevant standards so that the authority is not taking on an ongoing maintenance liability. In some cases, developers wish to retain control of the road post-development so they can allocate parking to specific properties, something which would not be possible if the road was adopted, or use premium materials to increase the value of the properties on the estate – the use of premium materials would mean that the commuted sums required would make adoption uneconomical

Viability of new development

Although mandatory adoption of all roads may be unfeasible, it is vital that, to ensure sustainable development, all main “spine” roads of any new development are constructed to adoptable standards so they can be mandatorily adopted, so that a public bus service can serve the development

Public authorities

Mandatory adoption would have a substantial impact on local authorities who would need to upskill the existing workforce. The increased pressure on maintenance budgets will require additional external funding commitments. During the Construction phase of works, regular inspection of works should be carried out. The additional cost implication for highway departments of this should be added to the planning application charges.

Consumers/homebuyers/residents

There should be increased safety for road users due to improved on-going maintenance

Bespoke amenities

In order to be affordable, it is likely that opportunities for certain bespoke amenities on the grounds of aesthetics will have to be limited.

Other (please specify)

A major concern would be if local authorities were asked to adopt streets which have already been constructed but have not been built to an adoptable standard. This would be very costly and local authorities do not have the funds to do this. Local authorities are sometimes asked to adopt streets where a developer has gone out of business or is no longer carrying out maintenance works. However, streets need to be brought up to standard before they can be adopted and if the landowner cannot be traced it would fall on the residents to fund the work under the Highways Act 1980 Private Street Works Code[5]. If developers knew that there was a duty on local authorities to step in and adopt new streets, they would have less incentive to construct the streets to a good standard, as they know that the local authority would ultimately need to take on the liability.

Q30 Should inspection fees and commuted sums be set nationally, regionally or locally?

Fees should be locally set as the cost incurred in inspection and maintenance will be determined by local policies such as pay and highways maintenance contract costs.

Q31 What other steps could government take to discourage developers and public authorities from opting for private estate management arrangements where adoption is appropriate?

A key driver in encouraging developers to build amenities to adoptable standards is pressure from potential house buyers - despite the local searches, the conveyance processes, information provided on planning decision notices, etc., anecdotally our members tell us that house purchasers still state they were unaware of the private management arrangements they have committed to (including the non-adoption of internal estate roads). Hence, increasing awareness by property purchasers is key, to enable more informed purchasing decisions. CIHT recommends that there should be mandatory disclosure of all private management arrangements including a clear explanation of long-term liabilities, standard national wording for conveyancing packs and a statutory right for purchasers to receive information on adoption status, management fees and future maintenance liabilities.

[5] Highways Act 1980

Local authorities should be required to stipulate which roads they wish to adopt and the time frame for adoption in the planning process and there should be penalties applied to developers if they fail to construct roads to an adoptable standard by this timeframe.

CIHT recommends a "deliverability check", where local authorities would confirm adoptability early in the planning process to avoid developments being built that cannot be adopted and a pre-application conversation is held with the highway authority as well as the planning authority regarding which roads will be adopted.

Q35 Should public authorities be required to publish clear policies on the adoption of estate amenities (e.g., highways, SuDS, open spaces, other)?

Yes, local authorities should be required to publish clear policies on the adoption of estate amenities to improve transparency. CIHT recommends establishing a nationally agreed commuted sum framework for green & blue infrastructure.

Given the growing use of Sustainable Drainage Systems (SuDS) and nature-based drainage on new estates, there is a need for:

- Guidance on commuted sums specifically for:
  - swales
  - rain gardens
  - permeable pavements
  - attenuation basins
- Recognition that these features often have higher, more frequent maintenance requirements than traditional drainage.

See CIHT's report Green and blue infrastructure: A transport sector perspective[6] for more information.

Q36 Should authorities also publish data on the proportion of homes or new homes subject to estate management charges within their area?

Yes, local authorities should be required to publish data on the proportion of homes or new homes subject to estate management charges within their area to improve transparency

Q39 What benefits would publishing adoption policies and data bring for developers, consumers, and local authorities?

Publishing adoption policies and data would improve transparency

Q40 Should the government provide guidance or a standard template for adoption policies to ensure consistency across authorities?

Yes, this would address inconsistent approaches between local authorities and would aid developers who work across multiple authorities.

[6] CIHT (2023), Green and blue infrastructure: A transport sector perspective, Chartered Institution of Highways and Transportation

Whilst we note that the consultation is limited to privately managed housing estates in England, similar issues apply to retail and business parks and industrial estates so the scope of any legislation or guidance produce should extend to include privately managed housing estates, retail and business parks and industrial estates.

Ends