

# **Guidance on Engaging Communities in Decisions Relating to Land**

**Consultation**

**March 2017**

## Contents

<b>Ministerial Foreword .....</b>	<b>3</b>
<b>Chapter 1: The role of the Guidance.....</b>	<b>4</b>
Context .....	4
Purpose .....	4
National Outcomes and related policy .....	4
Relationship with Part 5 of the Land Reform (Scotland) Act 2016 .....	5
<b>Chapter 2: Key Considerations .....</b>	<b>6</b>
Remit .....	6
Scope .....	7
Relationship with existing statutory requirements to consult.....	8
Relationship with the National Standards for Community Engagement.....	8
<b>Chapter 3: Draft Guidance .....</b>	<b>9</b>
<b>Chapter 4: Impact Assessment .....</b>	<b>18</b>
Equality .....	18
Business and regulation .....	18
Environmental.....	18
Privacy .....	18
<b>Chapter 5: Next Steps .....</b>	<b>19</b>
Analysis and publication .....	19
Review period.....	19
<b>Chapter 6: Responding to this Consultation .....</b>	<b>20</b>
Handling your response .....	20
Next steps in the process .....	21
Comments and complaints .....	21
Scottish Government consultation process.....	21
<b>Annex 1: Respondent Information Form.....</b>	<b>22</b>

## Ministerial Foreword

Land is one of Scotland's most fundamental and prized assets. Our land is linked to ideas of well-being, social justice, opportunity and identity, and is key to the success and development of Scotland's people and communities alike.

Decisions relating to land can help deliver social, economic and environmental opportunities, but such decisions can also impact on local community aspirations for sustainable development. Positive engagement between those with control over land and communities supports the Scottish Government's ambition for inclusive growth, which we define as the mutually supportive pillars of competitiveness and tackling inequality.

The idea of engagement is not new. Public bodies, including the Scottish Government and local authorities, already consult or engage the public about many decisions they make, and in certain circumstances the Scottish planning system requires developers to engage with communities in the vicinity of their proposed developments. Alongside this, I welcome the fact that, in many cases, land owners and land managers are engaging local people, and working with local communities for their mutual benefit. I want to see more of this collaboration. I believe that the practical Guidance, once finalised following this consultation, will be a success if it promotes fairness about decision-making relating to land, and helps to establish positive engagement as the norm.

The Scottish Government has worked with stakeholders across the private, community, third and public sectors to produce the draft Guidance. When published, it will be relevant to all types of land owner and land manager and we are now seeking further views on the content of this draft. Its success will require collective buy-in and promotion of the importance of effective engagement. Therefore, I invite all those who have a view on engaging communities in decisions about land to contribute to the further development of the Guidance by responding to this consultation.

I am passionate about land reform, and about promoting community engagement in decisions relating to land. Getting this Guidance right requires your input, and I hope that everyone with an interest will respond.



Roseanna Cunningham, MSP  
Cabinet Secretary for Environment, Climate Change and  
Land Reform

## Chapter 1: The role of the Guidance

### Context

1. Under Part 4 of the Land Reform (Scotland) Act 2016<sup>1</sup> (“the Act”), Scottish Ministers have a duty to issue “guidance about engaging communities in decisions relating to land which may affect communities” (“the Guidance”).
2. In recent years, there has been a positive change in the tone and emphasis of the debate around land reform. Land owners and land managers are benefiting from the considerable, and mutual, advantages of engaging local communities in decisions relating to land. Many land owners and land managers have supported their local communities by allowing the sale, lease or use of land for a range of purposes including housing, allotments, cycle paths, renewable energy generation, and buildings for community business or recreational spaces.
3. The Scottish Government welcomes all examples of successful community engagement. We wish to encourage further dialogue and engagement between land owners and managers, and those who are affected by the decisions taken on land management and use.

### Purpose

4. The purpose of the Guidance is to encourage land owners and land managers to develop co-operative and positive working relationships with local communities. The aim is to support good working practices that can lead to mutually beneficial solutions to land-related problems and better local outcomes for economic, environmental, social or cultural issues. The Guidance will not replace or duplicate statutory requirements for community consultation and engagement where these exist.

### National Outcomes and related policy

5. The Scottish Government’s Purpose is: “To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.”<sup>2</sup> This is supported by 16 National Outcomes that provide a high-level overarching policy framework for what the Scottish Government wants to achieve and the kind of Scotland we want to see.
6. The Guidance responds to 7 of the Scottish Government’s National Outcomes:
  - We live in a Scotland that is the most attractive place for doing business in Europe.
  - We have tackled the significant inequalities in Scottish society.

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<sup>1</sup> <http://www.legislation.gov.uk/asp/2016/18>

<sup>2</sup> For more information see: [An introduction to Scotland’s National Performance Framework \(NPF\)](#), The Scottish Government, Mar. 2016.

- We live in well-designed sustainable places where we are able to access the amenities and services we need.
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- We value and enjoy our built and natural environment and protect and enhance it for future generations.
- We reduce the local and global environmental impact of our consumption and production.
- Our public services are high quality, continually improving, efficient and responsive to local people's needs.

7. The Guidance relates to a range of land-related policies, such as the Land Use Strategy<sup>3</sup> and the Land Rights and Responsibilities Statement<sup>4</sup>, aimed at addressing land-related issues, promoting fairer, more sustainable land use and management, and increasing community involvement in important decisions relating to land.

### **Relationship with Part 5 of the Land Reform (Scotland) Act 2016**

8. Part 5 of the Land Reform (Scotland) Act 2016 ("Part 5") provides communities with a right to buy land to further sustainable development. Under the provisions, Scottish Ministers have the power to consent to the transfer of land to a community body, or a nominated third party, where certain conditions are met: including that the transfer is likely to deliver significant benefit to the community, and further sustainable development in relation to the land. Part 5 has not yet been commenced, meaning that these powers are not yet in force, however it is intended that they will become operational in 2018.

9. There is a link between the powers under Part 5 and the Guidance on engaging communities on decisions relating to land. Section 56(4) of the Act states: "In determining whether an application to buy land meets the sustainable development conditions [...] the Scottish Ministers may take into account the extent to which, in relation to the relevant community, regard has been had to guidance issued under Section 44." This means that if a land owner has not shown regard to the Guidance, Scottish Ministers could consider this as part of the evidence provided by a community body to support an application for the right to buy land to further sustainable development. This would be the case for any land owner.

10. Lack of regard to the Guidance would not, in and of itself, be sufficient grounds for Scottish Ministers to approve a transfer of land, nor would it be a necessary condition for such a transfer. The Guidance should not be regarded as an overriding factor in determining the success of an application under the right to buy for the purposes of sustainable development.

<sup>3</sup> <http://www.gov.scot/Resource/0049/00497086.pdf>

<sup>4</sup> At the time of publication of this consultation, the Land Rights and Responsibilities Statement had not yet been finalised. A separate consultation on the Statement closed on 10 March 2017, and can be viewed here: <http://www.gov.scot/Resource/0051/00511857.pdf>

## Chapter 2: Key Considerations

### Remit

11. Section 44(5) of the Act requires that the Guidance includes information about:

- a) the types of land and the types of decision in relation to which community engagement should be carried out.
- b) the circumstances in which persons with control over land should carry out community engagement.
- c) the ways in which community engagement should be carried out.

12. In terms of the relationship with Part 5 of the Land Reform (Scotland) Act 2016, the Guidance should contain sufficient certainty so that land owners and land managers can demonstrate that they are fulfilling the expectations of the Guidance, or so that communities can demonstrate that this is not the case.

13. There are further considerations laid out in the Act under Section 44(2), which Scottish Ministers must consider in preparing the Guidance. This consultation forms part of this process. The Act states that in preparing the Guidance the Scottish Ministers must have regard to the desirability of:

- a) promoting respect for and observance of human rights.<sup>5</sup>
- b) promoting respect for relevant internationally accepted principles and standards in relation to land.<sup>6</sup>
- c) encouraging equal opportunities.
- d) furthering the reduction of inequalities of outcome due to socio-economic disadvantage.
- e) furthering the achievement of sustainable development in relation to land.

14. The aim of the Guidance is to support good working practices that can lead to mutually beneficial solutions to land-related problems and better local outcomes for economic, environmental, social or cultural issues. We have taken the Section 44(2) considerations into account when developing this consultation, and these values underpin the aim of the Guidance. We will give further thought to these considerations in light of the responses to this consultation.

15. Community engagement can result in a diverse range of outcomes. The considerations of Section 44(2) will be addressed differently in each instance of engagement, depending on the specific context of the local situation and the decision being taken. The Guidance does not specify a particular method of consultation, although it includes links to some engagement tools that may be useful. We have also included a section called “Best practice principles for fair engagement” which sets out how engagement can be undertaken to maximise fair, effective and

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<sup>5</sup> This includes the European Convention on Human Rights and the International Covenant on Economic, Social and Cultural Rights.

<sup>6</sup> This includes the principles and standards of the Voluntary Guidelines on the Responsible Governance of Tenure of Land Fisheries and Forests in the context of National Food Security, issued by the Food and Agriculture Organisation of the United Nations.

genuine participation of individuals and groups to create a meaningful impact on the decision-making process.

**Question 1:** Does the draft Guidance (Chapter 3 of this consultation) respond appropriately to the considerations of Section 44(2) of the Act? Please explain your answer.

## Scope

16. The Scottish Government considers that land owners and land managers should be proactive in seeking to engage with communities about decisions they are taking in relation to land. Engagement can enable communities to understand the constraints, in terms of markets, regulations and environment, under which land owners and managers operate. The aim is to find a mutually beneficial solution to the tension that sometimes can arise between these constraints and a community's wishes. If a community requests engagement and dialogue, then land owners and land managers should consider the benefits of responding positively to such a request.

17. As outlined in Chapter 3, the Scottish Government proposes that the Guidance should apply to all land in Scotland, including buildings and structures on the land, and watercourses. The Guidance is relevant to all land owners and managers taking decisions which could impact on a local community, including private, public or third sector organisations, or individuals. The Guidance should be considered in relation to decisions relating to land which could impact on a local community and its economic, environmental, social or cultural opportunities. The Guidance will apply when a decision is to be made on land use or land management, where this has the potential to significantly impact on a local community. This includes situations where the decision being taken is to continue with existing practices in relation to land, as this continuation may also have the potential to significantly impact on a local community.

18. This does not mean that all decisions relating to land will require engagement. The draft Guidance advocates a proportionate and reasonable approach, meaning that engagement would not be required for many decisions with very little or no impact on a community.

19. Many responsible land owners and land managers will already meet or exceed the expectations of the draft Guidance. Engagement may be formal or informal, and will include a variety of different forms of communication. What constitutes appropriate or good engagement will depend on the specific circumstances of the decision being taken and the wider local context. Not all decisions relating to land require the same level of engagement, and not all decisions will require engaging with all members of a local community.

20. Engagement does not mean that communities have control over the actions of land owners and managers. In many cases there will be a range of views amongst the community. However, engagement will help all parties to understand each other's wishes, concerns and constraints, with the aim of achieving a better outcome and building better relationships.

21. When preparing this consultation, we have taken into account: issues raised by the Rural Affairs, Climate Change and Environment Committee during the passage of the Land Reform (Scotland) Bill; and comments received at open stakeholder engagement sessions held in Glasgow and Perth in October 2016. Some specific considerations that we have sought to reflect are:

- the importance of the Guidance giving clear advice that is easy to follow;
- the need for proportionality and reasonableness in the approach being advocated.

22. We consider it important that the Guidance contain clear expectations for land owners and land managers regarding community engagement. However, it must be noted that it would not be possible or advisable to attempt to provide exhaustive advice for every scenario. Such advice would risk being overly prescriptive.

**Question 2:** Do you agree with our proposed scope for the Guidance? Please explain your answer.

### **Relationship with existing statutory requirements to consult**

23. Community consultation can be a statutory requirement, for example under town and country planning legislation, environmental regulations and forestry licensing. The Guidance does not require separate engagement to be carried out in addition to these statutory requirements. However, it may help inform how statutory consultations are conducted, and land owners and managers may wish to consider the benefits of supplementary engagement in relation to any decisions which are not subject to statutory engagement.

**Question 3:** Do you agree with our approach to the relationship with existing statutory requirements? Please explain your answer.

### **Relationship with the National Standards for Community Engagement**

24. The National Standards for Community Engagement<sup>7</sup> are good-practice principles designed to support and inform the process of community engagement, and improve what happens as a result. Created in 2005 and updated in 2016, they provide detailed performance statements that everyone involved can use to achieve the highest quality results and the greatest impact. The Standards are designed to help the public, private and community sectors to involve and work with communities in planning services and developments.

25. The Scottish Government considers that the National Standards for Community Engagement should inform the Guidance on engaging communities in relation to land. The best-practice principles set out in the National Standards can be used in a proportionate way for both formal and informal engagement.

**Question 4:** Do you agree with our approach to using the National Standards for Community Engagement to inform this Guidance? Please comment if you have ideas on how we could better integrate these Standards.

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<sup>7</sup> <http://www.voicescotland.org.uk/>



## **Chapter 3: Draft Guidance**

Amongst other things, this public consultation will be an important information gathering exercise. It will help us to understand how best to make the Guidance useful for land owners, land managers and communities.

This draft version of the Guidance does not provide specific scenario-based examples of when and how to engage. We consider that such an approach would risk being overly prescriptive and that it would not be possible to cover the full range of possible circumstances that would be required.

However, we consider that it would be helpful to include some real-life examples of engagement in the final published guidance: at question 13 we ask respondents to submit relevant case studies, to help us to include real-life, credible, examples of good practice in community engagement in the final version of the Guidance.

The following sets out a draft of the Guidance for comment.

## 1. Using this guidance

This guidance is relevant to all land in Scotland, including buildings and structures on the land, and watercourses. The guidance is for land owners and managers taking decisions which could impact on a neighbouring community, including private, public or third sector organisations, and individuals. It should be considered in relation to decisions relating to land which could impact on a local community and its economic, environmental, social or cultural opportunities.

The guidance covers decisions on land ownership, land use or land management, where these have the potential to significantly impact on a local community. This includes situations where the decision being taken is to continue with existing practices in relation to land, as this continuation may also have the potential to significantly impact a local community.

What constitutes appropriate or good engagement will depend on the specific circumstances of the decision being taken and the wider context of the community. Not all decisions relating to land require the same level of engagement, and not all decisions will involve engaging all members of the local community. Many decisions will involve no engagement at all.

The guidance covers the following areas:

- Why should I engage with communities?
- Best practice principles for fair engagement
- When should I carry out engagement?
- How should I engage?
- Who should I engage?
- References

## 2. Why should I engage with communities?

Land is a resource for the people of Scotland. Land and buildings help to shape our urban and rural communities and impact on economic, social and environmental development and wellbeing.

Community engagement is the process of involving people in decisions that affect them. In relation to land, this means involving communities when decisions relating to the use and management of land and buildings impact on people who live, work and spend time in the area.

It is in the public interest that the ownership, management and use of land and buildings in Scotland contribute to the collective benefit of the people of Scotland. Land owners and land managers have a responsibility to practise good stewardship of their land and, as part of this, when their decisions impact on local communities they should give consideration to the views of these communities. Positive, co-operative working relationships between land owners and managers and communities can identify mutually beneficial solutions to local barriers to sustainable development and promote better local outcomes.

This guidance on engaging communities in decisions relating to land contains a set of good working practices for land owners and land managers when they take decisions that impact on their local community.

When community engagement is carried out well it can lead to the following outcomes:

- Land owners and land managers are valued members of the community and contribute to the community's wellbeing and sustainable development.
- Land owners and land managers recognise the value of the local community's views, and see the community as a valuable partner when taking important decisions relating to land.
- There are increased opportunities for local economic, social, cultural and environmental development, bringing improved local outcomes.

The guidance contributes to 7 of the Scottish Government's National Outcomes:

- We live in a Scotland that is the most attractive place for doing business in Europe.
- We have tackled the significant inequalities in Scottish society.
- We live in well-designed sustainable places where we are able to access the amenities and services we need.
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- We value and enjoy our built and natural environment and protect and enhance it for future generations.
- We reduce the local and global environmental impact of our consumption and production.
- Our public services are high quality, continually improving, efficient and responsive to local people's needs.

### 3. Best practice principles for fair engagement

Engagement will always be specific to the context in which it is taking place. Land owners and land managers should choose the means of engagement most appropriate to them and the decision being taken. These high-level, best practice principles should guide how that engagement is carried out.

#### Proportionate

Engagement is proportionate to the impact that the decision may have on the community.

- **Engagement is not an undue burden on either the land owner, land manager or community.**
- **Impact is thought about in a holistic way, including environmental, economic, social and cultural impacts.**
- **Appropriate and accessible methods of communication are used.**

#### Collaborative

Engagement is a genuine exercise in collaboration, and consideration of community views helps to achieve mutually beneficial outcomes.

- **Engagement is started at the earliest opportunity in the decision-making process.**
- **Community views are given due consideration.**
- **Communication is open, clear and two-directional.**

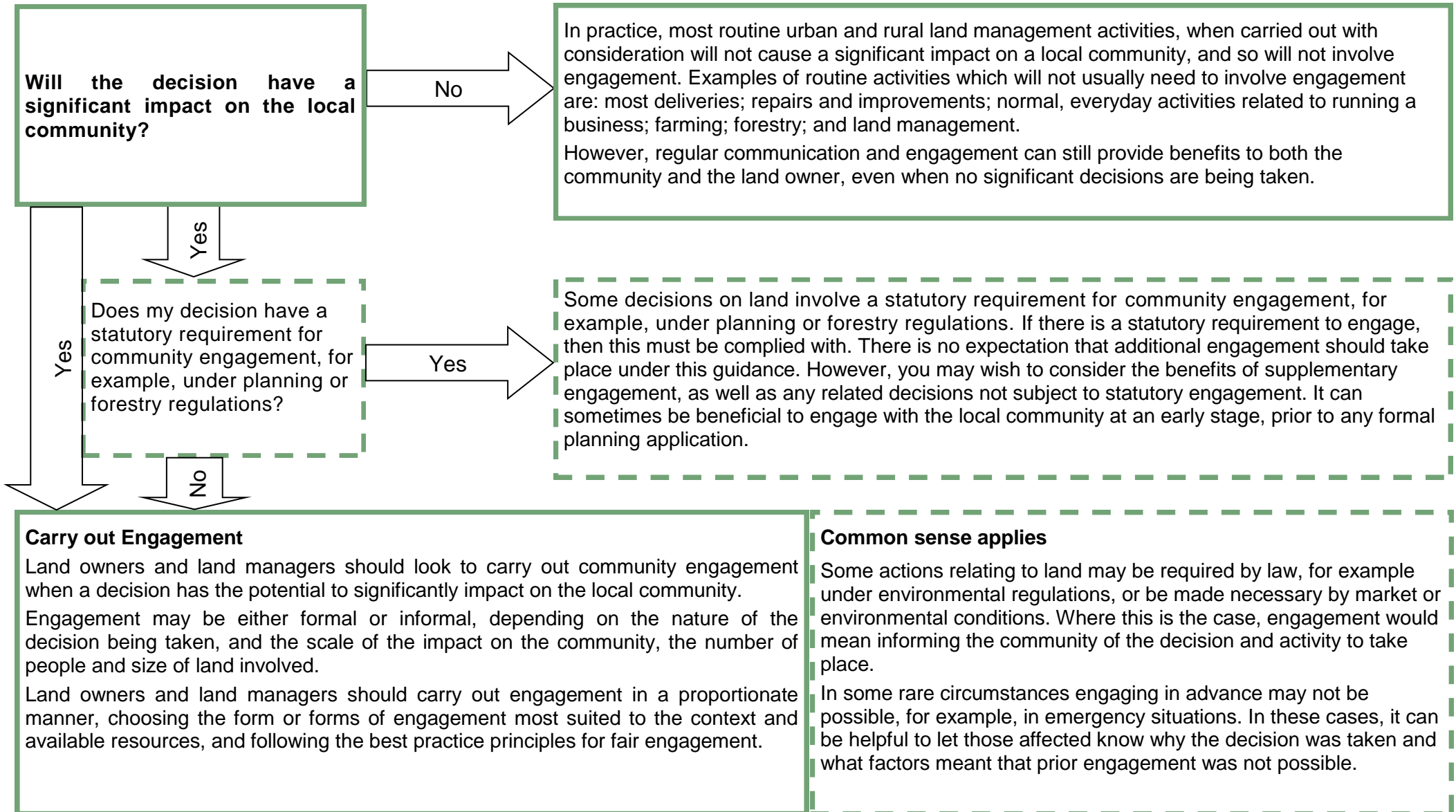
#### On-going

On-going engagement and communication fosters positive relationships between communities and land owners and managers.

- **Feedback is provided to the community on the final decision taken, and the reasons for it.**
- **The community is kept informed by on-going communication and updates.**

## 4. When should I engage?

Community engagement should be undertaken when making a decision relating to land that will have a significant impact on the local community.



## 5. How should I engage?

	Description	Examples	How to engage
Good Neighbour	Most day-to-day decisions relating to land where the impact on the local community is small or non-existent.	Most routine urban and rural land management activities including day-to-day farming, forestry, estate management and business activities, when the activity is carried out with reasonable consideration.	When there is little impact on the community, there is no need to engage. However, regular contact can help to prevent problems arising.
Informal Engagement	Decisions where the scale of the impact on the local community is significant.  This includes: <ul style="list-style-type: none"> <li>• short-term disruptive activities</li> <li>• activities carried out in irregular circumstances</li> <li>• changes to regular activities</li> </ul>	Decisions about: <ul style="list-style-type: none"> <li>• significantly disruptive urban and rural land management activities, including farming, forestry, estate management, building works</li> <li>• activities which disrupt transport or business activities</li> <li>• activities causing light, sound or smell pollution</li> <li>• activities carried out at unusual times, or causing more disruption than usual</li> </ul>	Informal engagement can include: <ul style="list-style-type: none"> <li>• sending a letter or an email</li> <li>• a notice on a community notice board</li> <li>• posting on social media</li> <li>• a phone call</li> <li>• visiting in person</li> <li>• putting up a sign</li> </ul> <p>Regular communication, even when no very significant decisions are being undertaken, can help to prevent problems arising, and build good neighbourhood relationships.</p>
Formal Engagement	Decisions which may impact on the social or economic development of a community, and access to a good quality environment.  This includes: <ul style="list-style-type: none"> <li>• long-term or permanent changes with significant impact</li> <li>• long-term or very disruptive activities</li> <li>• activities which impact on the local economy, society and culture, or environment</li> </ul>	Decisions about: <ul style="list-style-type: none"> <li>• significant changes to land use, for instance changes between farmland, forestry, nature reserves, green spaces, industry, housing, regeneration and development</li> <li>• estate management, where a significant proportion of land in a community is controlled by one party</li> <li>• a business or service that contributes to local employment or provides vital services</li> <li>• local environment, including heritage, cleanliness and aesthetic quality</li> </ul>	Engagement about very significant decisions is characterised by being planned and should include feedback to the community. Formal methods of engagement include: <ul style="list-style-type: none"> <li>• publishing a written consultation or survey</li> <li>• holding local meeting(s)</li> <li>• holding site visit(s)</li> <li>• carrying out workshop(s), perhaps with a facilitator</li> <li>• collaborating with the community to co-design a project</li> </ul> <p>Once formal engagement is carried out, there should be feedback to the community on the decision taken and the reasons for it. The references section gives links to further guidance on different ways of involving communities in decision-making.</p>

## 6. Who should I engage with?

One of the challenges to engaging with communities is identifying the correct people with whom to engage. You may be able to get help with this from community councils or similar bodies. Community councils are statutory, elected bodies whose role is to represent the views of the community. There may also be a development trust or residents' association for the area, and groups for local businesses such as a Chamber of Commerce or Business Improvement District.

While the focus of this guidance is on engaging with local communities, you may sometimes find it useful to consult bodies that represent certain groups within the local population. For example when taking a decision that could impact on, or offer opportunities for, disabled people in the local community it could be useful to contact a relevant national representative body.

It is not always necessary to engage everybody within a community, for example when taking a decision relating to a sports facility, it may be sufficient to engage those who make use of the facility.

If bodies such as community councils are unable to help, then reasonable steps can be taken to advertise more broadly, for example by advertising a public meeting on a community notice board, in a local newspaper or via social media.

Where possible, effort should be made to minimise any practical barriers which might prevent people in the community from taking part in engagement activities. This can be as simple as ensuring that meetings are organised at appropriate times, in accessible venues and ensuring that any written material is clear and easy to understand.

## 7. References

### **National Standards for Community Engagement**

#### **The Scottish Government**

The National Standards for Community Engagement are good-practice principles designed to support and inform the process of community engagement, and improve what happens as a result.

<http://www.voicescotland.org.uk/>

### **Place Standard**

#### **The Scottish Government**

The Place Standard provides a framework to assess the quality of a place, and is designed to support communities, public, private and third sectors to work efficiently together.

<http://www.placestandard.scot>

### **Talking about our place**

#### **Scottish Natural Heritage**

This toolkit provides a range of guidance and practical tools on how to talk about your place, celebrate it, and consider ways to improve it.

<http://www.snh.gov.uk/docs/B1117673.pdf>

### **A toolbox for public engagement in forest and woodland planning**

#### **The Forestry Commission**

This toolbox aims to assist forest and woodland managers when preparing for public engagement.

<http://www.forestry.gov.uk/toolbox>

### **Involving your community**

#### **Development Trusts Association Scotland**

This practical guide describes techniques for involving and consulting local communities in community asset based projects.

<http://www.dtascot.org.uk/content/publications>

### **Working together for sustainable estate communities**

#### **University of Highlands and the Islands**

This document explores the potential of collaborative initiatives between privately-owned rural estates, rural communities and other partners in upland Scotland.

[www.perth.uhi.ac.uk/subject-areas/centre-for-mountain-studies/courses/documents/working-together-for-sustainable-estate-communities](http://www.perth.uhi.ac.uk/subject-areas/centre-for-mountain-studies/courses/documents/working-together-for-sustainable-estate-communities)



## **Questions on the draft Guidance**

**Question 5:** Have we identified appropriate uses for the Guidance in section 1 of the draft Guidance? Please explain your answer.

**Question 6:** Have we identified appropriate reasons for why community engagement should take place in section 2 of the draft Guidance? Please explain your answer.

**Question 7:** Have we identified appropriate best practice principles in section 3 of the draft Guidance? Please explain your answer.

**Question 8:** Have we identified appropriate situations for when engagement should or should not take place in section 4 of the draft Guidance? Please explain your answer.

**Question 9:** Have we identified appropriate methods for engaging with communities in section 5 of the draft Guidance? Please explain your answer.

**Question 10:** Have we identified appropriate ways of identifying who to engage with in section 6 of the draft Guidance? Please explain your answer.

**Question 11:** Considering the draft Guidance as a whole, do you agree that it has proportionate and reasonable expectations of land owners, land managers and communities? How could we improve the Guidance in this respect?

**Question 12:** In relation to Part 5 of the Land Reform (Scotland) Act 2016 (as discussed in Chapter 1 of this consultation), we consider the Guidance should contain sufficient certainty so that land owners and land managers can demonstrate that they are fulfilling the expectations of the Guidance, or so that communities can demonstrate that this is not the case. This must be balanced against being overly prescriptive and failing to account for the specific local contexts in which the decision is being taken.

Do you agree that, as a whole, the draft Guidance balances these concerns? How could we improve the Guidance in this respect?

**Question 13:** In the final published Guidance we would like to include examples of when engagement should be carried out. Can you provide examples of situations in which you think that engagement either is, or is not, necessary?

**Question 14:** Do you have any other comments?

## Chapter 4: Impact Assessment

### Equality

26. The Scottish Government is committed to promoting equality and removing or minimising disadvantage which may be experienced by different groups of people. We have a legal duty to consider the impact of policies on people who may be differently affected in relation to the “protected characteristics” under the Equality Act 2010.<sup>8</sup> The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**Question 15:** Please tell us about any potential impacts, either positive or negative, that you consider the proposals in this consultation may have on people who may be differently affected in relation to the protected characteristics.

### Business and regulation

27. The Guidance on engaging communities on decisions relating to land is advisory, and will not directly impose new regulatory burdens on businesses, charities or the voluntary sector.

**Question 16:** Please tell us about any potential impacts, either positive or negative, costs and burdens that you think may arise as a result of the proposals within this consultation.

### Environmental

28. The Environmental Assessment (Scotland) Act 2005<sup>9</sup> ensures those public plans that are likely to have a significant impact on the environment are assessed and measures to prevent or reduce adverse impacts are sought, where possible, prior to implementation of the plan in question.

**Question 17:** Please tell us about any potential environmental impacts, either positive or negative, that you consider any of the proposals in this consultation may have.

### Privacy

29. The Scottish Government is mindful that proposals which require people to share information are likely to have impacts in respect of privacy. The Guidance on engaging communities on decisions relating to land is voluntary, and will not directly require any individual or organisation to disclose personal or commercially sensitive information if they are not content to do so.

**Question 18:** Please tell us about any potential impacts on privacy, either positive or negative, that you consider may arise as a result of the Guidance. Please be as specific as possible.

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<sup>8</sup> <http://www.legislation.gov.uk/ukpga/2010/15/contents>

<sup>9</sup> <http://www.legislation.gov.uk/asp/2005/15/contents>

## **Chapter 5: Next Steps**

### **Analysis and publication**

30. The responses to this consultation will undergo independent analysis. The results of the analysis will be taken into consideration when drafting the finalised Guidance. The finalised Guidance will be laid before the Scottish Parliament.

### **Review period**

31. The Act requires that the Guidance be reviewed within 3 years. Scottish Ministers will write a report assessing the effectiveness of the Guidance and setting out the Scottish Ministers' views on any further steps which should be taken to improve its effectiveness. From then on, the Guidance will be reviewed every 5 years, and a report laid before Parliament.

## **Chapter 6: Responding to this Consultation**

We are inviting responses to this consultation by **Friday 16 June 2017**.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You can view and respond to this consultation online at: <https://consult.scotland.gov.uk/land-reform-and-tenancy-unit/engaging-communities-in-decisions-relating-to-land>

You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of Friday 16 June 2017.

If you are unable to respond online, please send your response and the Respondent Information Form (see "Handling your Response" below and Annex 1) by email to: [landreform@gov.scot](mailto:landreform@gov.scot)

We can also accept responses via post:

Land Reform Team  
Scottish Government  
Area 3G South  
Victoria Quay  
Edinburgh  
EH6 6QQ

All responses should reach us by Friday 16 June 2017. Earlier responses would be welcome.

### **Handling your response**

If you respond using Citizen Space (<https://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document at Annex 1. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

## **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at: <http://consult.scotland.gov.uk>  
If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them by email to [landreform@gov.scot](mailto:landreform@gov.scot) or write to:

Land Reform Team  
Area 3G South  
Scottish Government  
Victoria Quay  
Edinburgh  
EH6 6QQ

## **Scottish Government consultation process**

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk> . Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue: <https://www.ideas.gov.scot/> .

Responses will be analysed and used as part of the decision-making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review.
- inform the development of a particular policy.
- help decisions to be made between alternative policy proposals.
- be used to finalise legislation before it is implemented.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



## Annex 1: Respondent Information Form

### Consultation: Guidance on engaging communities in decisions relating to land

Please note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual  
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

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

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

#### Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

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  
 No



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Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-78652-885-8 (web only)

Published by The Scottish Government, March 2017

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS263739 (03/17)

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