

# Response to DLUHC's consultation on contractual controls on land

March 2024

Our response to DLUHC's [consultation on contractual controls on land](#).

## Response to questions

1. **Name:** Anna Powell-Smith
2. **Contact details:** [anna@centreforpublicdata.org](mailto:anna@centreforpublicdata.org) / +44 7812 357037
3. **Responding:** on behalf of the Centre for Public Data (CFPD)
4. **Organisation type:** Think tank
5. **Postcode area:** GL5
6. **Submit or access information:** More likely to access

**7. We are intending to collect contractual control information on registered land only. Do you think excluding unregistered land from scope would still allow us to achieve our policy objectives?**

Around 12% of land in England and Wales is currently unregistered, a significant amount. Unregistered land has not been transacted since 1990, meaning most of it is land owned by long-established institutional or family arrangements.

The policy goals stated for Part 11 of LURA are to "to publish data on contractual arrangements used by developers and others to control land, short of ownership, to assist local communities in better understanding the likely path of development and identify anti-competitive behaviour".

To achieve these goals, unregistered land as well as registered land should be included in scope. Planned development is as likely to affect (currently) unregistered land as well as registered land.

In fact, there are two reasons why it is particularly important to include unregistered land to achieve the policy goals:

1. By its nature, unregistered land is quite likely to be undeveloped, and therefore likely to be of interest for development, so excluding it is likely to hinder the goal of understanding the likely path of development
2. Unregistered land is often geographically concentrated, so again, excluding may particularly hinder the goal of identifying anti-competitive behaviour (e.g. if a developer is using contractual control to block development in a particular area).

NB: I have previously used HM Land Registry data to map unregistered land, which you can see online at <https://unregistered.anna.ps>. This map shows that the extent of unregistered land is significant, that it is often undeveloped, and that it is often geographically concentrated, supporting the argument above.

**8-11.** No opinion.

**12.** No.

**13.** Yes. Answers:

- **13.1-13.11.** Agree that all this information should be collected and published (except the SRA number, which does not need to be published). The use of company identifiers is especially important.
- **13.12. Do you think any other information should be collected and published?**
  - Yes - geospatial information about the land covered will be critical for unlocking the full value of this data to achieve the policy goals. I have listed some options, in declining order of usefulness:
    - Ideally the data would include the geospatial boundaries of the land covered by the contractual agreement, although I understand that asking people to submit this will increase friction.
    - If this is not possible, it would be ideal to have the full boundaries of the title as geospatial data.
    - If this is not possible (e.g. because it interferes with HMLR's desire to sell title boundary data) it would be useful to include the lat/lng coordinates of the title's centroid and bounding box, which it should be possible for HMLR to generate from the title number using its own records without asking users to submit any other information.
    - Failing that, the postcode of the title centroid would be a last resort - although this is only moderately useful, as postcodes are large areas and not possible to locate precisely. (So e.g. a community wishing to understand local developments would still have to do extra work and pay money to understand exactly which areas were affected by contractual controls.)
  - **Other notes.** It would be helpful if company numbers could be validated (ideally against live Companies House records, or failing that, against standard formatting) at the time of submission. Sometimes in other HMLR datasets company numbers have not been validated, and so sometimes contain typos, or are formatted inconsistently. This makes the data less useful than it would otherwise be, as it cannot be straightforwardly joined with Companies House data or other datasets containing company number - this will make it more difficult to e.g. find all the agreements used by a particular group of companies.

(Note to the consultation authors: I think the way this consultation presents the options here, with the description/data type/rationale table, is incredibly helpful - I hope this will be used as a model for other consultations.)

**14-18.** No opinion.

No.

**20. Do you think that 60 days to provide updated information to HMLR is reasonable and the correct length of time to ensure balance between time to comply and having updated information on the public dataset?**

No - 30 days would be a better balance to support the goals for the policy. It would also be consistent with timescales used for transparency reporting elsewhere in the UK public sector (e.g. public bodies are expected to publish a contract award notice within 20 days of a contract being awarded) and for business reporting (e.g. HMRC requires businesses to notify them of VAT changes within 30 days).

**21. How do you currently try to access information on contractual control agreements?**

HMLR register of titles, and personal contacts.

**22. With the current systems in place, how easy is it to access and understand contractual control information on land?**

Very difficult - we know there are contractual controls that do not appear on titles but do affect local communities.

**23. With the new proposed systems change, how easy do you believe it will be to access and understand contractual control information?**

Easy.

**24. Is publishing structured data in bulk spreadsheets (rather than, for instance, a redacted version of the original agreement) the correct approach?**

Yes. Structured data will be more useful for researchers. It will also be more useful for companies wishing to build new products and services based on the data.

**25. Are you responding on behalf of an organisation that may use this dataset to develop new tools and services?**

No.

**26. Would you be a potential end-user of this data?**

Yes.

- 26.1: Extremely useful
- 26.2: Yes
- 26.3: Yes
- 26.4: £0

**27.** I am unsure.

**28-29.** No views

**30.** Yes.

**31. Are there any further benefits that you anticipate would be seen from the proposed new measures?**

Competition authorities will have more insight into the functioning of the land market, letting them intervene if anti-competitive behaviour is observed.

**32-37.** I am unsure.

**38.** No.

**39. Can you think of any other likely unintended consequences?**

If unregistered land is excluded from these regulations, this could create an incentive not to register land, to avoid details of contractual controls becoming public. This would be unfortunate and at odds with HMLR's strategic goal to register more land. This is another reason why unregistered land would ideally be included.

**40.** Yes.

- 40.7: I wonder if the wording of regulation 7(2) suggests that the entire database should be published, which would then prevent you recording information not intended for publication, like SRA number? If that is the case, this could be worded along the lines of "information from the database shall be published, to include at least the required information".

**41-42.** Yes.