

CMA Housebuilding Market Study (18th September 2023)

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities and national park authorities.

This consultation response summarises key points made by Scottish Planning Authorities, but we note that there will be differences of opinion between authorities and would defer to their own responses on specific local issues.

HOPS would wish to highlight the following issues relating to the report published on the 25th August 2023.

Scottish Planning System

We note that much of the work undertaken relates to England and the English planning system, with fewer references and examples relating to Scotland and Wales. This may be misleading to readers. HOPS would wish that any future publications refer to the differences between the nations, in particularly noting when suggested change would be appropriate.

Planning Reform

HOPS would like to stress the significant recent changes made to the planning system in Scotland through the Planning (Scotland) Act 2019 and National Planning Framework 4, and there would be little benefit or scope for accommodating structural change at this time.

Planning reform is also suggested as a potential solution to barriers in development such land supply. We note that this may not be an elegant solution as there are factors outwith the control of planning authorities as referenced within the report. Furthermore, wholesale reform would not be appropriate in Scotland for the reasons noted in the previous paragraph.

Land Banking

HOPS note while actual land banking may not be a particular issue in certain areas there is a lack of clarity on land ownership and options.

There is an opportunity to resolve this within Scotland by legislative action through a land reform bill proposed by the Scottish Government in its [Programme for Government](#) published on the 5th of September 2023. This could provide the CMA with an opportunity to suggest action as part of the development of that bill and further emphasises the importance of the CMA taking fully into account the devolved arrangements around planning and land. D

Details, from page 57 of the Programme for Government, of the proposed bill are shown below:

“Land Reform The Bill will improve transparency of land ownership, further empower communities, and help ensure that large-scale landholdings are delivering in the public interest. It will also modernise tenant farming and small landholding legislation.”

[Redacted] In addition, note that despite previous assertions, the development industry appears to acknowledge that land banking is a practice they adopt. [Redacted]

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Private Management of Public Amenities

On the private management of public amenities, local authorities are not in a position financially to maintain areas of open space for instance, across new build developments. It is important that these are integrated into the overall design and become part of the maintenance within the overall estate and community. Either this can be achieved through a factoring arrangement or by ensuring that small parcels of land are contained within private ownership. In terms of the lack of transparency for consumers, we consider this a matter that relates to how conveyancing lawyers provide clarity to potential purchasers of any particular burdens including financial burdens that apply to the property being sold.