

NATIONAL SCENIC AREAS REVIEW

Scottish Natural Heritage's Advice To Government

FOREWORD	2
SUMMARY	3
1. INTRODUCTION	5
The background	
The process of review	
2. SCOTLAND'S LANDSCAPES AND THEIR CONSERVATION	7
The importance of Scotland's scenery	
Safeguarding Scotland's landscapes	
The basis of designation	
3. MAKING THE NSA DESIGNATION MORE EFFECTIVE	12
Introduction	
The need for a new legislative base	
The purpose of National Scenic Areas	
Widening responsibility for National Scenic Areas	
Management strategies	
Influencing land use and land management	
Complementary measures	
Resourcing our proposals	
4. SEARCH AND SELECTION FOR NEW NSAs	32
The approach to search and selection	
Specific technical issues	
5. THE RELATIONSHIP WITH OTHER SCENIC DESIGNATIONS	39
Links with National Parks	
The role of regional and local scenic designations	
ANNEX 1 A CONCISE HISTORY OF THE NSA DESIGNATION	43
ANNEX 2 BREAKDOWN OF RESPONSES TO THE CONSULTATION PAPER	44
BIBLIOGRAPHY	46

FOREWORD

In September 1997 Lord Sewel asked Scottish Natural Heritage to review Scotland's national landscape designation, the National Scenic Area. He asked us, in particular, to consider the form of protection which a revitalised landscape designation should afford, to review the current selection of NSAs and advise on what changes might be desirable. We were also asked to consider the relationship of the NSA with other designations, in particular National Parks and Areas of Great Landscape Value. Our advice, presented here, is the result of a wide-ranging review and a public consultation on our draft proposals.

The National Scenic Area designation is not yet well enough known beyond the circle of those who use it in their work or who are directly affected by it. Yet our scenery is renowned both nationally and internationally and is at the heart of the popular image of Scotland, and we have an obligation to ensure that this great national asset is passed on to future generations in the best possible condition. To achieve this, we need to have agreement on which areas are considered the most valuable scenically, on the measures that are required to safeguard their outstanding qualities, and on the sharing of responsibility for their care. It is with the aim of revitalising the National Scenic Area designation that we offer the proposals set out in this report.

On behalf of SNH I wholeheartedly commend these proposals. We look forward to discussing them with Government.

John Markland CBE
Chairman
Scottish Natural Heritage

SUMMARY

1. This report presents SNH's advice, in response to a request from Government, to review the National Scenic Area (NSA) designation. It builds on a process of discussion and research, and consultation on our initial proposals. The main points of our advice to Government are as follows.
 - The priority for action should be to ensure that measures are put in place which enable the effective safeguarding and enhancement of the existing series of 40 NSAs before any systematic effort is made to identify potential new NSAs.
 - We considered the basis of the NSA designation and propose that it should continue to be a scenic designation based on preferences for natural beauty and amenity, and that it should serve as an accolade designation but, if the series is to expand, it should be more comprehensive in its recognition of the diversity of Scotland's best scenery than the present suite of 40 areas.
 - To enhance effectiveness of the designation we propose:
 - a new statutory base for NSAs, which defines their purpose;
 - enhanced duties lying with local authorities in particular, but with a new responsibility on all public bodies and others to safeguard the NSA;
 - a requirement for local authorities to produce, implement and review a management strategy;
 - changes to some of the regulatory provisions under the Town & Country Planning system;
 - the revision of mainstream land-management support schemes to ensure that they contribute to NSA objectives, and the provision of additional incentives for management in recognition of the national status of NSAs;
 - clearer and fuller policy guidance issued by the Government and SNH; and
 - greater effort to increase awareness, understanding and responsibility for NSAs amongst the local communities within these areas, and by the general public.
2. To support these measures we consider that additional national funding should be provided in recognition of the national interest in the protection of NSAs. SNH proposes to fund the preparation of management strategies, mainly through the employment of NSA officers on a time-limited basis. New sources of funding should be identified to supplement existing expenditure in each area on land management support.
3. If the existing suite of NSAs is to be expanded, we consider that the search and selection for any new areas should be led by a technical group, whose role will be to advise SNH. Particular tasks for this group include refining a method of search for new NSAs, identifying an initial sift of candidate areas, ensuring wide consultation and presenting recommendations to SNH. New NSAs should be validated through the Scottish Executive or Parliament.

4. Our advice proposes that, within any National Parks, NSAs should be de-designated to reduce the potential confusion and complexity of overlapping designations. However, we consider that such former NSAs should still be regarded as representing part of the best of Scotland's scenery, and this must be recognised in the safeguards and measures applying to them. Like National Parks, NSAs should be considered as a natural heritage designation of the highest national standing.

5. SNH considers that a designation approach to scenery at the regional or local level is appropriate, alongside the use of landscape character assessments, to assist in guiding new development. Further advice should be prepared on the identification and selection of areas. This guidance should encourage local authorities to identify only one sub-national tier of scenic designation, and that it should be titled Local Scenic Area.

1. INTRODUCTION

The Background

1.1 Scottish Natural Heritage (SNH) inherited from the former Countryside Commission for Scotland (CCS) its responsibility for the National Scenic Area designation. This designation was established in 1980 by the Secretary of State. A survey of Scotland's best scenery by the CCS identified 40 areas, described by the Commission as being "... of unsurpassed attractiveness which must be conserved as part of our national heritage". Descriptions of each of the 40 areas were provided in the CCS report *Scotland's Scenic Heritage*, published in 1978. The subsequent history of this designation is described briefly at Annex 1.

1.2 It has been widely recognised in recent years that the National Scenic Area (NSA) is due for re-assessment. A range of concerns had been identified in earlier reviews (see bibliography). The most important of these was that this designation was not sufficiently effective as a protective mechanism. There was criticism also of the original selection of 40 areas on the grounds that it placed undue emphasis on the mountainous areas of Scotland. A preoccupation with other natural heritage issues, however, prevented much being done to tackle these concerns.

1.3 In 1997, the present Government, in its response to a general review of all natural heritage designations, endorsed the need for a national landscape designation and asked SNH to review the National Scenic Area. The brief requested SNH:

- to make recommendations on how the operation of the NSA designation can be made more effective, including re-establishing its basis in statute;
- to consider and advise on whether the present NSA suite should be expanded to include other kinds of landscapes not yet represented, for example, in the lowlands, or to add to the coverage of Scotland's fine coastline;
- to advise on what relationship the NSA might have with any future National Park designation; and
- to make recommendations on the relationship between the NSA and other scenic designations.

The Process of Review

1.4 The review was led by an internal SNH working group, which also included representation from COSLA. The previous reviews of the NSA had all pointed to failings in the way in which the designation functions, and many of these criticisms remained valid. With this existing knowledge, no major review of the recent performance of the NSA was considered necessary. However, the following action was undertaken to gather some further information and advice:

- an initial *Invitation to Contribute* to the review was circulated to the main organisations and interests either involved in working with the NSA or affected by

it, and this drew out a number of useful contributions to assist the early thinking of the working group;

- a seminar was held at Battleby in November 1998 to debate some of the main issues with an invited audience of the main interests;
- a contract was let to ERM Consultants to review the current use of scenic designations in the planning system, and this study also included a brief assessment of the use of the NSA by a number of mainly public sector organisations involved in land-use planning and management;
- a review of experience in landscape designation in seven selected European countries was commissioned from Professor Michael Dower, Cheltenham and Gloucester College of Higher Education, and this report has provided a useful compilation of the diversity of approaches to landscape protection and management followed in these countries;
- a Forum on the Environment seminar at Pitlochry in February 1999 addressed the future of landscape designation; and
- two versions (full and summary) of a consultation paper setting out SNH's initial proposals were issued on 4 February 1999.

1.5 Some 143 responses were received by or soon after the closing date of 7 April, and they are listed in Annex 2. Detailed comments were received from 21 of Scotland's 32 local authorities, and from 43 community councils, drawn from right across the country. A summary of responses to the consultation is available alongside this submission to Government. The above-mentioned commissioned studies by ERM and Professor Dower will be published shortly in the SNH Review series.

1.6 This paper sets down SNH's advice in response to Government's original request. As in our consultation paper, we continue to place emphasis on the need to make the NSA designation operate more effectively (Chapter 3). We also address the other issues referred to us: on the possible expansion of the NSA series (Chapter 4), on the role of local scenic designations and on relationships with proposed National Parks for Scotland (Chapter 5). First (Chapter 2), we set out an approach to safeguarding Scotland's landscapes and the basis for the designation.

2. SCOTLAND'S LANDSCAPES AND THEIR CONSERVATION

The Importance of Scotland's Scenery

2.1 Scotland's fine scenery is a great national asset. It is the main attraction for our visitors and thus is of substantial economic value to the nation. It is an essential element of our heritage, contributing to our national identity and self-image. It is important to our quality of life in providing the settings within which the people of Scotland live, work and play. And it is an intrinsic element of the package which helps to make Scotland an attractive place for inward investment.

2.2 Scotland's scenery has great diversity, which derives from its very varied geology and its geomorphological history. These determine the landform and, ultimately, the uses which the land can support. Our natural vegetation patterns and their associated wildlife also reflect this geological base, but are governed too by the sometimes harsh climatic influences associated with Scotland's location at high latitudes on the Atlantic seaboard. There is a strong cultural influence in our landscape which reflects how people, past and present, have made use of its natural resources. This influence is most evident in the patterns of land use, of settlement and communications. There is also a strong cultural contribution to the character of Scotland's landscapes, which is manifested in the vernacular built tradition, and in the historic elements, including the archaeological record.

2.3 As a nation we have not always looked after our fine scenery as well as it deserves. Some of the adverse effects of this neglect have arisen from extensive land use changes or from losses to the natural land-cover, from major built structures or developments, and from the inheritance of past heavy industry. Other changes, such as the inappropriate siting or design of buildings and other constructions can be quite small-scale in themselves, but cumulatively (and sometimes individually) these blemishes detract from the quality of our landscapes. Often the consequences of these small-scale changes are only widely recognised when the loss of landscape quality is already well-advanced.

2.4 The quality of local scenery affects the quality of people's lives throughout Scotland. The aim therefore should be to raise the standards of care and design everywhere. Concerted effort to enhance the landscape is especially justified where the countryside around towns is still blighted by the industrial past, and by the rapid post-war change to our patterns of settlement and industry. A great deal of good work has been done to address these problems. However, close to and within the major urban areas, particularly in central Scotland, more needs to be done to enhance the quality of those landscapes, where most people live and work.

2.5 The priority that these near-urban areas deserve should not, however, blind us to the need to care better for those places which are regarded as being special because their scenic quality is important to the whole nation, and is often of international renown. These special places are of such outstanding quality that great care should be taken to ensure that their essential qualities are securely protected and, where necessary, enhanced for the future. Many of these special landscapes are highly sensitive to even small-scale physical change, which can lead to a diminution of the special values and importance which people attribute to them.

2.6 SNH has recently completed a comprehensive review of the whole of Scotland's landscape character. In 29 surveys the essential features of our landscapes are described and appraised. These surveys provide as objective an analysis as is possible of the factors which give different parts of the Scottish countryside their essential and distinctive character. The individual survey reports provide guidance on the sensitivity of different landscape types to change, and give general advice to ensure that change is promoted in ways which best accord with local landscape character.

Safeguarding Scotland's Landscapes

2.7 The focus of this review lies with those special places considered nationally outstanding for their scenic qualities, and where protection is necessary to maintain these qualities. This aim stands alongside the need to promote the appreciation and care for all of our landscapes, including the enhancement of those which specially require it. Our broad approach to landscape protection will be based on these two aims and it will be founded on the following propositions.

- **A landscape-wide approach** - SNH recognises that all landscapes are of some value, and that all require more care to ensure that change to them takes place in ways which respect their character and the values which people attach to these places.
- **Some landscapes have special value** - Scotland has a great deal of scenery of both national importance and international renown. These areas should be awarded high recognition so that their essential qualities are safeguarded for the long-term.
- **Landscapes are dynamic** - Landscapes are continually changing as the result both of natural processes and (usually more rapidly) because of the changing demands placed upon them by those who live and work in rural Scotland. Many of our valued landscapes are the cumulative outcome of human actions over a long period of time. But our ability to cause rapid change to the land has increased greatly in recent decades, and this calls for a more active approach to landscape planning and management by the public and private sectors alike.
- **A common responsibility** - All public bodies involved in land-use change have a responsibility to ensure that such change is managed sensitively through the range of regulatory systems or incentives controlled by them and through the management of their own land.
- **A need for higher standards** - Examples of good design in new development are to be found throughout Scotland. But there remains a need to raise overall standards of design and the appropriate siting of built development, recognising that good design requires innovation as well as respect for the past.
- **Some landscapes need to be enhanced** - While much good work has been done to remedy the inheritance of damage to Scotland's landscapes from our industrial past, continued effort is needed to restore and enhance those

landscapes which provide the setting where most people live and work - especially in central Scotland.

- **The importance of public support** - Public appreciation of and commitment to the quality of Scotland's scenery - whether locally or nationally - is the most powerful means of fostering continued support and action to care for this vital resource, and this appreciation should be awakened and promoted.

2.8 SNH will add greater detail to these general statements through the development of its policies for landscape. This will be developed, in particular, through our Zonal Programme. Through this programme, SNH aims to promote a more integrated and strategic approach to its work, which is less dependent than in the past on designation as the main tool of safeguarding the quality of our natural heritage.

The Basis of Designation

2.9 The enjoyment of scenery is one means whereby people most readily come to value the natural heritage. The main experience of people enjoying the scenery is a visual one. Individuals will enjoy other qualities in the landscape, especially as they spend their leisure time in them - qualities such as solitude, tranquillity, wildness, exhilaration and challenge. People will also vary in their understanding of the cultural and natural values inherent in any one landscape. Each person will have his or her own preferences and feeling for the land, which stem from personal experience and sensitivity. Exactly how and why people derive their own values for different places is a complex matter, on which there is no general agreement amongst the specialist analysts of landscape. But why and how people enjoy different places may be less important than the facts that most people respond strongly to the appeal of certain types of scenery, and that there is a good measure of commonality in their preferences for certain kinds of scenery. For most people therefore, the evaluation of scenery or scenic values involves a statement of preferences.

2.10 The trained landscape architect is able to take a more objective approach to the analysis and classification of landscape, through its individual components - whether natural or cultural - and this provides a more professional basis for evaluation and assessment. SNH's own landscape character assessment survey follows this approach, as does Historic Scotland's Historic Landuse Assessment. These are excellent means of communicating more specialist information, analysis and judgements to those involved in planning or other kinds of land-use allocation or management.

2.11 So there are options for either a scenic or a landscape character approach to designation: the former is more concerned with people's perceptions and valuation of place, the latter is more strongly underpinned by professional understanding and analysis. The scenic approach has merit in reflecting a more popular approach to the enjoyment of Scotland's best landscapes, but it is more subjective, being based on preferences. Both approaches are valid: each has its own strengths and each can give support to the other.

2.12 In the establishment of the NSA, the former CCS took a wholly scenic approach, as described in *Scotland's Scenic Heritage* in the following words:

"... we have deliberately not analysed scenery in terms of its geology, geomorphology, pedology, climate, natural history or cultural history. This is not because we think these things are unimportant in their influence on the scene, but because we believe that the enjoyment of fine scenery is based on a perception of the whole, which does not depend on more formal analysis."

Conventionally in Britain the scenic approach has been followed, while some other European countries have favoured a more specialist basis to analysis and selection of special landscapes. All selection for designation, however, involves value judgements, and the question then becomes one of whose judgements, on what basis are they made, and how they are endorsed.

2.13 In the consultation paper, we asked whether respondents thought that the NSA should continue to be based on natural beauty and amenity - the scenic approach - or whether there was some other basis of choosing areas for designation. The great majority of respondents favoured the scenic approach as being more comprehensible to the general public and more likely to command their support. But many respondents recognised that high scenic value is often founded on the separate elements of landscape and their intrinsic quality - and that landform, ecological value, cultural and recreational values could be better recognised in the way in which selection of areas is made. However, there was little detailed commentary in the responses on how this might be done in a consistent manner. A stronger acknowledgement of the cultural elements of landscape would be logical, given that any extension of the NSA series might bring in more lowland landscapes where cultural features will often be dominant in the scene. Exactly how this might be done is not yet clear, although the matter is raised later in Chapter 4, in discussion on search and selection for possible expansion of the present series.

2.14 A related question asked whether the basis of the NSA should continue to be an accolade - as is implicit in the basic description in *Scotland's Scenic Heritage* of the present NSA series "*... areas of unsurpassed attractiveness which must be conserved as part of our national heritage*". Here we offered respondents three options. First, the NSA should simply be seen as a general accolade without regard to the kinds of landscapes involved in selection, that is, a selection of the very best. Second, (and more likely in SNH's view) is a modified accolade approach which recognises that expansion of the series would have to be more generally representative in future of the different kinds of outstanding landscapes for which Scotland is most renowned. Third, we could follow a fully representative approach, without attribution of special value to the areas chosen.

2.15 In the responses, there was general support for an accolade approach. A very few voices expressed a preference for a representative approach in selecting new areas (one view being that this was more objective because preferences change over time). But most respondents recognised that Scotland's scenery is diverse and that much of it has renown - whether it be mountain, moorland, coast or fine lowland

landscapes - and that the selection of the best should, therefore, also capture some of this diversity.

2.16 A few responses suggested that a different approach to designation be followed, reflecting in particular a concern that (as mentioned above) the conservation of the cultural landscape resource was not well served by the scenic approach. A small number went still further and advocated a designation designed to capture the full range of natural heritage interests. The proposed National Park designation does of course represent a move in this direction, but were this approach to be applied generally, then the present designation system would have to be substantially re-invented. It would also be difficult conceptually to bring together different value systems, namely those concerned with nature and founded in the natural sciences, those based on the cultural heritage, and those which place more emphasis on people's response to their surroundings and draw more heavily on aesthetics and the social sciences.

2.17 SNH's recommendations on the most appropriate approach for the NSA designation is that:

- **it should continue to be a scenic designation based on preferences for natural beauty and amenity;**
- **it should remain as an accolade designation; but**
- **it should be more comprehensive in its recognition of the diversity of Scotland's best scenery than the present series of 40 areas.**

3. MAKING THE NATIONAL SCENIC AREA DESIGNATION MORE EFFECTIVE

Introduction

3.1 Our consultation paper set out the various weaknesses which previous studies and the current review had identified as limiting the effectiveness of the NSA designation. These include:

- the lack of a statutory base for the NSA in primary legislation, which weakens its status;
- the lack of a strong, national policy framework to give greater status to landscape conservation and a clear role for NSAs - although the welcome support for the designation in recent NPPGs has improved matters;
- the need for clear and well-defined statements of the scenic values of individual NSAs;
- the absence of an agreed vision and strategy for individual NSAs, setting out their objectives and indicating how landscape change should be managed;
- the limited scope and strength of the consultation and referral mechanism and its restriction largely to the planning system;
- the limited role of the NSA in influencing land management decisions; and
- the limited awareness and understanding of the designation amongst public bodies, land managers, communities and the wider public.

3.2 Many respondents supported this analysis. Despite acknowledging these past shortcomings, however, most supported our priority for improving on past performance and strengthening the NSA to make it a more effective designation. There is therefore a welcome acknowledgement of the value and importance of Scotland's scenery from a broad spectrum of interests, and support for a designation which recognises this. SNH welcomes this positive response to the principle of a national scenic designation.

3.3 It should be recorded that a small number of respondents did suggest that the NSA designation should now be set aside. In the main, these views came from individuals or from Community Councils, usually expressing a view that there were too many designations already, or that designations were an unwanted barrier to local enterprise and development. A few responses argued that an ineffective designation such as the NSA should be put aside rather than be revived. Two public bodies expressed some reservations, one saying that an approach which delineates valued areas by lines on maps, could only be a valid approach if effective policy instruments are in place to back up the designation. Another expressed a preference for a ubiquitous approach to landscape conservation, rather than one focused on designations, especially to provide a stronger basis for the protection of the cultural landscapes. SNH notes this diversity of views, but considers a revitalised NSA designation will provide a positive mechanism for safeguarding Scotland's outstanding scenery.

3.4 SNH indicated in its consultation paper that its preference was to address the question of effectiveness and the weaknesses with the current system before undertaking any expansion of the series. We consider that the first priority is to ensure that the 40 existing NSAs attain the standards of safeguard and

enhancement expected of a national designation. Although consultees were not asked this question, nonetheless several responses supported this view. SNH therefore proposes that:

- **the main priority for action should be to ensure that measures are put in place which enable the effective safeguarding and enhancement of the existing suite of NSAs, before any systematic effort is made to identify potential additions to it.**

3.5 Our proposals for making the designation a more effective one have been widely welcomed and received broad support, in particular from many local authorities, albeit not unanimously. As outlined in our consultation paper, we envisage that the NSA designation will be a positive mechanism, providing a framework for guiding change within each area by strengthening the links with the planning system, and by encouraging and influencing appropriate land use and management. The key elements of our proposals are:

- **a new statutory base for NSAs, which defines their purpose, the actions required to achieve this purpose, and the responsibilities falling on local authorities and other public bodies;**
- **enhanced duties in relation to the designation, lying with local authorities in particular, but with a new responsibility also on all public bodies and others whose actions have the potential to affect the interests safeguarded by it;**
- **a requirement in statute for local authorities to produce, implement and regularly review a Management Strategy for each NSA;**
- **changes to some of the regulatory provisions under the Town and Country Planning system;**
- **incentives to influence land management;**
- **clearer and fuller policy guidance issued by the Government and SNH; and**
- **enhanced effort to increase the awareness, understanding and responsibility for NSAs amongst local communities and the wider public.**

3.6 The existing NSA series exhibits great diversity of size, character and pressures, and it is important that the application of these measures is sensitive to this. We therefore expect the manner and extent to which these measures are applied will vary between NSAs. SNH proposes that, in applying the proposed measures:

- **flexibility will be needed to enable their implementation for individual NSAs to fit local circumstances, whilst ensuring that they remain fully effective and in accord with national requirements.**

3.7 SNH recognises that several of our proposals will entail new or additional costs, particularly for local authorities. Several consultees qualified their support for the proposals by stressing that they considered their success would be dependent on adequate resourcing, both financial and technical. SNH agrees that resourcing is a key issue if our aspirations for NSAs are to be fulfilled. Our advice therefore discusses in turn each of the specific proposals listed above, before addressing the question of resources in paragraphs 3.66 - 3.70.

The Need for a New Legislative Base

3.8 SNH recognises that the present uncertainty over the status and purpose of the NSA designation is unsatisfactory, and agrees with the Government that new legislation is required. Existing NSAs were established by Direction of the Secretary of State in 1980 under planning legislation, with subsequent amendment of the Planning Acts creating powers of designation and imposing a duty on local authorities to give special attention to NSAs. The provision in primary legislation for this duty was removed during the 1997 consolidation of planning legislation, while the NSA designation power had previously been removed by the Natural Heritage (Scotland) Act 1991. In the absence of even these limited provisions, the opportunity should now be taken to provide a more comprehensive statutory base which meets today's needs. This includes extending the scope of legislation beyond the planning system and making it explicit that the designation can extend to areas of sea as well as of land. Our proposals received broad support. SNH proposes that new legislation should:

- **define the purpose of NSAs;**
- **define the responsibilities of local authorities and public bodies, including placing a duty on them to pay due regard to the need to protect the scenic quality of NSAs when exercising their functions; and**
- **require local authorities to prepare, implement and review Management Strategies for the NSAs within their areas.**

3.9 In preparing new legislation, SNH is mindful of its earlier advice to Government on the establishment of National Parks. National Parks and NSAs are two quite distinct designations, with NSAs having neither the breadth of purpose nor the comprehensive integrating role envisaged for Parks. Nonetheless there are important links between these two designations (discussed in Chapter 5), and both are natural heritage designations of national standing. Because of these links and the complementary roles of these two designations, SNH considers that:

- **there are advantages in taking forward legislation for National Parks and NSAs together.**

The Purpose of National Scenic Areas

3.10 Our consultation paper proposed the following definition for the NSA:

“NSAs represent the best of Scotland’s scenery and are areas of land and water:

- *whose natural beauty and amenity are of such outstanding quality that they should be safeguarded and enhanced as part of the national heritage; and*
- *where the aim is to manage change arising from development and land use decisions, so as to accord with the primary purpose, while making provision for the social and economic needs of the area.”*

This approach was widely supported. We did however receive a range of comments on the role of social and economic considerations and the need to clarify the definition.

3.11 Our consultation paper asked for views on whether the definition of the NSA should incorporate a socio-economic purpose, and on wording (as above) which recognised the social and economic needs of an area but which stopped short of a full socio-economic purpose. Whilst the majority of respondents were against including an overt socio-economic purpose, a significant number supported its inclusion. But a number of those who supported a socio-economic purpose, also supported the proposed definition, and specifically welcomed the recognition we had given to social and economic needs. Some respondents stressed that if socio-economic needs were to be recognised by the designation, they would need to be balanced by a clear statement to the effect that, in the event of an unresolvable conflict between conservation and development, the balance should lie with conserving the natural beauty and amenity of the NSA.

3.12 From all of the comments on this issue, we accept that there is a need to clarify the definition, but we conclude that the weight given to social and economic needs in the version proposed in the consultation paper is about right. We remain of the view, as stated in that paper, that it would not be appropriate for NSAs to include an overt socio-economic purpose because it does not have the capability to deliver such a purpose. Nonetheless, it is important that socio-economic needs are explicitly recognised in the way in which the designation is applied.

3.13 In line with this conclusion, and taking note of comments that a statement is needed to clarify where the priority should lie in the event of an unresolvable conflict arising, SNH proposes the following revised definition for the NSA:

“National Scenic Areas are areas of land and water which represent the very best of Scotland’s renowned scenery. They are of such outstanding natural beauty and amenity that they should be safeguarded and enhanced as part of the national heritage.

“Within them, the aim is to manage change arising from development and land management decisions consistent with this purpose, while allowing for the social and economic needs of communities. If any proposed change is inescapably in conflict with the underlying purpose of the designation, priority must be given to the long-term conservation of the scenic qualities for which the area has been designated.”

Widening Responsibility for National Scenic Areas

3.14 At the heart of our proposals is the recognition that many interests have a role to play in safeguarding and enhancing NSAs. In the past, NSAs have often been seen as mainly the concern of SNH. Many respondents recognised and supported the need to extend responsibility for their care to local authorities and other public bodies as proposed, and also to the local communities within an NSA through their direct involvement with its planning and management. SNH welcomes this positive response from a wide spectrum of interests. In the light of these responses our proposals build on those set out in the consultation paper and envisage the following roles for the various interests.

The Role of Local Authorities

3.15 Our consultation paper identified local authorities as playing the key role in relation to individual NSAs because of their local base, democratic accountability and links with local communities and other bodies. Whilst some respondents had reservations about the designation not being led by SNH, our proposals received wide support, most importantly from most of the local authorities themselves. However some respondents, including Councils, did question the principle of local authorities taking on such a key role for a national designation. In SNH's view, however, this concern should be overcome by SNH maintaining its responsibility for the designation at the national level and continuing to provide expert support to local authorities. It will, however, be important to define clearly the responsibilities of both local authorities and SNH.

3.16 Other concerns expressed were the weighting which local authorities might accord to different objectives when resolving potentially conflicting demands within NSAs, and some respondents queried their ability to engage with land management issues which lie outwith their control and expertise. SNH considers that the measures proposed here will adequately address these issues, in particular through the proposed definition of NSAs (paragraph 3.13), the proposed duty on public bodies (see paragraphs 3.21 - 3.23) and land management measures (see paragraphs 3.53 - 3.60).

3.17 In line with our consultation paper, we propose that the local authority role for the NSA should be strengthened and enhanced, with local authorities fulfilling the following functions for individual NSAs at the local level:

- **leader - to champion the NSA and drive forward actions to ensure individual NSAs achieve their broad purpose as defined in legislation;**
- **co-ordinator - to provide the focus for actions and effort within individual NSAs, and ensure that they are co-ordinated, in particular through the preparation of a Management Strategy; and**
- **advocate - to support and communicate locally the designation's purpose.**

The Role of Scottish Natural Heritage

3.18 Our consultation paper noted that we envisaged SNH continuing to have a clear lead on NSAs at a national level on behalf of Government, especially in the

process of identifying areas, in broader issues of policy and practice and in monitoring how the series is faring. Whilst this approach was generally welcomed, several respondents also argued for SNH maintaining a more hands-on role with individual NSAs, but in some cases alongside their support for the lead role envisaged for local authorities. We recognise the need for SNH to continue to support authorities and others as they develop their responsibility for the designation, but we also recognise that, with changes for other bodies, SNH's role will evolve over time. This role will depend on the effectiveness and success of the measures proposed here.

3.19 SNH's role will evolve over time as local authorities develop greater responsibility for NSAs and as they develop their own expertise, but will comprise, as a minimum, the functions of:

- **national champion - to ensure adequate protection of NSAs at the national level, through advising the Scottish Parliament and its Executive on the policies and resources required, and on the selection of the NSAs;**
- **expert adviser - maintaining its expert advisory role to Government and local authorities through the provision of technical advice and development of best practice guidelines;**
- **national guardian - to represent the national interest in the NSA with defined powers of consultation and the right, where necessary, to secure referral of proposals for change to the Scottish Parliament or Executive; and**
- **monitor - to maintain a national overview of how the NSA series is faring, including advising on the progress with the preparation and adequacy of Management Strategies.**

3.20 There remains the potential role for SNH of funder, and this is discussed in paragraphs 3.66 - 3.70.

The Role of Public Bodies and Others

3.21 Up until the 1997 consolidation of the Town and Country Planning Acts, there was a statutory requirement on planning authorities, when exercising their powers on land within an NSA, to give "*special attention ...to the desirability of preserving or enhancing its character or appearance*" (section 262C(4), Town and Country Planning (Scotland) Act 1972). Our consultation paper proposed reinstating a similar duty, but revised:

- to apply to actions by public bodies in general, not only those under planning legislation;
- to extend to all relevant public bodies, not only planning authorities; and
- to encompass actions that may affect an NSA and not only actions within it.

3.22 The proposed duty on public bodies received broad support, including from some of those bodies which would be encompassed by it. Several respondents noted the need to define the bodies on which the duty would be placed, with some

arguing for it to be applied widely. In addition to those bodies and agencies established by statute, we consider the principle guiding its application should be that where a body enjoys special status or privileges within the various regulatory systems (as in the case of permitted development rights) it should have to recognise the specific interests of the NSA in how it undertakes its primary functions. We envisage that such a duty would apply to those providing transport (road, rail, water, sea and air), telecommunications, gas, electricity, water and sewerage services, and through the generality of this duty, to their regulatory bodies. The scope of such a duty is ultimately an issue to be determined by the Scottish Parliament.

3.23 SNH therefore proposes that:

- **the following duty should be placed on all bodies authorised by any general, private or local enactment or which enjoy special status within the regulatory systems, and that this should encompass actions that may affect an NSA and not only actions within it.**

“It shall be the duty of any relevant public bodies in exercising their functions to give special attention to safeguarding and enhancing the character and qualities of any area designated as a National Scenic Area”.

The Role of Local Communities

3.24 Responses across the range of interests recognised the role and needs of those living and working in the NSAs in achieving the designation’s objectives. SNH agrees that the involvement and support of the range of local interests is essential to the success of the designation, especially through them having greater responsibility for and ownership of the designation. We envisage that representatives of local interests, such as Community Councils, will be involved in the preparation of Management Strategies (discussed in paragraphs 3.28 - 3.35), and that opportunities will also be provided for the engagement of the wider community. Our recent work developing a detailed landscape character assessment for the Loch Tummel NSA illustrates one approach towards achieving this. Similarly, our proposals discussed in Chapter 4 for the identification of any further NSAs will involve both the wider public and the communities affected. Although some concern was expressed with our proposal that it should be for local authorities to determine how best to engage with their communities, we do not consider it appropriate or feasible at this stage to specify the precise mechanisms because needs and opportunities will vary from area to area. We recommend that:

- **engendering support and responsibility for the NSA designation amongst local communities is essential and this can best be achieved through their involvement in considering the measures taken to achieve an NSA’s objectives.**

Management Strategies

3.25 The key to fulfilling future aspirations for the designation is the preparation and implementation of a Management Strategy to cover each NSA. The Strategy should identify those qualities which merit national designation, and set out the objectives and actions required for the safeguard and enhancement of each area.

Our consultation paper outlined the broad content and the process for its preparation and approval. It also proposed that local authorities should be responsible for the preparation of Strategies, with this provision included in statute to ensure that they are given appropriate priority and resourcing. Our proposals were widely welcomed, albeit that some respondents requested further consideration of their application in practice. The main issues requiring clarification are the responsibility for the preparation of a Management Strategy, the process of its preparation, the scope of its content, and its status in relation to existing plans and strategies.

Responsibility for the Preparation of the Management Strategy

3.26 Although the vast majority of respondents, including local authorities, supported the proposal that Management Strategies should be prepared by the relevant local authority, a small number, including three Councils, considered this to be a role for SNH. In part the latter view reflected a concern about the availability within the authority of the necessary resources and expertise. We are not convinced such an approach is desirable as it runs counter to one of the underlying principles guiding our proposals, namely that of sharing responsibility for and ownership of NSAs with others outwith SNH and, in particular, with local authorities. With a local base and knowledge, and links with communities and relevant bodies, SNH considers that the local authority is best placed to lead and co-ordinate the preparation of Management Strategies. SNH will clearly have a role in supporting local authorities to achieve this. To this end we advise that:

- **new legislation on NSAs should place a duty on local authorities to prepare and implement a Management Strategy for each of the NSAs within their areas.**

3.27 Our consultation paper proposed that legislation should indicate a time limit within which Management Strategies should be prepared. This proposal attracted little comment. The broad welcome which our proposals have received encourages us to believe that Strategies will be prepared if adequate resources are provided, but in a climate of competing priorities we still consider that it is appropriate for Government to set a deadline to ensure their early preparation. We have no strong view on whether this should be contained in legislation or accompanying Government guidance. SNH recognises that there are substantial resource implications for those local authorities with several NSAs within their boundaries. We consider a five year period following enactment of legislation would be a reasonable period for completing preparation of all Management Strategies. Our advice is that:

- **a requirement to prepare a Management Strategy for each NSA within 5 years of the legislation being enacted should be provided for, either in legislation or in accompanying Government guidance.**

Process of Preparing the Management Strategy

3.28 The Management Strategy is a mechanism to ensure safeguarding and enhancement of the scenery of the area. Its purpose is to increase the awareness of the designation, to clarify objectives, to identify what needs to be done, and to seek consensus on key issues. Although led by the local authority, the Strategy should be prepared in partnership with key local interests as the process of communication is

crucial to gaining ownership of its content and to the successful achievement of its goals.

3.29 Our consultation paper suggested a variety of approaches for the preparation and implementation of the Management Strategy, including:

- a formal advisory committee or a less formal steering group made up of the range of interests;
- recruitment of an NSA officer; and/or
- identification of an existing local authority officer with specific responsibility for NSAs.

3.30 These approaches are not mutually exclusive, and we recognise that a combination will be appropriate in some NSAs, particularly those presenting complex challenges. Other approaches may also be considered more appropriate, especially where other initiatives are already being progressed in the area. For example, the opportunity to utilise Community Planning or Rural Frameworks should be explored. SNH does not recommend any particular solution, recognising that a flexible approach to fit individual circumstances is required, provided that the essential components of a Strategy are delivered.

3.31 SNH recognises that it will have an important role in resourcing the preparation of Management Strategies through support to the bodies charged with developing and taking the Strategy forward, and this is addressed in paragraphs 3.66 - 3.70.

3.32 To ensure that a Management Strategy is an effective and workable document it is important that it takes into account the range of interests within the NSA. Many responses highlighted the need for involvement of local communities, including those living in NSAs and managing the land. We envisage that a range of interests will be involved in the preparation of any Management Strategy - agencies representing different sectoral interests, local communities and land managers, and non-government organisations. The range of interests involved will depend on the scale and the character of, and issues relevant to each NSA, and we consider that it is for the local authority, in its lead role, to determine with whom and how best to engage. National guidance should be provided, which should include a statutory requirement to advertise the preparation of and consultation on a Strategy. Although we expect SNH to be working in partnership with the local authority in this process, given our national responsibilities, it would be appropriate for consultation with SNH to be included as a specific statutory requirement.

3.33 Our consultation paper suggested that there might be a role for SNH to endorse or approve Management Strategies, and this received some support from respondents. Others suggested that this was a task for the Scottish Parliament or Executive. Given the lead role identified for local authorities, we do not consider it appropriate for SNH to play a formal role in endorsing Strategies. Our involvement with their preparation and a statutory requirement for consultation with SNH should provide an adequate basis for ensuring consistent standards. However the Scottish Parliament or Executive may wish to monitor the preparation and adequacy of Strategies, and SNH would expect to have a role in advising them in this case.

3.34 Several respondents recognised that a Management Strategy would require monitoring and review to ensure it remained up to date and sensitive to changing circumstances. Landscapes generally evolve over long timescales, and the Strategy should set out a clear vision for the area in the longer term. Whilst the action plans needed for taking forward a Strategy's objectives will require on-going review, more fundamental review of the whole Strategy at seven year intervals should be adequate. We do not envisage this being a particularly onerous task as the broad objectives and content of the Management Strategy should remain valid - it may be more a case of focusing effort towards specific issues or particular areas of action.

3.35 SNH's advice on the process of preparing, implementing and reviewing a Management Strategy is that legislation should:

- **require advertising the preparation of and consultation on the production of the NSA Management Strategy;**
- **include a specific requirement to consult SNH on the production of the Management Strategy; and**
- **require review of the Strategy at no more than seven-year intervals.**

Content of the Management Strategy

3.36 The content of a Management Strategy will vary greatly between NSAs according to the character and pressures prevalent in each. There was wide support for the suggested broad content of a Strategy, outlined in our consultation paper as:

- identification of the key characteristics of the NSA, stating the scenic qualities for which the NSA has been designated and the objectives for safeguarding them;
- clarification of the forces which can affect these scenic qualities, and the sensitivity of these qualities to change;
- identification of the opportunities for the management and enhancement of the main features which are critical to the purpose of designation;
- the establishment of clear objectives for the way in which change is to be managed; and
- the articulation of a Strategy for the achievement of all these goals, identifying the actions required, the roles of those who are responsible or can influence change, and the resource needs.

3.37 We recognise that further work needs to be undertaken to develop 'model' Management Strategies, and that this and the preparation of national guidance are tasks for SNH. At this stage, we do not envisage that the Strategy requires to be an overly complex or prescriptive document, so long as it provides the framework and necessary detail for other plans and strategies and their consequent decisions. It may be possible in some cases to combine in a single document the Strategies of NSAs which are closely linked in character and needs, but we expect separate Strategies to be the norm.

Status of the Management Strategy and Relationship with Existing Plans

3.38 Despite the welcome given by many respondents to the proposed Management Strategy, SNH is very aware that its production will add to an already crowded shelf of existing plans, strategies and reports. It is important that a Management Strategy adds value to existing plans rather than repeating them, and that the relationships between it and other planning and management documents is clear. Achieving this clarification is especially important for the wider community of interests, for whom the number and variety of such documents can often appear unnecessary.

3.39 The content of a Management Strategy will provide an important context for other plans by setting out clear objectives for the NSA, identifying the important issues which will affect its scenic interest, and setting out how these should be managed or influenced. The partnership approach towards its preparation provides the mechanism for potentially competing interests to be addressed. Whilst the Management Strategy does not take precedence over other plans, the proposed duty on bodies will require them to take account of an NSA's interest and therefore it should inform the preparation and implementation of their own plans and programmes of work. Similarly, the Management Strategy will, in its preparation, have been influenced by the relevant elements of these other plans.

3.40 There is an important link to be made with the development plan, given its primacy in planning legislation. We envisage that the key objectives identified in a Strategy will be incorporated into development plans as they are revised, along with those issues relevant to the planning system. An approved Strategy should be considered a material consideration in development control decisions. Similarly a Strategy's objectives and relevant detail should be taken into account in the preparation of other topic-based plans, in particular for forestry and fish-farm framework plans.

Influencing Land Use and Land Management

3.41 A Management Strategy will provide a framework for informing decision-making through the planning system. But, to be effective, it will also need to impinge more strongly than at present upon a wide range of land use and land management systems, including those covering marine areas. NSAs up to now have primarily been seen as a planning designation, but their failure to influence land management is considered by many as the main issue to be addressed if the designation is to be made more effective. Our advice here addresses how the NSA designation should most effectively engage with the planning system, actions in the marine environment, and the systems of land management support.

The Town and Country Planning System

3.42 At present NSAs are recognised within the planning system at the national level through policy guidance in the series of National Planning Policy Guidelines (NPPG), and especially NPPG 14 on the natural heritage which specifies the application of a strict policy test for proposed developments. Planning authorities are also obliged to consult SNH on certain proposals within NSAs, and permitted development rights have been removed from certain forms of development. However, several local authorities consider that NSAs do not fully engage with the

planning system, and respondents generally supported the strengthening of planning controls to make the designation more effective.

3.43 We agree that there is scope to improve on the existing links with planning. Any changes proposed here must be seen within the context of our whole set of proposals, in particular the enhanced role and responsibility for local authorities and the guiding framework which will be provided by Management Strategies. These measures will over time secure more attention for NSAs in planning decisions. In the meantime, we do not recommend major revision of current provisions, but envisage the need for further consideration once our proposals are in place.

Consultation and Referral Requirements

3.44 The present consultation and referral requirements are set out in SDD Circulars 20/1980 and 9/1987. These specify those types of development about which SNH must be consulted, and which can be referred to the relevant Minister should the planning authority be minded to approve an application against the advice of, or without conditions recommended by SNH. This procedure allows for the provision of expert advice and a national perspective from SNH, while leaving the final decision to an elected body and allowing the Minister to fulfil his or her responsibility for areas which are a national asset. This rationale remains relevant to our proposals. Our consultation paper suggested that SNH's role should evolve to reflect the enhanced role proposed for local authorities. We suggested in the consultation the possibilities of amending the list of developments requiring consultation and referral, basing it on proposals having 'likely significant effect', or of creating a more restrictive list of those developments subject to referral than those consulted on.

3.45 In the consultation responses there was a significant level of support for extending the consultation and referral requirements to more types of development than set out in Circular 9/1987. This does not fit well with the new approach of enhancing the local authority lead role in and ownership of NSAs. Some respondents argued for a much greater number of, if not all, applications to be referred to SNH. The major concern appears to be with development falling below the Circular's thresholds, in particular single housing or chalet development, and developments less than 12m high, yet with potential for significant impact. SNH agrees that relatively small developments can result in significant detrimental effects, both individually and cumulatively. However, it is not clear what added value SNH would bring to additional consultations, bearing in mind the Circular 20/1980 requirement for planning authorities to give "*particular attention*" to all applications not only those subject to consultation with SNH, and that SNH is already consulted voluntarily on many applications outwith the Circular's requirements.

3.46 Several local authority responses suggested that there is potential to tailor consultation and referral requirements to the particular needs of individual NSAs, once a Management Strategy has been prepared. The identification of an NSA's key characteristics, the forces which affect them and their sensitivity to change may allow key types of development to be identified for each area which should be subject to consultation and referral. Alternatively, an approach could be pursued requiring only an involvement by SNH with those forms of development which do not accord with the Management Strategy, although SNH should retain a right of consultation and

referral in cases of dispute. The opportunity to tailor requirements within an NSA to zones identified in the Management Strategy could also be pursued. All of these suggestions do merit further consideration once we have actual Management Strategies to consider them against. To this end we advise that in this interim period:

- **the existing consultation and referral arrangements continue, but that further consideration is given to tailoring them to the circumstances of individual NSAs once Management Strategies are in place.**

Permitted Development Rights

3.47 There is a case for restricting the range of developments enjoying permitted development rights to enable the special care required in a national designation to be achieved. At present, the general provisions for permitted development are restricted in NSAs for:

- the erection of agricultural and forestry buildings over 12 metres high;
- the construction of all agricultural and forestry vehicle tracks not part of an approved afforestation scheme;
- all local authority road schemes outside present road boundaries costing more than £100 000;
- certain developments by electricity undertakings; and
- the installation or alteration of a microwave antenna, or of apparatus which includes or is intended for the support of such an antenna, by a telecommunications code system operator.

3.48 In the responses to the consultation, and to our earlier *Invitation to Contribute*, there was significant support for further restricting the permitted development rights enjoyed within NSAs. Particular forms of development identified by respondents included those mentioned in the consultation paper (such as road improvements, telecommunication developments, signs and electricity lines), as well as building demolition and extension, a lower height threshold for agricultural and forestry buildings, and river engineering works. However, responses from those enjoying such rights questioned the need to limit their present freedoms of action. There is a particular concern over the introduction of further constraints on activities such as agriculture, which are currently under pressure economically. SNH is sensitive to these issues, and considers that the need for, and choice of, any further restriction requires careful consideration to avoid adding to present restraints for only modest benefits.

3.49 The range of permitted developments highlighted in responses suggests that there may be different issues across Scotland. A general approach which further restricts permitted development in all NSAs may therefore not be appropriate on its own. However, the production of Management Strategies provides a means for considering the circumstances of individual NSAs and identifying those forms of permitted development which are likely to raise concern locally. With the support of a Management Strategy, the planning authority will be in a stronger position to support Article 4 or Article 7 Directions to restrict permitted development rights in the NSA through the local plan process. SNH therefore advises that:

- **those preparing Management Strategies should consider carefully the need to extend restrictions locally on permitted development within individual NSAs.**

3.50 Whilst we see a role for a Management Strategy in tailoring restrictions for individual NSAs, SNH also considers that the current extent of permitted development does raise questions about the special care required in areas of national importance. Our response to the recent Scottish Office consultation on *Land-use planning under a Scottish Parliament* noted that there were benefits in extending general planning controls to a small number of development types, including telecommunications; buildings, mineral extraction, roads and tracks associated with agricultural and forestry operations; and river works affecting the structure of the river, including flood control. In light of the responses to our consultation, we reiterate this advice here and highlight the need for more stringent and consistent controls over telecommunications. SNH therefore advises that:

- **permitted development rights are removed within NSAs for certain forms of telecommunication developments; buildings, mineral extraction, roads and tracks associated with agricultural and forestry operations; and river works affecting the structure of the river, including flood control.**

Controls in the Marine Environment

3.51 The interplay of land and seas is an essential and sometimes dominant element in the character of several of the coastal and island NSAs. Their boundaries reflect this fact. Yet despite the importance of the marine component of these NSAs, at present the only off-shore developments which are currently regulated for their effects on the scenery of the areas in which they occur are marine fish-farms. Even for these the mechanisms have hitherto been less than satisfactory, with consultation through the Crown Estates, although local authorities will soon take on a regulatory role.

3.52 In the future, the number of activities in the marine environment likely to affect an NSA's qualities are limited. They include new forms of development such as off-shore wind and wave-energy developments. In these cases it is important to ensure that potential effects on the scenic interest are given adequate consideration, and we recommend that effective arrangements are introduced to regulate such proposals. The most obvious option is an extension of planning controls. We do not consider these controls should be all-encompassing, but limited to those activities which introduce substantial new structures. We therefore recommend that:

- **an effective mechanism is put in place for regulating activities in the marine environment that introduce significant built structures which could have significant effect on the scenic qualities of the NSA, and this is probably best done through the extension of planning controls.**

Influencing Land Management

3.53 The importance of land management to the character and quality of NSAs was recognised in our consultation paper, and confirmed in many responses. Some respondents also recognised that any extension of the suite of NSAs to encompass more lowland landscapes would make this issue more important, and would highlight

the role of the land manager as custodian of scenic values. However, it was also acknowledged that many land management issues fall outwith the control (and indeed expertise) of the local authority. External influences on land management, such as market forces, will also have a very strong bearing and these are often beyond the control of national, let alone local, government. Change will also occur as a result of inaction or neglect, as well as determined action. In this context, SNH sought views on the need or otherwise to strengthen controls over land management, and the opportunities to influence it through the provision of incentives. Whilst there is unanimous support for the need for NSA designation to have influence over land management decisions, there was less agreement in responses on how this should be done, or on the likelihood of success.

3.54 Many aspects of land management still fall largely outwith regulatory control. Tree planting is primarily controlled through an administrative system of grant aid under the Woodland Grant Scheme, and the Forestry Commission, as a matter of policy, consults SNH on all applications of more than 5 hectares within NSAs.

3.55 There was some support for extending controls over land management, in particular from local authority consultees. Equally there was opposition to any extension, in particular from land management interests as well as from wider community representations. Many of the issues raised are common to the debate on restricting rights of permitted development discussed above, and they were also the subject of the recent Scottish Office consultation on *Land-use planning under a Scottish Parliament*. Our advice is as follows:

- **SNH does not consider the extension of the planning system to be the best way to regulate land management, although there may be a case for extending planning control to encompass extensive afforestation. This issue requires further detailed consideration in light of responses to the broader Scottish Office consultation and in the context of the Scottish Parliament and Executive's general approach to the promotion and regulation of forestry.**

3.56 We are also mindful of the proposals emerging from the debate on land reform, in particular the introduction of a code of practice for rural land use, and improved co-ordination of activity between public bodies responsible for various matters which impact on land use. Further consideration is also required of SNH's current consultation role for forestry and fish farm applications. As with the planning system, the Management Strategy provides guidance against which schemes can be considered, and the means to tailor consultation as necessary.

3.57 In general SNH believes that incentives are likely to be a more effective means of influencing land management than extended controls. There was wide support in responses for such an approach, so long as it rewarded positive actions, in accord with the Management Strategy, rather than compensate for inaction. Whilst new individual funding schemes specifically designed to encourage appropriate land management in NSAs could play a valuable role, they are unlikely to command the level of resources, and hence influence, of the mainstream forestry and agriculture support schemes.

3.58 There was broad support for exploiting the potential to use existing support mechanisms, such as the Forestry Commission's Woodland Grant Scheme and the Scottish Countryside Premium Scheme. However, some land management interests argued against changing existing schemes and proposed instead new schemes with new money. SNH does not agree that such an approach is appropriate, as it will result in the main incentives affecting agricultural and forestry land use lying outwith the framework put in place for the effective management of NSAs. Adaptation of existing funding schemes should not be seen as an additional burden or constraint on land managers but the proper recognition of the qualities for which the landscape has national status.

3.59 As a minimum, existing incentive schemes should ensure that the actions they support do not hinder or detract from the objectives of the NSA, and therefore a measure of cross-compliance is necessary. Ensuring compliance with the UK Forestry Standard and the proposed code of good practice for rural land use, as advocated by the Land Reform Policy Group, may be the best means to ensure compliance. However, SNH does not consider that reliance only on a general minimum standard of management is adequate: certainly this would not address what is seen as an important weakness with the current designation. To create real change to influence effectively land management, NSA status should result in proactive measures, with the targeting of additional incentives to support the qualities identified as meriting national status. In this way, NSA status should come to be viewed as a positive asset rather than a source of restraint. SNH considers that:

- **the opportunity should be taken to ensure that the mainstream support schemes contribute to NSA objectives through a variety of means (such as cross-compliance, priority support given to prescribed land management actions, or enhanced rates of support), and that additional incentives are provided in recognition of the national status of NSAs.**

3.60 Existing support mechanisms capture many land management issues of interest within NSAs. SNH recognises that land uses predominant in some NSAs, such as sport and recreation, fall outwith such schemes. In order to tackle these uses new approaches may need to be established.

Complementary Measures

3.61 Our consultation paper highlighted two issues where action will be needed to support the implementation of our proposals, namely the provision of an enhanced policy framework for NSAs, and increasing the understanding and awareness of the designation.

Enhancing the Policy Framework

3.62 Earlier studies and responses to our consultation paper support the need for a broader and stronger policy framework to achieve the objectives of NSA designation. Whilst the recent NPPG 14 on the Natural Heritage provides more extensive guidance than previously, this is limited to the planning system and should be extended, in line with our proposals, to engage meaningfully with land management. It is possible that other NPPGs will also need to be revised in light of our proposals.

Our proposals above suggest several themes which would benefit from further policy guidance, especially in light of any new legislation. Our advice is that **consideration should be given to expanding policy guidance on:**

- **the purpose and national importance of the NSA, and its role in safeguarding outstanding scenery;**
- **the application of the proposed duty by public bodies and others in their plans and individual actions;**
- **the role, function and status of the proposed Management Strategy, including its relationship with other plans and strategies and the recognition these should give to NSAs;**
- **the promotion of higher standards required for actions within NSAs, such as the meaning of “particular care” expressed in NPPG 14 on the Natural Heritage, and appropriate standards of land management; and**
- **the relationship with National Parks and with scenic or landscape areas identified by local authorities (see chapter 5).**

3.63 Several respondents commented on the need for the NSA not to be unduly restrictive on enterprise and development, a view with which SNH would concur. The proposed NSA definition recognises social and economic needs of communities, and it is important that these are given appropriate recognition by policies safeguarding the scenic qualities of NSAs. Nonetheless, SNH considers it appropriate that the policy of presumption against proposals which will compromise the objectives and integrity of the designation should be maintained and expressed as unambiguously as possible.

Enhancing Understanding and Awareness of the NSA

3.64 Previous studies and consultation responses have confirmed the low level of awareness of the NSA designation amongst both the general public and professionals. An important task in taking forward our proposals therefore is to raise this designation’s profile, in order to establish greater ownership of and responsibility for it. This was widely supported by respondents. Our consultation paper suggested possible actions, including:

- a policy statement by SNH of its broad objectives for and approach towards NSAs;
- general publicity explaining the designation’s background and describing the suite of NSAs; and
- an increased emphasis on making people more aware of the existence of individual NSAs.

3.65 Respondents suggested that road signs, showing NSAs on maps, the production of educational materials, and local involvement with the preparation of the Management Strategy, could all play a part. There is clearly a role for SNH, local

authorities and others, such as the tourist boards, in taking these ideas forward. Our advice is:

- **at the same time as taking forward our proposals for the better management of NSAs, greater effort should be put towards increasing awareness of the NSA designation.**

Resourcing Our Proposals

3.66 The consultation paper recognised that there is a cost attached to our proposals, and responses endorsed this, with many local authorities emphasising that adequate resourcing is essential if SNH’s proposals are to be put into effect. Costs are twofold, arising in the short-term from the initial preparation of Management Strategies, and in the longer-term from the implementation of specific actions in support of the NSA. There was unanimous agreement that, given the national interest in the designation, these costs should primarily be met from a national source.

3.67 As a new requirement, the preparation of Management Strategies will entail high initial resourcing, but this will decline over time as the task becomes one of monitoring and review of existing Strategies. Costs will arise from the preparation of the Management Strategy itself, from the employment of any new NSA Officer, and, for those NSAs bridging local authority boundaries, the cost of additional joint administrative arrangements. Factors affecting the cost of preparing a Strategy and the requirement for any NSA Officer will include the size of the NSA and the complexity of issues, such as particular land use or management pressures, as well as the potential to involve existing initiatives in taking the work forward. Whilst further work is required to identify the total level of funding required to meet these needs, indicative costings can be taken from the costs of preparing similar strategies for Areas of Outstanding Natural Beauty (AONB) in England, and equivalent exercises in Scotland. Our conclusions from the initial work we have undertaken on this is presented in Table 1, prepared on the basis that costs for the four NSAs within the two proposed National Parks are not part of this exercise.

Table 1: *Possible costs for the preparation of 36 NSA Management Strategies.*

	Average costs (£000)	Number required	Total Cost (£000)
Preparation of the Management Strategy	£25	36	£900
Employment of NSA Officer for 2 years	£60	6 to 14	£360 - £840
Joint administrative arrangements for 2 years	£20	2	£40
Estimated total cost			£1,300 - 1,780

3.68 While these costs are based on a number of assumptions, we believe they are of the correct order of magnitude, and indicate the scale of additional one-off

funds required to implement our proposals. They compare favourably with the costs incurred by Areas of Outstanding Natural Beauty (AONB) in England. Like NSAs, AONBs exhibit a diversity of size, character and issues, and they have a variety of structures in place for their management. AONB Management Plans cost on average £22,000 (range £3,000 to £200,000) and annual AONB project officer costs average £31,000 (range £10,000 to £50,000).

3.69 In the longer term, the likely costs of implementing actions identified through the preparation of the Management Strategy are more difficult to forecast. Many of these costs should potentially be met through a re-prioritisation of existing funds and resources, especially mainstream agricultural and forestry support mechanisms (discussed in paragraphs 3.56 - 3.59 above). There will however be a need for new resources to deliver actions outwith existing schemes, to provide extra incentives for some actions, or to allow for assistance where certain kinds of management are to be subject to some kind of restraint. The Rural Development Regulations arising from the Agenda 2000 reforms could open up some new opportunities here. There is also an opportunity to attract new and additional sources of funding from sources such as the Lottery, and this should be pursued. The scale of potential costs will only become clearer once Management Strategies have been prepared.

3.70 SNH considers that, in relation to funding:

- **there is a very strong case for additional funding from national sources in recognition of the national interest in the protection of NSAs although, in line with the greater 'ownership' of NSAs envisaged for local authorities, some costs should be met by them; accordingly support of at least 75% would be appropriate and in accord with the rate proposed for National Parks;**
- **SNH has a role in dispersing funding to local authorities to support the preparation of Management Strategies and employment of NSA Officers, but this support should be available on a time-limited basis;**
- **mainstream land management support systems should be revised to ensure that they provide appropriate support which accords with the objectives of individual NSAs; and**
- **there is a need to identify new sources of funding for activities outwith existing support systems.**

4. SEARCH AND SELECTION FOR NEW NATIONAL SCENIC AREAS

The Approach to Search and Selection

4.1 The Government requested that we consider whether the series might include a wider range of landscapes than the present series, with its emphasis on the mountainous and coastal landscapes of the north and west. In Chapter 5 of the consultation paper we considered how best to approach such a possible expansion of the present NSA series. At this stage there can be no presumption that the present series should be expanded but, twenty years on from the original surveys, there is a case to examine as to whether the present 40 areas adequately cover the full range of Scotland's best landscapes. The consultation did not probe far into debate about the location of any new candidate areas, although a few respondents did make suggestions (usually a claim for their own local area) and these ideas can be held over until any exercise to consider the expansion of the series is activated.

Incorporating a Range of Values

4.2 In Chapter 2 of this paper we identified the range of complexity which is involved in the understanding and assessment of scenic value in landscape. As indicated by the quotation in paragraph 2.12, the Countryside Commission for Scotland made a conscious decision in the original selection to set aside the individual factors or elements which contribute to scenic value and to address scenery in the round. This approach founds on preferences and aesthetic values. We recognise that any expansion of the NSA series which takes it further into lowland Scotland is likely to highlight more strongly the significance of the cultural elements of landscape. We also heard views that the natural character and qualities of Scotland should be better represented, and claims were made for the recreational values which people find in inspiring places, notably a concern by some respondents to see wildness better recognised as a distinctive and valued attribute of Scotland's landscape.

4.3 We raised in the consultation the issue of how those extensive areas which are of outstanding natural or cultural merit could be better represented in a designation based on scenic interest. As regards natural interests, it is possible to think of a range of habitats or semi-natural settings which may be said to be under-represented in the present series, and which have high scenic merit or are distinctively Scottish in character. We suggested that heather moorland or parts of the northern peatlands would be possibilities, alongside the generally acknowledged need to include more fine coastline in any future expansion of the NSA series. One strongly expressed view was that ecological values should have primacy in landscape assessment. This view also recognised that the ecological condition of some of these important areas is often impaired and should be reclaimed to capture their once pristine, natural quality.

4.4 As noted above, there were also calls for stronger recognition of recreational values, mainly in the identification of tracts of land which have outstanding wild land character. But other aspects of recreational significance might equally be identified in the set of values enjoyed by people in areas of high scenic quality. This could include the openness, the solitude and tranquillity which can be characteristic of some of Scotland's most prized landscapes. There are also the associated values of

challenge or hazard which people seek in some of these remoter and wilder landscapes.

4.5 Equally, there are landscapes dominated by cultural features which have strong appeal, some being pastoral and rural settings with high quality vernacular features. There are important designed landscapes which, if not extensive in area, are highly valued for their beauty. Some responses argued that the man-made elements of the rural scene were either central to what people enjoy visually, or important in contributing to the emotions or associations which people attach to these places. But there was no clarity on how the cultural landscape elements of this kind could be melded into a scenic designation. For the cultural heritage there appears to be three main options, as follows.

- First, it would be possible to categorise cultural landscapes by their intrinsic interest and significance - assuming that a national survey can be completed to do this objectively. This approach would lead to the identification of areas for designation which were based on scholarship and professional assessment, and on the comparative evaluation of the cultural elements of the landscape resource. Choosing areas on a distinct set of cultural values would have its own logic, but it would be difficult to marry this with the rationale for the assessment of the other main components of scenic value.
- Second, there could be a recognition that there are some quite outstanding and distinctively Scottish cultural-heritage features, which contribute significantly to the public's enjoyment of the landscapes within which they are set. Possible examples might be Iona Abbey or the Castles of Mar or landscapes with brochs. In many of these examples, these main cultural features are now set in landscapes which are not those contemporary with their origin. These settings might not always have scenic merit themselves, except that in many cases they provide the gateway or backdrop to the main location of value. This is certainly the case for Iona where the island and its ambience are integral to the historic site.
- Third, the cultural elements of landscape could be simply seen as a component of what people enjoy. In this case they contribute to the scenic value by virtue of their distinctiveness and good quality, or their richness in character. This approach might allow for a wider range of cultural elements, not just led by sites of highest significance. Estate policy landscapes, or areas of high quality vernacular tradition for their rural buildings and settlements, might be part of this.

4.6 Too heavy a weighting for cultural factors might, however, lead to the identification of areas which were valuable in a historic sense, but which were of much less scenic or aesthetic value. This could lead to a major contradiction with the basic purpose of the NSA. While features of cultural heritage could be expected to play an important role in some lowland selections, it is not the purpose of the NSA to give general protection of all cultural interests, especially where the value of the site is not strongly visual in character or of strong aesthetic merit.

4.7 It is this issue of aesthetic merit which lies at the heart of these various claims to a place in the NSA series. High quality and unimpaired habitat can be inspiring; the places which are of high recreational value also move the spirit; likewise the

places of cultural significance can have strong resonances and emotive qualities for the people of Scotland and our visitors. By playing down the individual components which contribute to scenic assessment, the original selection methodology may have obscured the reality that it is the aesthetic qualities of these individual components of landscape which can strongly influence what people, in general, value in the scenic quality of these areas. We can more openly recognise this in any expansion of the present series. This approach is not a duplication of other designation systems for nature or cultural features, which are categorised and assessed on a more scholarly basis of scientific or historic significance. Rather it is a recognition that the inspirational and emotive qualities attached to some (but not all) of those places which are designated for other reasons are enjoyed and valued by the general public.

4.8 In conclusion, SNH agrees with those respondents who argue that the natural, the cultural and the recreational values of Scotland's scenery should be better recognised in any expansion of the present series. Our preference is that this should be done within the constraint that it is the aesthetic values attached to these places which provide the crucial or contributory justification for the scenic valuation. An NSA cannot serve the role of a nature conservation designation, nor can it be a cultural landscape designation. However, NSAs, in general, have an important role in contributing to the care of natural and cultural values.

The Process of Search and Selection

4.9 It was recognised in the consultation paper that a more open process than that adopted in the initial selection by CCS would be required for any future expansion of the series. This point is important for an accolade designation based on scenic values, in order to ensure that a strong consensus can be reached on the choice of any new areas. Our suggested approach was that the process of search and selection should be led by a technical group, whose role would be to advise SNH on new areas by seeking a wide consensus as to the merit of possible candidates. We recognised that our understanding of the diversity of Scotland's landscapes had grown over the years, especially through the national coverage now achieved by the landscape character assessment surveys. We also recognised that the process of search and selection would be judgmental; that it should be governed by guidelines to assist selection; and that it should be subject to a validation process, probably through the Scottish Parliament or Scottish Executive.

4.10 In the consultation, most respondents supported our general approach to search and selection. We had identified a preliminary set of practical guidelines for selection, which were described under headings of: *nationally significant; intrinsic quality; integrity; evocative; condition; extent; and defensible boundaries*. These guidelines were generally approved in responses, although there was a recognition that - given the difficulties of landscape evaluation - much common-sense would be needed in their application. Three additional factors were suggested: *uniqueness; potential; and links with outstanding natural or cultural heritage*. A number of detailed comments were made on individual guidelines: for example, the additional factors of 'uniqueness' and 'potential' were less well regarded than the main set of guidelines.

4.11 Most comments on these guidelines simply recognised that some kind of practical guidance would be needed to give credibility to the process of selection,

and that this process will have to be judgmental and based on a broad consensus. A point of adjudication will be needed over uncertain cases and we propose that this should lie with SNH, in advising the appropriate Minister or the Parliament over their confirmation of any new areas.

4.12 At this stage we do not propose to revise these initial guidelines, as we judge that they will have to be reworked and agreed as the first stage in any new search and selection process. Likewise, the arrangements for creating a consensus should be confirmed at the same time, although we envisage a wide consultation over the process by which target landscape types should be identified, and consultation again at the stage of selection, including locally over candidate areas.

4.13 Our approach to the search and selection process is that we

- **maintain our initial view that this should be led by a technical group whose role will be to advise SNH, in particular through refining the method of search for new NSAs, to identify an initial sift of candidate areas, to ensure wide consultation and to present recommendations to SNH for its consideration, approval and any adjudication.**

4.14 A number of organisations suggested that they would wish to have a representative on this technical group and SNH respects these requests. We recognise that, while some key bodies do have a role on this group, it will be important to ensure that it has access to the knowledge of individuals who have a very wide-ranging familiarity with and understanding of Scotland's countryside and its scenic qualities. Exactly how an appropriate mix of skills and interests can be achieved is, in SNH's view, a matter requiring further consideration if the Scottish Parliament or Executive decide to initiate a search for additional areas for designation. There was a general acceptance that the validation process should be through the Scottish Parliament or the Scottish Executive and SNH's earlier proposal for this stands. Our advice is that:

- **the membership of any technical group to advise SNH on search and selection should be designed to ensure that it has access to in-depth knowledge of the scenic qualities of Scotland's countryside; and**
- **further debate on selection guidelines should be pursued once a process of search and selection is established, and validation of any new choices should be a matter for the Scottish Parliament or Scottish Executive.**

Specific Technical Issues

4.15 In the final part of Chapter 5 of the consultation paper, SNH reviewed a number of more detailed technical questions about the process of identifying new NSAs. The first question was to ask whether there should be any upper limit to the amount of Scotland designated in this way, given that the present NSA series covers 12.7% of Scotland. This might be thought to be modest for a country which is well known for its scenic beauty. The overwhelming response from the consultation was that it would not be appropriate to set a target figure. Whilst some respondents recognised that the designation of a too large total area could devalue the NSA suite, careful

application of the guidelines - especially with an eye on national significance and intrinsic quality - should counter any tendency towards excessive coverage. SNH agrees that:

- **no upper limit should be set, but stresses the need to maintain high national standards in selection and to recognise the potential role of sub-national designated scenic areas in capturing the value of areas which fall short of national significance.**

4.16 The next set of questions referred to a number of guidelines aimed to help in the identification of boundaries for any new NSAs. This outline guidance referred to the need for boundaries to encompass both the area of intrinsic national quality and those adjacent areas necessary for effective protection and management. It also referred to the need (see paragraph 4.21) to include marine areas where appropriate. It also listed some practical measures: take account of institutional, or land management-unit boundaries; boundaries to be identifiable on the ground; maps and appropriate signing to promote public awareness at key access points; and simple provision in legislation for boundary revision.

4.17 These guidelines were generally endorsed, although it was recognised that the identification of boundaries would inevitably be difficult, simply because scenic beauty is a characteristic which does not have precise limits. Some concern was expressed about the weight which might be afforded to issues such as property boundaries. We accept the validity of these comments. It was not our intention that any great weight be placed on these factors. Defining the area of interest must come first, but we recognise that it may, in some cases, be of practical value to use an existing and closely adjacent boundary as a convenient means of delimiting the area of value. There was some general support for promoting better awareness of NSAs by identifying their existence where main transport routes entered the area. SNH advises that:

- **the selection of boundaries shall give only limited significance to linkages with institutional or property boundaries, and it will develop further guidance on this technical issue to support any future search and selection work.**

4.18 The next question asked about limits to the size of an NSA, in particular, whether areas of limited extent should be included. These small areas might be more akin to scenic spots or 'gems' and would often be landscapes of an intimate and enclosed nature. Again the responses were founded on practicality. For scenic spots or gems, it was recognised by many respondents that these might be places which were more appropriate for local rather than national designation. Equally, there were those who suggested that, should the process of survey identify small areas which were genuinely of national significance, then there was no reason why they should be excluded. So there was no strong view against there being very small NSAs and a recognition that there was unlikely to be very many of them. One or two respondents suggested that these might be more in the way of national landmarks or monuments, rather than scenic areas *per se*.

4.19 The question of any upper limit to an NSA was also a matter judged by most respondents to be one of practicality. Some concern was noted (as with responses on the issue of overall coverage) that overuse of the designation would lead to the inclusion of areas of somewhat less than the highest quality, and lead to difficulties in defining and safeguarding them. In summary to this section:

- **SNH agrees with the general responses from consultees that small scenic gems might be included, but the presumption is that most of these places are likely to be of local significance. There is no need to set any upper limit to the area which might be designated as an NSA, but good sense and application of a rigorous approach in the search process will be needed to limit areas to what is of national significance only.**

4.20 It was recognised by a number of consultees that it would be only proper that the existing NSA series be re-assessed to ensure compatibility between the initial selections and any which might follow. SNH agrees that some validation of the existing series would be appropriate for any major expansion of the series. It is not our expectation that there should be a fundamental review of the existing 40 areas. Our preference is for SNH and the appropriate local authorities - perhaps advised by the technical group - to review each NSA at the point where authorities are beginning to think about Management Strategies for each Area. Our advice is that:

- **review of the validity of the boundaries of the existing 40 NSAs should be undertaken as part of preliminary work for the preparation of Management Strategies, and be a matter for consideration between SNH and the appropriate Council, possibly advised by the technical working group.**

4.21 For a good number of NSAs there is a coastal edge and the matter of the extent of an NSA beyond the low-water mark is uncertain. There is for most of these NSAs an intimate relationship between land and sea and, in some of the west coast and mainly island-based areas, the seascapes are central to the whole value of the designated area. Seaward boundaries were run around some, but not all, of these west coast NSAs in *Scotland's Scenic Heritage*, but without any firm basis for so doing, and without any mechanisms to influence those uses of the adjacent marine area which might affect the interest of the designated area. SNH judges that there is no simple rule which can be applied to guide the delineation of a marine sector to those NSAs which have a coastal edge. This should be a matter of judgement according to the setting, and to the nature of the relationship between land and water, and according to the nature of potential threats to the integrity of the NSA from uses in the marine environment. In paragraphs 3.51 - 3.52 we suggest an approach to influencing activities with the potential to affect the seaward areas of an NSA. Our advice is that:

- **NSAs with a coastal edge should extend into the marine environment to ensure effective safeguard of an area's quality, but the degree of seaward extension should depend on a strict application of the boundary guidelines.**

5. THE RELATIONSHIP WITH OTHER SCENIC DESIGNATIONS

5.1 The NSA stands alone as a national scenic designation, but its relationship with National Parks and to regional and local scenic designations is addressed by our advice in this chapter.

Links with National Parks

5.2 Government asked SNH for its advice on the establishment of National Parks for Scotland. As part of this request it indicated that National Parks are a means of fostering the integrated management of a few areas of the highest natural heritage value, where a number of complex land use issues required resolution. It was suggested that this approach was needed in Loch Lomond and the Trossachs, probably in the Cairngorms, and possibly in a few other areas. SNH led a wide ranging debate on this issue throughout 1998 and we presented our advice to Government at the end of the year. In February 1999, the Government announced that it accepted SNH's advice as the basis on which to prepare proposals for legislation by the Scottish Parliament. Our advice proposes National Parks as areas of outstanding natural heritage of special importance to the nation, whose management in perpetuity will safeguard and enrich their natural heritage value, including their natural beauty and amenity. Like NSAs, National Parks signify a national value attached to the landscape of the area. Indeed, the two areas identified as the first National Parks, Loch Lomond and the Trossachs and the Cairngorms, both include NSAs within their potential boundaries.

5.3 However, National Parks and NSAs are very distinct designations. In particular, the NSA designation has a focus on scenic value and does not have the breadth of purpose and comprehensive integrating role envisaged for National Parks. As a result, NSAs do not require the establishment and powers of a separate statutory body to secure their management, nor the special role envisaged for the National Park Plan.

5.4 Our advice to Government on National Parks and our consultation paper on NSAs both recognised the potential to reduce the complexity and over-laying of designations within National Parks by removing the NSA designation within them. This view is supported by the majority of responses to our consultation paper, but many also said that their response was conditional on the safeguards for scenic value in National Parks to be no less strong for these 'former NSAs'. Implicit in SNH's proposals for National Parks is that the scenic qualities presently identified by the NSA designation would be as effectively pursued through the controls and mechanisms available within National Parks as those we are proposing for NSAs. In practice, we envisage that these 'former NSAs' will be identified within the National Park Plan as part of the national scenic resource and as a zone for which the safeguarding and enhancing of the scenic qualities is identified as a key objective of the Park.

5.5 These 'former NSAs' should continue to be recognised as part of the suite of landscapes considered as "*representing the best of Scotland's scenery*". Thus, whilst National Parks as a whole encompass "*outstanding natural heritage*", different areas within them will be valued for different interests; indeed not all of a National

Park's area might qualify as being of such outstanding quality to merit the accolade of NSA designation. SNH's advice is that:

- **NSAs should be subsumed within National Parks, reducing the potential confusion and complexity of overlapping designations, but NSA designation should only be removed once suitable provision has been made in the National Park Plan for safeguarding and enhancing the NSA's interests; and**
- **that such 'former NSAs' still represent part of the "best of Scotland's scenery" and this must be recognised in the safeguards and measures applying to them.**

5.6 By far the greater extent of NSAs will fall outwith National Parks and will include NSAs with varying levels of management need. A small number might be considered as potentially requiring National Park designation at some future stage. NSA status and enhanced management through a Strategy will provide the impetus and partnership working necessary to address issues currently, and provide a basis of preparation for National Park status at some time in the future should this be agreed. Those NSAs with the greatest management needs can have a complementary role to National Parks. Most NSAs are unlikely to ever require such an approach due to their size, location, and to having more limited management need: they will be served adequately by our proposals, outlined in Chapter 3.

5.7 Although few respondents commented on the complementary role of NSAs to National Parks, it was recognised by them that NSAs could not and should not be expected to fulfil a National Park role. We agree, and consider that NSAs are less suited, in particular, to providing strong co-ordination between all the main public bodies involved in the area, to the degree envisaged for Parks. Nor can they lead on social and economic needs beyond those which directly link with scenic interests. The NSA Management Strategy could nonetheless be a powerful tool to tackle many of the problems which arise in areas exhibiting some of these characteristics and, given the will and resources, much can be achieved with a flexible mechanism. Many of the tools available to regulate development and land management in National Parks may be equally applicable in NSAs, suggesting again the need for joint legislation.

5.8 The NSA designation is, therefore, more appropriate to areas lacking the complexity of issues present in the proposed National Parks. This lighter level of control should not be taken to indicate any less standing. NSAs are recognised by SNH as being no less important than National Parks in terms of their scenic value; it is essential that they should not be regarded as a second tier of designation. SNH advises that:

- **whilst NSAs will meet significant conservation management needs of some areas, they cannot meet all of the needs of areas which may be considered as requiring the more all-encompassing approach of National Parks; and**
- **like National Parks, NSAs should be considered as a natural heritage designation of the highest national standing, identifying the national interest in the scenic qualities of the area, and they should therefore command**

many of the same tools for regulating development and land use change and encouraging positive management.

The Role of Regional and Local Scenic Designations

5.9 As part of this review, SNH commissioned a survey of the use of scenic designations in development plans. This survey uncovered the use of a very wide range of regional and local designations, including a wide-spread use of the only other scenic designation with a formal basis - the Area of Great Landscape Value (AGLV). Although the oldest scenic designation - dating back to 1962 - the AGLV is only one of the many landscape or scenic designations identified by planning authorities in their development plans. The use, status, application and names of these designations are varied and inconsistent throughout Scotland. Our survey revealed that their role was quite limited in some cases, and that some authorities do not differentiate between national and local designations in area or policy terms. Whilst SNH considers the priority for action should be the NSA designation, the opportunity should be taken to confirm and clarify the need for, status and use of other scenic designations.

5.10 The recently issued statement of Government planning policy on the Natural Heritage (NPPG 14), recognises the potentially valuable role for regional and local designations, and identifies the Area of Great Landscape Value as being important in land-use planning. Our consultation has identified broad support for maintaining a designation below the national level of the NSA, and this is also reflected by their extensive use in development plans. However, at least two local authorities are developing landscape-wide approaches to the care of their local landscape resource, based on use of the landscape character assessment studies. In part, this appears to be in response to the need for all landscapes to be given appropriate care and attention, as well as a recognition of the difficulty of trying to differentiate in policy terms between those forms of development considered acceptable in an undesignated area but not in an AGLV. SNH recognises these concerns, and welcomes that some Councils are attempting to explore how the landscape character assessment approach can best help their need to reconcile development needs with landscape care. It is at present not clear whether a landscape-wide approach will provide a substitute for local designations, or whether it might even work in tandem with them in a broad approach to guiding development. Our advice therefore is that:

- **a designations approach to scenery at the sub-national level is still appropriate, but guidance on this should not be so prescriptive so as to exclude alternative approaches; and**
- **any guidance should clearly state that all landscapes require care and attention when managing change, not only those which are designated.**

5.11 If a sub-national designation is to be revitalised, questions arise concerning its status and purpose, the approach towards the identification of these areas, the number of sub-national tiers, and what name should be used. Given that the Circular on the AGLV dates back to 1962, there is a need for this guidance to be revised, including a restatement of its purpose. SNH considers that a sub-national designation should be retained within the planning system and given a new definition

and appropriate policies. Some such areas may well benefit from an active countryside management approach - as is proposed for the NSAs. As with the NSA, the degree to which intervention of this kind is needed will depend greatly on the local circumstances. For many local areas in central Scotland, the priority for active management measures is likely to lie with areas which are still in poor landscape condition from past development.

5.12 Responses to our consultation paper confirmed support for a greater consistency in approach towards the identification of areas of local scenic value, while permitting local authorities to take account of local circumstances and the values attached locally to important landscapes. This flexibility is necessary because it is in the nature of Scotland's landscape resource and administrative geography, that what is valued in one area might be in no way remarkable elsewhere. Yet, because of their contribution to the quality of life locally, these areas may be deserving of recognition. Thus, whilst absolute consistency is probably unattainable and quite possibly undesirable, some general guidance on their selection is appropriate. A key principle is that areas identified should be considered as of significance in terms of the whole local authority area, and therefore valued beyond their immediate locale. SNH will be pleased to work with COSLA and other key interests in creating such guidance. We propose:

- **that SNH, in consultation with COSLA and other key interests, develops guidance for the identification and selection of sub-national scenic areas, and that such areas should be considered as of value beyond their immediate locale.**

5.13 Whilst there is some support from respondents for a three-tier hierarchy of national/regional/local designations, SNH has doubts as to whether it is possible to discriminate so finely in the assessment of landscape quality. We consider a two tier national/local hierarchy to be more appropriate. Recognising the need to clarify any hierarchy of designations, our consultation paper identified the benefits of retaining the AGLV name, despite its lack of an obvious relationship to the national designation. A significant number of respondents argued that it would be better to adopt a different title, which related more obviously to the NSA. SNH sees force in this argument and therefore advises that:

- **guidance should encourage local authorities to identify only one sub-national tier of scenic designation; and that**
- **the designation should be titled the Local Scenic Area.**

ANNEX 1: A Concise History of the National Scenic Area Designation

The roots of the NSA designation lie in the *Park System for Scotland* policy paper published by the former Countryside Commission for Scotland in 1974. This paper described a system of parks, mainly with a recreational purpose. A top-tier of Special Park aimed to provide protection and enhancement for those outstanding areas of Scotland's scenery which were also under heavy recreational and related pressures - essentially a revival of the National Park idea. The paper also reflected that there were many areas of outstanding scenery which were not subject to the heavy pressures of areas like Loch Lomond and the Trossachs, the Cairngorms or Ben Nevis and Glencoe, which were the three areas seen to be in need of top-tier Park status. These other landscapes were "... considered to be of unsurpassed attractiveness which must be conserved as part of our national heritage".

The *Park System for Scotland* proposals were accepted by Government, after consultation with key parties, and the CCS set in hand a programme of survey work to identify those landscapes which might be candidates for the new landscape designation. The outcome of an intensive debate within the CCS was a series of 40 areas, which were described in *Scotland's Scenic Heritage*, published in 1978.

There followed a period of discussion between the CCS, The Scottish Office, and the local authorities through COSLA, about how the new designation was to be implemented, and what mechanisms would be needed to secure the protection and enhancement of the identified areas. The outcome was SDD Circular 20/1980, *Development control in NSAs*, which introduced the new designation and a series of Directions under Town and Country Planning legislation, thereby establishing the 40 areas within the planning system. At the same time, these Directions extinguished the five National Park Direction Areas which dated back to 1951. Circular 20/1980 was implemented from August 1980, apart from Highland Region and the Western Isles where the new arrangements came into force a year later.

The planning procedures agreed for the NSA were that Circular 20/1980, and the later Circular 9/1987, required authorities to have policies to protect the NSA in their development plans and a limited number of development categories were identified (including some previously enjoying permitted development rights - such as hill tracks) which would be referred for an opinion to CCS. Where there was a difference of view between CCS and the planning authority on how the case should be handled, the matter would be referred for adjudication to the Secretary of State. The role of the NSAs in the planning system has been strengthened over recent years by National Planning Policy Guidelines, most notably through the new NPPG 14 on the Natural Heritage.

In *Scotland's Scenic Heritage* it was recognised that, if the NSA was to be effective, then it would be important for it to have a strong influence on land use change lying outwith the Town and Country Planning system. So the Commission established in the 1980s a pilot programme to explore how landscape strategies might be prepared for each NSA, in order to secure influence over change caused by land management decisions.

The first pilot scheme was run in the Glen Lyon and Loch Rannoch NSA, where a comprehensive approach and extensive consultation involving the local authorities and other parties led to the preparation of a landscape strategy. The second pilot scheme, for the Eildon and Leaderfoot NSA, took a much more concise approach to survey, in recognition that it would not be feasible to implement for all 40 NSAs the comprehensive approach taken in the first pilot study.

Legislation was enacted in 1986 - inserted as Section 262C of the Town and Country Planning (Scotland) Act 1972 - to confirm the NSA designation in primary legislation. In practice, this legislation was never used, and later it was amended by Section 6 of the Natural Heritage (Scotland) Act 1991 to become the basis whereby Natural Heritage Areas could be created. Finally, the NSA has international recognition through all 40 areas being listed as Category V (Protected Landscapes) in the IUCN's World List of Protected Areas.

ANNEX 2: Breakdown of Responses to the Consultation Paper

TABLE 2.1: Breakdown of Responses

National public bodies	10
Local public bodies	5
Local authorities and Joint Structure Plan Committees	22
Community councils	43
Environmental and recreational interests	10
Land management and economic Interests	8
Social and cultural interests	1
Professional bodies	3
Academics/research interests/learned societies	6
Individual companies/businesses	6
Individuals	24
Individual landowners/managers	5
Total:	143

TABLE 2.2 : List of all Respondents

National Public Bodies

Highlands and Islands Enterprise, Forestry Commission, Historic Scotland, Scottish Environment Protection Agency, Deer Commission for Scotland, Scottish Tourist Board, Royal Fine Art Commission for Scotland, Crown Estate, Crofters Commission, Scottish Enterprise.

Local Public Bodies

The Highlands of Scotland Tourist Board, East of Scotland Water, West of Scotland Water, North of Scotland Water Authority, Loch Lomond Park Authority.

Local Authorities and Joint Structure Plan Committees

Angus Council, Fife Council, Orkney Islands Council, Comhairle Nan Eilean Siar, Aberdeen City Council, Perth & Kinross Council, Stirling Council, East Ayrshire Council, The Highland Council, Scottish Borders Council, Aberdeenshire Council, Dumfries & Galloway Council, The Moray Council, West Dunbartonshire Council, Shetland Islands Council, Glasgow City Council, South Lanarkshire Council, Argyll and Bute Council, Renfrewshire Council, Midlothian Council, North Ayrshire Council, Ayrshire Joint Structure Plan Committee.

Community Councils

Markinch Community Council, Rogart Community Council, Mintlaw & District Community Council, Caithness West Community Council, Gatehouse of Fleet Community Council, Wester Loch Ewe Community Council, West Linton Community Council, Dalry Community Council, Mid Atholl Strathtay & Grandtully Community Council, Struan Community Council, Kalewater Community Council, Northmaven Community Council, Queen's Cross Harlaw Community Council, Olmiston Community Council, Manor, Stobo & Lyne Community Council, Kinlochbervie Community Council, Newhaven Community Council, Eliburn Community Council, Gulberwick, Quarff & Cunningsburgh Community Council, Crieff Community Council, Black Mount Community Council, Contin Community Council, Uddingston Community Council, Penicuik & District Community Council, Ballachulish & Glenceo Community Council, Polmont Community Council, Sandbank Community Council, Tillicoultry Community Council, Edrom, Allanton & Whitsome Community Council, Coigach Community Council, Applecross Community Council, Arran Community Council, Gullane Area Community Council, Ardchattan Community Council, Seil Community Council, Stoneykirk Community Council, Banchory

Community Council, Monikie & Newbigging Community Council, Braeside & Mannofield Community Council, Auchtermuchty & Strathmiglo Community Council, Dailly Community Council, Lochgelly Community Council, Shieldaig Community Council.

Environmental and Recreational Interests

Scottish Youth Hostels Association, The National Trust for Scotland, Friends of Loch Lomond, The Mountaineering Council of Scotland, Mountain Bothies Association, Scottish Council for National Parks, Grampian Club, The Association for the Protection of Rural Scotland, Scottish Wild Land Group, The Royal Society for the Protection of Birds.

Land Management and Economic Interests

SCU Lewis and Harris, Association of Deer Management Groups, Scottish Landowners Federation, Coastal Quarry Local Supporters Network, The British Association for Shooting and Conservation, National Farmers Union of Scotland, Timber Growers Association, Tayside Native Woodlands.

Social and Cultural Interests

Saltire Society.

Professional Bodies

Association of National Park Authorities, The Royal Institution of Chartered Surveyors in Scotland, Scottish Society of Directors of Planning.

Academics/Research Interests/Learned Societies

Professor Nick Hanley, Institute of Terrestrial Ecology, Edinburgh Geological Society, Resource Use Institute Ltd, The Royal Society of Edinburgh, School of Landscape Architecture.

Individual Companies/Businesses

Bidwells Property Consultants, Turnbull Jeffreys Partnership, Lafarge Redland Aggregates, Rannoch Smokery, Mountain Environments (Environmental Consultancy), RSK ERA Ltd.

Individuals

Major R E Batchelor, Peter Slann, Marion Scollay, Dr Adam Watson, Dr Jean Balfour, Michael Taylor, Pauline St James, Niall Graham-Campbell, Gill Christie, John Foster, Angus McNicol, Alice E Woodard, Jean C Gibson, Colin W Kilpatrick, Andrew T Wilson, John H Scott, Ian H Provan, Jenny Mitchell, Patricia M Grafton, Christopher Miller, Andrew Wilmot, Robert L Smith, John Scott, Dr Terry Isles.

Individual Landowners/Managers

Lord Burton, Dougurie Estate Office, Romony Estate, Donald Ewen Darroch, Ormsary Farmers.

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