



STOTFOLD TOWN COUNCIL

LAND AND ASSET ADOPTION POLICY 2026

VERSION: 1.0

1. Purpose

This policy sets out how Stotfold Town Council will assess and consider proposals to adopt land, public open space, play areas, or other community assets from developers, landowners, public authorities, or community organisations.

The policy has been introduced because land adoption carries long-term responsibilities. As a Council we have learnt from experience that taking land without fully understanding our liabilities, maintenance commitments, and funding position exposes the Council and ultimately residents to significant financial risk. This policy is designed to prevent that from happening again.

The purpose of this policy is to:

- ensure land adoption decisions are transparent, consistent, and evidence-based
- protect the Council from inheriting unfunded maintenance liabilities
- ensure land is transferred in a safe and acceptable condition before adoption is concluded
- ensure the Council has the operational capacity to maintain what it takes on
- provide clarity to developers, landowners, and community organisations about the Council's requirements and expectations
- demonstrate sound stewardship of public funds and community assets

2. Scope

This policy applies to all land, facilities, or infrastructure proposed for adoption by the Council, regardless of the source. This includes land offered:

- by developers through planning agreements (including Section 106 obligations)
- by landowners voluntarily
- by community organisations proposing transfer
- by public authorities devolving assets

The types of assets covered include, but are not limited to:

- public open space and amenity green space
- parks and recreation areas
- play areas and equipped children's facilities
- ecological and biodiversity areas
- highway verges and incidental planting areas
- community facilities such as community gardens



3. Policy Statement

Stotfold Town Council recognises that well-designed, properly funded open space and community land is of genuine benefit to residents. The Council actively welcomes proposals that extend and improve the town's green infrastructure and community assets, where those proposals meet the standards set out in this policy.

However, land ownership carries long-term responsibilities. The Council will only consider adopting land where:

- the land provides a clear and demonstrable benefit to residents
- the land is accessible to the public without charge
- the land is transferred in a complete and safe condition
- long-term maintenance costs are understood, calculated, and adequately funded
- the Council has the operational capacity to manage the land

The Council will not adopt land where doing so would create an unfunded financial liability, or where the land has unresolved legal, environmental, or safety issues that have not been addressed by the transferring party.

4. Strategic and Legal Context

This policy should be read alongside:

- the Council's Strategic Plan 2025–2030, and the Public Realm & Environment and Governance & Resources priorities
- the National Planning Policy Framework (NPPF) and relevant Central Bedfordshire Local Plan policies
- the Council's Financial Regulations and Scheme of Delegation
- the Council's Risk Management Policy
- any relevant local design codes, management standards, or environmental policies adopted by the Council

5. Roles and Responsibilities

Full Council

The Town Council is the decision-making body for land adoption. Adoption will normally require a formal resolution from the Council. The Council is also responsible for approving this policy and any significant exceptions to it.

Governance and Resources Committee

The Governance and Resources Committee will oversee policy matters relating to land adoption. It is responsible for approving committed sum levels and financial contributions, and for providing financial oversight of adopted assets. It may make recommendations to Full Council on adoption proposals.



Public Realm Committee

Where land relates to parks, recreation grounds, biodiversity areas, play facilities, allotments, or other public realm assets, the Public Realm Committee will review the operational and maintenance implications before a decision is taken by Full Council. The Committee will satisfy itself that arrangements are in place for the ongoing management of the asset.

Town Clerk

The Town Clerk will:

- receive and assess all requests for land adoption
- undertake initial due diligence on legal title, planning obligations, and financial position
- seek professional advice (including surveying, legal, and ecological advice) where required
- assess financial and operational implications in accordance with this policy
- present a formal report and recommendation to the appropriate committee and Council
- manage the legal transfer process in conjunction with the Council's solicitors

6. Adoption Procedure

6.1 Pre-Application Engagement

The Council strongly encourages developers and prospective transferors to engage with officers at the earliest possible stage of the planning and design process to discuss the Council's requirements and agree in principle what will be required before adoption can proceed.

Early engagement reduces the risk of delay at the transfer stage and ensures that infrastructure is designed and constructed to an adoptable standard from the outset.

6.2 Formal Application

Any proposal for land adoption must be submitted in writing to the Town Clerk. The submission should include as much of the documentation listed in section 6.4 as is available at that stage. The Town Clerk will acknowledge receipt and advise on the assessment process.

6.3 Community Benefit Assessment

The Council will assess whether the proposed adoption meets the community benefit test. Land will normally only be considered for adoption where it:

- provides recreational or community value to Stotfold residents
- enhances the town's green infrastructure or contributes to biodiversity improvement
- supports the Council's strategic priorities
- is publicly accessible without charge

6.4 Documentation Required

Before adopting land, the Council will require the following documentation, where applicable:

- title plans and boundary information confirming the extent of the land to be transferred
- confirmation of legal title and any existing encumbrances, covenants, or restrictions
- as-built drawings of all infrastructure including drainage, paths, fencing, and lighting
- drainage and SuDS management plans



- landscape management plans and maintenance schedules
- confirmation of compliance with all relevant planning conditions and Section 106 obligations
- ecological survey and, where applicable, an environmental management plan
- play equipment inspection certificates and safety records where applicable
- health and safety files and risk assessments for any structures or equipment

6.5 Technical Inspection

Before adoption is concluded, the Town Clerk or a nominated professional agent shall inspect the site to confirm that it meets an acceptable standard of construction and safety. A schedule of remedial works may be issued. All remedial works must be completed and verified to the Council's satisfaction before adoption proceeds.

6.6 Defects Liability Period

Where land is created as part of a new development, the Council will normally require a defects liability period before final transfer. During this period, the developer remains responsible for maintaining the land and rectifying any defects at their own cost. A final inspection will be required before the land is formally adopted by the Council.

6.7 Financial Contributions and Commuted Sums

Land adoption must not place an unreasonable or unfunded financial burden on the Council or on the taxpayer.

Where appropriate, the Council will require a commuted sum or other financial contribution sufficient to cover the long-term maintenance of the asset. The commuted sum will normally be calculated to cover a period of not less than 10 years of estimated maintenance costs, or such other period as agreed by the Governance and Resources Committee on a case-by-case basis.

Maintenance costs to be covered may include:

- grass cutting and grounds maintenance
- tree inspections and arboricultural works
- litter management and waste removal
- play equipment inspections and repairs
- path maintenance and resurfacing
- drainage maintenance and SuDS management
- insurance and safety inspections
- ecological management and biodiversity work
- Any boundary structures, such as fences, hedges or walls

Where a commuted sum is received, the Council will hold these funds in a dedicated earmarked reserve. The funds will be used exclusively for the maintenance of the adopted asset and managed in accordance with the Council's Financial Regulations and accounting standards.



6.8 Legal and Planning Considerations

Before land is adopted, the Council must be satisfied with that:

- legal title can be transferred to the Council without restriction
- any rights of way, easements, or service entries are clearly defined and legally established
- The maintenance obligations in respect of any boundary structures, such as fences, hedges, and walls.
- all planning obligations have been satisfied
- the Council is not inheriting unresolved legal, environmental, or financial liabilities
- The developer or transferor will be responsible for all legal costs of transferring the land and for establishing any easements or rights of access required for maintenance and public use beyond the adoption date.

6.9 Environmental and Biodiversity Considerations

Where land has ecological value or contributes to the Council's biodiversity and environmental objectives, the Council will consider opportunities to incorporate biodiversity enhancement into the management approach. This may include sustainable landscaping, long-term ecological management plans, and the protection of existing habitats.

The Council may require an environmental management plan for land with significant ecological value before adoption is agreed.

6.10 Operational Capacity

Before adopting land, the Town Clerk will assess whether the Council has the operational capacity to manage and maintain the site. This will include consideration of:

- staffing and grounds maintenance resource
- inspection and compliance arrangements
- equipment and contractor capacity
- financial sustainability over the long term

The Council will not adopt land where it does not have the capacity to manage it to an acceptable standard, regardless of any financial contribution offered.

6.11 Transfer and Vesting

Upon satisfactory completion of all the above steps, transfer documentation will be prepared and executed by the Council's solicitors. Land will be vested in the Town Council free from encumbrances, subject to any covenants or easements necessary for future access and maintenance

7. Grounds for Declining Adoption

The Council may decline to adopt land where:

- long-term maintenance liabilities exceed available or projected resources, and no adequate commuted sum is offered
- the land is not in an acceptable condition, and the transferor is unwilling or unable to remedy this



- legal title is unclear, encumbered, or cannot be transferred without restriction
- unresolved planning obligations, environmental liabilities, or safety issues remain outstanding
- the Council does not have the operational capacity to manage the site
- there is an alternative competent body more appropriately placed to adopt the asset (for example, Central Bedfordshire Council in relation to adopted highway infrastructure)
- the land does not provide a clear public benefit to Stotfold residents

Where the Council declines to adopt land, the Town Clerk will write to the proposing party confirming the decision and, where appropriate, setting out what conditions would need to be met before the Council would reconsider.

8. Monitoring and Review

This policy will be reviewed every two years or sooner if there is a material change in legislation, Council priorities, or operational circumstances that would require an earlier review.

The Governance and Resources Committee is responsible for overseeing the operation of this policy and will receive periodic reports from the Town Clerk on land adoption proposals and outcomes.

Maintenance standards for adopted land will be set out in the Council's Maintenance Specification, reviewed every three to five years to ensure continued community benefit and financial sustainability.

9. Related Policies and Documents

- Strategic Plan 2025–2030
- Financial Regulations
- Scheme of Delegation
- Risk Management Policy
- Tree Management Policy
- Health and Safety Policy
- Biodiversity and Environmental Policy
- Council's Maintenance Specification (to be adopted separately)
- National Planning Policy Framework (NPPF)
- Central Bedfordshire Local Plan



Version History:

Version No	Date Approved/ Reviewed	Author/ Owner	Summary Of Changes	Responsible Committee	Review Date
1	July 2026	Town Clerk	Adopted	Governance and Resources	July 2028