**Response 007**

**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. There are other organisations who may be able to input to this as well (perhaps the Community Ownership Support Service of DTAS or Community Land Scotland), but as a focal point Highlands and Islands Enterprise Community Land Unit makes sense. |

**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. |

**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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| This seems about right. If it was to be amended, it should be lengthened rather than shortened. |

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

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| Whilst I agree that the local authority would often be the most or indeed only viable front to act post-trawl to take ownership for a public interest or community use or for offering to a suitably constituted group, national park authorities may offer an alternative vehicle (in the geographic areas where they operate).That notwithstanding (and that is a minor point), 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, nominal value seems appropriate and consonant with other occasions where a transfer at less than market value might happen. |

**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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| Provided the conditions did not go beyond that which has been suggested in the consultation, this would seem unobjectionable. It may be worth considering what any funders of any associated scheme would deem appropriate though: granted, the transfer may be at a nominal value, but if funding is necessary to allow the community to actually unlock the benefits of the asset it would be a shame to hamstring them with conditions that spook funders.  |

**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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| I offer no view on the appropriateness of public authorities acting as a bridge in terms of their capacity and capability to do that – that is more a question for those more directly involved with those agencies. What I might observe though is that eight months is the fundraising period for community bodies under Part 2 of the Land Reform (Scotland) Act 2003 and I would suggest that should be a floor for any time period (and it may be that a longer period is appropriate). |

**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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| I see no reason to exclude properties by type. I understand the issue with regard to units within a tenement, but I suspect the application of the OPTS to such abandoned units could still be of benefit to the owners of other units.  |

**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. |

**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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| There are definitional difficulties (and it is not defined in legislation which heavily relies on it) so I may be inclined to leave it undefined, for now at least. |

**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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| Generally yes, as per the answer to 12 above. |

**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 specific circumstances spring to mind, so accordingly I would suggest retaining the cautious but not curtailed approach during the window. |

**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 comment. |

**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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| No comment. |

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

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| No comment. |

**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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| No comment. |

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

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| No comment. |

**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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| A blanket exclusion would bring the benefit of clarity, but I am not sure that this would be the best approach in all circumstances. As such, some kind of criteria-based system may indeed be best. |

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

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| No comment. |

**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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| 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?**

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| No comment. |

**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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| No comment. |

**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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| Depending on how widely you construe the environment, bringing an unused asset back into use could have core or tangential benefits to the environment. Discussions around the introduction of the Part 3A right to buy in relation to abandoned, neglected or environmentally mismanaged land may be instructive in this regard. |

**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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| No comment, save to opine that areas towards the lower end of SIMD indicators may not be in a position to travel to enjoy amenities etc. and as such improving what is on offer locally to them would it seems intuitively benefit them. |

**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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| No. |

**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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| No comment. |

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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