Our Statutory Purpose
Scottish Natural Heritage (SNH) is a non-departmental public body (NDPB) funded by the Scottish Government through Grant-in-Aid. We are the Scottish Government’s advisers on issues relating to nature and landscape. Our statutory purpose is to:

- secure the conservation and enhancement of nature and landscapes;
- foster understanding and facilitate their enjoyment; and
- advise on their sustainable use and management.

Scotland’s nature and landscapes are recognised internationally, and this natural capital plays an important role in supporting economic growth, improving people’s health and wellbeing, adapting to climate change and strengthening communities. We work with partners both nationally and locally to maintain and enhance these assets and to improve the public benefits generated from their sustainable use, both now and in the future. Our landscape role includes the provision of advice to Scottish Government on the designation and management of National Scenic Areas (NSAs), and the implication of policy, development and land use decisions on these important national assets.

In summary SNH considers that:

- **NSAs represent an important natural asset for Scotland**;
- **the key priority for NSAs is to ensure that the existing suite contribute fully to delivering social, economic and environmental objectives**; and
- **our priority is to focus on the enhancement and management of our finest landscapes, ensuring that they are protected, cared for and available for people to enjoy.**

We do not consider that revising the existing suite or adding new NSAs is a priority at the present time.

Background - the National Scenic Area designation

Scotland’s landscapes and in particular its NSAs (along with its two National Parks) are of international renown and an important national asset – economically, socially and environmentally. They are a significant attraction for Scotland’s tourism industry, and an important contributor to people’s quality of life and well-being. The better protection, planning and management afforded by the NSA designation are intended to ensure these landscapes can continue to contribute positively to the nation.

Today’s NSAs were identified in the late 1970’s by the then Countryside Commission for Scotland (CCS). Following an extensive review of Scotland’s landscapes, 40 areas considered to be “... of unsurpassed attractiveness which must be conserved as part of our national heritage” were identified and described in Scotland’s Scenic Heritage report (1978). They cover nearly 13% of Scotland, with an emphasis on the mountainous and coastal landscapes of the north and west of Scotland (including significant island areas). Many would be readily recognised by Scots and visitors
alike as representing the scenic grandeur of Scotland that is such an important part of its identity. Together with Scotland’s two National Parks they cover 19% of Scotland. This is not an inconsiderable area, but not excessive given the prominent recognition of Scotland’s quality scenery at home and abroad.

The NSA designation was conceived on the premise that “it is the nation’s responsibility to watch over and cherish this [landscape] asset and to pass it on to future generations in a way which will show that proper care and concern have been taken to accommodate necessary new developments and to retain the natural attractiveness and amenity which the community has inherited from its predecessors” (Scotland’s Scenic Heritage, 1978). The designation is therefore intended to manage landscape change, not prohibit development, so that they remain at least equally valued in the future. Key elements of this approach are as follows.

- Recognition of the designation in development plans, consultation with SNH on a limited number of more significant types of development, and restrictions on some permitted development rights in NSAs.
- A national policy test in Scottish Planning Policy to help decision makers balance NSA interests with wider interests (paragraph 212), and clear statement that wind farms will not be acceptable in NSAs (Table 1).
- Recognition of the designation in some controls on land management activity, and in the past certain funding support.
- For a small number of NSAs, through the preparation of NSA Management Strategies focused on managing landscape change, raising understanding and awareness of their landscapes, and seeking to capture more of the benefits they can generate.

Such an approach is in keeping with the Council of Europe’s European Landscape Convention which informs the application of Scotland’s landscape policy at both national and local levels.

SNH considers that we can further enhance the management of our finest landscapes and better harness their benefits. In recent years we have therefore focused our efforts on the effective safeguard and enhancement of existing NSAs, including:

- a review of the designation’s effectiveness, and areas selected in the 1990s;
- the piloting of management strategies, and describing the special scenic qualities in the 2000s;
- re-designating the original 40 NSAs under new legislation in 2010; and
- supporting local authorities strategic planning and providing advice on development affecting NSAs.

Is there a need to review the suite of 40 National Scenic Areas?

Today’s suite of 40 NSAs remains the same as the original suite identified in the 1970s. Their ‘re-designation’ in 2010 under new legislation (see Annex), providing a fresh statutory basis for the designation, was largely an administrative process that
confirmed that the 40 areas previously identified fulfilled the new legislative requirements. SNH was able to confirm this, relying in part on its analysis and description of the special qualities of NSAs published the same year. SNH was not asked to consider the question of new NSAs.

The 1998 - 99 NSA Review remains the only systematic consideration of the need to revise the suite since they were identified in the 1970s. The Review’s focus was on improving the effectiveness of the existing suite of designations (which was considered the priority), and it was not definitive on the need for a review of the suite. Nevertheless, it concluded that “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” (para 4.1).

SNH’s considers this finding is still relevant, but that ensuring we are making the most of the existing suite is the greater priority. These landscapes are a tremendous natural asset for Scotland. As the investment in the preparation and implementation of NSA Management Strategies in Dumfries and Galloway demonstrates, a range of social, economic and environmental benefits can be garnered with greater understanding and wider involvement of communities in NSAs.

What is the process for reviewing (and extending) the suite of NSAs?

The power to designate new NSAs (or amend or revoke existing ones), lies with Scottish Ministers who are required to consult SNH prior to taking any such action (as set out in S.263A of the Town and Country Planning (Scotland) Act 1997 - see Annex). Sub-section (4) of the Act requires certain factors to be considered by Ministers, but does not prescribe the process by which any prospective areas are reviewed.

SNH considered how any such review might be undertaken in its 1998 - 99 Review. Our advice recommended the establishment of a technical group to advise SNH on the criteria and methodology for identifying potential areas, and an inclusive process to build a consensus on selected areas. Whilst these broad principles remain relevant, as these predate the new legislation now underpinning the designation, further consideration would need to be given to the process should it be required.
ANNEX – Extract from the Town and Country Planning (Scotland) Act 1997

263A National Scenic Areas

(1) Where it appears to the Scottish Ministers that an area is of outstanding scenic value in a national context and that the special protection measures specified in subsection (2) are appropriate for it, they may by direction designate the area as a National Scenic Area.

(2) Where any area is for the time being designated as a National Scenic Area, special attention is to be paid to the desirability of safeguarding or enhancing its character or appearance in the exercise, with respect to any land in that area, of any powers under this Act.

(3) The Scottish Ministers may issue guidance to a planning authority for the purposes of this section and that authority must have regard to any guidance so issued.

(4) In deciding whether to designate an area as a National Scenic Area, the Scottish Ministers are to take account of
   (a) whether the area is of outstanding natural beauty,
   (b) the amenity of the area, including
      (i) whether it is of historical, cultural or environmental importance; and
      (ii) the nature of any buildings or other structures within it, and
   (c) any flora, fauna or physiographical features of the area, whether or not to any extent the product of human intervention in the landscape.

(5) Any designation under subsection (1) may be varied or cancelled by a subsequent direction.

(6) Before issuing a direction under subsection (1) or (5), the Scottish Ministers are to consult with
   (a) Scottish Natural Heritage, and
   (b) such other persons as are prescribed.

(7) The Scottish Ministers are to compile and make available for inspection free of charge a list containing particulars of any area which has been designated as a National Scenic Area.

(8) For the purposes of subsection (7), a list may be made available by electronic means.

(9) The Scottish Ministers may by regulations make provision as to
   (a) the form of any direction under subsection (1) or (5),
   (b) the manner in which a National Scenic Area is to be described in such a direction,
   (c) the publicity to be given to any such direction, and
   (d) other procedural matters in connection with the making of such a direction.

(10) Regulations under this section may make different provision for different purposes.