

Response ID ANON-E2RX-U9QB-2

Submitted to **Land Rights and Responsibilities Statement: A Consultation**

Submitted on **2017-03-09 17:18:53**

About You

What is your name?

Name:

Jo Robertson

What is your email address?

Email:

jrobertson@befs.org.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Built Environment Forum Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

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?

Yes

Questions

1 Have we captured the range of policy areas to which you think the land rights and responsibilities statement should be relevant?

No

Comments::

BEFS (Built Environment Forum Scotland) welcomes the fact that the table at paragraph 21 identifies the National Planning Framework, and national strategy for the historic environment 'Our Place in Time' as among the relevant policy areas. The table should also make reference to the European Landscape Convention and associated Scottish Landscape Charter, which emphasises the 'need to guide change so that Scotland's landscapes continue to enrich our lives and benefit our economy', and a call for 'land owners and managers to continue to play their vital role in shaping Scotland's landscape, through long-term custodianship, management and investment'.

<http://www.coe.int/en/web/landscape/about-the-convention>

<http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/scotlands-landscape-charter/signing-landscape-charter/>

The statement should also refer to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which provides for the right for everyone to receive environmental information, and the right to participate in environmental decision-making.

<http://ec.europa.eu/environment/aarhus/>

2 Do you agree with the Scottish Government's proposed "human rights based approach" to the Land Rights and Responsibilities Statement?

Not Answered

Please give any further thoughts on the best way to ensure that the Statement is based on human rights or gives full consideration to human rights.:

3 Do you agree with the Vision of the Land Rights and Responsibilities Statement?

Not Answered

Comments::

The vision should seek to deliver not only economic, social and cultural, but also environmental rights.

4 Do you agree with Principle 1 of the Land Rights and Responsibilities Statement?

Not Answered

Comments:

BEFS would welcome further explanation of the status of the Statement, and how it is to be applied. For example the first principle refers to the framework of land rights, responsibilities and associated public policies contributing to a fairer society. It is not clear how, as a set of principles, the Statement will ensure that this happens. The relationship between the Statement and related policies needs to be made explicit.

5 Do you agree with Principle 2 of the Land Rights and Responsibilities Statement?

Not Answered

Comments:

6 Do you agree with Principle 3 of the Land Rights and Responsibilities Statement?

Not Answered

Comments::

Historic Environment Scotland is currently consulting on an interim policy on asset transfer, which could be referred to once the policy is finalised:

https://www.historicenvironment.scot/about-us/what-we-do/consultations/current-consultations/#asset-transfer-and-historic-environment-scotland_tab

The current consultation on the future of the land use planning system:

<https://consult.scotland.gov.uk/planning-architecture/a-consultation-on-the-future-of-planning/>

is proposing a package of reforms to increase community involvement in planning. The transfer of assets to local community groups does not come without risk. Community groups will require support (both in terms of skills and finance) in taking on 'assets' which can be challenging to work with.

7 Do you agree with Principle 4 of the Land Rights and Responsibilities Statement?

Not Answered

Comments::

The Strategy for Scotland's Historic Environment 'Our Place in Time' could be specifically referred to under the 'What we are doing' section. This links the care and protection (management) of Scotland's historic environment with the need to base this care in an understanding and appreciation, or valuing, of the asset. It identifies the land use planning system as one of the main mechanisms for balancing protection and change affecting Scotland's heritage.

Enforcement is a key factor in ensuring standards are met. Clarification is sought on what is meant by 'high standards of land ownership, management and use' in this context. Tools such as the Urgent Works Notice, Amenity Notice, Repairs Notice, Compulsory Acquisition, exist to support practitioners in managing and using buildings (further information at: <http://www.buildingsatrisk.org.uk/toolkit>), however it is widely recognised that lack of enforcement is an issue. Indeed the current consultation on the reform of the planning system:

<https://consult.scotland.gov.uk/planning-architecture/a-consultation-on-the-future-of-planning/>

is seeking views on whether enforcement powers should be strengthened.

8 Do you agree with Principle 5 of the Land Rights and Responsibilities Statement?

Not Answered

Comments::

9 Do you agree with Principle 6 of the Land Rights and Responsibilities Statement?

Not Answered

Comments::

10 We would like to hear real life stories about the relationship between Scotland's land and people. Please provide any case studies which you feel illustrate the vision or principles.

Comments::

11 Do you have any further comments?

Comments::

Impact Assessment

12 Please tell us about any potential impacts, either positive or negative, that you consider the proposals in this consultation may have.

Comments::

13 Please tell us about any potential costs and burdens that you think may arise as a result of the proposals within this consultation.

Comments::

14 Please tell us about any potential impacts, either positive or negative, that you consider that any of the proposals in this consultation may have on the environment.

Comments::

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

It appears as though the Statement is being applied retrospectively to activity that is already happening; hence seeking clarity on the status of the Statement. The consultation could provided information on context, but could perhaps have done more to explain how the Statement is to be applied.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: