**Response 005**

**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** |

**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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| **Yes, where the property was brought to KLTRs attention by a local authority as they will be aware of the property ahead of the three month period commencing. If it is brought to KLTRs attention by any other body, longer may be required.**  |

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

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| **One option that may help to ensure that all Stage 1 parties can give full consideration to taking ownership would be a requirement for the party that brings the property to KLTRs attention to be required to give notice of the reference to other relevant Stage 1 organisations at the time that the referral is made.** |

**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** |

**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** |

**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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| **Yes. A timescale would be helpful, but should perhaps be linked to the amount of funding needed, so that where substantial funds are required there is a longer retained 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?**

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| **Yes – it should apply to all property types covered in this section.** |

**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. Additionally it may also be beneficial to have an open searchable database listing all notifications KLTR have received in order to ensure that the wider community are aware of interest expressed in properties at the earliest opportunity.** |

**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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| **The criteria is broadly fine. It is assumed that the notifier information and OPTS criteria and notifier information will be submitted at the same time. With the notifier information, it would be helpful to include what information will be required where the property was owned by an individual rather than a business. For example, where an individual owner has been missing for seven years, will presumption of death certificate be required, or will it be sufficient to prove that the person has been missing for that length of time, and that there are no surviving relatives entitled to the property?**  |

**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 longer that properties are empty for, the more likely it is that their condition will deteriorate, making them more of a blight on the community and harder and more expensive to subsequently return to use. Therefore there should not be a limitation on when KLTR can deal with dissolved company property.** |

**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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| **Yes** |

**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 clear understanding of what success would look like is required in order to ensure effective monitoring against established criteria. This may, for example, include timeframes for OPTS properties to be returned to use, as well as quality, cost and the extent to which aspirations are delivered in the completed project.** |

**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. It is important that public bodies or local authorities see each case through to conclusion and that they deliver benefits for the community. Electoral cycles and budget constraints can lead to project drift and project closure as funding and political priorities change. Penalties for non-delivery of aspirations can be a safeguard against this risk and help to prevent vanity projects that go uncompleted.** **At the same time, it is important that any penalties are transparent and appropriate so that the relevant party is aware from the outset of what penalties they may face in the event of non-delivery, and that these are applied on a case by case basis with consideration of reasons for non-delivery a factor in application or size of penalty.**  |

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

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| **None. With the first of the suggested measures ‘Limiting the scheme to individual properties with a market value of £0.5 million or less’ while there may be benefit in senior management consideration before such properties are accepted onto the scheme, there should not be a restriction on their inclusion where it can be demonstrated to be in the public interest. Offering such properties for transfer at market value, as suggested as an option in the consultation, may mean that community interests are ignored and lead to outcomes where commercial interests that are at odds with community wishes are able to proceed.** |

**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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| **They should not be excluded from OPTS** |

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

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| **The measures to safeguard the OPTS process are sufficient for ownerless properties that were formerly owned by companies. However, we know that there are large numbers of properties across Scotland that are empty following the death of last known owners, or where current owners cannot be traced. Measures that would make it easier for these type of properties to be submitted to KLTR an included in OPTS would be very welcome. This could be similar to the liability and risk model proposed in relation to properties where the company is still within its 6-year restoration** **deadline under the Companies Act.** |

**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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| **We are advised by colleagues on island communities that so many properties nowadays are having their owners placed in care homes and when they pass away their estate has had 90% removed for care charges and the family members are refusing to inherit the estate due to the legal costs and so little money left in the estates for them and possible de-valuation due to the length of time the property has remained empty.****This has left multiple properties that are left without a registered owner. The estates and care charges can’t be settled which leaves councils throughout Scotland looking for those funds and means the blight of empty properties remains and increases in these communities.** **We are also aware of island properties that have been left without a registered owner for more than one generation. In these cases, attempts to identify whether there is a next of kin who may have title to a property under intestacy law, and then to locate them and invite them to take title if there appears to be such a person, can all take considerable periods of time and ultimately result in the same outcomes – either no one can be found, there is no heir to the property, or they refuse to take action to take title to the property and return it to use.** **A process that may allow for these properties to be brought within the scope of OPTS would offer considerable benefit to island communities, although we recognise that this would also require wider legislative changes to effectively reclassify properties as ownerless where heirs or beneficiaries refuse to take title to inherited properties.**  |

**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** |

**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** |

**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. The proposals will make it easier to return ownerless properties to use. Where the properties are returned to use as housing for local communities, it will remove the environmental blight that empty properties can often cause. It will also increase housing stock, and as such can work to reduce the number of new build homes required to meet housing need. Several studies have noted the environmental benefits of returning old buildings to use compared to building new.****Examples of this include “although new homes are more energy efficient once built, 50 tonnes of carbon emissions are generated in their construction, compared to 15 tonnes for the refurbishment of an existing property. In most of the houses studied, it took more than 50 years for this difference to be compensated for by the lower carbon emissions generated from the day-to-day energy use.” *The Empty Homes Agency - New Tricks with Old Bricks*** **‘Refurbishment improves the energy efficiency of existing buildings by adding insulation or replacing old systems with more energy-efficient ones. These additions can extend the lifespan of the building and help avoid the embodied carbon needed to replace an old building with a new one.’ *The University College London Refurbishment & Demolition of Housing Embodied Carbon: Factsheet*** **‘Energy efficiency measures and other building retrofit works are among the most cost-efficient ways to reduce emissions, with many co-benefits including improved living standards, healthier and more resilient communities, and the delivery of new, skilled green jobs in every part of the country.** **Focussing on buildings will therefore help the UK deliver on its climate targets, support a green and inclusive recovery, and generate innovative green finance opportunities.’ *Green Finance Institute – Financing energy efficient buildings: the path to retrofit at scale*** |

**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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| **Yes. Bringing empty properties back to use can have many positive impacts on communities. Where properties returned to use under these proposals are in areas experiencing socioeconomic disadvantages, there will be a positive effect.** **Examples of this may include economic effects. The Scottish-Government Input-Output framework found that Every £1 spent on renovating property in Scotland generates £1.60 for the economy (including the initial £1). Office of National Statistics figures on average weekly spend and % of spend that stays in the local economy, show that empty home brought back to use can bring more than £8,000 a year into the local economy. This can then also support local businesses, leading to further expenditure in, and benefits for, communities.****Additionally, living near to empty properties can have negative impacts of physical and mental wellbeing, due to environmental problems and stress associated with them and anti-social behaviour in empty buildings. This comes alongside feelings of negativity and poor sense of place in these areas. Bringing properties back to use can help to tackle immediate health issues and create a more positive sense of place amongst community members.**  |

**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** |

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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