

# The Scottish Government

Enhancing our care of Scotland's  
National Scenic Areas

**Delivering the NSA Programme**

Oatridge College Seminar

3 October 2007



# The Scottish Government

## Delivering the NSA Programme

- In “Scotland’s Scenic Heritage” report (published in 1978) the CCS identified 40 areas of “outstanding scenic beauty” based on the subjective judgement of assessors.
- No formal analysis of landscape in terms of geology, natural history etc, or selection of representative landscape types but rather sought to identify scenery that best combine features which are most frequently regarded as beautiful.
- It is therefore an accolade designation based on an aesthetic appreciation of “outstanding natural beauty and amenity”, representing Scotland’s finest landscapes.
- The main aim was to “focus the attention of planning authorities on areas of particular scenic distinction which, from the national standpoint, are of outstanding importance”.
- NSAs are mainly in the more remote and mountainous areas of Scotland. The designation has existed for more than 25 years and is Scotland’s only national landscape designation.



# The Scottish Government

## NSA Consultation: Enhancing our Care of Scotland's Landscapes

Consultation was in relation to key issues and recommendations stemming from the 1999 Scottish National Heritage Report, *National Scenic Areas- Scottish Natural Heritage's Advice to Government*.

Consultation paper contained proposals under 2 headings:

- A.** proposals for **new legislative provisions** for NSAs (questions on the basis of designation of NSAs; a new statutory purpose and aim; the appropriateness of the proposed powers of designation and roles for the public bodies involved; and proposals for review of NSAs within National Parks) ; and
- B** proposals for **non-statutory management strategies** for these areas (questions relating to the preparation of management strategies; target dates for implementation; the review of implementation and the roles proposed for public bodies and costs ).

Paper issued to over 230 consultees, with 66 responses received.



# The Scottish Government

## Enhancing our care of Scotland's National Scenic Areas

### Consultation responses (66)

#### **A. Legislative provisions for National Scenic Areas:**

- majority responding agreed with powers proposed for Scottish Ministers to designate, amend or revoke designations.
- Also substantial agreement on fundamental principles of statement of purpose and aims for NSAs.
- A majority responding had reservations about the removal of NSA designation where this overlapped with National Parks.

#### **B. Management Strategies:**

- majority took the view that even with adequate resourcing 2010 was too ambitious a target for implementation, and that an 8/10 year target was more realistic.
- around 40% responding on this issue thought that the preparation of management strategies should be a statutory requirement.
- general view that a broader suite of stakeholders should be involved in the preparation of management strategies and guidance and should be subject to public consultation and approved by the Government.

# The Scottish Government

## The Planning Etc (Scotland) Act 2006

- **Who approved the NSA proposals?**
- **Cabinet agreed the NSA policy proposals subject to consultation, and appropriate provisions were subsequently tabled at stage 2 of Planning Etc (Scotland) Bill (later Act) 2006.**
- **These were considered by the Communities Committee. The 2006 Planning Act inserted the new NSA provisions as s.263A in the Town and Country Planning (Scotland) Act 1997**



# The Scottish Government

## Section 263A, Town and Country Planning (Scotland) Act 1997

- Provides the Scottish Ministers with powers to designate an NSA, for its outstanding scenic value in a national context, or to vary or revoke an NSA.
- In deciding whether to designate Minister will take account of whether the area is of outstanding natural beauty, the amenity of the area and any flora, fauna and physiographic features.
- Before designating Ministers will consult SNH and prescribed bodies.
- Provides for planning authorities (including national parks) and the Scottish Ministers to pay special attention to the desirability of safeguarding or enhancing the character or appearance of NSAs when exercising functions under the 1997 Planning Act.
- Provides powers for Minister to make regulations prescribing those to be consulted, the form of directions, the manner in which NSAs are described and publicity for directions.
- Ministers to compile and make available a list of NSAs.
- To assist planning authorities it includes provision for Ministers to issue statutory guidance which authorities must have regard.



# The Scottish Government

The following are required to implement provision in s263A:

- Consult on **draft regulations** covering procedures for Ministers to make changes to NSAs;
- Consult on **draft statutory guidance** document (in tandem with consultation on the new SPP 14 draft document);
- **SNH to consult on Draft Non- Statutory Guidance** to cover issues outwith scope of s.263A and the 1997 Act
- **Once regulations brought into force will consult with SNH (as required by the 2006 Planning Act) prior to going to Ministers to issue directions bringing existing NSAs into the new system.**
- The statutory and non-statutory guidance (to be produced by SNH) will be issued to planning authorities at the same time.
- **Consequential amendments**
- **Commencement Order(s)**



# The Scottish Government

## The Draft Town and Country Planning (NSA)(Scotland) Regs 2008

### Phase 1 Designations (existing NSAs)

- Application (existing NSAs)
- Must consult with SNH
  - Form of directions
- LA/NP notification & form of notification prior to direction taking effect
- Publicity on making directions/ means & form of publicity

### Phase 2 Designations, Variations & Cancellations

- Application (other than for Part 1)
- Prescribed persons for consultation
- Publicity/ consultation arrangements for proposed direction
  - Form of direction
- Bodies to be notified/ form of notification prior to direction taking effect
- Publicity on making directions/ means & form of publicity



# The Scottish Government

## s.263A(3): Statutory Guidance

- Sought agreement of SPP 14 working group to input to implementation of provisions in s. 263A of the 1997 Act.
- Kick-off process by canvassing for views on statutory guidance scoping paper at this seminar. Will put feedback to SPP Group for consideration.
- Aim to consult on statutory guidance next year in tandem with SPP 14 consultative draft
- Will also consult SPP group on draft consultation paper on NSA regulations which we hope to issue later in 2007.

# The Scottish Government

## Other work: Commencement Order(s)

- S.263A already commenced for purposes of making regulations and guidance
- Section commenced for purposes of all other provisions shortly before designation of existing NSAs begins



# The Scottish Government

## Other work: Consequential Amendments

### ENVIRONMENTAL IMPACT ASSESSMENT LEGISLATION

- Harbours Act 1964 Schedule 3 Part 1
- Harbours Works (Environmental Impact Assessment) Regulations 1993/3445
- Environmental Impact Assessment (Fish Farming In Marine Waters) Regulations 1999/367
- Public Gas Transporter Pipe-Line Works (Environmental Impact Assessment) Regulations 1999/1672
- Environmental Impact Assessment (Scotland) Regulations 1999/1
- Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000/320 Schedule 2
- Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999/4
- Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006/582



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Other work: Consequential Amendments

## Planning:

- **Town And Country Planning (Scotland) Act 1997**
- **Planning (Consequential Provisions) (Scotland) Act 1997**
- **Town And Country Planning (General Permitted Development) (Scotland) Order 1992/223**

## Other:

- **Road Traffic Regulation Act 1984**
- **Electronic Communications Code (Conditions And Restrictions) Regulations 2003/2553**
- **Overhead Lines (Exemption) Regulations 1990/2035**



# The Scottish Government

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- Strategic Environmental Assessment (SEA)
- The Environmental Assessment (Scotland) Act 2005 requires SEA of certain plans, programmes and strategies
- Considering implications for the NSA programme, including commissioning environmental expert to look at screening process etc.



# The Scottish Government

## Next steps:

We'll kick-off by canvassing for views on the statutory guidance discussion paper at this seminar. Incorporate the feedback in a scoping paper and send to the SPP 14 Stakeholder Group for consideration.

Aim to consult on statutory guidance next year in tandem with the SPP 14 consultative draft

Will also consult the SPP group on draft consultation paper on NSA regulations which we hope to issue later in the year

If necessary we will engage with the SEA requirements prior to or, in parallel with the consultation exercises

SNH plan to visit NSA local authorities shortly to discuss management strategies, and will also be considering non-statutory guidance.