**Response 016**

**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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| Yes. Seems very sensible. There will also be links between HIE and Scottish Land Fund and any ownerless property community-led cases. HIE liaising with local authorities and relevant public bodies could also help. HES would be happy to provide advice and signposting on community reuse of historic assets should it be needed.  |

**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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| Yes. Sufficiently independent and avoids needless duplication of cost. If any party isn’t satisfied with valuation and other reports provided by KLTR, they could procure their own.   |

**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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| No, three months feels too short and an unrealistic timescale to prepare papers, briefings, etc. and reach a corporate decision. Suggest a minimum of 6 months would be necessary for the local authority or public body to examine and make the case for ownership and gain approvals. In some cases, this could take longer.  It would be helpful to clarify whether the same timescales would be applied to local authorities and public bodies.  |

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

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| Yes, other than the above timescale, the process seems reasonable and workable.   |

**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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| Yes.   This seems like an effective approach and welcome that KLTR’s administrative fees aren’t included in the calculation.   In the context of listed buildings, historic environment policy supports marketing at a price reflecting the current condition and value of the building, not a ‘hope value’ of what could be realised in the future following investment or demolition of a listed building.  |

**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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| Yes. There should be provision for this, but it may not always be necessary. Attaching conditions could help support priorities for community wealth building and the new focus of this scheme, by driving objectives.  However, conditions may create more legal work and lengthen the time to reach agreement, so this provision should be used where necessary and not be counter-productive to achieving community benefit.   |

**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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| In principle, yes. However, this will depend on whether the public body is able to acquire property under this scheme. If so, it may be best for that public body to set its own timescales for the community body to raise funds, and to work to support the community body. Timescales for project development and securing funding for capital works can vary significantly and the public body would need to consider the implications and risks of holding the property and, in the case of a complex restoration case, possibly for years.  Currently, Historic Environment Scotland’s delegated powers would not allow us to acquire or hold property under this scheme.  |

**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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| Yes, all types. A general application process would be preferable, providing a consistent approach.  |

**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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| Yes. It’s encouraging to see that the proposals reflect the aspirations of the Scottish Land Commission protocol on engaging communities in decisions about land.    |

**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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| Yes. |

**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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| Yes. |

**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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| Yes. |

**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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| Yes. |

**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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| No. The KLTR can assess risk and draw on previous experience.  |

**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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| No. |

**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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| Yes. |

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

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| A short annual report produced by KLTR on activity would be helpful for monitoring purposes and would mirror reporting requirements such as those in place for community asset transfer.  |

**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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| Yes. |

**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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| Suggest criteria-based approach.   |

**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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| Yes. In general terms, we would envisage the scheme could have positive impacts for the historic environment where ownerless property with cultural significance is retained, repurposed and given a sustainable future. |

**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:

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