

# KEYNSHAM TOWN COUNCIL

Minutes of the Virtual Extraordinary Planning & Development Committee meeting held on  
Wednesday 2<sup>nd</sup> September 2020 at 7.00pm

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PRESENT: Councillors D Brassington, T Crouch (Chairman), C Fricker (part of the meeting),  
A Greenfield and B Simmons.

IN ATTENDANCE: Cllr H MacFie (for part of the meeting) and Dawn Drury – Deputy Town  
Clerk

57. APOLOGIES FOR ABSENCE

There were none

58. DECLARATIONS OF INTEREST

There were none.

59. DISPENSATIONS

There were none.

60. CONFIRMATION OF MINUTES

RESOLVED:

That the minutes of the Planning meeting held on 17<sup>th</sup> August 2020 required to  
amendments to item 54 as below with these amendments the minutes be confirmed as  
a true record by the Chairman and signed by the Chairman (hard copy supplied in  
advance to the Chair for signing).

*A number of the Councillors expressed concern, as some of the TROs were not in the  
name of the B&NES Ward Councillor as has been past practice. This is disrespectful of  
the Ward councillors that have been elected to represent a Ward and this should be  
discouraged.*

*Concerns were raised that Keynsham Town Council, as a whole had, had no input into  
the consultation and the only comments submitted had been done so, directly by the  
Town Clerk without consultation with the Planning and Development Committee  
**especially as it was on their next agenda** or full Council and as such the Town  
Council have been recorded in the document as being consulted.*

61. PUBLIC PARTICIPATION

There was none.

62. QUESTIONS ON NOTICE BY MEMBERS

There were none.

63. CHANGES TO THE CURRENT PLANNING SYSTEM

Responses to the Ministry of Housing, Communities and Local Government - Changes  
to the Current Planning System document and NALC questions were considered,

responses recorded and are appended on pages 3 - 8 (NALC deadline for responses 17<sup>th</sup> September and Government consultation deadline by 1<sup>st</sup> October 2020)

64. PLANNING FOR THE FUTURE - THE PLANNING WHITE PAPER

Responses to the Ministry of Housing, Communities and Local Government - Planning for the Future (White Paper) and NALC questions were considered, responses recorded and are appended on page 9 - 14 (NALC deadline for responses 15<sup>th</sup> October Government consultation deadline by 29<sup>th</sup> October 2020)

To note that Councillor Fricker left the meeting at the end of this consultation.

65. TRANSPARENCY AND COMPETITION: A CALL FOR EVIDENCE ON DATA ON LAND CONTROL

Responses to the Ministry of Housing, Communities and Local Government - Transparency and Competition: A call for evidence on data on land control (White Paper) and NALC questions were considered, responses recorded and are appended on page 15 - 19 (NALC deadline for responses 16<sup>th</sup> October Government consultation deadline by 30<sup>th</sup> October 2020)

66. DATE OF NEXT MEETING

RESOLVED:

That the next virtual meeting of the Committee is scheduled to take place on **Monday 7<sup>th</sup> September 2020 at 7.30 p.m.**

The meeting closed at 9.20 p.m.

Signed: .....  
(Chairman)

Date: .....



## **CONSULTATION RESPONSES**

### **CHANGES TO THE CURRENT PLANNING SYSTEM**

**1. Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?**

Keynsham Town Council do not agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area, but are of the opinion that the current system of the latest household projections averaged over a 10-year period should be continued.

The specification that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area is considered as being unfair for a Town such as Keynsham which has 70% green space and is surrounded by Green Belt and the amended system could see much more development in Keynsham.

**2. In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.**

Keynsham Town Council do not agree that the 0.5% of existing stock for the standard method is appropriate as we believe that this would be unfair for a town of our size.

**3. Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.**

Keynsham Town Council do not agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard would be appropriate for Keynsham. Currently, house prices are high compared to many parts of Bristol (40% more) and South Gloucestershire (30% more) and the majority of salaries associated with work in the town do not allow for people to work locally (high price ratio to median earnings) and therefore be able to pay their mortgages. Many jobs are service based and achieve only a low salary and residents of Keynsham are forced to commute to Bristol or Bath to achieve the salary needed to live within Keynsham.

However, Keynsham Town Council are somewhat confused as to how it would affect a particular area i.e., Bath and North East Somerset.

**4. Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.**

Keynsham Town Council agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved.

**5. Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.**

Keynsham Town Council do not agree that affordability is given an appropriate weighting within the standard method, it should be higher weighting whether it be locally (Town and Parish Council level) or by Bath and North East Somerset Council, WECA and Central Government.

***Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:***

***6. Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?***

***.7. Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?***

***If not, please explain why. Are there particular circumstances which need to be catered for?***

Bath and North East Somerset Council's Local Plan is currently under partial review following the Plan being found unsound by the Inspectorate and hence this would not give sufficient time

Keynsham Town Council have found this difficult to answer, as the Council is not privy to what is happening in respect of their Local Authority's Plan that was withdrawn but have concerns that Local Plans will be rushed through if not given sufficient time to formulate and submit.

***8. The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):***

- i) Prioritising the replacement of affordable home ownership tenures and delivering rental tenures in the ratio set out in the local plan policy.***
- ii) Negotiation between a local authority and developer.***
- iii) Other (please specify)***

Keynsham Town Council have no control over this as the remaining 75% of affordable housing secured through developer contributions will be decided by Bath and North East Somerset Council or Local Housing Associations.

This is currently a departure from our Local Plan which is currently 35%

***With regards to current exemptions from delivery of affordable home ownership products:***

***9. Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to this First Homes requirement?***

Keynsham Town Council do not think that the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to this First Homes requirement. There is no mention of co-ownership.

**10. Are any existing exemptions not required? If not, please set out which exemptions and why.**

Keynsham Town Council are not aware of any existing exemptions that are not required.

**11. Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.**

Keynsham Town Council have concerns that an exemption has been given that developers do not have to provide accessible homes covered by the Disability Discrimination Act. We believe that all new homes should be designed to incorporate some elements of DDA accessibility or be easily converted if required.

**12. Do you agree with the proposed approach to transitional arrangements set out above?**

Keynsham Town Council do not agree with the proposed approach to transitional arrangements set out above.

**13. Do you agree with the proposed approach to different levels of discount?**

Keynsham Town Council do not agree with the proposed approach to different levels of discount.

**14. Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?**

Keynsham Town Council agree that with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability where it is necessary.

**15. Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?**

Keynsham Town Council do not agree with the removal of the site size threshold set out in the National Planning Policy Framework

**16. Do you agree that the First Homes exception sites policy should not apply in designated rural areas?**

Keynsham Town Council do not agree that the First Homes exception sites policy should not apply in designated rural areas.

**17. Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?**

Keynsham Town Council do agree with the proposed approach to raise the small sites threshold as this will allow small builders an opportunity to start development, but this must be for a time-limited period.

**18. What is the appropriate level of small sites threshold?**

**i) Up to 40 homes**

**ii) Up to 50 homes**

**iii) Other (please specify)**

Keynsham Town Council are of the opinion that the level of small site threshold should remain at 10.

**19. Do you agree with the proposed approach to the site size threshold?**

Keynsham Town Council do not agree with the proposed approach to the site size threshold.

**20. Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?**

Keynsham Town Council agree with linking the time-limited period to economic recovery and if necessary, raising the threshold for an initial period of 18 months.

**21. Do you agree with the proposed approach to minimising threshold effects?**

Keynsham Town Council do not agree with the proposed approach to minimising threshold effects.

**22. Do you agree with the Government's proposed approach to setting thresholds in rural areas?**

Keynsham Town Council do not agree with the Government's proposed approach to setting thresholds in rural areas.

**23. Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?**

Keynsham Town Council are of the opinion that the Government should introduce more construction skill-based apprenticeships to increase the workforce to support SMEs. This will also aid the current shortage of skilled tradesmen and boost the employment market.

Furthermore, Keynsham Town Council would suggest that the Government should encourage SMEs to make the construction of timber framed homes (such as Linden Homes in Bristol) manufactured locally, which are quicker to build with services incorporated, there is less snagging, energy efficient and are far better for the environment (timber soaks up CO<sub>2</sub>).

**24. Do you agree that the new Permission in Principle should remove the restriction on major development?**

Keynsham Town Council do not agree that the new Permission in Principle should remove the restriction on major development.

**25. Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.**

Keynsham Town Council are of the opinion that a limited amount of commercial development should be set for major developments. as long as a good majority of the site floor space is residential. The Commercial element of any development should be of a class and type that the Town or Parish needs to support its economy. Control of what type/class of commercial development takes place and where is extremely important.

**26. Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?**

On the whole Keynsham Town Council agree NALCs proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged.

**27. Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.**

Keynsham Town Council are of the view that as there is a shortage of development land in some parts of the country that there should be an additional height parameter for Permission in Principle. As one height would not fit all localities this should be on a scale to suit the development area. Locally, in Bath and North East Somerset the Town Council would not be opposed to 3 storey flats/apartments and homes with basements being built on Brownfield sites.

However, guidance should be clear that the proposed development should be in keeping with existing housing stock of the Town/Parish.

**28. Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:**

- i) required to publish a notice in a local newspaper?**
- ii) subject to a general requirement to publicise the application or**
- iii) both?**
- iv) Disagree**

Keynsham Town Council are of the opinion that publicity arrangements for Permission in Principle by application should be extended for large developments and that local planning authorities should ensure that publication is in a relevant local newspaper, serving the Town/Village of the development. Together with the use of as many social media platforms as possible to ensure that the advertising is spread as widely as possible.

**29. Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?**

Keynsham Town Council do not agree with NALCS proposal or a banded fee structure based on a flat fee per hectare, with a maximum fee cap but the fee should be pro-rata.

**30. What level of flat fee do you consider appropriate, and why?**

Keynsham Town Council are unsure of this question.

**31. Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.**

Keynsham Town Council agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register.

**32. What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.**

Keynsham Town Council are of the opinion that guidance to support applicants and local planning authorities to make decisions about Permission in Principle should be explained in lay man's terms. There should be better use of ordinary English and less planning jargon. The guidance should provide openness.

**33. What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?**

Keynsham Town Council are of the opinion that the main benefit envisaged from the proposed scheme will be a saving of time and funds compared to the current system that often results in the Local Authority having to fight costly developer appeals.

However, a drawback could be a pressure on local services – schools, health services, roads and existing infrastructure as developers pushed forward sites under Permission in Principle.

**34. To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.**

Keynsham Town Council are of the opinion that landowners and developers will use the proposed measures for their own benefit and best profit and following the Governments advice to build, build, build.

**35. In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?**

In terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty Keynsham Town Council comment as follows:

The Disability Discrimination Act must be adhered to ensuring DDA homes and all developments should have suitable infrastructure for the proposed inhabitants needs (homes for young people, homes for the elderly, homes for families)



PLANNING FOR THE FUTURE - THE PLANNING WHITE PAPER

**1. What three words do you associate most with the planning system in England?**

Keynsham Town Council associate the following words three word with the planning system in England:

Undemocratic

Inconsistent

Precedential

**2. Do you get involved with planning decisions in your local area?**

Yes. to some extent, Keynsham Town Council do get involved with planning decisions and have a Planning and Development Committee to consider local planning applications.

**3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?**

Keynsham Town Council would like to find out about plans and planning proposals in the future through social media, online news, relevant local newspapers and emails from the local authority.

**4. What are your top three priorities for planning in your local area?**

Keynsham Town Council's top three priorities for planning in our local area are:

More or better infrastructure.

The environment, biodiversity and action on Climate Change. The Town Council have declared a climate emergency.

Protection of green spaces and the existing heritage buildings and areas.

Other important priorities include building homes for young people, building homes for the homeless. increasing the affordability of housing, the design of new homes and places and supporting the high street.

**5. Do you agree that Local Plans should be simplified in line with our proposals?**

Keynsham Town Council are not sure of the end result, in simplifying in line with NALCs proposals.

**6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**

Keynsham Town Council do not agree with NALCS proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally as essentially our town is a semi-rural location with the 3 large settlements (wards) surrounded by Green Belt probably be very restrictive in this area.

One size does not fit all.

**7. Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?**

Keynsham Town Council agree with NALCS proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact as a Council that has declared a Climate Emergency it is important to have as many zero carbon homes as soon as possible.

**(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

The West of England Combined Authority will provide a duty to cooperate on cross boundary issues in our area.

**8. (a) Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**

Keynsham Town Council are not sure in respect of this. With a town that is 70% rural 30% urban there is not much that can be done with either areas without breaching the Green Belt that surrounds the town.

**(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

Keynsham Town Council do not agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated. There needs to be flexibility in respect of the quantity of development to be accommodated ensuring that it meets demand.

**9. (a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?**

Keynsham Town Council do not agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent unless the developer/applicant have strict instructions that the build time should be within three years. Currently, there are many applications that have expired and are automatically resubmitted leaving homes that should be built unbuilt affecting the development numbers.

**(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

Keynsham Town Council are unsure as to how this will affect our area.

**(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**

Keynsham Town Council think that there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime but only if all the essential infrastructure is in place to accommodate the development.

**10. Do you agree with our proposals to make decision-making faster and more certain?**

Keynsham Town Council do not agree with NALCs proposals to make decision-making faster and more certain. We consider it to be undemocratic and believe all Town and Parish Council's should have input as they have local knowledge of their area.

**11. Do you agree with our proposals for accessible, web-based Local Plans?**

Yes, accessible, web-based Local Plans are already available in Bath and North East Somerset.

**12. Do you agree with our proposals for a 30-month statutory timescale for the production of Local Plans?**

Keynsham Town Council agree that a 30-month statutory timescale is plenty long enough for the production of Local Plans .

**13. (a) Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

Yes, Keynsham Town Council are in the process of producing their Neighbourhood Plan.

**(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

Keynsham Town Council are currently working in conjunction with English Heritage to produce a design guide for their main High Street and conservation area. This design guide will be incorporated into the Keynsham Neighbourhood Plan.

**14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**

Keynsham Town council do not agree there should be a stronger emphasis on the build out of developments. Urban creep should be prevented.

**15. What do you think about the design of new development that has happened recently in your area?**

Development in our area recently has been undertaken using old technologies, reproduction of old designs and most developments are ugly and poorly designed.

**16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**

For Keynsham Town Council the priorities for sustainability in our area are energy efficiency in all new buildings and generation of power.

**17. Do you agree with our proposals for improving the production and use of design guides and codes?**

Keynsham Town Council are not sure about proposals for improving the production and use of design guides and codes as this may create rationalisation, no individuality or innovation in the design of new homes.

**18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?**

Keynsham Town Council do not agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making. Officers in our local authorities are important and a link between the main authority and the Town and Parish Council. An additional Chief Officer may not have the local knowledge needed especially when design and place-making is in a larger authority or in one with diverse areas such as rural, urban, Green Belt and heritage city as in the case of Bath and North East Somerset Council.

**19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?**

Keynsham Town Council agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England. Compliance with design codes in respect energy conservation and maximising efficiency.

**20. Do you agree with our proposals for implementing a fast-track for beauty?**

Keynsham Town Council do not agree with proposals for implementing a fast-track for beauty. Beauty is a totally inappropriate term to use in respect of development

**21. When new development happens in your area, what is your priority for what comes with it?**

For Keynsham Town Council and our town, the priority of more or better infrastructure (such as transport, school, health provision and services) is important when new development happens. Other items are important too.

**22. (a) Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?**

Keynsham Town Council are not sure, in respect of the answer to this question as there is no indication as to where the funds from the new consolidated Infrastructure Levy will be allocated. Will they go to WECA, the Local Authority or the Local Authority with a proportion being allocation to the local Town or Parish where the development is being undertaken. If the latter, in what proportion will the share be?

**(b) Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?**

Keynsham Town council are of the opinion that the Infrastructure Levy rates should be set locally.

***(c) Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?***

Keynsham Town Council are of the opinion that the Infrastructure Levy should aim to capture the same amount of value overall to support greater investment in infrastructure, affordable housing and local communities. Builders in the current climate can only afford so much. However, they should not be getting a better deal than before.

***(d) Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?***

Local authorities should not be allowed to borrow against the Infrastructure Levy, to support infrastructure delivery in their area. This could be dangerous especially if the monies are handled by WECA wherein it could result in the monies being spent in other authorities outside the development area or to fund cross border infrastructure that benefits one authority more than another.

***23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?***

Keynsham Town Council agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights.

***24. (a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?***

Keynsham Town Council agree that there should be an aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present. This is essential.

***(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?***

Keynsham Town Council are unsure in respect of whether affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities. In our authority powers are delegated from the Local Authority to a local housing association.

***(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?***

Yes, this is essential.

***24 (d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?***

Keynsham Town Council are of the opinion that design guides should be provided stipulating standards and building regulations should be adhered to.

***25 Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?***

Keynsham Town Council are of the opinion that local authorities should have fewer restrictions over how they spend the Infrastructure Levy but it is essential that power is given to the local Town and Parish Council to have more money to spend the funds where the funds are raised.

***(a) If yes, should an affordable housing 'ring-fence' be developed?***

Yes, this is essential.

***26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?***

Yes.

DRAFT

## TRANSPARENCY AND COMPETITION: DATA AND LAND CONTROL

**1. The Public Interest**

***Do you think there is a public interest in collating and publishing additional data on contractual controls over land?***

Keynsham Town Council think there is a public interest in collating and publishing additional data on contractual controls over land.

**2. Rights of pre-emption and options**

***(a) Do you think that the definition of rights of pre-emption and land options in the Finance Act 2003, s. 4616 is a suitable basis for defining rights of pre-emption and options that will be subject to additional data requirements?***

Unsure.

***(b) Is the exemption for options and rights of pre-emption for the purchase or lease of residential property for use as a domestic residence sufficient to cover: • options relating to the provision of occupational housing and • shared ownership schemes?***

Unsure.

***(c) Are there any types of rights of pre-emption or options that do not fall under the scope of the definition in the Finance Act 2003, s. 46?***

Unsure.

**3. Estate contracts**

**Are the tests set out above sufficient to avoid inadvertently capturing transactions not related to the development of land?**

Yes.

**4. Other contractual controls**

***Are there any contractual arrangements by which control can be exercised over the purchase or sale of land, which should be included within this regime and which are not rights of pre-emption, options or estate contracts?***

Unsure.

**5: Data requirements**

**(a) Are there any data fields that (i) should; or (ii) should not be subject to additional data requirements?**

***(b) Are there any data fields that (i) should; or (ii) should not be placed on the land register?***

***(c) Are there any data fields that (i) should; or (ii) should not be included in a contractual control interest dataset?***

In respect of 5 a – c There may not be interest for people to provide their identity under Data Protection.

***(d) Are there other data fields that should be collected?***

***(e) Do any of the data fields give rise to privacy risks?***

Keynsham Town Council do not have enough knowledge or confidence to answer questions 5 d – e.

#### **6. Contractual conditions**

***(a) Are there any data fields that (i) should; or (ii) should not be subject to additional data requirements?***

***(b) Are there any data fields that (i) should; or (ii) should not be placed on the land register?***

***(c) Are there any data fields that (i) should; or (ii) should not be included in a contractual control interest***

#### **7. Legal Entity Identifiers**

***Should legal entities that are beneficiaries of contractual arrangements be asked to provide a Legal Entity Identifier? Please give reasons***

#### **8. Data currency**

***(a) Should beneficiaries be required to provide updated information on: • variation • termination, or • assignment or novation? Please give reasons.***

***(b) Are there other ways in which data currency could be maintained?***

#### **9. Accounting treatment**

***If your organisation is required to produce annual accounts, when are: (i) rights of pre-emption; (ii) options; and (iii) estate contracts recognised on the balance sheet? Please give reasons and state the accounting standard used.***

Questions 6 - 8 Some of this is not applicable to Town/Parish Council's and is beyond our capacity to respond fully.

#### **10. Existing contractual control interests**

***(a) Should the requirement to supply additional data be limited to: (i) new contractual control interests only; or (ii) all extant interests?***

***(b) How long should beneficiaries of an extant contractual control interests that is varied, assigned or novated be given to provide additional data before losing protection: (i) three months; or six months?***

Keynsham Town Council is unsure of the answer to the question 10 as they are not au fait with the existing contractual control interests.



See final comment in respect of answers 11 - 25

### **11. Current beneficiaries**

**What are the best ways of informing current beneficiaries of the need to provide additional data? Please give reasons.**

### **12. A digital process?**

**Should the provision of additional data prior to the application process for an agreed notice be exclusively digital (with assisted digital support if required)? Please give reasons.**

### **13. Certification**

**Should beneficiaries of contractual control interests with a duty to produce annual accounts be required to certify that all relevant interests have been noted? Please give reasons.**

### **14. Restrictions**

**(a) Should beneficiaries of contractual control interests be required to obtain an agreed notice before they could apply for a restriction? Please give reasons.**

**(b) Should the protections of restrictions placed on an un-noted contractual control interest be (i) limited; or (ii) removed? Please give reasons.**

**c) If the Government accepts the Law Commission's recommendation on restrictions, should contractual control interest fall into the category of interest that cannot be capable of protection by way of a restriction? Please give reasons.**

### **15. Alternative options**

**(a) Should a mandatory system be introduced whereby the beneficiary of a contractual control interest would, where it is possible to do so, be required to note their interest with HMLR? Please give reasons.**

**(b) If so, how should the system be enforced? Please give reasons.**

### **16. Current practice**

**(a) If you are a beneficiary of a right of pre-emption, option or estate contract, please indicate how you protect your interest.**

	Notice		Restriction	Other	Do not protect
	Agreed	Unilateral			
<b>Right of pre-emption</b>					
<b>Option</b>					
<b>Estate</b>					

<b>contract</b>					
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**(b) What factors influence your choice? Please give reasons.**

#### **17. Data collation and provision**

**(a) Are there any data fields in Annex A that contracting parties would not have readily to hand? Please list them.**

**(b) What is your estimate of the time needed to provide the additional data?**

**(c) Does your entity hold a Legal Entity Identifier?**

#### **18. Data currency**

**What additional work (over and above the time and cost of preparing annual accounts) would your organisation need to undertake to identify contractual control interests that needed to be updated?**

#### **19. Certification**

**What additional work (over and above the time and cost of preparing annual accounts) would your organisation need to undertake to certify in your organisation's annual accounts that all relevant contractual control interests had been noted on the land register where the land is registered?**

#### **20. Economic impact**

**What impact, if any, do you think that these proposals will have on the English land market (residential and commercial)? Please describe the effects and provide evidence.**

#### **21. Costs**

**What impact, if any, do you think that these proposals will have on the costs incurred by participants in the English land market (residential and commercial)? Please describe the effects and provide evidence.**

#### **22. Identifying and understanding contractual control interests**

**(a) Can you estimate the amount of (i) time and (ii) money that you have spent on identifying land affected by a contractual control interest?**

**(b) What is the source of your information?**

**(c) Can you estimate the amount of (i) time and (ii) money that you have spent on seeking professional advice on exactly how a contractual control interest affects a piece of land?**

#### **23. Market impact**

**(a) If you are a small or medium enterprise (SME) builder or developer, do contractual controls hinder your ability to assess the viability of a local market? Please give reasons.**

**(b) If you are an SME builder or developer, does a lack of freely accessible and understandable data act as a barrier to you entering the market? Please give reasons.**

**24. Trust in the planning system**

**(a) Do you think that a lack of accessible and understandable data on contractual controls makes it more difficult for local communities to understand the likely pattern of development? Please give reasons.**

**(b) If so, to what extent does it undermine trust and confidence in the planning system:**

**(i) not much; (ii) somewhat; (iii) a great deal? Please give reasons.**

**25. Public Sector Equality Duty**

**What impact, if any, do you think that these proposals will have on people who share protected characteristics<sup>20</sup>? Please describe the effects and provide evidence.**

Keynsham Town Council found this consultation beyond their capability, knowledge or legal understanding to be able to complete sufficiently.

DRAFT