**Response 021**

**Questions**

**Q1. Do you agree that Highlands and Islands Enterprise Community Land Unit is the appropriate body to provide advice to the KLTR on potentially suitable community groups? If not, who would you suggest and why?**

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**Q2. Do you agree that a valuation and other reports undertaken by the KLTR are sufficiently independent to avoid duplication of cost for all involved in the OPTS? If not, why not?**

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**Q3. Do you think three months for the local authority to decide whether or not it wishes to take ownership of an ownerless property is reasonable? If not, how long would you suggest and why?**

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**Q4. Do you agree that the above process is reasonable and workable? If not, how would you improve the process?**

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**Q5. Do you agree that the property transfer value for OPTS should be at “nominal value” as described above? If not, what value do you think should apply and why?**

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**Q6. Do you think the KLTR should place conditions on the transfer of OPTS property to ensure the intended benefits to local communities are delivered?**

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**Q7.**  **Do you think a recognised public authority should retain a property to allow an appropriately constituted community body to raise the necessary funds, etc.? If so, should a timescale be set for raising the funds?**

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**Q8. Do you think the OPTS should apply to all properties as described or should it be restricted to certain types of properties? If the latter, which types?**

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**Q9. Do you agree that the above proposals provide an opportunity for ensuring community interests are considered as early as possible? If not, why not?**

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**Q10. Do you agree that the above criteria should apply to the OPTS? If not, what criteria do you think should or should not apply and why?**

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**Q11. Do you agree that the OPTS should ensure the wider public interest is considered before private interest? If not, why not?**

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**Q12. Do you think the public interest is defined reasonably for the purposes of the OPTS? If not, how should it be defined?**

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**Q13: Do you agree that the KLTR should take a high-level approach to sustainable development issues, as above, in order to allow further scrutiny and transparency at local level? If not, why not?**

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**Q14:** **Do you consider there are specific circumstances in which the KLTR should never deal with dissolved company property when a company still remains within its 6-year restoration window?**

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**Q15. In addition to the above, do think any other financial controls or safeguards are required? If so, please describe how and why.**

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**Q16. Do you think the KLTR’s approach to liability and risk is acceptable? If not, how could this be improved?**

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**Q17. Are there any other ways you think the OPTS may be monitored? If so, in what way?**

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**Q18. Do you agree that penalties for non-delivery of aspirations are unnecessary, as above, and that local accountability should be sufficient to ensure delivery of agreed aspirations?**

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**Q19. Which of the further measures above do you think should be applied to the OPTS?**

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**Q20. Do you think properties within the 6-year restoration window should be excluded from OPTS or do you agree that a criteria-based policy approach, as described above, is the best way of addressing this?**

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**Q21. Are there any other measures you think should be taken to safeguard those involved in the OPTS process?**

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**Q22. Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on island communities
in a way that is different from the impact on mainland areas?**

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**Q23. Are you aware of any examples of particular current or future impacts, positive or negative, on young people, (children, pupils, and young adults up to the age of 26) of any aspect of the proposals in this consultation?**

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**Q24. Are you aware of any examples of how the proposals in this consultation may impact, either positively or negatively, on those with protected characteristics (age, disability, gender reassignment, marriage
and civil partnership, pregnancy and maternity, race, religion or belief,
sex and sexual orientation)?**

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**Q25. Are you aware of any examples of potential impacts, either positive or negative, that you consider any of the proposals in this consultation may have on the environment?**

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| The Scottish Rights of Way and Access Society (ScotWays) has as its Objects “*the preservation, defence, restoration and acquisition, for the public benefit, of public rights of access in Scotland including public rights of way, and related amenity”.* We provide information about public access law, and work with access authorities and land owners/managers as well as the general public.   ScotWays commends the OPTS proposal for its idealistic intentions, acting in the public interest, and creating real opportunities to local communities. Landowners have a duty under the Land Reform (Scotland) Act to responsibly manage their land as respects public access rights. Similarly, public rights of way need to be respected by the owner of the underlying land. Bringing ownerless land back into responsible ownership thus potentially greatly benefits public access rights, both for existing residents and those visiting an area, and is a clear good for the affected local community.  |

**Q26. Are you aware of any examples of how the proposals in this consultation might impact, positively or negatively, on groups or areas at socioeconomic disadvantage (such as income, low wealth or area deprivation)?**

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**Q27. Are you aware of any potentially unacceptable costs and burdens that you think may arise as a result of the proposals within this consultation?**

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**Q28. Are you aware of any impacts, positive or negative, of the proposals in this consultation on data protection or privacy?**

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Please email to the KLTR Policy Team’s mailbox at **Policy@KLTR.gov.uk****.**
You can save and return your responses while the consultation is still open but please ensure that consultation responses are submitted before the closing date.

If you are unable to respond by e-mail, please print and complete the Respondent Information Form and send it by post to:

**OPTS Consultation**

**KLTR Policy Team**

**Scottish Government Building**

**Area 1F North**

**Victoria Quay**

**Edinburgh**

**EH6 6QQ**