

Consumer Choice Policy

Greenbelt on Consumer Choice – Key Facts

Greenbelt supports provisions which would mean that no-one has a 'job for life' in managing the open spaces on a development. We want to offer all homeowners on both new and existing developments the option of making their own arrangements to maintain their open spaces.

Greenbelt recognises that homeowners may choose to transfer ownership of the open space land to their own homeowner-owned management company and that exercising this option does involve a transfer of responsibilities. Everyone involved needs to understand this. Greenbelt can help homeowners in their choice and make sure the transfers are managed professionally and diligently.

Requirements for the transfer of Open Space Land to Homeowners

Homeowners who wish to undertake the ownership and responsibilities for the open space land management themselves (in place of Greenbelt) may do so provided they contact Greenbelt direct via a recognised Residents' Association which Greenbelt is satisfied represents the development and the Residents' Association obtains or evidences to Greenbelt's satisfaction all of the below:

- Clearance of all outstanding debts due to Greenbelt together with any reasonably incurred recovery charges and costs such as for example solicitors' fees and outlays
- Written confirmation that all the Homeowners of all of the properties in the development have been advised in writing of the legal and other obligations that transfer of ownership would bring in advance of any decision by the Homeowners
- Written confirmation from at least three quarters of the existing properties of agreement to the transfer of ownership
- Formation of a properly constituted body to own the open space land; such as a limited company with the owners for the time being of each property having 1 share in the company set up
- Written approval of the local planning authority to the new owner where planning obligations attaching to the development require this.

In addition, at transfer of the open spaces, the new landowner will be required to:

- Pay a price for the land as determined by Greenbelt. Factors taken into account by Greenbelt in determining the price will include the RICS valuation of the land, the size, location and nature of the land and the loss of the land asset within its business
- Accept that the title transfer is made subject to (a) the existing title obligations and planning designations as open space; and (b) any particular provisions required having regard to the particular site in question
- Accept a transfer of all of the open spaces and features owned/maintained by Greenbelt on the development together with the associated liabilities
- Obtain any necessary consents from any relevant statutory undertakers and/or relevant third parties
- Meet Greenbelt's reasonable fees and costs incurred, including legal fees and outlays, in connection with the land transfer.

Greenbelt's Perspective

Each development is considered on a site by site basis to ensure all diligence is properly followed.

The solution has to be sustainable both in terms of community coherence and also financially to meet the regulatory, safety, environmental and insurance requirements that some more complex developments require. Therefore, homeowners will need to ensure (if applicable) that:

- SUDS (sustainable urban drainage systems) are properly maintained
- Landscapes are regularly maintained
- Children's play areas are properly inspected and maintained
- Woodland areas are properly managed
- The community has sufficient support and resources to fulfil these obligations in the long term
- Any real development features comply with planning conditions; e.g. tree preservation orders
- Records of inspections are maintained for insurance purposes

Greenbelt recommends that all maintenance contracts and other arrangements required are in place from day 1 to ensure there is no deterioration in the condition of the open spaces after transfer because when the open space is transferred Greenbelt will have no further responsibility for any aspect of the ownership or management of the open spaces.

Homeowners should seek independent legal advice in respect of any queries they may have in relation to the option set out above.

Greenbelt reserves the right to withhold transfer of ownership, at its sole discretion, if it is not satisfied that all processes have been properly carried out.

This Consumer Choice Policy is reviewed at our sole discretion from time to time.

