

## ABERDEEN CITY COUNCIL

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| COMMITTEE       | Enterprise, Planning and Infrastructure                        |
| DATE            | 24 <sup>th</sup> May 2011                                      |
| DIRECTOR        | Gordon McIntosh  |
| TITLE OF REPORT | Consultation on Maintenance of Land on Private Housing Estates |
| REPORT NUMBER:  | EPI/11/146   |

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1. **PURPOSE OF REPORT**  
The purpose of this report is to present to Committee a draft response to a Scottish Government consultation on the maintenance of land on private housing estates.
2. **RECOMMENDATION(S)**  
That the Committee:
  - i) Instruct officers to submit the response to the consultation proposed in this report to the Scottish Government by the deadline of 6<sup>th</sup> June 2011.
3. **FINANCIAL IMPLICATIONS**  
The report has no financial implications on Aberdeen City Council. Any financial implications arising from specific cases of maintenance of land will not be affected by this report and will be considered separately.
4. **OTHER IMPLICATIONS**  
The report has no other implications on Aberdeen City Council. Legal, resource, personnel, property, sustainability and environmental, health and safety and/or policy implications and risks related to the subject of the report and specific to Aberdeen were considered as part of an earlier report to this Committee on Open Space Supplementary Guidance (EPI/11/056). Any specific situations arising will be considered on a case-by-base basis.
5. **BACKGROUND/MAIN ISSUES**
  - 5.1 This report presents a proposed response to a consultation by the Scottish Government, which discusses whether any changes should be made to existing legislation, Title Conditions (Scotland) Act 2003 in relation to the "switching" of bodies who carry out the maintenance of open spaces on private housing estates.
  - 5.2 In preparing this consultation, the Scottish Government has followed a number of key principles:
    - maintenance needs to be paid for – it does not come free;

- those purchasing houses must be told of potential obligations in relation to land maintenance;
- ownership of land brings responsibilities with it; and
- if home-owners are dissatisfied with a service, they should be able to dismiss and replace the body maintaining the land.

5.3 As a recommendation of Aberdeen's Open Space Audit 2010, approved by this Committee on 20<sup>th</sup> April 2010, Supplementary Guidance on Open Space was prepared and approved as a draft for consultation by this Committee on 15<sup>th</sup> March 2011. As part of the preparation of that guidance, a review of maintenance arrangements for open space in residential areas was undertaken. This considered many of the points now raised by the Government's consultation document and this information is used in providing the response to the consultation.

5.4 Appendix 1 presents a proposed response to the consultation, and provides answers to questions posed within the consultation document.

## 6. IMPACT

This report links with the Vibrant, Dynamic and Forward Looking commitment to "adopt and implement policies which safeguard Aberdeen's green belt and green wedges" and to "adopt an effective asset management system". It links with the 5-Year Business Plan's vision for Aberdeen to be 'An even better place to live and work, where people can expect high quality services that meet their needs' and the commitment to 'make best use of the financial resources available to us, ensuring best value for the public purse'. It relates to the Single Outcome Agreement's outcome of living in well-designed, sustainable places. The consultation document has been assessed by the Scottish Government in terms of its impacts on equalities and has undergone a Strategic Environmental Assessment.

## 7. BACKGROUND PAPERS

Maintenance of Land on Private Housing Estates Consultation  
 Scottish Government, March 2011

[www.scotland.gov.uk/Publications/2011/03/04104005/0](http://www.scotland.gov.uk/Publications/2011/03/04104005/0)

Supplementary Planning Guidance - Open Space EPI/11/056

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=140&MId=1906&Ver=4>

## 8. REPORT AUTHOR DETAILS

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