



# Transparency and Competition

## A call for evidence on data on land control

### Questions

Question 1: The Public Interest Do you think there is a public interest in collating and publishing additional data on contractual controls over land? Please give reasons.

Yes, we agree that this will support Councils and local communities to better understand who owns and controls land in their area and how this may impact potential future developments.

Question 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? Please give reasons.

This seems sensible but I do not have sufficient understanding to confirm

(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? Please give reasons.

I do not have sufficient understanding to confirm

(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? Please give reasons

I do not have sufficient understanding to confirm

Question 3: Estate contracts Are the tests set out above sufficient to avoid inadvertently capturing transactions not related to the development of land? If not, please give examples.

I do not have sufficient understanding of the process to confirm

Question 4: Other contractual controls

(a) 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? Please give examples.

I do not have sufficient understanding of the process to confirm

(b) If so, do you consider them

(i) an interest in land (interests that are capable of being protected by way of a notice on the land register); or

(ii) not an interest in land?

Please give reasons.

I do not have sufficient understanding of the process to confirm

Question 5: Data requirements

(a) Are there any data fields that

(i) should; or

(ii) should not be subject to additional data requirements?

Please give reasons.

I do not have sufficient understanding of the process to confirm



- (b) Are there any data fields that  
(i) should; or  
(ii) should not be placed on the land register?  
Please give reasons.

I do not have sufficient understanding of the process to confirm but would anticipate that justification would have to be given if data is to be excluded

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

I do not have sufficient understanding of the process to confirm but would anticipate that justification would have to be given if data is to be excluded

- (d) Are there other data fields that should be collected? Please give reasons.

I do not have sufficient understanding of the process to confirm

- (e) Do any of the data fields give rise to privacy risks? Please give reasons.

I do not have sufficient understanding of the process to confirm but the data does not appear to be commercially or personally sensitive.

#### Question 6: Contractual conditions

- (a) Are there any data fields that  
(i) should; or  
(ii) should not be subject to additional data requirements?  
Please give reasons.

I do not have sufficient understanding of the process to confirm

- (b) Are there any data fields that  
(i) should; or  
(ii) should not be placed on the land register?  
Please give reasons.

I do not have sufficient understanding of the process to confirm but would anticipate that justification would have to be given if data is to be excluded

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

I do not have sufficient understanding of the process to confirm but would anticipate that justification would have to be given if data is to be excluded

#### Question 7: Legal Entity Identifiers Should legal entities that are beneficiaries of contractual arrangements be asked to provide a Legal Entity Identifier? Please give reasons.

I do not have sufficient understanding of the process to confirm

#### Question 8: Data currency

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

Yes, otherwise the database will be out of date as soon as it is developed

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



It is standard practice today to set up secure online access for updating information, so this should not be an issue. There could be automatic updates using tools such as blockchain within the process to make the updates as soon as the contractual changes are made.

Question 9: Accounting treatment If your organisation is required to produce annual accounts, when are:

- (i) rights of preemption;
- (ii) options; and
- (iii) estate contracts recognised on the balance sheet?

Please give reasons and state the accounting standard used.

Not applicable

Question 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?

Please give reasons.

All interests, otherwise the database would be incomplete?

(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?

Six months maximum

Question 11: Current beneficiaries What are the best ways of informing current beneficiaries of the need to provide additional data? Please give reasons.

Initially send to the known organisations to get the data collection started.

To address the unknowns, MPs are typically well connected with local businesses – ask them to include something in their regular newsletters. Local Authorities can also issue information on social media. Circulating information via solicitors and their special interest groups could be useful too.

Other options, such as a TV campaign, email/letters sent by HMRC to inform companies of their obligations

Question 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.

Yes, this is not something that will be typically completed by someone without access to digital tools.

Question 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.

Yes – this should be a mandatory requirement

Question 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.

I do not have sufficient understanding of the process to confirm



(b) Should the protections of restrictions placed on an un-noted contractual control interest be

- (i) limited; or
- (ii) removed?

Please give reasons.

I do not have sufficient understanding of the process to confirm

(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.

I do not have sufficient understanding of the process to confirm

Question 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.

I do not have sufficient understanding of the process to confirm

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

I do not have sufficient understanding of the process to confirm

Question 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.

I do not have sufficient understanding of the process to confirm

(b) What factors influence your choice? Please give reasons.

I do not have sufficient understanding of the process to confirm

Question 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.

Not applicable

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

Not applicable

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

Not applicable

Question 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?

Not applicable

Question 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?

Not applicable

Question 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.



Making clear, searchable, information available to communities will increase their ability to contribute to the plans for their area, supporting Neighbourhood Planning processes and the ability for communities to identify options.

If communities are given the tools to lead the planning processes for their areas, they will become the key beneficiary (rather than landowners and developers). It will then be in their interest to ensure the economic impact locally is positive.

Question 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.

I do not have sufficient understanding of the process to confirm

Question 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?

Not applicable

(b) What is the source of your information?

Not applicable

(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?

Not applicable

Question 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.

Not applicable

(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.

Not applicable

Question 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.

The lack of trust in the planning system is due to the imbalance of power throughout the ecosystem. It is acknowledged in the White Paper (5.17) that developers and landowners are the key beneficiaries of planning gain.

Whilst improving access to this data will be beneficial, access to other datasets will also be needed to enable communities to understand the likely pattern of development.

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

(i) not much;

(ii) somewhat;

(ii) a great deal?

Please give reasons.



A great deal. Improving access to data for communities is just one step to rebalance the planning ecosystem to put communities into the driving seat!

Question 25: Public Sector Equality Duty What impact, if any, do you think that these proposals will have on people who share protected characteristics? Please describe the effects and provide evidence.

These proposals are just one step in the journey to providing citizens, including those who share protected characteristics, with more control over the developments planned for their areas. Residents typically have limited involvement because both public bodies and developers minimise consultation and interaction. This needs to change to ensure all citizens are able to fully engage in the planning system.

Citizens, including those who share protected characteristics, should be leading the plans for their areas, neighbourhood plans should be encouraged and access to the information proposed in this consultation will help residents to understand land ownership and potential opportunities for their areas.

Question 26: Wales Should a contractual control interest regime be extended to Wales? Please give reasons.

This seems sensible.