



# Ownerless Property Transfer Scheme (OPTS)

Pilot Evaluation Report

September 2024



## Table of Contents

Introduction.....	3
Evaluation .....	3
OPTS pilot cases .....	6
Conclusions .....	19
Pilot scheme Evaluation.....	19
Key lessons learned.....	21
Next Steps.....	23



# The Ownerless Property Transfer Scheme Pilot Evaluation Report

## Introduction

This evaluation of the pilot phase will contribute to the development of the Ownerless Property Transfer Scheme (OPTS) by examining the processes applied to the pilot cases, the outcomes of those cases and any lessons learned from the pilot. The aim of this report is to evaluate how well the OPTS pilot cases worked in practice and how the process aligns with the King's and Lord Treasurer's Remembrancer's (KLTR) wider strategic objectives set out in our Strategic Plan 2024-2027 ([kltr-strategic-plan-2024-2027.pdf](#)).

Objective 1, on page 12 of the Strategic Plan, is as follows:

*"Improve Scotland's economy and the wellbeing of its inhabitants by providing opportunities to bring ownerless property back into use."*

Following the launch of OPTS on 1 March 2024, all pilot cases still ongoing were transferred into the OPTS main caseload. This evaluation report is not intended to be a comprehensive assessment of the OPTS scheme, as the scheme is still new and there is insufficient data available to draw any definitive conclusions. Instead, it seeks to capture useful feedback and experiences the OPTS team can draw from these initial pilot cases. A more definitive review will be undertaken in 2026, once OPTS experience has been gained from the live process.

## Evaluation

The OPTS aims to create opportunities that contribute to the strategic objective detailed above. In terms of evaluating the scheme as a whole, the pilot cases have been assessed on a case-by-case basis, as laid out in the OPTS Consultation Paper<sup>1</sup>.

This pilot evaluation report looks at the majority of the OPTS cases that went through the pilot process until the launch of the scheme on 1 March 2024. Each case that proceeded through the scheme's pilot provided important feedback and learning that has been captured both within the casework team and this report. Lessons learned have been captured in the case section and then elaborated upon in the Key Lessons Learned section.

1 - [OPTS Consultation Paper](#)



Another way in which the OPTS pilot scheme can be evaluated is through the use of a logic model. Every pilot scheme has a 'theory of change' that underpins it. In other words, by doing X, we hope to achieve Y. OPTS pilot cases were chosen to reflect a range of properties normally referred to the KLTR, with additional issues to test the proposed process and policies. Our logic model is described in the graphic below, which explains how activities should lead to a series of outcomes that, in turn, should contribute to an ultimate outcome or impact.

This model allows us to examine and evaluate the scheme and consider how its constituent parts contribute to the outcomes. This report ties in with the aims and outcomes described in the OPTS Consultation Report.

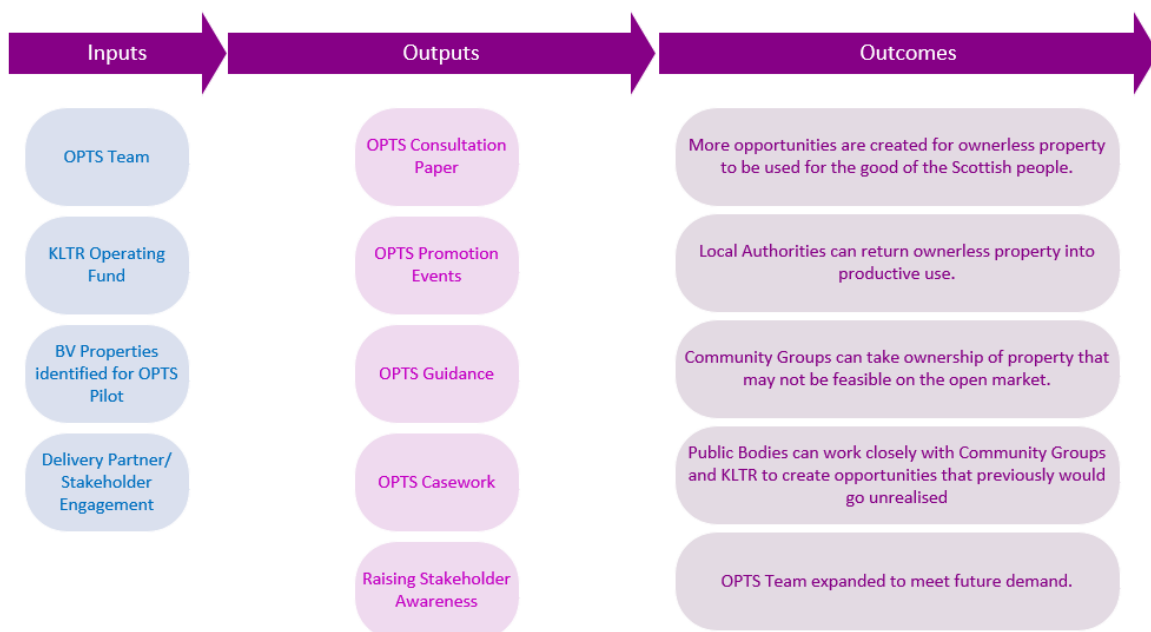
In this instance, a logic model of the OPTS pilot scheme lets us break down the pilot case process and look at the inputs, outputs and how those have affected the outcomes.

The aim of the pilot scheme can be summarised as follows:

*The pilots were put in place to develop the processes for the Ownerless Property Transfer Scheme and demonstrating its capacity for creating new opportunities for wider regeneration and delivering the best value for the public, by offering nominal fee property transfers and testing the feasibility of the scheme.*

This allows us to develop a logic model to create a standard for use in evaluating the pilot scheme.

Fig 1. OPTS Pilot Scheme Logic Model



## Inputs

The inputs we are evaluating in the logic model relate to the material resources required to operate the scheme. The OPTS depends on a number of inputs from



the KLTR department as a whole and requires the support and collaboration of our delivery partners and others involved in the OPTS process. Importantly, it does not require any increased funding or new legislation. The OPTS involves a dynamic new approach to the KLTR's operations that can be delivered cost-effectively with the input of stakeholders.

As the scheme was developed within our existing remit and resources, we were able to develop it as an administrative scheme rather than requiring legislation. This allows more flexibility in developing and making changes as the scheme develops.

## Outputs

Outputs for the scheme consist of completed items of work that have allowed the OPTS pilot cases to progress. This includes casework evaluations, decision papers and other documentation prepared by the KLTR team.

The outputs produced for the pilot scheme can roughly be divided into two categories:

1. OPTS delivery outputs - work and development that contributes to the scheme. This includes developing the guidance material for the public, creating internal processes and building relationships and networks to enable the KLTR to deliver the scheme.
2. Casework outputs - work and material that is produced by the KLTR in the OPTS process. This includes work completed for property that is transferred and work relating to the case being assessed as suitable for an OPTS transfer.

It is important to note that the outputs are not indicators of success. These outputs are the items of work that we expect will be needed to achieve our desired outcomes.

## Outcomes

The outcomes from the logic model provide a baseline to evaluate the success of the OPTS pilot cases in the absence of a robust dataset of cases. Looking at these outcomes allows us to determine whether the inputs and outputs we have developed are allowing us to achieve our objectives.

Outcomes have been considered objectively to ensure any unexpected outcomes can be thoroughly evaluated.



## OPTS pilot cases

### Former Royal Hotel, Slamannan

Valuation: Nil

#### Overview



This is a derelict hotel in the main street in Slamannan, Falkirk, which was assessed as having a nil value. It appears on Historic Environment Scotland's Buildings at Risk Register.

#### Process

The property was notified to the KLTR by the local authority (Falkirk Council) and a property developer (private interest) with differing proposals. The developer wished to demolish the property and build flats, and the Council proposed to create a public area or parking spaces.

The OPTS process was followed - the public body trawl was issued; the property was discussed with Falkirk Council and our delivery partner, Highlands and Islands Enterprise (HIE), sought views from the local community. Only Falkirk Council expressed an interest in taking ownership. They conducted a community consultation to obtain views on proposals for the property. This resulted in demolition and the creation of a public seating area being the preferred option. This property is in a dilapidated state with reports from members of the public about parts of the property collapsing.

The local authority received funding from the Scottish Government's regeneration fund to enable projects such as this to be undertaken.

#### Outcome

The property transfer has been successfully concluded. This was a strong example of OPTS working as intended. Close collaboration with the local authority allowed this vacant and derelict building to be transferred at a low cost that allows the local authority to afford to develop the property into a community green space for the benefit of the local community.

#### Learning Points

This case is a good example of how the fast-track process can work to deliver community benefit. Good collaboration between interested parties shows how properties can be transferred efficiently. Timescales were met and good working relations were developed.



## Former Filling Station, Muirkirk

Valuation: £25,000

### Overview



This is a former filling station on the outskirts of Muirkirk. The land has been lying in a disused state for over 30 years.

### Process

The case was notified to the KLTR by a local resident with concerns about the current state of the property.

The OPTS process was followed through the Public Body Trawl, HIE for community interest and East Ayrshire Council (EAC). EAC did not wish to take ownership but advised that they were working with a local community group who were interested in obtaining the property for community benefit.

A meeting was held with the community group and EAC and they advised of their proposals for a picnic stop with seating area, etc. EAC carried out community engagement and advised that they were supportive of the community's proposals. Funding is available for the picnic stop and additional funding has been made available to incorporate a community garden area.

### Outcome

The KLTR has approved the application and the property is being transferred to the community.

This was a prime example of vacant and derelict land having a negative impact on the local area. Residents complained about the use of the land, which had sat vacant for a number of years. The community will take ownership of the land and develop it into a picnic space for locals and visitors alike.

### Learning Points

Local authority and community groups can work together successfully to assess community support, using a range of approaches. The proposed OPTS process worked as intended and an opportunity was successfully created to allow the community to deliver its aspirations.



## Ferryhill Terrace, Aberdeen

Valuation: £25,000

### Overview



The Ferryhill Terrace property is a basement flat situated in a residential area within Aberdeen City Council area. The KLTR was informed of the property in 2018 by a private individual who owns a property in the same residential block following concerns relating to dampness and the impact this was having on neighbouring properties.

### Process

This was a unique case in that the property appeared to be simply abandoned and not *bona vacantia*.

Initially, the private party was keen to take ownership of the property but their circumstances changed.

Aberdeen City Council had placed a Charging Order on the property to recover costs for work undertaken and were interested in taking ownership of the property to negate any further deterioration and future community issues that these types of properties create.

Given the non-*bona vacantia* status of the property and the Council's outstanding Charging Order, the KLTR agreed to waive any interest in the property and allow the Council to recover any outstanding debts unfettered by any potential KLTR rights, if they wished to do so.

### Outcome

The KLTR disclaiming any interest in the property allowed Aberdeen City Council to take the appropriate steps to recover any financial loss in the property if it so wished. This allows the Council to take action to address a local issue.

### Learning Points

This property and its uncertain status reflect the problematic nature of properties which are intimated to us. It also demonstrates how public bodies can work together to find pragmatic solutions to complex cases which then deliver the best result in the public interest.





## Kirn Post Office, Dunoon

Valuation: £45,000

### Overview



In 2022, Argyll and Bute Council brought the ex-post office in Kirn, Dunoon to the KLTR's attention. An external inspection was carried out and a valuation report was provided on that basis.

### Process

The OPTS process was followed - a Scottish Government public body trawl was circulated with no interest noted, nor was there any interest from the local authority. Early discussions with HIE produced some community interest, and Highlands and Islands University (HIU) considered the property for creating a commercial unit to train students. While engagement with HIU proved to be very positive, their proposals were in relation to term-time activity and so the timescale for them was not suitable as they required something that would be ready for students returning in September.

However, while the property was being considered for auction, as there was no local interest in ownership and the disclaimer deadline was approaching, the previous owners of the dissolved company informed the KLTR that they intended to restore the company and, following further discussions, the KLTR disclaimed the property.

### Outcome

As anticipated, Kirn Properties (Dunoon) Limited was restored within the 6-year restoration period with the property being returned to their ownership.

### Learning Points

This case was an example of positive engagement with stakeholders; however, it showed that external factors can leave the KLTR with no option but to conclude the OPTS process prematurely. Establishing the intentions of the dissolved company early in the process, though a [SWOT analysis](#), can help identify potential issues and avoid difficulties at a later stage. A party related to a dissolved company can intimate their intention to restore the company at any time during the OPTS process and, given the potential difficulties for those involved, the KLTR is likely to disclaim the property.



## Former Tram Depot, Halmyre Street, Edinburgh

Valuation: £4,000

### Overview



Halmyre Street, Edinburgh is a strip of land left over from a housing development off Leith Walk in Edinburgh. The City of Edinburgh Council (CEC) wished to take ownership to provide an access road to a proposed affordable housing development.

### Process

CEC notified the KLTR of its wish to take ownership of the land after it had undertaken investigations and was able to confirm that the previous owner was a dissolved company.

OPTS officials met with CEC and agreed to transfer the property to the local authority to use as access to a proposed affordable housing site. The OPTS process of offering the property through the public bodies trawl and to the community sector was disappplied as the local authority proposals were determined to already be in the public interest.

This case highlighted the importance of the OPTS priority process and the importance of early collaboration between the OPTS casework team and the applicant in considering public interest issues.

### Outcome

This property is in the final stages of transfer and is expected to conclude shortly.

### Learning Points

Lessons learned include the need for regular engagement from Local Authorities throughout the process and for alternative points of contact within the local authority to avoid delays. While the pilot process allowed timescales to be extended, OPTS timescales are being applied reasonably to live cases following the scheme's launch on 1 March 2024.



**Land at, Gray Crescent, Irvine**

**Valuation:  
Obtained**

**Not**

**Overview**



This is a small piece of grass land in North Ayrshire on the edge of green belt and housing area.

**Process**

The land was notified to the KLTR by the local authority as they were interested in taking ownership of part of the property to create a public footpath. The local authority was invited to take all the land as splitting the title was not thought to be favourable to the Crown or to the property, as the surplus land would remain ownerless. The local authority subsequently decided not to take ownership and the OPTS process was followed thereafter. The PB trawl was issued and HIE were asked for any community interest, but there was no interest from either.

The KLTR considered other options, including selling/auctioning the property but, as any interest was unlikely, the property was disclaimed to avoid unnecessary public costs.

**Outcome**

The property was disclaimed. While the property remains ownerless, any party has the right to seek to claim ownership in the future. The property will be available to the local authority and the community if a suitable use is identified later.

**Learning Points**

The OPTS allows a wide range of property to be checked for suitability, but not all will be suitable.



## Campsie High Kirk, Lennoxtown

Valuation: Nil

### Overview



Campsie High Kirk is situated in Lennoxtown in East Dunbartonshire and is a Category A listed building within a churchyard surrounded by a cemetery. The building is deemed to hold cultural significance as it was the local parish church until 1976, at which point the building was victim of a fire causing extensive damage to the interior and roof. The building is on the Historic Environment Scotland Buildings at Risk Register and a recent valuation indicated that the property is of nil value.

### Process

The KLTR was informed of this property in May 2022 by a member of the public who was keen for the remains to be preserved given its significance within the local community. The case has followed the full OPTS process and the property was offered to public bodies and the local authority with the only interest being from the community. While the local authority had previously considered using the property as a heritage centre, this proved unfeasible. The local authority restored the clock tower and presently retains the keys for maintenance purposes.

This property has attracted media attention over the years due to its significance in the area. Information from the Buildings at Risk Register suggests that demolition was considered but the community believes that it adds to their heritage and can deliver benefits to them.

### Outcome

Outcome Pending - Friends of Campsie High Kirk (FOCHK) has submitted a community application, supported by a range of organisations and individuals. The KLTR is currently considering the application.

### Learning Points

Wrap-around support for community applicants is a positive outcome and helps communities navigate the OPTS application process. All involved in the OPTS process are encouraged to contact the OPTS Casework Team if they have any queries regarding the OPTS process.



**Land at, Belgrave Terrace, Glasgow**

**Valuation: £150,000**

**Overview**



This is a residual garden area behind tenement buildings near the Great Western Road, Glasgow, which was previously associated with the adjacent tenement buildings. Residents have been using it as a community garden space.

**Process**

Local residents were interested in taking ownership to form a community garden and, during COVID, were using it for this purpose. OPTS officials had discussions with the interested group, Hillhead Community Council, about the OPTS process and the group's proposal for the property. Glasgow City Council had advised that they did not wish to take ownership but were broadly supportive of the Community Council's proposal.

The OPTS process was followed and HIE was asked to identify any other potentially interested community groups. Hillhead CC was the only interested party and they formed Belgrave Community Garden Limited to prepare an OPTS application. An application was submitted in November 2023 and the KLTR sought further supporting evidence from the community.

**Outcome**

The OPTS application was considered by the OPTS Advisory Panel in the summer of 2024 and the KLTR decided not to transfer the property to the applicants. Following an unsuccessful OPTS application, the KLTR must then decide the most appropriate option and this property will be auctioned in the coming months.

**Learning Points**

Pilot cases transitioning to the live scheme join at the point of the process they have reached and, in this case, the OPTS process was well advanced by the time the scheme was launched. Some helpful points have been noted regarding the correlation between the OPTS and funding processes which have contributed to a clear understanding of how the two processes can work in practice. This was also a useful early case for the OPTS Advisory Panel and OPTS Casework Team to consider, given the points arising during the OPTS process.





## Lion Chambers, Glasgow

Valuation: £Nil

### Overview



Lion Chambers is a derelict, category A listed building in the heart of Glasgow. It is deemed to hold national significance due to being commissioned by a well-known member of the Glasgow Art School. As such, there is widespread consensus that the building should be preserved for the historic benefit of Glasgow City as a whole.

### Process

The property was brought to our attention by Glasgow City Council (GCC) in 2003. It is understood GCC originally intended to explore ownership but were unable to take this forward. GCC installed wire mesh to protect the public from potential fallen masonry and the building continues to deteriorate. Two businesses continue to use the street level premises with other parties owning floors 2, 4 and 6. Floors 1, 3, 5 and 7 remain ownerless as a result of various dissolved companies. The KLTR's disclaimer deadline has passed.

The full OPTS process was undertaken to identify potential interest. The KLTR has not taken ownership of the ownerless areas and options continue to be considered with GCC, a charitable organisation and other parties with interests in the property. Given the potential costs of renovating this property, a collaborative stakeholder-wide solution is likely to be required and the OPTS will continue to offer opportunities for discussion and consideration of potential outcomes for such properties.

### Outcome

It is hoped that this case can be brought to a satisfactory conclusion following further discussions with all stakeholders involved and any new stakeholders that might be identified, but this is a complex case with a number of challenges still to be addressed. We would encourage anyone with a potential ownership interest to contact Glasgow City Council or the OPTS Casework Team.

### Learning Points

OPTS can be explored for solutions to historical cases to offer possible new solutions previously unavailable. At times, considering options and discussing complex cases can take longer than expected and the KLTR will pay particular attention to the disclaimer deadline in each case.



**Former Garden Centre, Marine Parade, Kirn, Dunoon | Valuation: £50,000**

**Overview**



This property is a former garden centre which was in a poor state of repair from having lain vacant for several years. The property required considerable upgrading or redevelopment.

**Process**

The property was brought to the KLTR's attention by a public body following the dissolution of the owning company.

The property was taken through the OPTS pilot process, but no suitable option was identified. Having attracted local commercial attention, the KLTR decided that the best option was to auction the property, which would provide transparency for the sale process and achieve best value in terms of the Scottish Public Finance Manual (SPFM).

**Outcome**

Since no suitable interested parties were identified, the property was sold at auction.

**Learning Points**

The KLTR has no control over the property after auction. However, this option can result in an owner with available funds being identified which, following refurbishment, could bring this vacant and derelict property back into active use with an identifiable responsible owner. If successful, this property is ideally located to contribute positively to the local community and improve the surrounding area.



## Erskine Slipway, Old Kilpatrick

Valuation: £15,000

### Overview



This site is a slipway from the North shore of the River Clyde near to Erskine Road, Old Kilpatrick. The site was deemed to be redundant and had not been in productive use for a considerable time, as could be seen by the overgrown vegetation and shrubbery along with an accumulation of detritus deposited from the River Clyde.

### Process

The property was brought to the KLTR's attention by a local MSP and was then taken through the OPTS pilot process. Despite some initial interest, no suitable option was identified.

### Outcome

Property disclaimed. While the site remains ownerless, any party has the right to seek to claim ownership in the future and the property will be available to the local authority and the community if a suitable use is identified later.

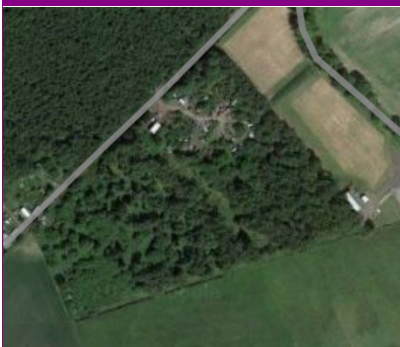
### Learning Points

The OPTS allows a wide range of property to be checked for suitability, but not all will be suitable.

## Woods, Madderty, Perthshire

Valuation: £68,000

### Overview



This site is an area of woodland located near to St David's Farm, Madderty, Perthshire.

### Process

The property was brought to the KLTR's attention by the local authority, Perth and Kinross Council.





The property was taken through the OPTS pilot process, but no suitable owner was identified. As a result, the property was auctioned, which provided transparency for the sale process and achieved best value in terms of the SPFM.

### Outcome

As no suitable interested parties were identified during the OPTS process, the property was sold at auction.

### Learning Points

The KLTR has no control over the property after auction. However, this option can result in an owner with available funds being identified, rather than the property remaining ownerless.

## Town Hall, Greenlaw, Duns

Valuation: £200,000

### Overview



This is an imposing Georgian public building that was saved by the Scottish Historic Buildings Trust for the benefit of the local community in 2008.

In 2017 it was sold to Coldingham Company with plans for a Chinese porcelain museum including space for local craftspeople as well as a café and gift shop.

### Process

The property was brought to the KLTR's attention by a member of the public in September 2022. The Town Hall had been in the ownership of Coldingham Company since 2017 until it was dissolved in April 2022.

On confirming its *bona vacantia* status, the property progressed through the OPTS process, which included early discussions with South of Scotland Enterprise on identifying potentially interested parties.

### Outcome

During the OPTS process, the KLTR was advised that the Directors of the dissolved company had submitted a restoration application to Companies House. This was completed in July 2024 and the property was returned to the restored company.

### Learning Points



Not all OPTS cases will result in either transfer or disposal. Dissolved UK registered companies can be restored at any point up to 6 years following dissolution (either by application to Companies House for 'administrative' restoration, or by application to the courts).

If a dissolved company is restored, any property owned by that company at the point of dissolution is re-vested in the company. If this happens, the KLTR has no authority to deal with the property as it will no longer be *bona vacantia*.

## Community Hall, Nigg, Tain

**Valuation: £45,000**

### Overview



This building is a Community Hall in Nigg, Tain. The property is currently being used by both the Community Council and a local trust for the purposes of meetings, weddings and social events.

### Process

The case was notified to the KLTR by a utility company in March 2023 and it is understood that the property was previously owned by Nigg Community Hall, which was dissolved in October 2015.

A new trust, Nigg Community Hall Ltd was incorporated in May 2016 when the previous company was dissolved, but the property was not transferred to the new trust during this process.

The OPTS process has commenced to identify a suitable solution for this property.

### Outcome

OPTS officials continue to engage with key parties in the OPTS process, including Highland Council and HIE, to identify potentially interested parties.

### Learning Points

This case demonstrates how the KLTR can work with local authorities and enterprise agencies at an early stage in the OPTS process to assess community support, using a range of approaches. The proposed OPTS process is working as intended and potential opportunities are being explored to allow the community to have future use of the property.



## Conclusions

With the OPTS pilot phase successfully concluded, KLTR officials can consider how the lessons learned can be applied to the OPTS process following its launch. Early outcomes of the pilots can be judged against the following criteria:

- Did the OPTS process work as intended? If not, why not?
- Was the case transferred successfully at a nominal value through the OPTS?
- If the case did not transfer successfully through OPTS, was it successfully disposed of through other means?
- Did the transfer deliver benefits to the local community and in the public interest?
- Did the case contribute to the KLT's strategic goal to "Improve Scotland's economy and the wellbeing of its inhabitants by providing opportunities to bring ownerless property back into use"?
- What lessons have been learned from each pilot case?

Each of these pilot cases has provided important insight into the challenges facing the proposed scheme and they have helped contribute to establishing a working best practice for the OPTS.

The cases included in this report are examples of the pilots undertaken and, at the date of publication, 5 cases have transferred to the live scheme post launch:

<b>OPT Case Status</b>	<b>Total</b>	Pilot
<b>Pilots concluded</b>	8	
<b>Pilots still being conveyed</b>	2	
<b>Pilots transferring to live OPTS process</b>	5	
<b>Total number of OPTS pilot cases</b>	15	

### scheme Evaluation

The table above indicates that the majority of pilot cases have been successfully concluded. The key aim of the scheme is to create opportunities for communities and the public sector to bring ownerless property back into productive use and it is for successful applicants to ensure that aspirations are delivered for community benefit and in the public interest.

The pilot phase has been particularly helpful, even if some of the pilots are still to be concluded or have been concluded other than by transferring property directly to community groups.



In addition to overall completion rates of cases, we can also evaluate cases against how well we have achieved the outcomes of the above logic model.

## Inputs

During the pilot process, the inputs needed for the successful delivery of OPTS were developed using existing resources and a newly expanded OPTS team should be able to deliver on the OPTS' goals. The properties selected as pilots represented a wide range of the types of properties notified to the KLTR, which has given the OPTS an opportunity to process a range of outcomes.

Inputs also include the roles of all OPTS stakeholders in ensuring that the OPTS process is collaborative and effective in identifying ownerless properties and ensuring that potential uses are considered in the public interest for the whole of the community. Working with our delivery partners, local authorities and communities has been a vital part of developing the OPTS process, as demonstrated by several of the pilot cases, such as the Royal Hotel, Slamannan and Halmyre Street, Edinburgh.

## Outputs

In advance of the launch of the scheme on 1 March 2024, the pilots phase has generated the expected outputs to support the OPTS process going live. Some of the outputs will be ongoing processes, particularly as positive relationships continue to be developed between key stakeholders.

The pilot cases have helped us to shape the key documents (such as the OPTS guidance) around the needs of the applicant, our responsibilities and the potential of key stakeholders to work collaboratively to help deliver the outcomes that are in the best interests of the public and local communities.

## Outcomes

As part of the logic model evaluation, all outcomes from the pilot cases have been considered carefully. With the majority of cases successfully concluded, the OPTS process has demonstrated that it can create opportunities to benefit communities in the public interest.

Two cases highlighted above - the Royal Hotel, Slamannan hotel and the Muirkirk community garden - show the OPTS process working as intended. In Slamannan, a derelict building that had fallen into disrepair was acquired by a local authority for a nominal fee. This property now has the best possible opportunity of being brought back into productive use, and an at-risk building should no longer be a potential public health hazard.

In Muirkirk, a community group working with the local authority were able to develop and submit a case to take possession of the site of an old filling station. The



site was neglected and left as a vacant space. The OPTS therefore provided an opportunity for the community to acquire the property which they, otherwise, would have been unlikely to achieve. This example of a local authority working with local groups to identify the best stewards for ownerless property is how the OPTS is designed to operate.

Although many of the cases have not yet been completed, several of the ongoing pilots now added to the live scheme have potential to achieve the intended OPTS outcomes. For example, Halmyre Street is an excellent opportunity for Edinburgh City Council to develop a small, unused strip of land into a much-needed and necessary access road to a proposed housing development.

The OPTS team has been successfully expanded to meet the potential demands of the scheme, with additional capacity built into the wider KLTR team to assist with casework and other requirements of running such a scheme, when required.

OPTS success in the longer term will require all stakeholders to be realistic about what can reasonably be achieved. The scheme will need to be affordable, particularly given the challenges to public funding.

### Key lessons learned

The OPTS pilot cases ran for around 12 months and were chosen from existing KLTR *bona vacantia* casework to provide a range of different properties and key stakeholders. Some were longer-term cases before the pilots began and were particularly chosen for their complexity. This period saw some significant successes as well as complex challenges, for example:

- **Timescales:** The OPTS process took a significant amount of time to be completed and long delays were encountered in some cases. In retrospect, giving longer deadlines for the submission of information from applicants often did not result in more useful information being received. Now that the scheme is live, timescales as set out in the OPTS Guidance will apply. It is therefore imperative that as much preparation is done before informing the KLTR of a potential ownerless property and that the OPTS application process is considered carefully prior to submitting an application. It is clear that timescales are more achievable through collaborative working and good planning.
- **Gaining 'buy-in' from stakeholders:** This is a challenge for any project, particularly a novel one such as OPTS, which sees the KLTR and other stakeholders taking a fundamentally different role to that taken previously. Stakeholders can be wary of committing resources before a project has demonstrated clear benefits. In large organisations, such as local authorities, it might be unclear who has the power and influence to be a suitable point of contact and a decision-maker on behalf of the organisation. Clear and regular communication, highlighting the potential benefits of the scheme,



was an effective tool in securing engagement. This is therefore a cornerstone of the scheme's approach in its live state, with built-in points of contact with influential delivery partners and stakeholders through the OPTS Advisory Panel, Stakeholder Forum and network of community co-ordinators.

For communities securing community engagement, there is no substitute for transparency and effective communication, both within the community and with other stakeholders, particularly the local authority. Pilot cases demonstrating effective communication between the local authority and the community have been, by far, more productive and successful.

- **Managing stakeholder expectations:** Stakeholders in the community sector, and those outside the government sector in general, might not immediately appreciate the administrative and legal frameworks within which government agencies work. Due diligence and safeguards to protect public funds can, from some perspectives, seem like unnecessary 'red tape'. Sustained stakeholder engagement and emphasis in the OPTS Guidance on the wider institutional context can help raise and maintain awareness of public sector obligations, particularly from a financial perspective, and foster understanding and accommodation of the necessary processes. The pilots demonstrated that effective communication and transparency contributed positively to the OPTS process being successfully navigated.
- **Reaching community bodies or interested parties:** As mentioned above, this is an entirely new way of dealing with ownerless property for the KLTR. Even for those established in this area, communication with community bodies is not always straightforward as there is no central register or network which can readily be used to communicate with them as a group. The OPTS system has also been designed to accommodate applications from communities where no formal community body presently exists, recognising that those in the immediate vicinity of a property are likely to need time to form to act in the best interests of the community. OPTS allows all stakeholders to be reactive to notification of an ownerless property and takes into account that some communities will be starting from scratch and will need to take time to consider options and identify relevant key community representatives. Connecting with relevant community groups was a challenge in some pilot cases, therefore, for the scheme's introduction, we have established the community co-ordinators, formed of representatives from the relevant enterprise agencies and community sector interest groups, to ensure that ownerless properties can be brought to the attention of communities throughout Scotland at an early stage in the process.
- **Interaction of operation/policy/legal expertise:** Whilst the pilot phase started with a clear vision and expectation of the OPTS process, it was also clear that policy details would need to be refined as practical experience was gained. This is one of the main benefits of the pilot phase. The aim of the pilots was





to shape the OPTS process where known policy and legal issues were addressed to ensure the process was deliverable. OPTS staff have therefore worked closely with KLTR legal colleagues to ensure the process is legally compliant, particularly in addressing the more complex legal issues. While the KLTR cannot provide legal advice to those involved in the OPTS process, guidance is available on the KLTR's website, and the OPTS Casework Team is available to address any administrative and processing queries relating to the scheme.

- **KLTR resource commitment:** Pilot projects generally involve variables that are difficult to predict and this will apply equally to OPTS. Our activity for *bona vacantia* property is inherently unpredictable, as we do not know which properties will fall to the Crown, or when, and, of those, which will be candidates for the scheme. The pilot phase involved internal discussions and decisions on how OPTS work would be assigned within the KLTR department, and how finite resources could be deployed to handle an unknown casework level.

The unknown quantity of properties and quality and number of applications makes predicting resource requirements challenging but the pilot phase has provided an opportunity to consider how the OPTS process can be simplified and streamlined to avoid any unnecessarily burdensome requirements on both the OPTS Casework Team and on those engaging in the OPTS process. Processing these pilot cases has helped with considering the resource required to ensure an efficient and effective start to the OPTS live scheme and resource levels will be reviewed regularly.

## Next Steps

This Pilot Report demonstrates how the KLTR and stakeholders have already benefitted from the new connections formed within and between organisations in the process of drawing these pilots together. The KLTR is keen to build on this success following the launch of the live scheme in March 2024 and we will take this work further in 24/25 by exploring a proactive approach to tackling *bona vacantia* property with relevant stakeholders.

It is clear from this evaluation of the pilot scheme that many aspects of the scheme are working well. We have expanded our capacity and improved our working relationships with organisations across the country. We have completed cases that demonstrate the scheme can work as intended, with new opportunities created and realised for the benefit of local people. Several other pilot cases look promising. Even the cases that concluded in a way that did not include a property transfer have contributed to the wider learning and helped develop the OPTS processes.

The lessons learned from these pilot cases have included valuable feedback that will shape the running of the scheme going forward. Each of these pilot cases has



contributed to the knowledge base of the KLTR and aided in the development of the OPTS process and the KLTR is grateful to all of those who participated in the pilots.