

# Respondent Information Form

Accelerating home-building in Scotland

A consultation on incentives and penalties to speed up housing delivery

Please Note: this form must be completed and returned with your response.

Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will still take account of your views in our analysis but we will not publish your response, quote anything that you have said or list your name. We will regard your response as confidential, and we will treat it accordingly.

To find out how we handle your personal data, please see our [privacy policy](#) at the bottom of the page. By submitting your response to Scottish Government you agree to our privacy policy.

1. What is your name?

2. What is your email address?

Your email address will never be published. Your email address will be used if you give permission below to be contacted again in future about this consultation.

3. Are you responding as an individual or an organisation?

Individual

Organisation

4. What is your organisation?

East Dunbartonshire Council

5. The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

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Do not publish response

Information for organisations only:

The option 'Publish response only (without name)' refers only to your name, not your organisation's name. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

6. Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes

No

7. I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

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I consent

# Questionnaire

## Question 1

Could fiscal incentives offering relief to other charges help to accelerate build-out rates?

- Yes
- No
- Unsure

Please explain your answer.

It is considered that financial incentives rather than penalties would be more effective, particularly when penalties could hinder rather than help build-out rates if the initial constraint causing slower build-out rates had been financial, i.e. a lack of funding to pursue development. In this regard the Council will consider the use of fiscal levers to progress works in a timely way so as to improve supply in an attempt to match increasing local demand. Such incentivisation will need to be fully considered to understand how these incentives may be applied and to avoid any unanticipated consequences. It is suggested that the Scottish Government should consult on the extent to which financial constraints exist as the sole or principal cause of slow build-out rates or whether a combination of other non-financial factors may also have an effect and require their own remedies.

## Question 1a

Which charges / taxes / levies could the incentives be applied to?

Please explain your answer.

Incentives should focus on development on derelict and brownfield land. No position is taken on which charges/taxes/levies the incentives ought to be applied to.

## Question 1b

Should relief be in the form of full exemptions or variable rates?

- Full exemptions
- Variable rates

Please explain your answer

No comment

**Question 1c**

Could a tax impact differently on different types of land owners?

Please explain your answer.

Please refer to Question 1

**Question 1d**

Please provide any evidence of how fiscal measures linked to other charges would impact development finance to influence built out rates.

No comment

**Question 2**

Should we introduce a tax on sites which have been allocated for residential development and/or have permission for homes, but are not being built out as expected, as set out in option 1?

- Yes
- No
- Unsure

Please explain your answer.

As per Question 1, the Council considers that penalties could exacerbate the reasons for under-delivery on a site.

**Question 2a**

Should this apply to allocated sites, sites with permission, or both?

- Allocated sites
- Sites with permission
- Both

Please explain your answer.

No comment

**Question 2b**

How should the tax be calculated?

Please explain your answer.

No comment

**Question 2c**

Who should be required to pay the tax?

Please explain your answer.

No comment

**Question 2d**

Should the tax operate as a local or a national tax?

- Local tax
- National tax

Please explain your answer.

The Council has concerns about the extent to which any administration of a tax at a planning authority level would have implications for resourcing and costs. Such implications will need to be fully considered to ensure that any new responsibilities do not have an adverse impact upon Council resourcing and budgets. East Dunbartonshire is generally a desirable/high-market area for new housing and therefore the number of longer-term stalled sites is quite limited compared to other parts of Scotland. Therefore, the revenue generated from any local tax or a tax administered at a national level is likely to be limited and may not cover the costs of administering the scheme. It is possible that a tax imposed at a national level would be insufficiently flexible to address the varying levels of market demand across Scotland and that a 'one size fits all' approach would not address such differences.

**Question 2e**

How should any income be used?

Please explain your answer.

Please refer to Question 2

**Question 2f**

Please provide any evidence of how a tax connected to sites allocated or permitted not being built out would influence build-out rates.

Please refer to Question 2

### Question 3

Should we bring forward powers for reporting on development progress and powers to intervene where it is considered to be unreasonably slow, as set out in option 2?

- Yes
- No
- Unsure

Please explain your answer.

Whilst powers to require a justification of any identified delays would help to provide information to the planning authority on what might be contributing to any hold up, as noted in the consultation paper, what would reasonably be considered slow would require definition and potentially up-front agreement. The complexities around who would be penalised are also explored in the paper (developer or landowner) as are changes of ownership and other factors. It is anticipated that intervention to address slow buildout - irrespective of the kind pursued - could give rise to legal issues including the potential for challenge, additional costs and judicial review, each of which could delay rather than accelerate the development of dwellings as attention is drawn away from delivery. Each of these factors suggest that implementation could be challenging and resource intensive.

There are numerous reasons beyond the planning process for a development to proceed slowly, e.g. the builder's financial situation, staffing, etc. It may be unreasonable to penalise a developer or landowner when various factors may be outside their control. The Council is concerned that requiring a developer to quickly progress build-out of a site could result in undesirable impacts on development quality and safety if the impetus was on speed before other considerations.

As stated in the consultation paper, the completion notice mechanism already exists as a means to penalise a landowner/occupier for the stalling of development; however, these have not recently been used in East Dunbartonshire. This indicates that there is no existing local problem regarding the stalling of sites that would require to be addressed through new legislation.

### Question 3a

Should this include creating a legal framework for reporting on development progress?

- Yes

- No
- Unsure

Please explain your answer.

Development progress is already monitored as part of the Housing Land Audit process; however, the HLA is to a considerable degree reliant on a response being provided by developers, particularly for forward programming. Response rates can be uneven, particularly in areas where many SMEs and other small-scale developers operate, some of which may be reluctant to engage with the Council. A legal requirement to report to the HLA would significantly improve its quality. However, how such a framework might function would require further consideration and clarity.

It is also noted that the Chief Planner letter of 02 September 2025 requires authorities to notify Scottish Ministers when unallocated housing sites of 10 units or more are both validated and determined. Any new monitoring arrangements should be proportionate and should not result in additional burdens in terms of Council resources.

### Question 3b

Should there be a power for planning permission to be revoked, without compensation being payable, where reporting demonstrates that progress is unreasonably slow?

- Yes
- No
- Unsure

Please explain your answer.

As noted in the paper, there are numerous reasons for a delay to progress within a site, some of which are beyond the control of the site developer. It is therefore unclear whether revocation of consent would help to accelerate build-out if it would apply an additional burden on the developer when other factors might already have contributed to delay; this could result in an unintended stalling of sites which may have been progressing slowly but had not yet come to a halt. The determination of a planning application has been subject to scrutiny by officers and where applicable elected members or Scottish Ministers. Revocation of consent would require reapplication and further, potentially unnecessary scrutiny where the original consent has already been determined to be acceptable in accordance with the development plan (subject to material considerations). It may also result in a new developer that would have to be engaged afresh. Such a requirement could therefore place an additional burden and use of time and resources on planning authorities such that officers might be reluctant to pursue revocation of permission. Officers note that a three-year window (the time within which consent must be implemented) can sometimes be too short to allow for adequate lead in and that the potential for this time period to be extended e.g. to five years should be explored by the Scottish Government.

**Question 3c**

How would the pace of development be set and agreed – for example how would reasonable-ness be measured?

Please explain your answer.

It would be difficult to determine what might constitute a reasonable pace. Whilst a local or case-by-case definition of reasonableness might address local conditions, it would also risk divergence with approaches taken by other planning authorities around Scotland and thereby cause additional complexity for developers and decision makers, contrary to the streamlined approach pursued by NPF4. As noted in the paper, numerous factors can affect build rates - weather, staffing, etc. Completion rates might therefore be uneven. The imperative for the developer would be to finish the development within the agreed overall timeframe. Smaller annual, six-monthly or other segments would be useful for monitoring but would not be indicative of overall development success.

**Question 3d**

Please provide any evidence of how reporting on development progress would influence build-out rates.

Please refer to Question 3.

**Question 4**

Should we bring forward legislation to amend the development hierarchy, to enable us to introduce more streamlined planning processes on planning applications for smaller sites, as outlined in option 3?

- Yes
- No
- Unsure

Please explain your answer.

SME builders in East Dunbartonshire constitute only a limited proportion of all completions and there is insufficient information or feedback to arrive at a firm response for these questions. Smaller scale development is already subject to flexibility and relief through the Council's developer contributions framework. In a high-market urban area like East Dunbartonshire, it is considered that a focus on SME builders is unlikely to yield significant increases in the overall volume of new homes delivered. Please see also the response to Question 4f below which considers the relationship between small development sites and SME builders.

Introducing an intermediate scale e.g. between householder, local or major developments, or otherwise amending the hierarchy, could fast track the planning process for smaller housing developments by requiring shorter timescales and less onerous requirements depending on scale. The Council acknowledges that applications at the higher end of the local development tier (for example 40 – 49 homes) can be significantly more complex to determine compared to applications at the bottom end of the scale. Therefore, it does appear that there are reasonable grounds for investigating potential changes to the development hierarchy to sub-divide the current local development category.

However, it is considered that the amendments should focus on procedure and process only, and that there should be no relaxation of planning requirements for development, including smaller developers or sites (in addition to those already set out in NPF4). Development should be subject to thorough scrutiny to ensure a proportionate consideration of all proposals and a high build quality. In general, it is considered that adding additional categories to the hierarchy could cause confusion for members of the public and decision makers and potentially result in some non-householder development being subject to lower standards than is currently the case.

#### **Question 4a**

How many categories should be defined by the development hierarchy, and what size of development should these cover? For example, four categories, that define major, medium, small and very small developments.

As noted under Q4, the creation of an additional category or categories could help to streamline the planning process; however, how many categories might be defined and what size of development they would cover would require very careful consideration to ensure that they accurately and fairly reflected different scales of development and produced reasonable thresholds commensurate to the scale and complexity of each proposal.

#### **Question 4b**

What are your views on, and do you have any evidence relevant to whether creating more categories in the development hierarchy might have an overall effect of speeding up or slowing down build-out of housing?

Further categories may speed up completions as a result of there being fewer requirements and potentially shorter determination timeframes. However, for the reasons set out in relation to Question 4 above, any relaxation of requirements based on developer type could have a range of unintended consequences in terms of quality, the Climate and Nature Crises and other factors.

#### **Question 4c**

What are your views on whether we should review and rationalise policy requirements for smaller housing sites, or introduce a new rules based policy for smaller housing sites?

The Council considers that such an approach should not be pursued, in the interests of maintaining high development quality, ensuring parity/fairness with larger developments and sufficient scrutiny of proposals. As noted in the paper, the impact of 'efforts to relax requirements (in England) has yet to be seen in practice'. It would potentially be risky to take a similar approach e.g. to biodiversity in Scotland without empirical evidence of how it might affect development quality.

#### **Question 4d**

Do you think that further advice on planning application information requirements would support faster delivery of housing on smaller sites?

- Yes
- No
- Unsure

Please explain your answer.

It is evident that further information to aid smaller-scale development and developers in making proposals would be beneficial. How the information is presented, in which format, how accessible and legible it was, would be of as much importance as actually providing the information.

**Question 4e**

Do you think there are any further options that creating more categories in the development hierarchy might open up, further to those outlined in option 3?

- Yes  
 No  
 Unsure

Please explain your answer.

No, for the reasons set out above.

**Question 4f**

Do you think that this measure would have any particular benefits for SME housebuilders?

- Yes  
 No  
 Unsure

Please explain your answer.

Any benefits are unclear without further evidence of implementation elsewhere. It should be noted that some SME builders develop major developments (50+) and some volume housebuilders develop small-scale sites. As such, the relationship between SMEs and development scale is not always automatic; this should be given thought as part of any policy considerations.

**Question 5**

Do you think that encouraging more diverse housing outputs across the pipeline of deliverable housing land would increase the pace of build-out?

- Yes
- No
- Unsure

Please explain your answer.

For large developments, legislation or guidance to require a wider variety of types and tenures could have considerable benefits. The Letwin Report's conclusion was that a wider variety would accelerate build-out rates because the current approach whereby a more homogenous product is delivered limits the rate at which the market can absorb those dwellings, i.e. they do not meet the desires and financial capacities of different types of purchaser. Therefore, evidence does exist to suggest that more diverse housing outputs across the pipeline of deliverable housing land could increase the pace of build-out. Notwithstanding, careful consideration would have to be given to how best to implement such requirements so as to avoid any unforeseen disadvantages (see Q5a and Q5b).

**Question 5a**

Should we use legislation to require a diversity of housing types and tenures on sites above a certain threshold?

- Yes
- No
- Unsure

Please explain your answer.

Any intervention would require firm market evidence of need and demand to ensure that the approach is robust and results in the building of new homes that meet people's housing needs and reduces challenge from the development industry of any requirements. Whilst national legislation or policy would have much greater power in enacting transformational change to increase the diversity of new homes built in Scotland, there is the potential that nationally applied legislation would be either ambiguous or insufficiently flexible to account for local circumstances. The right type of alternative mix will depend upon the nature of the site, its location, market demand, affordable housing demand and a range of other factors. It may be useful for legislation to be put in place for planning authorities to apply such requirements as part of the Local Development Plan subject to analysis as part of the site appraisal process, e.g. a requirement for a certain proportion of major developments to be set aside for self-build plots, single storey dwellings, flats, smaller homes, etc. However, it is considered for this to be successful it will require a delicate balance of strong direction at a national level with an understanding of local circumstances and what types of intervention would work well where. The development industry is only likely to buy into in any new approach if it is co-ordinated, logical and results in the delivery of homes that meet the needs of the people living or seeking to live in the market area.

**Question 5b**

Do you think that this measure would have any particular benefits for SME housebuilders?

- Yes
- No
- Unsure

Please explain your answer.

More diverse outputs could increase overall completion rates in that smaller scale developers may be less inclined to focus on market absorption rates through the control of supply and unit type under the current major developer-driven housing market as alluded to in the paper. A larger number of smaller-scale builders would potentially have greater market information at a local level to understand local need and demand and would be less reliant on delivering shareholder returns, etc. They may also be more inclined to deliver unique/bespoke homes of a higher standard and greater variety than those provided by the larger housebuilders. However, SME housebuilders represent only a minority of completions in East Dunbartonshire and there is therefore insufficient information or feedback at a local level to comprehensively answer the question.

**Question 5c**

Please provide any evidence of how increasing diversity would influence build-out rates.

Please explain your answer.

Any benefits are unclear without further evidence of implementation elsewhere. However, the potential for these requirements to be added to affordable housing proportions, developer contributions and other types of requirements could inadvertently add an additional constraint which would contradict the need to address the housing emergency and speed up delivery.

### **Question 6**

Do you have any other suggestions for measures which could use levers available, or which could be put in place through the planning system, to deliver more homes at pace?

The establishment of Homes England has helped to deliver homes early, arrive at solutions with regard to stalled sites and offered brokerage schemes, etc. It is considered that the proposed 'More Homes Scotland' agency should incorporate the more effective elements of Homes England's model to address the housing emergency.

### **Question 6a**

Please provide any evidence of how these potential measures would influence build-out rates.

No comment.