**Respondent Information Form and Consultation questions**

**Please note:** a copy of this form is available on the KLTR’s website at [www.kltr.gov.uk](http://www.kltr.gov.uk/) and responses to the consultation **must** be submitted using this form to be considered no later than **Friday 16 December 2022.**

Are you responding as an individual or an organisation?

Individual

 **Organisation**

Full name or organisation’s name

07729 049809

Cairngorms National Park Authority

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The KLTR would like your

**Information for organisations:**

The option 'Publish response only (without name)’ is available for individual respondents only. 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If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

permission to publish your consultation response. Please indicate your publishing preference:

 **Publish response with name** Publish response only (without name) Do not publish response

We will share your response internally with other teams within the department who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for KLTR to contact you again in relation to this consultation exercise?

 **Yes**

No

**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?**

Yes, Highlands and Islands Enterprise have a lot of relevant experience in this field and are very well suited to this work. We understand that Scottish Government agreement is required for them to take on this role which would extend outwith their normal operational area.

**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?**

Yes this is a pragmatic solution.

**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?**

Yes this is a sufficiently a long period.

National Park Authorities, as non-departmental public bodies, may also be willing, on occasions, to take on land in the public interest. They too should be consulted as part of Stage 1 of the process.

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

Yes the process is generally reasonable and workable. The proposed OPTS is a considerable improvement on current practice and has the capacity to assist communities and public bodies by ensuring that areas of land come into the ownership of an appropriate body, with minimal bureaucracy, who can then make best use of the land in the public interest.

The proposals will, if implemented as envisaged, assist in delivering the Cairngorms National Park Partnership Plan which sets out policies to encourage community ownership of land and assets.

To ensure success it would be helpful to have:

* A clear Statement of Purpose for the Scheme (along the lines of the bold text in section 3 of the consultation paper) so that the Scheme can be evaluated and reviewed in years to come.
* Clarity about whether OPTS is a Scheme operated solely by KLTR and which requires voluntary cooperation by other public bodies to make it work or a partnership approach with relevant public bodies (in which case is a further agreement required?).
* Guidance for public bodies that are helping to make the OPTS Scheme work to make sure all the various points are considered and that due diligence is undertaken.
* More clarity about what happens if relevant public bodies do not agree about a particular area of land or do not engage with the process. And what happens if there is more than one community body interested in the land? And what happens if, after say three years, the land has not been passed by a public body to a relevant community body.
* More clarity about what is meant by “Stage 2 will apply if there is a community proposal in view…..” . How are community bodies expected to know about the land in question if they have notified KLTR of it? What is the role of KLTR and relevant public bodies in this? What if more than one community body is interested?
* A flowchart and specially designed application forms at each stage in the process would be helpful to make clear what information is to be supplied, by whom, and who support in principle is required from at each stage

National Park Authorities, as non-departmental public bodies, may also be willing, on occasions, to take on land in the public interest and/or pass it on to community bodies. It would be helpful if they too could be factored into the process at both Stage 1 and Stage 2 so that they have the opportunity to consider the merits on a case-by-case basis and in discussion with the relevant local authority.

**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?**

Yes**.**

**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?**

On occasions yes, this may be appropriate. But please take care not to cause any unnecessary burdens on public bodies and community bodies taking on such land or any conditions that may make accessing finding more challenging.

**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?**

Yes, National Park Authorities may be willing to take on this role on a case-by- case basis and the land may, for example, help deliver the work they are delivering on the management of recreation and outdoor access, on delivery of affordable housing, providing greenspace for community use and the development of a wellbeing economy. The opportunity to consider that approach should be written into the procedures at Stage 1 and Stage 2 so that each National Park Authority can take a view of any opportunity, as it emerges, in discussion with other relevant local bodies (e.g. the local authority).

We note that eight months is the fundraising period for community bodies under Part 2 of the Land Reform (Scotland) Act 2003 and a period at least that long would be advisable – we suggest 18 months.

The Guidance associated with the Scheme should make clear what the status of “holding agent “ is in terms of ownership, liabilities, etc and also clarify happens to the land if the community body is not able to raise sufficient funds in the specified time period.

**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?**

Yes, all properties as described.

**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?**

Yes - early consideration of community interests is important.

Further thought has to be given to how to publicise the Scheme and alert the relevant community bodies about the opportunities presented by ownerless land, where to get advice, etc.

The Guidance on the Scheme should encourage people to discuss their proposals with the relevant National Park Authority where relevant.

**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?**

These criteria here are generally helpful but:

* It is not clear why “private individual(s)” are listed as example of who the owner is as that is very unlikely to be suitable.
* A flowchart and specially designed application forms at each stage in the process would be helpful to make clear what information is to be supplied, by whom, and who support in principle is required from at each stage

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

Yes, wider consideration of wider public interest before private interest is appropriate.

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

Yes, broadly and for the purposes of the OPTS as far as KLTR is involved.

But it is notablethat the Scheme proposals rely on public bodies or local authorities coming to a view on the public interest. This raises questions of where the OPTS Scheme starts and stops, as described above. This requires to be clarified if the Scheme is to work well.

**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?**

Yes, this is appropriate. National Park Authorities may be able to provide advice and assistance to other public bodies in this regards with reference to their approved National Park Partnership Plans.

**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?**

We cannot envisage such circumstances.

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

It may be appropriate to require annual returns for a period of say 10 years following which, if all else is satisfactory, no further returns are required.

**Q16. Do you think the KLTR’s approach to liability and risk is acceptable? If**

**not, how could this be improved?**

Yes, appropriate.

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

A commitment to put in place a review period of perhaps five years, and to publish the findings, would be helpful, along with clarity of which public bodies and third sector bodies would be involved in any review.

**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?**

Yes, reliance on local accountability and other mechanisms seems appropriate if the issues identified above can be resolved.

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

It would seem prudent in the circumstances to limit the scheme to individual properties with a market value of £0.5 million or less.

**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?**

The criteria based approach seems appropriate as set out above.

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

No.

**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?**

No comment.

**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?**

No, but it seems very likely that land and assets will become more available to community bodies working in the public interest and young people will benefit as a result of the OPTS proposals.

**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)?**

No.

**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?**

The proposals have the potential to bring areas of land into community ownership and, in time, this is likely to be of environmental benefit to local communities and to Scotland.

**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)?**

The proposals have the potential to bring areas of land into community ownership and this is likely to be of benefit to areas of social and economic deprivation. The proposals will contribute to the delivery of Wellbeing Economy as set out in the National Strategy for Economic Transformation.

**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?**

No.

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

No.

Please email to the KLTR Policy Team’s mailbox at [**Policy@KLTR.gov.uk**](mailto: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**