

Annex C – How to respond

1. We would like to hear your views on our vision for a Land Rights and Responsibilities Policy and the proposals we have set out for a Land Reform Bill. This paper covers a wide range of complex issues and we appreciate there is a lot to consider.

1. The proposed Land Rights and Responsibilities Policy and the suggested proposals for a Land Reform Bill are a package of measures. By balancing action in all these areas we can provide a basis for future land reform. However, we appreciate some people will have a particular interest in certain areas. We would encourage you to respond to any or all of those parts where you feel you have a contribution to make. We would also encourage you to set out your long term aspirations by responding to question 3.

2. We also welcome your views on the potential impacts of these proposals. Throughout the development process we have been considering the potential impacts the Bill may have. We believe a range and balance of measures will promote positive social, economic and environmental impacts.

3. We will carry out a full Equality Impact Assessment and Business, Regulatory Impact Assessment and Privacy Impact Assessment on the Land Rights Policy and on the proposals to be contained in a draft Bill. We will also consider the potential environmental impacts of any proposals and if a Strategic Environmental Assessment will be required.

4. We welcome your thoughts on the potential impacts, both positive and potentially negative, of any of the ideas in this paper and questions have been included at the end of the consultation paper for this purpose.

5. The consultation runs until 10 February 2015. A 10 week consultation will allow us to ensure your views are taken into account in order to introduce a Land Reform Bill in the next Parliamentary year.

6. There are a number of ways that you can respond:-

You can respond online on the [Scottish Government website](#).

You can respond by email by sending your response to LandReform@scotland.gsi.gov.uk

You can also respond in writing, by sending your responses to the address below. Please do not forget to include your Respondent Information Form, your response cannot be accepted without it. The Respondent Information Form is set out below.

Land Reform Team
B1 Spur,
Saughton House
Edinburgh
EH11 3XD

We would be grateful if you would use the consultation questionnaire provided or would clearly indicate in your response which questions or parts of the consultation paper you are responding to, as this will aid our analysis of the responses received.

Other formats of this consultation can be made available on request, please contact the Land Reform Team.

A Consultation on the Future of Land Reform in Scotland



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode	Phone	Email

3. Permissions - I am responding as...

Individual <input type="checkbox"/>	/	Group/Organisation <input type="checkbox"/>
<i>Please tick as appropriate</i>		

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams 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 Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

CONSULTATION QUESTIONS

Draft Land Rights and Responsibilities Policy

Q 1. Do you agree that the Scottish Government should have a stated land rights and responsibilities policy?

Yes No

Q 2. Do you have any comments on the draft land rights and responsibilities policy?

Comments

Aspirations for the Future

Q. 3. Considering your long term aspirations for land reform in Scotland, what are the top three actions that you think the Scottish Government should take?

Action 1:

Action 2:

Action 3:

Proposals for inclusion in a Land Reform Bill

Proposal 1 - A Scottish Land Reform Commission

Q. 4. Do you agree that a Scottish Land Reform Commission would help ensure Scotland continues to make progress on land reform and has the ability to respond to emergent issues?

Yes No

Q. 5. What do you think the advantages or disadvantages of having a Scottish Land Reform Commission would be?

Comments

Q. 6. Do you have any thoughts on the structure, type or remit of any Scottish Land Reform Commission?

Comments

Proposal 2 - Limiting the legal entities that can own land in Scotland

Q. 7. Do you agree that restricting the type of legal entities that can, in future, take ownership or a long lease over land in Scotland would help improve the transparency of land ownership in Scotland?

Yes No

Q. 8. Do you agree that in future land should only be owned (or a long lease taken over land) by individuals or by a legal entity formed in accordance with the law of a Member State of the EU?

Yes No

Q. 9. What do you think the advantages or disadvantages of such a restriction would be?

Comments

Q. 10. How should any restriction operate and be enforced, and what consequences might follow if the restriction is breached?

Comments

Proposal 3 - Information on land, its value and ownership

Q. 11. Do you agree that better co-ordination of information on land, its value and ownership would lead to better decision making for both the private and public sectors?

Yes No

Q. 12. Do you hold data you could share or is there any data you would wish to access?

Comments

Q. 13. What do you think the advantages or disadvantages of wider and more flexible sharing of land information would be and do you have any recommendations about how this can best be achieved?

Comments

Proposal 4 - Sustainable development test for land governance

Q. 14. Do you agree that there should be powers given to Scottish Ministers or another public body to direct private landowners to take action to overcome barriers to sustainable development in an area?

Yes No

Q. 15. What do you think the benefits would be and do you have any recommendations about how these can best be achieved?

Comments

Q. 16. Do you have any concerns or alternative ways to achieve the same aim?

Comments

Proposal 5 - A more proactive role for public sector land management

Q. 17. Do you agree that public sector bodies, such as Forestry Commission Scotland, should be able to engage in a wider range of management activities in order to promote more integrated range of social, economic and environmental outcomes?

Yes No

Q. 18. What do you think the benefits would be and do you have any recommendations about how this can best be achieved?

Comments

Q. 19. Do you have any concerns or alternative ways to achieve the same aim?

Comments

Proposal 6 - Duty of community engagement on land management decisions to be placed on charitable trustees

Q. 20. Do you think a trustee of a charity should be required to engage with the local community before taking a decision on the management, use or transfer of land under the charity's control?

Yes No

Q. 21. What do you think the advantages or disadvantages would be?

Comments

Q. 22. How should "community" be defined?

Comments

Q. 23. What remedies should be available should a trustee of a charity fail to engage appropriately with the local community?

Comments

Proposal 7 - Removal of the exemption from business rates for shooting and deerstalking

Q. 24. Should the current business rate exemptions for shootings and deer forests be ended?

Yes No

Q. 25. What do you think the advantages would be?

Comments

Q. 26. What do you think the disadvantages would be?

Comments

Proposal 8 - Common Good

Q. 27. Do you agree that the need for court approval for disposals or changes of use of common good property, where this currently exists, should be removed?

Comments

Q. 28. If removed, what should take the place of court approval?

Comments

Q. 29. Should there be a new legal definition of common good?

Yes No

Q. 30. What might any new legal definition of common good look like?

Comments

Q. 31. Do you have any other comments?

Comments

Proposal 9 - Agricultural Holdings

Q. 32. Do you agree that the Scottish Government should take forward some of the recommendations of the Agricultural Holdings Legislation Review Group within the Land Reform Bill?

Yes No

Q. 33. What do you think the advantages would be?

Comments

Q. 34. What do you think the disadvantages would be?

Comments

Proposal 10 – Wild Deer

Q. 35. Do you agree that further deer management regulation measures should be introduced to be available in the event that the present arrangements are assessed as not protecting the public interest?

Yes No

Q. 36. What do you think the advantages would be?

Comments

Q. 37. What do you think the disadvantages would be?

Comments

Proposal 11 - Public Access: clarifying core paths planning process

Q. 38. At present, section 18 of the Land Reform (Scotland) 2003 Act is silent on the issue of resolving objections to a core path plan consultation. Do you agree that access authorities should be required, in the interests of transparency, to conduct a further limited consultation about proposed changes arising from objections?

Yes No

Q. 39. Do you agree that section 20 of the 2003 Act should be clarified so that Ministerial direction is not required when an access authority initiates a core path plan review?

Yes No

Q. 40. Do you think that the process for a minor amendment to core path plan (as set out in section 20 of the 2003 Act) should be simplified to make it less onerous than that for a full review of a core path plan?

Yes No

Assessing impact

Equality Impact Assessment

Q. 41. Please tell us about any potential impacts, either positive or negative, you feel the draft Land Rights and Responsibilities Policy or any of the proposals for the Bill may have on particular groups of people, with reference to the “protected characteristics” listed above. Please be as specific as possible.

Comments

Q. 42. What differences might there be in the impact of the Bill on individuals and communities with different levels of advantage or deprivation? How can we make sure that all individuals and communities can access the benefits of these proposals?

Comments

Business and Regulatory Impact Assessment

Q. 43. Please tell us about any potential costs or savings that may occur as a result of the proposals for the Bill, and any increase or reduction in the burden of regulation for any sector. Please be as specific as possible.

Comments

Privacy Impact Assessment

Q. 44. Please tell us about any potential impacts upon the privacy of individuals that may arise as a result of any of the proposals contained in this consultation. Please be as specific as possible.

Comments

Strategic Environmental Assessment

Q. 45. Please tell us about any potential impacts, either positive or negative, you feel any of the proposals contained in this consultation may have on the environment. Please be as specific as possible.

Comments