

APPENDIX 1 – Proposed Consultation Response

Question 1: *Do you consider that the Government could take steps to increase use of the Development Management Scheme option, when appropriate?*

The Development Management Scheme option is not widely used within Aberdeen. If it is considered a successful and sustainable option elsewhere, then increasing its use could be desirable.

Question 2: *Do you consider more could be done to advise prospective home-owners of potential obligations in relation to the maintenance of open space?*

Yes. Whichever arrangement adopted for maintaining open space will incur costs to home-owners at some stage, whether as part of the home purchase cost or as part of specific payments thereafter. Therefore, ensuring clarity and understanding of likely costs from the outset is important.

Question 3: *Do you consider more could be done to provide information to home-owners, after they have purchased the house, on the maintenance of open space?*

Yes. Aberdeen City Council reviewed maintenance arrangements as part of the preparation of new Open Space Supplementary Planning Guidance. It was apparent from consultation undertaken during that review that one of the disadvantages of the communal ownership or land maintenance company ownership options was that home-owners in some cases objected to paying for maintenance as they believed this was covered by Council Tax.

Question 4: *Do you consider the suggested period of two years before residents could dismiss and replace the land maintenance provider is reasonable?*

Yes. Two years would appear to be a reasonable and fair period of time for all parties.

Question 5: *Do you support amending the 2003 Act to lay down that title deeds cannot place an obligation to pay a named body for land maintenance, except by way of a new burden (a “maintenance burden”) which would have to include provision on how home-owners could dismiss and replace the named body?*

Yes. This would provide greater clarity and a more robust mechanism for changing the named body responsible for maintenance.

Question 6: *Do you support the idea of enhancing consumer choice on a voluntary basis?*

Yes, provided that any consumer choice model or policy is prepared in consultation with representatives of all parties.

Question 7: *Do you consider that amendments should be made to the 2003 Act so that two thirds of those paying land maintenance bills on private estates should be able to dismiss and replace land maintenance companies?*

Yes. A two thirds majority, for the reasons outlined in 3.09 of the consultation document seems appropriate.

Question 8: *If amendments to legislation are made to make it easier for residents to dismiss and replace land maintenance companies, do you consider provision should also be made in relation to land maintenance companies transferring ownership of the land? If so, what provision should be made?*

Although Aberdeen City Council would not normally be involved in any such transfer once maintenance responsibility has already been assigned to a land maintenance company (LMC), it would seem fair for LMCs to have the ability to transfer ownership. Any such provisions would need to include a mechanism for homeowners to select an appropriate replacement. Provisions would require to be developed in consultation with representatives of all parties and would need to include reference to responsibility for legal and other costs associated with transfer.

Question 9: *Are there any other points you would like to make, including any comments on the Impact Assessments?*

Aberdeen City Council has no further comments to make.