

COMMUNITIES COMMITTEE

Wednesday 7 June 2006

Session 2

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COMMUNITIES COMMITTEE 19th Meeting 2006, Session 2

CONVENER

*Karen Whitefield (Airdrie and Shotts) (Lab)

DEPUTY CONVENER

*Euan Robson (Roxburgh and Berwickshire) (LD)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)
Cathie Craigie (Cumbernauld and Kilsyth) (Lab)
*Christine Grahame (South of Scotland) (SNP)
*Patrick Harvie (Glasgow) (Green)
*John Home Robertson (East Lothian) (Lab)
*Tricia Marwick (Mid Scotland and Fife) (SNP)
*Dave Petrie (Highlands and Islands) (Con)

COMMITTEE SUBSTITUTES

Shiona Baird (North East Scotland) (Green)
Alex Johnstone (North East Scotland) (Con)
Christine May (Central Fife) (Lab)
Mike Rumbles (West Aberdeenshire and Kincardine) (LD)
Ms Sandra White (Glasgow) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Sue Bennett (Dumfries and Galloway Council)
Simon Brooks (Scottish Natural Heritage)
Jonathan Hall (Scottish Rural Property and Business Association)
Steve Lindsay (Scottish Executive Legal and Parliamentary Services)
Malcolm Macleod (Highland Council)
John Mayhew (Scottish Environment LINK)
Helen McDade (Scottish Environment LINK)
Don McKee (Cairngorms National Park Authority)
John Nevett (Formerly Landscape Institute Scotland)
Nicholas Shepherd (Forestry Commission Scotland)
Maf Smith (Scottish Renewables Forum)
Sally Thomas (Scottish Executive Environment and Rural Affairs Department)
John Thomson (Scottish Natural Heritage)
Gordon Watson (Loch Lomond and the Trossachs National Park Authority)

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Katy Orr

ASSISTANT CLERK

Catherine Fergusson

LOCATION

Committee Room 4

Scottish Parliament

Communities Committee

Wednesday 7 June 2006

[THE CONVENER *opened the meeting at 09:32*]

National Scenic Areas

The Convener (Karen Whitefield): I open the 19th meeting in 2006 of the Communities Committee. I remind all those present that mobile phones should be turned off. I have received apologies from Cathie Craigie, who is unable to attend the committee today due to a family bereavement. I understand that Euan Robson will join us sometime after 10 o'clock.

The only item on our agenda today concerns national scenic areas. The Scottish Executive stated in its consultation paper "Enhancing Our Care of Scotland's Landscapes" that, if the proposals contained in the paper were supported, it would lodge amendments at stage 2 of the Planning etc (Scotland) Bill to introduce new legislation on national scenic areas. The Executive has advised the committee that it is likely that such amendments will be lodged.

The purpose of today's evidence session is for the committee to hear some of the key stakeholders' views on the Executive's proposals before any amendments are lodged. The committee will take evidence from four panels today. I welcome the first panel of witnesses. They are Sally Thomas from the Scottish Executive; Steve Lindsay from the office of the solicitor to the Scottish Executive; John Thomson and Simon Brooks from Scottish Natural Heritage; and Nicholas Shepherd from the Forestry Commission Scotland.

Thank you for joining us today. I understand that Sally Thomas wishes to make a short introductory statement.

Sally Thomas (Scottish Executive Environment and Rural Affairs Department): Yes. We were asked to provide an introductory statement to set the scene.

National scenic areas are areas of Scotland that are nationally important because of their scenic quality. There are 40 NSAs in Scotland, all of which were originally identified by the Countryside Commission for Scotland in 1978 in its publication "Scotland's Scenic Heritage". The history of NSAs is set out in the Scottish Executive's consultation document "Enhancing Our Care of Scotland's Landscapes". In summary, through a series of circulars and directions made under relevant

planning legislation and through policy guidance, NSAs are given protection in the planning system and certain types of development are subject to an enhanced consideration procedure.

However, powers to designate NSAs were repealed by the Natural Heritage (Scotland) Act 1991. Although the act preserved any existing NSA designations made under the Town and Country Planning (Scotland) Act 1972, the current legislative position is that no powers are available either to designate new NSAs or to review the boundaries of existing ones.

In 1997, Scottish Natural Heritage was asked to review the NSA designation and to consider the form of protection that a revised landscape designation should offer. It was asked to review the current suite of NSAs and to consider what changes might be necessary. It was also asked to consider the relationship with other designations, such as national parks or areas of great landscape value. SNH made a number of recommendations. They are reproduced in annex D of the Executive's consultation paper, but I will not go through them now.

On 30 January, the Executive published proposals in a consultation document entitled "Enhancing Our Care of Scotland's Landscapes". The proposals seek both to correct the present legislative anomaly and to take forward the recommendations of the SNH review by raising both the profile and the care of the existing NSAs. The consultation closed on 24 April. We have received 66 responses from a wide range of organisations and individuals. In addition, a seminar was organised jointly by SNH and the Scottish Executive in March to inform the consultation process.

I will briefly run through the Executive's proposals in the consultation paper. We are proposing a new power to designate, de-designate or modify the boundaries of any NSA. That power would lie with Scottish ministers. Designation would take place only after consultation with SNH and other relevant bodies. It is proposed that SNH and planning authorities would be able to present proposals for designation, after national and local consultation.

The Executive is proposing a new statutory purpose for national scenic areas—that NSAs are "areas of land which represent the very best of the landscapes for which Scotland is renowned"

and that they are

"of such outstanding scenic beauty and amenity that they should be safeguarded and enhanced as part of the national heritage."

The proposed aims of designation are

"to manage changes arising from development and other pressures on the special qualities of the NSA consistent

with the underlying purpose, whilst recognising the social and economic needs of communities.”

The key element of the proposals is the preparation of management strategies. We propose a target of having management strategies in place for all NSAs by 2010. Responsibility for preparation would lie with planning authorities and, where appropriate, national park authorities, in consultation with relevant bodies such as SNH. All planning authorities and national park authorities would be encouraged to prepare management strategies but we are not proposing any statutory requirement. We suggest that a biennial review of the progress of implementation should take place, with a more fundamental review of the strategies taking place after no more than seven years.

An issue that we have highlighted in the consultation relates to national parks. Both Scotland's national parks have NSAs either fully or partially within their boundaries. The national park authorities are required to take account of that NSA designation in their park plans and in the way in which they manage the parks' natural heritage assets. Some discussion has arisen as to the need for what are seen as overlapping boundaries between national parks and NSAs. A significant consideration is that the restrictions on permitted developments are greater within an NSA boundary than within a national park. The rescinding of an NSA designation within a national park could therefore lead to a reduction in the protection of those areas under planning legislation. The Executive's proposals are that the need for NSA designations within national parks should be reviewed on an individual basis, as the boundary for each NSA is reviewed.

The report on the consultation is now in the process of being published. We have supplied a copy to the clerk and it will be made available to the committee. The full report should be available on the Executive's website very shortly. We are considering the consultation responses and we will shortly be presenting advice to ministers on the handling of the issues raised.

The Convener: Thank you for your introductory statement. You said that 66 people responded to the consultation. What themes emerged?

Sally Thomas: We asked a series of questions in the consultation paper, around which the majority of responses were structured. People gave their views on the basis of the designation and statutory purpose of NSAs. We invited and received responses on the appropriateness of the powers for designation and the roles that different parties would play in the designation process. The national parks issue to which I referred generated responses; indeed, we specifically sought views on it. We invited and received a good number of responses on management strategies, which were

structured around the questions that we set. We received well-structured and full responses.

The Convener: Have the respondents generally supported the Executive's proposals?

Sally Thomas: That depends on which element of the proposals you are talking about. There has been a good level of response in relation to the basis of the designation and the general tenor of what we are suggesting. There has been overall agreement on the new statutory purpose, but changes to definitions, which we consider to be drafting changes, have been suggested. We have to consider those changes carefully, given the potential implications of certain wording.

The proposal to have the powers of designation rest with Scottish ministers is well supported by respondents, who feel that that is an appropriate way to proceed. It has been suggested that, in order to achieve a national perspective, SNH should have the lead role in bringing forward any new areas for designation. One or two respondents questioned whether local authorities would have the necessary national perspective on that.

Both the national park authorities felt that the inclusion of national scenic areas in their boundaries was rather anomalous and looked to have the boundaries reviewed to exclude NSAs in their areas. There are a number of issues around how permitted development rights would be handled in former NSA areas within the national parks.

It is fair to say that there is general agreement that management strategies are the way forward for NSAs, but there needs to be a managed, co-ordinated approach. There is perhaps less agreement on whether that should be advanced through a statutory or voluntary process. Respondents are split in their support—or otherwise—for a statutory process for management strategies.

Scott Barrie (Dunfermline West) (Lab): Why does the Executive believe that encouragement would be enough to deliver management strategies, rather than going for a statutory process?

Sally Thomas: Management strategies have a number of purposes, but we believe that a light-touch approach is most appropriate for the management of NSAs. The majority of the areas in question are the more remote areas of Scotland and are not necessarily subjected to the degree of development pressure that might be experienced in urban areas or in the central belt.

Scott Barrie: You said that the respondents were split on this question. Was the split across the board, or did it, for example, have a geographical or organisational basis?

09:45

Sally Thomas: I am afraid that I will have to come back to you with that analysis.

The Convener: Do you think that the Executive's amendments to the Planning etc (Scotland) Bill will reflect the concerns that have been expressed in the consultation?

Sally Thomas: The aim of the consultation is to seek views on the matter, and we hope to be able to take into account as many views as we can within the bill's confines.

The Convener: Is the Executive being a little premature in suggesting changes to national scenic areas before the proposed Scottish landscape forum has been established? Would that forum not be a better vehicle for generating those changes?

Sally Thomas: I should point out that the landscape forum is being established by SNH with the Executive's support.

SNH reviewed NSAs several years ago, and we now feel that the time is right to take forward the proposals, which essentially re-establish the legislative baseline for that designation. As I said earlier, we do not have the ability to designate any new NSAs or to review the boundaries of existing ones, so it is important that the powers to do so should go back on to the statute book.

We welcome the establishment of the Scottish landscape forum, as it will make a valuable contribution to the emerging landscape debate and the preparation of NSA management strategies.

The Convener: Would the stakeholders have had more confidence in the proposed changes if, instead of the Executive simply consulting them, they had helped to reach the conclusion that such steps were necessary? Perhaps the process of change would have been easier and would have had everyone's agreement from the start.

Sally Thomas: The proposals in the SNH review, which was widely publicised, received widespread support from stakeholders, who for some time now have been asking for this work to be undertaken. We have now recognised the need to bring forward proposals to re-establish and raise the profile of NSAs. Stakeholders realise that this is not a new policy. After all, they contributed to the debate through the SNH review and in discussions that we have had with them in the intervening period.

The Convener: Is it not the case that, although stakeholders might feel that the measure is necessary, they think that the Executive has handled it wrongly and that, by not establishing the forum first, has put the cart before the horse? The

question is not the ultimate aim of or the need for the legislation—they are already signed up to those matters—but whether the Executive has gone about this in the right way.

Sally Thomas: As that opinion has not been directly expressed to us, I find it quite difficult to comment on it.

The Convener: I call Tricia Marwick.

Tricia Marwick (Mid Scotland and Fife) (SNP): I will wait until the next section of questions, convener.

Christine Grahame (South of Scotland) (SNP): I wonder whether the rest of the panel have any comments to make on stage 2 amendments and the question of the Scottish landscape forum. I do not think that the questions are all directed at Ms Thomas—

The Convener: Christine, I was not aware that you had become the convener of the committee.

Christine Grahame: I haven't, but—

The Convener: If any of the witnesses had indicated a desire to speak, I would have let them do so. At no point have I suggested that no one can speak.

Christine Grahame: I certainly did not mean to imply that, convener.

Dave Petrie (Highlands and Islands) (Con): Following the extensive consultation that has taken place, do the witnesses feel that there has been a robust enough debate about what constitutes one of Scotland's accolade landscape designations?

John Thomson (Scottish Natural Heritage): I reiterate what Sally Thomas has just said. We are not talking just about the one-off consultation that took place recently. There has been extensive discussion over many years, even before the review process that SNH undertook in 1997 to 1999, and there is a fair degree of consensus that such a designation is needed and that the areas that are currently designated deserve to be designated. Some people make clear in their comments that, in their view, other areas are worthy of designation, but no one has suggested that Scotland could do without a national landscape designation. In that sense, there has been sufficient debate, but there is scope for further debate about exactly how each area should be managed and what the objectives for individual areas should be. However, it is desirable that we should move forward.

It would be unfortunate if the landscape forum became too closely focused on the question of NSAs and national designations, as there are many other issues to be addressed in relation to landscapes. I hope that the forum will tackle that

broader agenda. I am sure that it will wish to consider NSAs and to make recommendations in relation to their future management, but it would be unfortunate if it started by having NSAs as the principal item on its agenda.

Dave Petrie: Do you think that the definitions in the Scottish Executive consultation are clear enough? I come from Argyll and Bute. In places such as the Kyles of Bute, the attraction is the sea view as much as the landscape. Does the sea have a part to play here?

John Thomson: Absolutely. One difficulty with which we struggle at the moment—not just in relation to landscape, but more generally—is the fact that there are very different systems for managing the terrestrial and marine environments. Increasingly, there is a need to bring those systems together. We do not necessarily want to have a unified system, but we should have systems that complement each other better. I agree that the marine component of many NSAs is very important and that currently we do not have adequate mechanisms for addressing that.

Dave Petrie: Who should be the primary beneficiaries of NSAs—those who live in them or those who visit them?

John Thomson: The primary beneficiaries of NSAs must be both groups. Clearly, there can be tensions between the two, but they should reinforce each other, especially given the significance of the tourism economy in many of the areas that we are discussing. In addition, we already have substantial evidence that the attractiveness of places is an increasingly important factor in their economic success. I have heard representatives of Highlands and Islands Enterprise say that one reason for the transformation of much of the Highland economy in recent years is the quality of the environment, of which landscape is an important component.

We will need to consider case by case whether a development that is seen as desirable locally will be detrimental from a wider, national perspective. However, even in such cases, everyone would agree that maintaining the quality of the area, while allowing change, is essential to preserving its economic well-being in the long term.

Dave Petrie: The economy featured throughout your response; is the Scottish economy a major beneficiary of the approach?

John Thomson: Yes. It is difficult to measure and quantify the benefits, but I am sure that they exist and are increasing.

John Home Robertson (East Lothian) (Lab): The landscapes that we are talking about are the product of centuries of life and work of the people who lived in those areas, so we should be

cautious about imposing external bureaucratic constraints on the life and work that can develop those landscapes positively for the future. I hope that the intention is to provide not just constraints but incentives. Will incentives be part of the package?

Simon Brooks (Scottish Natural Heritage): Later in the meeting, members will hear from a representative of Dumfries and Galloway Council, who I hope will tell you about the pilot project on management strategies that took place in the area. The idea behind management strategies is to turn the national scenic area designation from something that is restrictive and reactive and just responds to planning applications—quite often, people do not realise that they are in an NSA until they lodge a planning application—into a more positive, enabling tool. The intention is to set out objectives for the development of the landscape and to consider how to assist in its management. Given that focus, the pilot work in Dumfries and Galloway and in Wester Ross made it clear that we must engage with communities and land managers and say, “NSAs are not just about saying no; they are about working with you to manage the landscape.”

John Thomson: That is why we should proceed now to reaffirm the importance and value that are attached to national scenic areas—that takes us back to an earlier question. The land management economy is very much in flux; we have the land management contracts system and a new Scottish rural development plan is being drawn up. If NSAs are to be a success, it is essential that the presence of an NSA is an advantage when land managers apply for grants. There should be a clear signal that, although being in an NSA might constrain land managers’ activities to some extent, it also offers opportunities to manage the land in a way that benefits the landscape and to access additional funds.

Scott Barrie: Reference has been made to the designation of areas of outstanding natural beauty in England and Wales. Can we learn positive or negative lessons from the approach south of the border?

Sally Thomas: Although AONBs in England and Wales are similar to national scenic areas, there are many differences between the two designations. The Countryside and Rights of Way Act 2000 placed new requirements on local authorities that have responsibility for AONBs and allowed authorities to set up conservation boards for some of the larger AONBs. AONBs tend to be larger than NSAs and are more likely to straddle local authority boundaries, which makes their management more complex. There is a system of grant provision for AONBs through direct funding—we do not have such a system in

Scotland. Although we can draw parallels between AONBs and NSAs, they are different designations that are founded on different legislation. The approach in England has perhaps made it easier to achieve outcomes in relation to aspects of management strategies and funding.

Scott Barrie: I appreciate that the legislation is different south of the border, but I am trying to ascertain whether we can learn from that experience and incorporate elements that seem to be working better in England and Wales, as you suggest.

From what you said, it sounds as though the approach in England and Wales has much more of a statutory basis than what is proposed for Scotland. Perhaps that is a better model from which we can learn. Given that perhaps more than two national scenic areas in Scotland will cross local authority boundaries, we should learn about any potential difficulties before we begin stage 2 of the Planning etc (Scotland) Bill next week.

10:00

Sally Thomas: There is certainly a lot to learn from the way in which AONBs are constituted and managed south of the border. The system changed relatively recently in 2000, so it is still developing from a new basis.

Although we want to learn from and take on board the experience south of the border, it is important for us to establish a revised statutory basis for NSAs. We have an opportunity to learn from the experience of putting in place management strategies on a non-statutory basis in Scotland so that if it appears in the future that we need to go down the more statutory route that has been chosen in England, we will have an opportunity to do so. However, it is not clear at the moment whether that would be the right way forward for Scotland's NSAs—it is still too early to tell. That is why we feel that taking a non-statutory approach is more appropriate at this stage.

Simon Brooks: When SNH undertook the review, we looked at what was going on with AONBs south of the border and we have kept an eye on their development. It is worth reflecting on the fact that AONBs had their original statutory underpinning back in the National Parks and Access to the Countryside Act 1949.

Until the 2000 act, AONBs were treated for a long time as the poor relation of national parks—they were not the focus of resources and did not have the status or accord that a national designation required. That is why the 2000 act came about and, with it, the requirement for a statutory management plan to be put in place.

As we said in our response to the Executive, we have doubts about how feasible the non-statutory

approach is. There are difficulties with any voluntary approach, given that statutory requirements will inevitably receive greater priority because resources can be obtained more easily. Perhaps we have to suck and chew the proposed approach and see whether we can enable local authorities to produce management strategies successfully.

When we ran the pilots with Dumfries and Galloway Council and, in Wester Ross, with Highland Council, we approached a number of other local authorities to find out whether they would be interested in the trial. That was at a stage when there was no clear indication from the Executive about where NSAs were going or what priority they would be given. We were very pleased that two local authorities were willing to take the risk to run with NSAs to see whether the approach was worth trying. Three other local authorities were not willing to take part, however, so we would be nervous and concerned about repeating that non-statutory approach in the future.

Scott Barrie: On that point, might there be further potential difficulties for cross-boundary local authority co-operation in designating areas and working together if the approach is not based on a statutory model?

Simon Brooks: We do not see that as a primary difficulty. I hope that local authorities would see the benefit in working together across borders. What you say does not drive our concerns about the management strategies being statutory or non-statutory.

John Thomson: I add a point that picks up on what Sally Thomas said earlier about the fact that lots of AONBs south of the border straddle local authority boundaries and that that differentiates them from NSAs. In Scotland, a high proportion of NSAs lie within the territory of a single local authority, namely Highland Council. The views of Highland Council are therefore particularly pertinent.

I know that you will hear from a witness from the council later this morning. The fact that a large proportion of NSAs lie within its territory influenced our views about how to set about the preparation of management strategies. The assumption is that there is a designated team in each AONB. I suspect that in the Highlands there might be a team working throughout significant parts of, if not the whole of, the local authority area, who would deal with a number of NSAs, rather than focusing entirely on one.

There are a lot of issues to address around NSA management in a region that contains large numbers of NSAs. That underlines the importance of getting the commitment of Highland Council. My

answer to the question is partly that you need to assess how willing Highland Council is to proceed on a voluntary basis. If it is not willing to do so, you probably need to introduce a statutory requirement.

The Convener: This question is specifically for Ms Thomas. Do you think that the Planning etc (Scotland) Bill is the most appropriate vehicle for introducing legislation on national scenic areas?

Sally Thomas: The primary mechanism for managing and protecting NSAs is the planning system. For that reason, we believe that the bill is the most appropriate vehicle for implementing changes, given the need to reformulate the legislative basis of NSAs.

The Convener: If the bill is the most appropriate vehicle, given that it has been some time in the planning, why has the Executive left it so late to consult on the proposal, which will involve amendments at stage 2? Would it not have been much better if the proposals had been included in the bill when it was published and introduced?

Sally Thomas: We accept fully what you are saying. Our preference would have been to introduce the proposals earlier, but the timescale for issuing our consultation paper and receiving responses meant that that was not possible.

The Convener: You say that the bill is the most appropriate vehicle for the changes and you knew that we needed to legislate to introduce national scenic areas. The bill has been talked about for quite some time. It is no surprise, because it was a commitment in the partnership agreement of more than three years ago. Why has the Executive left it to the last minute?

Sally Thomas: Part of the work that went on prior to the production of the consultation document was to establish the legislative basis on which NSAs are founded at present and whether they are currently designated. That process of examination took a lot longer than we had anticipated.

The Convener: Do you accept that if the changes appear to be rushed, there is the potential to damage confidence in what the Executive intends to do, no matter how worthy it is and how much people believe that it is necessary?

Sally Thomas: I do not think so, because we have undertaken a full consultation. As SNH has said, in the intervening period there has been considerable debate and discussion about the proposals arising from the SNH review, which the Executive hopes eventually to take forward. The level of response that we received to the consultation indicates that there has been a full and open debate.

Tricia Marwick: When was the legislative basis for designating national scenic areas removed?

Steve Lindsay (Scottish Executive Legal and Parliamentary Services): That happened in 2004, through the Nature Conservation (Scotland) Act 2004.

Tricia Marwick: The report "National Scenic Areas: Scottish Natural Heritage's Advice to Government" was published in 1999, but the planning white paper that came out in 2005 made no mention whatever of national scenic areas. You believe that there has been sufficient consultation but, frankly, that is for the committee to determine. Given that you are only just bringing the matter to us now and that we could have taken evidence from a range of people at stage 1, do you really think that this is the best way forward?

Sally Thomas: I accept what you say. We would have preferred to introduce the proposals at stage 1, but it did not prove possible to do that. That being the case, we made every attempt to undertake as full a consultation as possible.

Tricia Marwick: It seems to me that, between 1999 and January 2006, when you issued the consultation paper, the whole thing got lost in the bureaucracy. Is that a fair comment?

Sally Thomas: Following the publication of SNH's advice in 1999, the National Parks (Scotland) Act 2000 was passed and our priority switched to establishing Scotland's two national parks, which are now up and running. It is fair to say that, in the intervening period, the focus of effort was on designating the two national park areas and getting the two national park authorities up and running.

Tricia Marwick: So the national scenic areas had absolutely no priority until January 2006, despite the fact that a planning white paper was issued in 2005. Is it fair to say that you are now playing catch-up—and that you expect the committee to co-operate to allow you to do so—using something that appears, frankly, to be half-baked and ill-considered?

Sally Thomas: I do not think that it is fair to say that the intervening time has been wasted. During that period, SNH has given considerable priority to working with local authorities to pilot the management strategy approach. That was extremely valuable to us when we formulated the proposals in the consultation document on whether management strategies for national scenic areas would be an appropriate way forward.

It may appear that national scenic areas have been put on the back burner, but I certainly would not want that to be the case. The fact that priority was given to establishing the national parks does not in any way lessen the importance of national scenic areas. They remain designated areas that are subject to an enhanced level of protection

through the planning system. That operates at the local level through local authorities and through consultation with SNH, so I do not think it is fair to say that national scenic areas have been ignored in the intervening period. As we have heard, SNH has been working proactively with local authorities to pilot the management strategy approach.

Tricia Marwick: But the Executive has not sought any legislative opportunities, until now, to introduce proposals on national scenic areas.

Sally Thomas: We have not sought a bespoke legislative opportunity, no.

Tricia Marwick: SNH might have been working away in the background, setting up forums and consulting various people, but it is fair to say that the Executive has not given the matter the same priority.

Sally Thomas: The Executive works closely with SNH in determining our priorities and its priorities. We have certainly been working in partnership with SNH in the intervening period on the work on NSAs.

Tricia Marwick: In your earlier evidence, you said that you are still considering the wording of the amendments that you might lodge at stage 2. Are you satisfied that they will make good legislation?

Sally Thomas: Yes, or we would not lodge them.

10:15

John Thomson: Although SNH would obviously have welcomed an earlier move by the Executive to re-establish the statutory basis for NSAs, and although even now, as you will have seen from our evidence, we have some concerns about the precise detail of what is proposed, we certainly do not accept that the proposals are half-baked. As we have said, they reflect quite a lot of discussion and practical experience over several years. They also represent an attempt to learn from experience elsewhere, particularly with areas of outstanding natural beauty south of the border.

I do not believe that the proposals are half-baked. As I said, we would be concerned about further delay in acting on behalf of NSAs, partly because some buses could be caught now—as we said earlier in relation to land management contracts—and partly because for many development activities, particularly in renewable energy, the Executive must signal that it attaches considerable importance to the adequate protection of NSAs. The danger is that the longer that affirmation is not given, the more people may question the commitment to protecting those landscapes.

Tricia Marwick: Some of us question that commitment because of the length of the delay, but perhaps some of those questions would be better addressed to the minister.

The Convener: The committee will have an opportunity to put those questions to the relevant minister when he or she speaks to amendments at stage 2. I am sure that the committee will pursue those points with the minister.

Patrick Harvie (Glasgow) (Green): I will pick up a couple of threads—the appropriateness of the provisions to the bill and statutory management strategies.

SNH's written evidence says:

"We understand that the Executive's reluctance to make this a statutory requirement is based on its understanding of the limits of the provisions that can legitimately be included in a planning bill."

Do I read that right? Is SNH saying that the Executive's reason for not going down the statutory route is that the bill concerns planning and not something else? What leads you to that understanding?

John Thomson: That is our understanding, which reflects the continuing dialogue that you would expect us to have with the Executive. I am not saying that other policy reasons might not apply, but I understood that some issues related to vires and what can legitimately be included in a planning bill.

Patrick Harvie: Is that description of the Executive's position accurate? It does not sit well with your comment that you are simply not convinced that statutory management strategies are an appropriate way forward.

Sally Thomas: An additional factor that we must consider is the nature and scope of the vehicle that we seek to use—the Planning etc (Scotland) Bill. The introduction of statutory management strategies for NSAs, which would in effect be a land management tool, could be outwith the scope of the bill. That is the advice that we have received.

Patrick Harvie: In that case, I ask you to respond to another part of SNH's evidence, which says that it would be preferable to have

"a clear signal of Ministers' intention to legislate for Management Strategies should a non-statutory approach prove unsuccessful."

Can the Executive say clearly that if the non-statutory approach proves unsuccessful—what that means should be defined—further legislation will be introduced?

Sally Thomas: We certainly wish to evaluate the non-statutory approach but, without experience of the outcome of that approach, it is

difficult to second-guess proposals that we might make.

The Convener: Patrick Harvie might wish to pursue that line of questioning with the minister at stage 2.

Patrick Harvie: I hope that the minister will read our discussion in the *Official Report*. It would help to have a clearer description in writing of the Executive's further intentions before the minister speaks to us about amendments.

I move on to a separate issue. The question is to the Executive again. SNH described the requirement for planning authorities to have regard to NSAs as

"feeble and of limited effect".

The words "have regard to" appear at another contentious point in the bill. Next week, I might plagiarise SNH, because I quite like the phrase

"feeble and of limited effect".

How has that concern been responded to in the preparation of amendments?

Sally Thomas: I am sorry, but will you repeat the question?

Patrick Harvie: What is the Executive's response to SNH's criticism that the requirement for planning authorities to "have regard to" NSAs is "feeble and of limited effect"?

Sally Thomas: We think that the proposal to have regard to NSAs is a sufficient mechanism for local authorities to build the necessary protection into their statutory development plans, their processes in determining planning applications and their other activities. We think that the wording is strong enough and that it can be backed up by the Countryside (Scotland) Act 1967, which placed what has become a long-standing duty on the public sector to ensure that the countryside is managed sensitively. All public sector bodies have an overriding duty to do so in the exercise of all their functions relating to land. I can quote the relevant section of the act if the member wants me to do so. We think that the NSA duty backs that up.

Patrick Harvie: My final question is for the representatives of SNH. Have your concerns in that regard been properly addressed, or would you still describe the proposals in such terms?

John Thomson: We would still do so. We included the phrase

"feeble and of limited effect"

in our submission to the committee and we stand by it.

There is a long-running debate on the terminology that is used in that context, which

includes the debate over what is appropriate in the legislation on national parks. It is understandable that Scottish Natural Heritage and bodies with similar responsibilities have always wanted such duties to be sharpened up. As our submission says, we were encouraged by the different and stronger wording that was used in relation to biodiversity in the Nature Conservation (Scotland) Act 2004, and we would obviously like that precedent to be carried through into similar legislation. A duty to have regard to NSAs is preferable to nothing, but, if possible, we would like the duty to be stronger than that.

Dave Petrie: Will the proposed NSA management strategies be subject to the requirements of the Environmental Assessment (Scotland) Act 2005?

Sally Thomas: We are confident that they will be.

Dave Petrie: Will there be an overriding strategy or policy document for all NSAs on which a strategic environmental assessment can be done?

Sally Thomas: Do you mean a national framework or national strategy document?

Dave Petrie: Yes.

Sally Thomas: We do not intend to produce a policy document as such. In conjunction with SNH, we would want to produce detailed guidance to local authorities on the form, content and procedural aspects of preparing strategies.

Dave Petrie: How closely do the major stakeholders in the set-up—SNH, VisitScotland and the Forestry Commission Scotland—work together on landscape issues? For example, would they jointly consider the impacts of climate change on the landscape?

John Thomson: That is a big question.

Dave Petrie: You can give a general answer.

John Thomson: We work closely with colleagues in the Forestry Commission on a range of issues, including the landscape. I assure the member that there has been a lot of discussion about what the revised Scottish forestry strategy, for example, should say about landscape issues. We work less closely with VisitScotland, which has taken the view in the past that its responsibilities are largely marketing and promotional responsibilities for the tourism industry.

Dave Petrie: Is there not a link, though?

John Thomson: VisitScotland has taken a limited interest in the past, but I must acknowledge that, more recently, it has begun to accept the sort of link that you describe and has become more sympathetic. However, it is still not well geared up to engage in wider policy debates, which is

perhaps why it has not fielded a representative to the committee today. We certainly have more dialogue with VisitScotland than we had in the past.

Nicholas Shepherd (Forestry Commission Scotland): As has been said, the Forestry Commission Scotland consults Scottish Natural Heritage and statutory consultees on proposals that affect national scenic areas, but it is important to point out that we also consult local stakeholders—which includes the landowners, whether they are in the public or private sector—even on fairly modest schemes. We have in place mechanisms by which we consult readily on all our proposals for national scenic areas.

Dave Petrie: It strikes me that environmental issues will play a major part. Consider how popular the west Highland way has become and how much damage has been caused—well, perhaps not damage, but consider the on-going maintenance that is required. Will that become an issue as national scenic areas become more popular?

John Thomson: In calling for management strategies, we envisage that more resources will need to be deployed in the future to maintain the assets. Having said that, the NSAs are a varied bunch. Some are never likely to become major tourist destinations, whereas others already have a high number of visitors. To that extent, it will be horses for courses; that is one of the reasons why we have argued for individual management strategies that identify the needs and opportunities in each area. We certainly regard an enhanced profile for NSAs as a means of trying to attract more tourists to them and, if we do that, it must be accompanied by the management that will be necessary to ensure that the level of visitation is sustainable.

Dave Petrie: Will resources for tackling any environmental damage be made available? Do you consider that to be an issue?

John Thomson: Yes. We have highlighted the fact that we feel that such an initiative requires to be adequately resourced. Our experience with the Dumfries and Galloway pilots suggests that resources are potentially available from a range of sources. I think that we mentioned in our submission that there is a heritage lottery fund landscape partnership scheme pending for Dumfries and Galloway that would help to support the provision and, to some extent, maintenance of infrastructure.

John Home Robertson: I am conscious that Mr Shepherd has been getting off rather lightly this morning. Trees, woods and forests are obviously particularly important in NSAs, but the establishment, maintenance and protection of

particular species of trees might be more complicated in NSAs because of the species that need to be replaced. Can we take it that the Forestry Commission is fully signed up to supporting the process?

Nicholas Shepherd: Which process are you talking about?

John Home Robertson: If the designation of a national scenic area is to work, the people who live in the area, local authorities and all public agencies will have to be actively involved in protecting the landscape and spending money.

10:30

Nicholas Shepherd: I can answer yes to that. To give an example from the national forest estate, the Loch Lomond and the Trossachs National Park Authority not only looks after the forest and woodlands within the NSA but, through its knowledge and involvement with local stakeholders, it can look after the small hidden gems—the little areas that local people and visitors greatly value although they are not national scenic areas. The strategic plans that are developed for the entire district ensure that such areas are well looked after. High priority is given to the elements of diversity that people look towards. Ergo, there is more emphasis on economic benefits in areas that are not treasured or which are more hidden.

The development of a strategic plan is not a static event but an on-going process that engages with local stakeholders and understands how tourists and visitors use an area, what they value and what the Forestry Commission can do to respond to that.

John Home Robertson: When will the Scottish landscape forum be launched and how will the public participation requirements of the Aarhus convention be met in the forum? More specifically, how will discussion around national scenic areas be dealt with?

John Thomson: The answer to the first question is the afternoon of Thursday 22 June.

John Home Robertson: Oh, good.

John Thomson: On the wider issue, we have been mindful in setting up the forum that we do not want it to be exclusive. We have thought of ways in which we can make the process more open through, for example, establishing a website. Members will appreciate that if we are to make real progress through an instrument such as a forum, we must have a manageable one in which people can get to grips with the issues. Equally, we want to ensure that the process is as open as possible. That is the balance that we tried to strike in setting up the forum. Simon Brooks might want to add something to that.

Simon Brooks: We have recognised that there is a specific task to be done, with the review of national planning policy guideline 14 coming up. Further thinking has to be done on the landscape element of that, which involves a relatively short timescale. Currently, it is proposed that the forum will have a short life of perhaps nine months to a year; it is not that we are not inclined to have a longer lifetime for the process, but we want to ascertain whether the forum can deliver and add value. We hope that it will demonstrate its added value. I suspect that after that initial period all forum members, and not just SNH, will need to reflect on the forum and consider whether there is a need and a way for the forum—having been a bit exclusive—to engage more and perhaps be a better fit to get a wider range of bodies represented around the table.

John Home Robertson: The United Kingdom has signed the European Landscape Convention. What was Scotland's role in the discussion leading up to that? What is the next step towards ratification as far as Scotland is concerned?

Sally Thomas: I will take the second question first. As members will know, the European Landscape Convention is a reserved matter. It has been laid before the Westminster Parliament and the laying period is due to finish on 20 June. Assuming that there are no difficulties with that, the UK Parliament will proceed towards ratification.

The Scottish Executive has been fully engaged with the Department for Environment, Food and Rural Affairs, which has led on the issue for a considerable time. DEFRA undertook a study to consider the UK position on the convention, which concluded that no further legislative requirements were needed in order for the UK to meet the convention's requirements. We are satisfied that Scotland complies with the convention's requirements, although it obviously gives us an opportunity to enhance our policies, should we wish to do so. Certainly, once ratification has been completed, we will need to consider the convention's implications for our existing suite of policies.

Scottish ministers have been consulted by their counterparts at UK level and have given their agreement to the UK Government signing and proceeding to ratification of the convention.

John Home Robertson: Can I take it that you are confident that Scotland will not need to do anything further to comply with the convention?

Sally Thomas: Yes.

The Convener: Thank you for your attendance and for answering all the committee's questions. I suspend the meeting briefly to allow the changeover of witnesses. I ask members to stay in

their seats. We will have a comfort break after we have questioned the second panel.

10:35

Meeting suspended.

10:38

On resuming—

The Convener: I welcome our second panel of witnesses this morning. We have been joined by Malcolm Macleod of Highland Council, Sue Bennett of Dumfries and Galloway Council, Don McKee of the Cairngorms National Park Authority and Gordon Watson of the Loch Lomond and the Trossachs National Park Authority. Thank you for attending this morning's meeting.

I start by asking you about the Executive's consultation on the proposal to legislate for national scenic areas. Has the Executive consulted widely on the proposal and provided you with an opportunity to engage with it on how you see national scenic areas operating?

Gordon Watson (Loch Lomond and the Trossachs National Park Authority): I emphasise how welcome the consultation is. In Loch Lomond and the Trossachs, we are anxious to understand the way forward with national scenic areas. In our draft national park plan, we highlighted that as an issue, because we have inherited not only national scenic areas but a large number of local landscape designations. We are concerned that the areas in the national park that are designated as national scenic areas represent only about sixth of the area of the park. We believe that the situation needs to be re-examined when it comes to managing landscapes into the future, so we strongly welcome the fact that that is happening now. We have participated in the seminar and consultation.

Don McKee (Cairngorms National Park Authority): I reiterate what Gordon Watson has just said. In our response to the consultation, we flagged up the fact that it would be useful if the Executive convened a meeting with both park authorities and SNH to discuss in more detail the particular issues that apply to NSAs in national parks.

Sue Bennett (Dumfries and Galloway Council): Dumfries and Galloway Council welcomed the opportunity to respond to the consultation. We have had an adequate opportunity to take the consultation to the relevant committee of the council, and the three advisory groups that are engaged in the three NSAs have also had the opportunity to comment. We feel that we have had an adequate input.

Malcolm Macleod (Highland Council):

Highland Council has welcomed large parts of the consultation, but—as we state in our submission and as we will no doubt discuss in detail—we still have key concerns that are more about what happens next than about what has been done.

The Convener: Do you believe that the Executive should have allowed SNH's proposals for the Scottish landscape forum to be implemented before it chose to legislate, or are you confident that legislating on NSAs is the most appropriate route for the Executive to take and that there was no need for the forum to have been established and operational first?

Malcolm Macleod: I admit to not being very aware of the proposals for the forum. In our response to the consultation, we welcomed this opportunity to look again at some of the anomalies that exist in our national scenic areas. In Highland, we have 16 NSAs at the moment. In looking again at this matter, I have not been particularly aware of the forum's responsibilities. However, one of the issues that we were going to mention at a later stage is the need for our communities to be fully involved in looking at the amended boundaries of the NSAs. If the landscape forum is to implement those, there will have to be a very transparent process.

Sue Bennett: We welcome the idea of the forum. However, we have not been involved at all in the setting up of the forum and the forum has not proved itself yet. Whether it would be appropriate to delay things for a further year while we wait for the forum to prove itself is debatable.

Smaller authorities such as Dumfries and Galloway Council might be somewhat disfranchised if the forum was a small, select group, whereas the larger authorities would find it easier to send representation. We would like the activities of the group to be widely consulted on and publicised, so that all authorities are given the opportunity to have input into the work of the group.

Don McKee: We did not express a view on the forum per se, but we were glad that the consultation on NSAs had come forward as a matter of principle. Almost from the inception of the national park, we have had concerns about the tensions between the overlapping designations. In fact, in our response to the planning white paper, we suggested that the NSA issue be dealt with as soon as possible.

Gordon Watson: I reiterate the point that John Thomson made. As well as this consultation, SNH carried out a consultation a number of years ago, which culminated in its formal advice to the Executive. The issues about national scenic areas have been well consulted on, albeit with a gap

between the consultations. I do not think that there is concern about there not having been a debate. Our authority has not expressed a particular view on the forum other than to welcome a raising of the profile of landscape issues in a national debate, which has probably been absent in previous years.

Dave Petrie: Following the Executive's consultation, do you consider that the debate about what constitutes one of Scotland's accolade landscape designations has been robust enough?

Malcolm Macleod: In our response, we welcomed the clarification of the legislative basis for NSAs. Our key concern was about ensuring that the purpose of NSAs is clearly set out and not just in environmental and landscape terms. In Highland, we have a large number of key national landscape assets, but we felt that the socioeconomic needs of the community had not been properly represented, certainly in the consultation. It is not just about allowing communities to continue to grow in those areas; it is also about the benefits that NSAs can bring.

10:45

Dave Petrie: Economic benefits?

Malcolm Macleod: Positive benefits. Our council did not feel that that had been fully expressed in the purpose or the aims, as set out in the consultation.

Sue Bennett: One of the key reasons why Dumfries and Galloway Council has been interested in taking forward the NSA project is its rural regeneration opportunities. That is an important part of the package and it needs to be given appropriate recognition in the aims of NSAs. There is potential for people to benefit from the economic opportunities that are presented by the attractiveness of the area.

We support the NSA as an accolade landscape designation. Although NSAs should not have to be representative of all the different types of landscape within Scotland, we need to bear in mind the different contexts of different parts of Scotland. In the past, there was a concentration on the Highlands and Islands, but Scotland has a great variety of different landscapes. The designations should represent Scotland's range of scenic landscapes, not just the first ones that everybody thinks of when they think of Scotland.

Don McKee: I reiterate what my colleagues from the other authorities have said. If NSAs are going to remain within the national parks, there has to be a lot more dialogue on untangling the designations and clarifying their respective roles. If NSAs are to be removed from the national parks, we would be quite comfortable accepting them as,

if you like, a partner accolade designation to national park designation within the range of designations throughout Scotland.

Gordon Watson: Not enough has been made of national scenic areas as accolades. The experience to date on national parks, short as it is, is that national park designation has acted as a catalyst for local economic activity and engaging businesses in better realising the economic benefits of the quality of the landscape and the international recognition of the designation. Although NSAs may not have international recognition, they should still be not only a process for managing change but a catalyst for economic development in rural areas. The opportunity of management plans is to act as that catalyst as well as managing the sensitivities of landscape change.

Dave Petrie: Are the definitions in the Executive consultation clear enough?

Gordon Watson: The Loch Lomond and Trossachs response is very supportive of the inclusion of the socioeconomic aspects. The main criticisms were twofold. First, "manage change" is rather passive terminology; perhaps something a little more proactive could be considered, such as "stimulating change". Secondly, the National Parks (Scotland) Act 2000 has four national park aims, including a socioeconomic aim. Although we have a duty to pursue those aims in balance, there is a check in the system. If there is irreconcilable conflict between socioeconomic development and conserving natural and cultural heritage, we have a duty to give greater weight to the latter. There is no equivalent of that in the wording of the aims for NSAs. We have queried that point, and in particular asked how that might sit if NSAs continue to exist within national parks, as there will be anomalies.

Sue Bennett: I agree with Gordon Watson. The proposed aim seems to reflect a reactive approach, but there is an opportunity to be proactive in a range of ways, outside as well as within the planning system.

Malcolm Macleod: The aim should be very much about promoting the economic and social benefits that can emerge from the designation, as well as allowing communities to grow.

Dave Petrie: Who should be the primary beneficiaries of the approach: the people who live in NSAs or the people who visit NSAs?

Sue Bennett: All those people should benefit. If we exclude the people who live in the NSA, the process will not work. If communities are engaged, they will want to attract more people to the area and provide appropriate services for visitors.

Don McKee: National parks have obligations to visitors to and communities in the park and it is

inconceivable that we would provide for one group of people and not the other—the two objectives are interrelated.

Gordon Watson: I reiterate that point. It is not possible to separate the two objectives, which need not be irreconcilable. The idea is to ensure that there is complementarity, so that by improving visitor experiences we optimise the local economic benefit. We must not lose sight of the fact that we manage such areas on behalf of the nation—they are part of Scotland's national identity.

Dave Petrie: Do you all agree that the NSA designation brings economic benefits to the area and to Scotland in general?

Witnesses: Yes.

Malcolm Macleod: There are particularly large NSAs in Highland. During the pilot project in Wester Ross, it was clear that even within the NSA communities had different views and there were different economic bases. For example, the economy might be based on land management in one area and tourism in another. It is important to bring all sections of the community with us.

Dave Petrie: Do you anticipate resistance from locals to an influx of visitors as a result of the higher profile of NSAs?

Malcolm Macleod: We absolutely do not. Our key concern is that the NSA designation is regarded as a positive tool rather than a restrictive designation.

Sue Bennett: At the start of the pilot project in Dumfries and Galloway, we encountered some resistance from landowners. We felt that they were becoming involved so that things would not go too badly for them, rather than because of the potential opportunities. However, that perception changed. Landowners think that it is important to engage positively and not just from a protectionist viewpoint.

Gordon Watson: The aims and purpose of the NSA designation will have a significant influence on how communities engage with the process. If communities do not understand what the designation will mean other than additional planning controls, it will be difficult to secure their support. In future consultations about revised boundaries or new designations, it will be crucial that we have got right the fundamentals of what NSAs are about.

When people were speculating about what national park designation would bring, their initial reaction was, "It will surely bring a lot more regulation and not much else." I hope that our track record demonstrates that that is not the case. However, it is difficult to give communities concrete examples of what NSA designation means. It is also important to ensure that

communities are part of the process. Nothing that we are doing could happen if communities and local businesses were not involved.

Don McKee: I echo that. The crux of the matter is to give communities ownership of the designation, whether the area is an NSA or a Natura 2000 site. If communities are to buy into the approach, they must have a stake and be shown the potential for them.

Scott Barrie: I will ask the same question that I asked the previous panel. What lessons can we learn from the English and Welsh experience of developing areas of outstanding natural beauty?

Don McKee: Before I came to the Cairngorms national park, I worked in the Isles of Scilly, where the entire archipelago is an AONB. Until the Countryside and Rights of Way Act 2000, the designation was more or less a silent one that was trotted out periodically along with a whole plethora of designations—it did not mean a lot. The CROW act gave the designation a purpose and a socioeconomic remit that it had not had previously and which the English national parks still do not have. That act gave the imperative and raised the profile. Conservation boards or joint advisory committees were formed for the AONBs to consider collectively what resources were on offer and to put together management strategies to deliver for the areas. The important point is that the change in legislation came in tandem with a substantial injection of resources, not all of which were targeted at obvious environmental improvements. AONBs were allowed to tap into grants that would benefit communities, such as rural transport grants. The designation is considered holistically, from the point of view of the contribution that communities make to the maintenance of the landscape. My experience of the recent English set-up has been positive.

Scott Barrie: Do the Scottish Executive's proposals go far enough?

Don McKee: As I understand those proposals, they do not go as far down the road and could be perceived as lacking a few teeth. The Executive should place more duties on authorities, rather than simply say that authorities must have regard to certain issues.

Scott Barrie: I will return to that in a moment, but do the other panel members have a comment on the English and Welsh experience?

Sue Bennett: It is interesting to compare the aim of the AONB designation with the proposed aim here. In England and Wales, all public bodies, not just the planning bodies, must have regard to the purpose of conserving and enhancing the landscape. That means not simply having regard to the landscape, but considering positive action on the landscape.

Malcolm Macleod: That is a key difference. Another key difference will be about how the implementation is tied to resources, which is an issue that Don McKee mentioned. Highland Council is concerned about that issue, as a result of our experience with the Wester Ross pilot project. The huge public consultation that we carried out raised people's expectations about what could be funded and delivered on the ground. We have concerns about how the measures will be implemented. Those concerns range from land management issues to issues about the links that can be made on interpretation. In England, AONBs are marketed as a brand, but we do not market NSAs well enough across the board. When somebody drives into the Wester Ross NSA, there is nothing to tell them that they are there or to say that it is an important national area. The key issue is that funding needs to be available to implement the proposals.

Sue Bennett: I echo that. Dumfries and Galloway Council has struggled year after year to get funding to continue the project. We look enviously across the border at AONBs, which have secure funding, which makes longer-term planning possible.

Scott Barrie: Mr McKee mentioned the light touch and the voluntary basis in the proposals. Can the national scenic areas be delivered within that format, or do we need to go further?

Sue Bennett: We need to go further. As I have said, Dumfries and Galloway is struggling to continue the project. If we were thinking about starting it now, we would not necessarily get involved because we would not have seen the opportunity. We were encouraged to become involved by being offered a premium rate of funding. We took that offer up because we thought, "We're going to have to do it anyway so we might as well as get on with it now and have the premium rate of funding." However, if we were just starting now, it would be tough to argue for something that we will not be required to do.

11:00

Malcolm Macleod: I would echo the concerns about things being implemented voluntarily. In our response to the consultation, we said that preparing 16 management strategies by 2010 would be wholly unworkable for the authority. We also raised concerns about the resources available to prepare such strategies. Obviously, as a planning authority, we will be facing all the changes that will come when the Planning etc (Scotland) Bill is enacted. We have real concerns over whether we will have the resources to deliver them.

Although we welcome the fact that the Executive has said that SNH could provide part of the

funding, an awful lot of questions remain. The preparation of strategies does not happen in a vacuum. There will be a call on a huge range of council services and that has to be fully understood.

Also in our response to the consultation, we wondered—because a lot of national scenic areas on the west coast are broadly similar—whether an individual strategy was needed for each scenic area or whether we could have a combined strategy. That is a potential compromise.

Another issue that we raised is what the council sees as the tie-ins to local development plans and the preparation of action plans. We are currently preparing three new local plans for the area and we are tying the consultation on the core path network plan on to those. When there are so many different strategies, we have to consider making savings in people's time and effort. We think that management strategies could be prepared on the back of local development plans. The action programmes that will follow the enactment of the Planning etc (Scotland) Bill could include a number of the actions that will come out of management strategies.

Gordon Watson: From a purely selfish national park point of view, we have already prepared a national park plan that has fairly significant landscape content. A mandatory requirement to produce another management plan just for national scenic areas would be another tier of plan making for us, over and above our local plan. As Malcolm Macleod suggests, the national park plan has a significant action plan content, and local plans are now being required to have action plan contents. Perhaps the national scenic area aspects could be handled between those two, rather than by a bespoke plan that, as he suggests, would require a lot of resources and a lot of extra consultation—and, potentially, a lot of confusion.

Sue Bennett: If things were caught up in the development plan process, the needs of the NSA could get lost. A fairly intensive consultation process is necessary to engage local communities in the process. If that was tied in with the local development plan, issues such as housing, economic regeneration and so on would take precedence and there would not be a concentrated focus on the scenic areas.

Tricia Marwick: Do you see the point that I think Mr Watson is making? In the national parks, a lot of work has already been done and we could be talking about another layer of bureaucracy. You may well have a point about local plans when there is no national park, and about the importance of not getting caught up in other more strategic issues, but Mr Watson is suggesting that, when there is a national park, its plan should be sufficient.

Sue Bennett: Dumfries and Galloway Council is in an interesting position in that we already have management strategies. There was some interest in the area in a marine national park. If such a park were to be created, we would be in the position of having management strategies before we had a park plan. We would be loth to lose the existing management strategies until such time as they had been carefully built into the wider management plan. Once a full management plan for the national park that gave appropriate recognition to the scenic area was in place, there would probably be no need for duplication. However, an appropriate plan would have to be in place first.

Scott Barrie: I will finish with a question about how national scenic areas relate to local landscape designations. How can their complementary nature be improved, or do they relate to each other sufficiently well?

Sue Bennett: In Dumfries and Galloway, some of our regional scenic areas are buffer zones around national scenic areas, so they were designated with the NSAs in mind. In addition, there is new guidance on local landscape designations that helps to advance that process by making the selection of which areas should be designated more rigorous. I think that the two designations work together as different tiers of protection.

Don McKee: The Cairngorms national park inherited some local designations, but when our local plan and the national park plan are in place, those designations will not be contained within them because we look at the national park as an entity. From our point of view, if we try to subdivide the quality of the landscape and to say that some bits are more important than others, there is a danger that that will erode the integrity that led to the designation being made in the first place. We suggested that we stick with the national park designation and rescind the NSAs within the park area so that we can view the park as an entity. We have already had some unfortunate experience of people trying to do a quid pro quo between the NSA and the rest of the park.

Gordon Watson: I echo Don McKee's experience. We have inherited a plethora of structure plan and local plan policy designations. If NSAs continue to exist in some form in national parks, that will give rise to questions about the status of the landscapes that are not in NSAs but which fall within national park boundaries. We will try to handle that as best we can in our own plans, but it is not clear what the understanding of all that is at national policy level. In our consultation responses, we have expressed strongly the concern that the role of national parks—as distinct from national scenic areas—on landscape issues

is not crystal clear at the moment. That is why we welcome the debate and the introduction of the Executive's proposals.

Local landscape designation areas—on which SNH's recent work has been welcome—have a role to play, especially when there are landscape sensitivities surrounding the settings of national parks. I hope that a more consistent approach to local landscape designations throughout Scotland will be of benefit.

Malcolm Macleod: I will just reiterate what has been said. Certainly in the Highland Council area, there is no fundamental conflict between local and national designations. In our recent local plan for Wester Ross, we distinguished between areas of international importance, areas of national importance and areas of local importance. That was a straightforward way of explaining to communities what the designations meant, which is sometimes difficult to do, given the plethora of designations that exist. It sometimes works best to set things out very simply.

Patrick Harvie: I have a quick question. I am having difficulty understanding why the national parks have more of an issue with NSAs than do local authorities. I take on board the fact that, for a park authority, an NSA in its area is not in a little bubble, separate from the rest of the authority's responsibilities. Why is it more of a problem for national parks than for local authorities to integrate NSAs with their planning functions?

Gordon Watson: In a Loch Lomond and the Trossachs context, one of the key issues is that the national scenic areas, as currently drawn, do not include important landscapes such as the southern banks of Loch Lomond and large areas of upland parts of the national park. Those areas are not national scenic areas at the moment, but they are of national landscape importance and are subject to various pressures. The concern is that, unless that situation is examined, we will be open to challenge on the planning stance that is taken within and outwith national scenic areas. Don McKee has referred to having experience of that already. It is not just to do with our decision making, but also with what Government guidance is prepared about how landscape matters are dealt with. Some guidance that is set out at the moment gives greater weight to landscape matters within national scenic areas, which is of concern, because the national park designation obviously gives us responsibilities to manage the landscape as well as other natural and cultural heritage resources. It is the lack of clarity about the status of national parks that is a concern from our point of view.

Don McKee: You need to go back to the reasons why national parks were designated in the first place as areas that display a distinctive

character and coherent identity that are judged to be of national importance. The whole of the national park area is so defined on the basis of its natural and cultural heritage, and the landscape is one component of that natural and cultural heritage. In fact, the landscape is where natural and cultural heritage come together to give the area its distinct character. In my case, the Cairngorms national park contains the Cairngorm mountains NSA and the Deeside and Lochnagar NSA, but there are areas around Laggan and Dalwhinnie, outside the NSAs, that are no less beautiful or splendid in terms of landscape quality. That can make life difficult when it comes to planning.

The recent case to which I alluded related to consideration of the Beaulieu to Denny transmission line proposal. The applicant was trying to make the case that, because the area through which the route would come did not lie within an NSA, it was therefore a less important part of the park in landscape terms—an argument with which we did not agree, as we said in our submission to the Executive's consultation. That is an argument that I can envisage other developers consistently trying to put forward until the anomaly is ironed out. It is all to do with the integrity of the national park. If you had an area that was designated as a Natura site, you would not comb over it and pick some bits that you thought were of less importance in terms of habitats than others were, so that you could say, "Right, that's the bit where the development can go, because it's of less importance than this bit." If you would not treat a Natura site like that, I do not see why you should treat a national park like that. There is definitely an anomaly that needs to be ironed out.

John Home Robertson: On the theme of designations, I have just made the mistake of looking at map 1, annexed to the Executive's consultation document, which shows six separate designations. It does not photocopy very well, I am afraid. There are national parks, national scenic areas, a 10km zone around the NSAs, areas of great landscape value, gardens and designed landscapes, and regional parks. That could be seen as a demented patchwork of six distinct, and sometimes overlapping, designations. Should we be looking for opportunities to tidy it up, either by reducing the number of categories of designation or at least by co-ordinating the boundaries? I do not want to get into a complicated debate about specifics, but do you have any quick general thoughts on that?

11:15

Don McKee: Your question sounds a wee bit rhetorical. Given that all the designations deal with similar issues in various ways, it would be quite

sensible to stand back, take stock and look at the contribution that each of them makes and whether there is any overlap.

John Home Robertson: I was expecting someone to say that.

Dave Petrie: Highland Council and Dumfries and Galloway Council have, in partnership with SNH, been involved with pilot NSA management strategies. However, in light of the result of the pilots, they take different views on whether such strategies should be voluntary or mandatory. Can any middle ground be found?

Malcolm Macleod: Highland Council has not yet adopted the Wester Ross management strategy because of certain community views on what it seeks to do and concerns over the issue of wild land. As a result, although the council acknowledges the overall benefits of the management strategy, it has decided to hold back on its adoption until the local plan, which it is felt contains a number of complementary elements, has been prepared.

I might have touched on the issue of a middle ground earlier, when I highlighted the need to think about whether a number of NSA management strategies can be prepared together. After all, some NSAs—particularly from north-west Sutherland all the way down through Knoydart—have similar characteristics.

The council's key concern is finding the resources to prepare management strategies. In that respect, we might be able find some middle ground if we can tie them to local development plans—although I recognise that by doing so we might lose focus on certain issues. At the moment, our core path plans, which are separate documents, are being developed alongside the local plans. We feel that NSA management strategies cover a wide range of issues that can be delivered by local plans either through access strategies or broader community planning. We have to examine whether such matters can be tacked on to existing procedures and I hope that that aspect will emerge in the responses to the consultation.

Dave Petrie: So, for you, the bottom line is that management strategies are an additional burden on councils because they require financial resources.

Malcolm Macleod: Indeed, although I stress that we acknowledge not only their benefits in interpreting and clarifying the purpose of NSAs, but their economic and social benefits.

Sue Bennett: I certainly understand Highland Council's feelings on this matter, particularly given the scale of the task that it faces and the number of NSAs that it needs to consider. However, the

issue in that respect is not the principle of the management strategy itself but how it will be funded and the timescale for its preparation. As for linking strategies to local plans, we are concerned that, because local plans cover so many other issues and types of activity that people will want to highlight, we will lose focus on specific NSA matters.

John Home Robertson: People's perception in some rural areas can be that they are plagued by bureaucrats, pressure groups, academics and so on—some of whom are perceived to be rather well paid—who make life difficult for people who live and work in such rural communities. In making designation decisions, should any particular considerations be paid to including the views of local communities?

Sue Bennett: It is important to include local communities in the process of developing the strategies. They obviously have views on the boundaries of NSAs and the importance of certain areas. Local communities should have the opportunity to suggest changes to boundaries or the creation of new areas, either direct to a local authority or to Scottish Natural Heritage. SNH must be the final body that evaluates the suggestions.

Don McKee: Local communities are custodians of the landscape, which, in many communities, the inhabitants' ancestors will have helped to shape. A significant input by local communities should be an intrinsic part of the process that leads to a designation.

Malcolm Macleod: That is particularly the case when communities can see the benefits that will come from the designation. Consider the example of the Applecross peninsula. The entire peninsula is what I would class as a national treasure, but the current NSA splits it vertically through the middle. The response from the community during the preparation of the local plan was positive. People said that the boundary is ridiculous, because their part of the peninsula is just as nice as the adjoining one. There is definitely a role for the community and it is important that it can play that role.

John Home Robertson: My colleagues want Fife to be designated.

Tricia Marwick: Scott Barrie and I are deeply disappointed that there is no national scenic area designation anywhere in Fife. We can think of at least three places that should be designated.

Are there any lessons to be learned from the way that landscape is integrated with other policy areas, either in local authorities or in the national parks?

Gordon Watson: I will comment from a national park point of view. That is exactly what we are trying to achieve with national park plans. We are trying to reconcile landscape objectives with diversity objectives and the need to have a sustainable land management economy in the park. We try to influence funding mechanisms to achieve all those aims. The role of national park plans is to try to provide some context and a point of reference for other organisations that have a role to play.

The issues with which NSA management plans deal may differ according to the pressures on the landscapes. We carried out our national park plan consultation last year and the Cairngorms National Park Authority is just behind us. I guess that the jury is out on whether we are being successful, but such integration is very much what we are attempting to achieve. Some of the initiatives that flow from the national park plans, such as how land management contracts might work in national parks, will be the test.

Don McKee: I echo that. The landscape is where all activity takes place. It is where economic activity takes place, it is where people live and it is where the habitats exist and contribute to the landscape. The landscape is a focal point and everything revolves around it. Within a national park context, it is part of the *raison d'être* for the designation in the first place. We see the landscape as central to everything that we do. Across the park, we are heavily engaged in integrated land management. We have a comprehensive programme and work with farmers, crofters and estate owners. Almost everybody has a stake in the process through which we manage and take custody of the landscape for the future.

Tricia Marwick: Cairngorms National Park Authority, in particular, has concerns that the role of national parks with regard to landscape is not suitably defined. Can you flesh out your concerns?

Don McKee: One of my colleagues was the principal drafter of our submission. I think that where he was coming from is that, although the role that local authorities would have in the consultation is clear, that of national park authorities is not clear. Having listened to the evidence that the Executive and SNH gave on the matter, however, I think that sufficient references have been made to national park authorities for us to take comfort that, whatever transpires, the national park authorities will be included as full partners in amending designations, making new designations and so on.

Tricia Marwick: I think that you said earlier that you wanted the Executive, the national parks and other bodies to sit down and discuss some of the proposals and designations in more detail. Do you

think that, in the absence of any such discussions, amendments should be lodged to the Planning etc (Scotland) Bill?

Don McKee: In certain respects, especially those regarding the planning aspects of NSA designation, we would say yes, especially as we flagged up some of the issues earlier. We are currently experiencing problems. I have already alluded to one particular planning problem that the NSA designation is giving us.

To go down a level, one of our biggest issues in the park is vehicle hill tracks. Some unauthorised tracks exist, and action may be taken against the section of track that lies within the NSA. The track that I am thinking of goes out of the NSA and across an equally beautiful piece of landscape, but agricultural permitted development suddenly starts there, and we are not allowed to touch it. We would like such fundamental anomalies in the NSA planning system to be ironed out.

It may be that the bigger picture needs to be made the subject of a much wider debate, but I would have thought that the Planning etc (Scotland) Bill provides a vehicle for addressing some of the planning aspects. Perhaps some of the relevant controls could be extended across the national parks and not just applied in the NSAs within the parks. We also highlighted the fact that this might be an opportune moment to hold a review of planning controls.

Gordon Watson: It comes down to what needs to be dealt with in the bill. Some of the issues and wrinkles that we have mentioned could well be handled elsewhere, possibly in secondary legislation or in the forthcoming review of NPPG 14. The meeting that we mentioned will give us the opportunity to understand how such matters will be handled. I am reasonably comfortable that those matters that need to be addressed in the bill can be addressed under the current process, but it is necessary to understand how the other issues will play out, for example general permitted development orders and any guidance that might flow from the refreshing of NSAs under the Planning etc (Scotland) Bill.

Sue Bennett: I will add something about areas outside national parks. We have not found there to be any conflict between our general landscape policies and those that are developed through the management strategy. In fact, we have adopted the strategy as supplementary guidance for local plans. The strategy has provided an opportunity to develop further guidance. For instance, we carried out a project to develop a village design statement. Areas for development had been identified in the local plan for the village concerned. It was important for that development to integrate well with the village's existing architecture and layout, and we went through a

design exercise. That would probably not have happened if we did not have the management strategy and the NSA pilot project. The strategy can work as an exemplar for carrying the process through in other areas.

The Convener: That concludes the committee's questions. Thank you very much for your attendance.

11:29

Meeting suspended.

11:37

On resuming—

The Convener: I welcome our third panel of the day. We have been joined by Helen McDade and John Mayhew of Scottish Environment LINK, and by John Nevett, who is a former chairman of the Landscape Institute Scotland. Thank you for your attendance.

Are you satisfied with the Executive's consultation process? Do you believe that you were able to engage in it effectively and that your concerns are being listened to?

Helen McDade (Scottish Environment LINK): Scottish Environment LINK might not have started from this point, but we are happy to be part of the process now. I re-emphasise a point that was made earlier: there has been much consultation on the issue since the Scottish Natural Heritage proposals in 1999, so the proposal has not come out of the blue. We were surprised that the proposal was not included in last year's white paper, but we are happy that it is going ahead now. We are also happy with the consultation that has taken place in the past few months. We would like to see the proposed amendments as soon as possible, so that we can feed back to MSPs our views on the specifics.

John Nevett (Formerly Landscape Institute Scotland): I concur. On behalf of the Landscape Institute Scotland, I strongly welcome the consultation, which has allowed us to consult our members from local authorities and consultancies that represent various developments in the Scottish environment, many of whom work with scenic areas day to day. It has been a very good process, to date.

The Convener: SNH is establishing the Scottish landscape forum. Would it have made more sense to have the forum up and running before the Executive has legislated, and are you satisfied that the forum and the legislation can be put in place at different times? Should the Executive legislate now, instead of waiting for the forum to be established to generate ideas?

John Nevett: If we were starting from a blank sheet of paper, I would say that it would probably be good to have the forum in place. Similar parties are involved in both the forum and the consultation process; however, I would prefer us to press ahead with more formal recognition of national scenic areas. The legislation should be an important part of the landscape forum's agenda.

Helen McDade: Scottish Environment LINK does not think that the landscape forum is necessary for further discussion on the matter, except to develop the management strategies. There is a void now. NSAs have for a long time not been working as they should, but a legislative opportunity now exists to make that happen. As has been said, planning has a lot to do with some of the decision making on NSAs, so we would be concerned if the proposals were dropped because there was something else coming along that might allow better discussion.

We hope that the management strategies can be discussed in the wider forum, but there are many other issues. Landscape is the poor relation to many environmental issues in that it does not have legislative protection. That needs to be acted on and addressed. The forum could progress matters such as the European Landscape Convention and the wider aspects of landscape protection, which have been referred to. The point was made that not all areas of the country have NSAs but they all have important landscape.

Dave Petrie: Has the debate about what constitutes landscape accolade designation been robust enough? Are the definitions in the Scottish Executive consultation clear enough?

John Mayhew (Scottish Environment LINK): Yes. We have had an extensive debate about what designation as an NSA means. It goes back to SNH's work in 1997 and 1998 and its advice to the Government in 1999. In the recent debate during the Executive's consultation, there have been many opportunities for people to say what they think about the subject. Scenery, which is what national scenic areas are designated for, is only one aspect of landscape: other types of landscape are not necessarily scenic—in other words, they are not so visual—but the NSA accolade is a good start.

The discussion has been fairly technical, so I remind the committee that we are talking about glorious places—they are the finest pieces of Scotland's scenery and are the jewels in our crown. One has only to look at the pictures in the Scottish Parliament information centre report to see that our mountains, lochs, coasts, islands and hills stand comparison with anywhere in the world. They are world-class assets for Scotland, which is why we need a national scenic area designation. Those places are every bit as good as our listed buildings and our designated wildlife.

It is right that there should be a national landscape designation; we have the national scenic area designation and we should run with it. It is unfortunate that its status has been rather unclear for the past few years—for reasons that the Executive has explained—but the consultation has provided a great opportunity to clarify that status and to get NSAs back on the statute book, which will enable us to move forward positively to work out what NSAs are for and how they can benefit local people and everybody else in Scotland.

Dave Petrie: Do you agree that NSAs should apply to landscape and seascape?

John Mayhew: Definitely. The existing boundaries cover areas of land and areas of sea. It is not possible to think about areas such as the Kyles of Bute or the small isles without thinking about the sea that lies between them. As someone explained earlier, the legislative background is different for land and sea and the way in which values are represented and interests managed will vary. They will vary because the individual places vary, so that is a job for the management strategy for each individual place, which is why those strategies will be so important.

Dave Petrie: Does anyone else want to comment on that?

John Nevett: I would echo almost everything that has been said on that, but I would add that we are concerned about the overall aims and objectives of the designation. The NSAs are scenic areas, so the designation is about landscape, which should have primacy in the decision to designate although, as with national parks, we acknowledge the social and economic elements of designation. In fact, we welcome those being incorporated into legislation.

Tricia Marwick: There is concern about whether the Planning etc (Scotland) Bill's scope which, for the most part, stops at the low water mark, is the most appropriate vehicle for legislation that covers marine areas as well as land areas. Do you accept that?

11:45

John Mayhew: There is an opportunity available to us now—we should grasp it. The draft Marine Bill is going through the UK Parliament at the moment, and there are debates about whether Scotland should have a marine bill or amendments to legislation for marine areas. That is for the future, but landscape is one of the things that we want to be considered in that context; we certainly do not want to miss the opportunity that is presented by the Planning etc (Scotland) Bill.

It is relevant to deal with the matter in the Planning etc (Scotland) Bill because, to date,

national scenic areas have been implemented largely through the planning system. That is why the bill is a good place for them to be addressed. The committee has also heard this morning—we concur with this—that there are many other important issues relating to national scenic areas, such as the tourism industry, the socioeconomic benefits and the way in which agriculture and forestry shape the landscape. All those need to be brought into NSA management through the management strategy because they can potentially benefit or damage the landscape, depending on how they are managed. So, we say yes to the Planning etc (Scotland) Bill, although when we come to prepare the management strategies—as the Dumfries and Galloway and Wester Ross examples have shown—we will also need to incorporate all those wider interests.

Dave Petrie: Let us turn to the primary beneficiaries of NSAs. Is it your belief that it is the people who live in them or the people who visit them who are the major beneficiaries?

Helen McDade: There is not a trade-off. This is a win-win situation, so everybody has to benefit. That sounds like motherhood and apple pie, but it is the truth. If we do not value the best scenic landscapes that we have, what chance is there for landscapes—

Dave Petrie: Do you foresee resistance—from people who live in the areas—to the intrusion of other people coming into those remote and secluded areas?

Helen McDade: As in any situation, we have to manage the different aspirations within an area, and sometimes those local aspirations might be more to the fore. However, everybody has pointed out the economic benefit that Scotland gains from its landscape, which is the major driver for tourism north of the central belt. Within that, there are always tensions. Although individual organisations that own land, such as ours and the John Muir Trust, have decisions to make concerning Ben Nevis or wherever, we all manage the situation for the good of local people and visitors alike.

John Nevett: Nothing in the experience from national parks suggests that there is going to be an absolute conflict between the interests of visitors and those of local residents. The difficulty comes when a third party who is not necessarily resident in the area requires to do work, such as transmission works, hydro works or whatever. National scenic areas are beneficial in that respect because they allow long-term decision making.

Those areas have either evolved naturally or result from many years of human endeavour. The designation and management plans allow people, through the planning process and other processes, to make considered decisions. One

hopes that, if that debate can be seen and is shown to have been as open as possible, everybody will agree with the decision. It will never be possible to please everybody all the time, but as far as people coming into an area and providing economic benefit and people living in the area are concerned, I do not think that national scenic areas are a point of conflict. It is in respect of third parties that conflict may arise.

John Home Robertson: Helen McDade talked about a win-win situation, and we have just heard Mr Mayhew wax lyrical about the beauties of the landscape. The landscape did not just happen; it was either made by positive intervention—the planting of hedges and so on—or, as far as most of the scenic areas are concerned, by the Highland clearances. I am not sure that the people who were cleared from the land would have regarded that as a win-win situation at the time. I put it to you that however enthusiastic you may be, it is probably important to give extra consideration to the needs, lives and economies of the people who live in those areas, in addition to how the situation may be seen from an office in Edinburgh.

Helen McDade: That is a good point. It is always best to be careful not to kill the goose that lays the golden egg. We all know how much the Highland Council area relies on tourism. I specify it not to exclude other areas, but because it epitomises the situation, because it has most of the NSAs. Much of its economy is driven by tourism, so it is worth ensuring that we do not damage that irreparably.

I will drift off into a quick anecdote. I come from Caithness and I remember that in the 1970s there was a lot of debate about putting an oil rig yard on Dunnet beach. That did not happen because of environmental considerations. The yard went to Ireland; it never built a rig, but we still have Dunnet beach. We always have to weigh such things up, and we have to be careful not to take action that will do irreparable damage.

John Mayhew: The human and natural impacts vary throughout the national scenic areas. Landscape in the Borders or Galloway is almost exclusively farmed and forested—human endeavour has created it over the years. The further north and west we go, the more wild and natural the landscape is and the less cultural impact there is on it. There is still a cultural impact, because people have lived in or visited all the places on the map. The impacts vary from the predominantly natural to the predominantly cultural. The various national scenic areas should therefore be treated differently. The results of human endeavour need to be protected, because that endeavour created the beauty, amenity and scenery for which the areas were designated in the first place.

Scott Barrie: Do you agree with the Executive's contention that encouragement and a light touch will be enough to deliver a management strategy for all the national scenic areas within five years?

John Nevett: No. The strong feeling from landscape architects in Scotland is that a duty to produce management strategies should be imposed. That might be seen as a draconian, stick-centred approach, but without such a duty, there will be so many other pressures on local authorities and SNH that management strategies might become diluted or incorporated into other areas. There are many benefits in making preparation of management strategies a statutory duty.

On the other side of the coin, we think that the timescale might be too short. It is important to have a timescale and we would not say that there should not be one but, given the resources that are needed to conduct proper qualitative surveys and analysis to ensure that management strategies are correct, robust and workable, we suggest that 2010 might be too soon.

John Mayhew: Scottish Environment LINK also feels that there should be a statutory duty on local authorities to prepare management strategies, but we acknowledge the resource implications, which our colleagues from the Highland Council and Dumfries and Galloway Council laid out clearly to the committee. There are particular implications for the Highland Council, which has 16 of the 40 NSAs. It is simply unreasonable to expect the Highland Council to prepare the strategies in a particular timescale. While bearing in mind that additional resources should come with any duty that is imposed, we would like to see such strategies being prepared. If their preparation is voluntary, it will be patchy. Local authorities that can find the resources to prepare them and are keen to produce them will do so, but those that are reluctant will not. Our finest landscapes deserve better than that.

I will try to diminish the potential load by saying that the strategies could vary enormously because the NSAs are enormously different. The smallest—such as St Kilda and Scarba, Lunga and the Garvellachs—will need a particular management strategy, although St Kilda already has a management plan because it is in single ownership. The organisation for which I happen to work—the National Trust for Scotland—has already prepared a management plan for it, which could serve as the management strategy, as long as the consultation and process by which it was prepared were satisfactory. Scarba would not need anywhere near as complex a management strategy as would Wester Ross, Ben Nevis and Glen Coe or the South Lewis, Harris and North Uist scenic areas. As a minimum, there would

need to be some kind of description of the area and the establishment of its special qualities or features that we are trying to conserve. As a maximum, there could be a proactive implementation plan that involved all stakeholders and for which resources were made available.

As the committee heard earlier, there is a special issue about national parks. We cannot see that it is necessary to have a separate management strategy for a national scenic area within a national park. That would be one strategy or plan too many. It would be perfectly possible to combine the plans. However, that is a matter for the guidance that SNH and the Executive will issue in the future. We say yes to management strategies but no to a demanding one-size-fits-all solution.

Helen McDade: Because we believe that management strategies should be statutory and we want them to be implemented properly and with enthusiasm, we believe that there should be 100 per cent funding for them. If they are to be voluntary and 100 per cent funding is not to be provided, there is no prospect that the targets in the consultation will be hit. We support the idea that the national scenic areas are of national importance and that the onerous cost burden should be met by a national fund. Individual councils should not have to face that burden.

Scott Barrie: I will ask you a question that I asked the other panels. Can we learn any lessons from the English and Welsh experience of areas of outstanding natural beauty?

John Mayhew: Yes. We can learn three lessons from recent successes with AONBs in England and Wales. First, they are much better resourced than the NSAs in Scotland. Secondly, they have to prepare management plans or strategies. Thirdly, there is a duty on all public bodies to further the conservation of the AONB, which is important because it is not just the planning authority that has an impact on such areas. Other bodies that have an impact include the Forestry Commission, DEFRA in the south, and the Scottish Executive Environment and Rural Affairs Department in Scotland. It is important that all public bodies—not just local authorities—promote NSAs and further their conservation.

John Nevett: I concur with those observations. My members often work south of the border—in fact, my chairman is currently working on a project in Cornwall—and it is increasingly noticeable that the areas of outstanding natural beauty seem to be a promoted accolade and something that people in those areas do not fear. The designation of an area as an AONB is seen as being part of the benefit of being in the area.

On a practical point, I understand that every area of outstanding natural beauty has a

landscape assessment plan; that is, a landscape character map that shows the area's essential features and how the area is made up. The plan underpins the future management plan and is useful for assessing whether changes that might take place in the future will be positive or detrimental.

John Home Robertson: You might have heard our earlier exchanges with the Executive witnesses about the timing of the provisions on NSAs and the fact that they will be bolted on to the Planning etc (Scotland) Bill at a relatively late stage. Is Parliament being asked to consider national scenic areas at the right time, given that permitted developments are under review by the Executive and given that it is expected that natural heritage planning guidance will be reviewed soon?

John Nevett: We are completely split on that. As I said at the beginning, there is a general view that it is important to get the legislation in place and to clarify certain issues, particularly on national parks. It would probably be best to resolve the other issues at the same time, but we cannot do everything. We concluded, generally, that we would prefer the provisions on NSAs to come into law through the Planning etc (Scotland) Bill rather than their being delayed. If they are delayed, they might be deflected and they might not materialise. A bird in the hand is probably worth two in the bush.

John Home Robertson: Even if it is the wrong bird.

John Nevett: Yes—maybe.

12:00

Helen McDade: Scottish Environment LINK is not really concerned about the two matters that John Home Robertson mentioned. The permitted development rights will be reviewed from time to time anyway—that is already in process.

My understanding is that the natural heritage review is one of the primary reasons why the landscape forum is starting now. Obviously we want all those things to go ahead, but I come back to the point that we made previously; this is a time of potential threat to our best scenic areas. It is important to get something in place now and you can never get everything just right, can you? We are happy to go ahead with it.

Scott Barrie: Given that LINK has called for better integration between landscape policy and other policy areas, how much dialogue already exists between farming, forestry and landscape interests?

John Mayhew: Some, but not enough. We welcome the landscape forum because it will bring farming, forestry, planning, local authorities and non-governmental organisations together to thrash

out all those things, which we think is a really good idea. At the moment, that dialogue takes place well at a local level—the pilot management strategies have done precisely that. Preparation of local development plans also does that to some extent.

We would like SEERAD also to be involved in the landscape forum, given the role of agriculture in shaping the landscape of many national scenic areas, and given that the substantial funding that will go into those areas in the future will realistically come from the European Union via the rural development plan. SEERAD needs a seat at the table because it has the greatest potential to do good.

Scott Barrie: I have another question about cultural versus natural heritage. Do you think that national scenic areas have a part to play in cultural heritage?

John Mayhew: Yes they do. I tried to say earlier that national scenic areas, as their name suggests, are designated for their scenery—their visual drama, the sense of the spectacular that they create, their scale, texture and contrast. John Nevett will be able to be more technical.

John Nevett: I am writing down those phrases.

John Mayhew: The areas are designated for their scenery—they are not “national landscape areas” or “national cultural and natural heritage areas”; they are national scenic areas and we should be proud of and celebrate that because it is a great thing. However, when those areas are being managed, they should be managed for all the interests in that landscape, which includes their cultural heritage as well as archaeological monuments, listed buildings and the activities of local people throughout history.

I am going to sound like a stuck record here, but it comes back to having a management plan or strategy. That is so important because the emphasis that one would place on scenery as opposed to cultural heritage or socioeconomic development will vary hugely within each national scenic area. In some cases the emphasis will be on one end of the spectrum and in other cases, it will cover a broader range of issues. National scenic areas should be managed for all elements of the landscape.

John Nevett: I do not have anything to add to that.

Patrick Harvie: I have a question for John Nevett. You have recommended that the legislation should be drafted so that, if any proposed change within an NSA is inescapably in conflict with the underlying purpose of the designation, priority should be given to long-term conservation of the qualities for which the area

was designated. How different is that in practical terms from the current situation?

John Nevett: I suppose that in the current situation there is still some doubt as to the weight behind the designation. As we have heard, the national parks legislation works in a way that is seen to be in favour of protecting and enhancing the environment. I understand that that is not a current requirement of a national scenic area designation.

Patrick Harvie: I want you to help me to be clear about what you are talking about. What kind of developments are fundamentally in conflict with the purpose of an NSA designation?

John Nevett: I think the way I put it was that if an area were fenland or marsh, for example, and it was proposed that a major holiday development that would result in substantial changes to that environment be built, that would be completely contrary to the area's nature. On the other hand, if a development would create employment and bring investment to an area where NSAs were nationally important, a hard decision would have to be made. We argue that that would not necessarily be a bad decision in terms of the economics of the area, because developments come and go over a long time, as we heard about in the case of the oil rig yard. However, the landscape could be changed irreversibly. It would be virtually impossible to recreate that landscape and if it were the only quality landscape of that kind in Scotland, it would be a national loss. That is the message that we are trying to drive across. We would like the wording, possibly in the legislation but certainly in the principal guidelines, to emphasise that message more. I hope that helps.

Patrick Harvie: When proposals that one would describe as being inescapably in conflict are made, are those conflicts too often resolved in favour of the proposed development instead of in the interests of NSA protection?

John Nevett: I do not think that they are. In general, there is still a balance in which the NSA is a significant and important consideration. Generally speaking, the fact that an NSA exists probably means that developments that might have happened otherwise, or that might have been proposed and caused conflict, have not been proposed.

Patrick Harvie: We will hear in a few minutes from a panel that represents renewable energy interests. There are strong views about renewables on either side and most people accept the very strong environmental cases for the aspiration to protect landscapes in Scotland and for getting renewable energy generation up and running. What are the panel's views on whether

NSA designation helps to strike the right balance between achieving those important objectives?

Helen McDade: From LINK's point of view, we do not see a conflict. Scotland is a large place and, as is frequently pointed out, it has a major opportunity to produce renewables to fulfil the Scottish Executive's target. It is not a case of playing off one objective against the other. Everyone agrees that it is not, from the point of view of tourism, in anyone's social or economic interests to damage our best landscape in Scotland, as we have discussed. Equally, renewables targets can be met in many ways, including using brownfield sites, microgeneration, marine energy and lots of other ways. There should be sustainable development and we should put the right thing in the right place.

John Nevett: The Landscape Institute Scotland raised as an issue the fact that because many national scenic areas do not have landscape management plans, it is difficult to fully appraise the impact of projects. A management plan would have indicated the processes that have defined the character of the area.

The double edge of introducing a statute to consolidate national scenic areas and to consider new ones, with the requirement for management plans, might help the Executive to make decisions in the future on the conflict of interests between renewables and areas of scenic beauty, although not necessarily areas of national scenic beauty.

Looking at the map of Scotland, I think that we can probably resolve those issues. In the majority of areas, we should be able to protect their beauty and introduce renewable energy schemes. For example, a new hydroelectric scheme might improve an area if it incorporates high-quality design. I am in no way, shape or form advocating hydroelectricity—I am just suggesting that designers and planners can use their skills to improve an area into which a new feature has been introduced. Such developments are not always detrimental.

It is important that the people who make decisions have the best information in front of them so that they can make the best-informed decisions. That is why we support the introduction into the bill of the measures on national scenic areas and management strategies.

Euan Robson (Roxburgh and Berwickshire) (LD): The Association for the Protection of Rural Scotland believes that a sustainable development fund similar to the one in England and Wales should be established in Scotland because such a fund would assist the development of management strategies for NSAs. Would that be constructive? If such a fund was established, how might it work in practice?

John Mayhew: We agree that a sustainable development fund is a good idea. We argue that each NSA should have a management strategy and that local authorities are best placed to lead that process so, given that funding is undoubtedly a significant issue, it seems to be reasonable that most—or preferably all—funding for such nationally important work should come from central sources.

Members must hear many representatives of organisations pleading for additional resources for their areas of interest—I make no apology for doing that on behalf of Scotland's finest landscapes, which are a national asset. If a sustainable development fund will provide national funding for the sustainable development of national scenic areas, we will certainly support it.

However, I should point out that such funding will not be the main money going into the area. The main money is likely to come from the European Union through rural development funding. We need some way of harnessing the majority of the funding that goes into the area to support landscape objectives as well as all the other objectives—such as rural development and agricultural production—that need to be supported. Therefore, we would say yes to a sustainable development fund, as long as it is not considered to be the only funding that should support the national scenic areas.

John Nevett: It is important to be sure what such funding would be used for. In my view, the funding should be used to help people in the area to maintain and manage the landscape for which the area is renowned. If the sustainable development fund provides a source of funding that allows good-quality management strategies to be produced, we should take that into account as well. However, it should not be seen as substitute funding. As I pointed out at the beginning, we believe that the production of management strategies should become a duty. Given that the areas concerned will be national scenic areas, there should be some national funding. I would prefer the sustainable development fund to be used to sustain the area rather than just to produce the management strategy. However, if that is the only way of getting such funding, I will go back to practical realism.

Euan Robson: Thank you very much.

Tricia Marwick: I have a final question before the witnesses leave us. They have said that we should grasp this opportunity to provide for NSAs in the Planning etc (Scotland) Bill. However, neither the witnesses nor committee members have yet seen the amendments to the bill, which we would all like to see. The witnesses have also said that the production of management strategies should be a duty rather than merely an activity that

is to be encouraged. Let us suppose that the Executive lodges amendments at stages 2 and 3 that will provide for management strategies that are merely voluntary. How robust will the NSAs be if authorities are not under a duty to produce management strategies?

12:15

John Mayhew: We support the Executive's proposals. If the policy intention that was explained this morning is translated into amendments at stage 2—as Tricia Marwick has said, we would like to see the amendments shortly—we would like the committee to support those amendments. However, if the amendments do not provide a statutory requirement for management strategies and do not put a duty on other public bodies to further the conservation of national scenic areas, we would like to work with members on amendments that would achieve that. If our amendments were unsuccessful, it would still be better than nothing to have just the Executive's proposals and we would certainly support those. We will need to wait until we see the amendments. We think that we will all be quite busy in the next few months because we might need to prepare additional amendments with the help of individual MSPs who might be interested in lodging such amendments to try to make the provisions as good as possible.

Tricia Marwick: My very final point is addressed to Mr Mayhew, who has been extremely passionate in describing our wonderful scenery. Does the title “national scenic area” best sum up what we are talking about? Although we would not want to ape the name that is used south of the border, where such areas are called areas of outstanding natural beauty, does the term “national scenic area” really tell it as it is? Does Mr Mayhew have an alternative suggestion?

John Mayhew: I do not have an alternative suggestion. I suppose that we had the debate on that back in 1998-99, when SNH went through whether we should stick with the existing term and decided that we should publicise it better. As someone said earlier, perhaps we need to market the brand better so that we get to the point where people think that an NSA designation is a great accolade and that it is a real advantage to live in one. I agree that we should stick with NSA. Perhaps we can debate in due course whether there should be an NSA in Fife.

The Convener: That concludes the committee's questioning. I thank the witnesses for their attendance.

I suspend the meeting to allow for the changeover of witnesses.

12:17

Meeting suspended.

12:21

On resuming—

The Convener: I welcome our fourth and final panel of the day. We are joined by Jonathan Hall of the Scottish Rural Property and Business Association and Maf Smith of the Scottish Renewables Forum. Thank you for joining us.

I will ask you questions that we have asked all our witnesses this morning: are you satisfied with the Executive's consultation, have you been able to participate in it, and have your concerns been listened to?

Maf Smith (Scottish Renewables Forum): In general, yes. People have been well aware of the consultation; as other witnesses have said, it is not new. People clearly understand what is involved. However, to echo what some people have said, it would have been nice to have had more sight of what was being done in relation to the Planning etc (Scotland) Bill. Some issues have arisen late and we have yet to see developments or amendments to the bill. It would have been nice not to be in that situation and to have seen everything as one package.

Jonathan Hall (Scottish Rural Property and Business Association): I agree entirely with Maf, and with the comments of earlier witnesses. The consultation process has been pretty inclusive. As somebody said earlier, it goes back to 1999 if not before. We have known about the issues, and certainly SNH's thoughts have been mulled over for some time. The consultation went through due process; in fact, in March I was asked to speak at a seminar, organised by SNH and the Executive, about national scenic areas and wider landscape issues. Therefore, I feel that the process has been very inclusive.

The Convener: Was the Executive right to take the opportunity to legislate now, or should it have waited until the Scottish landscape forum was established and had contributed to the debate?

Jonathan Hall: Again, I find myself concurring with what you have probably already heard. In an ideal world, we might not have started from this point and we might have had the Scottish landscape forum up and running and deliberating on the broader issues. Key issues could then have been teased out, which might have underpinned some of the Executive's thinking on the Planning etc (Scotland) Bill. However, things can never fit together perfectly and the establishment of the landscape forum is an important step, regardless of what else is going on.

Landscapes are something of the Cinderella of the policy world. So many aspects of land use policy and rural policy can influence landscapes one way or another, so it is important to have a forum that can embrace all the issues. The forum will involve statutory bodies such as local authorities right through to the agricultural and forestry interests that were mentioned earlier.

Maf Smith: I agree with all that—we are where we are. This is an evolving policy area so it is best to get on with things. Establishing the forum, with its wide range of interests, will allow us to do that.

Dave Petrie: You probably heard this question earlier, but do you consider that the debate around what constitutes one of Scotland's "accolade" landscape designations has been robust enough? Are the definitions in the Executive consultation clear enough?

Maf Smith: From the renewables perspective, the answer is yes on both counts. The renewables community involves commercial developers down to community-scale developers. It is relevant to know what designations exist, what they apply to and how that accords with certain types of development. The development community wants certainty about that. It also needs to know how local planners will deal with proposals and whether to steer clear of certain areas. The development sector does not like about-turns or things changing suddenly. The way in which matters have been handled seems appropriate, and it is not giving people cause for concern. Certainly, that is the case for my membership.

As for where designated areas are, I think that that involves a different group of organisations.

Jonathan Hall: Again, I am afraid that there is mutual patting on the back because I think that, by and large, we are relatively satisfied. However, I am intrigued by the use of the word "robust" in connection with the consultation. From the viewpoint of our individual members, it is a fact of life now that they often find themselves owning and managing land that is in designated NSAs or is otherwise designated. Everyone must work within the frameworks.

Mr Home Robertson referred earlier to a map that showed all sorts of different designations, which created a patchwork across Scotland. If we overlaid other designations on that, such as less favoured area boundaries, sites of special scientific interest, special protected areas and special areas of conservation, few areas of Scotland would not be under some sort of designation. That can cause confusion and frustration, but it is increasingly accepted as a fact of life in modern-day land management. We have responsibilities and obligations, and we must occasionally fit our objectives around the wider

environmental, social or economic policy interest that is driven through designations and incentives, or a combination of both. It is just a matter of accepting the reality of things.

There is no great difficulty with the process that the Executive has gone through.

Dave Petrie: Who do you think the primary beneficiaries of NSAs should be? Should it be those who live in them or those who visit them?

Jonathan Hall: I do not think that we should differentiate. Scotland as a whole should be a beneficiary, and there should be international beneficiaries as well. It is up to those who come and see those outstanding landscapes—or NSAs, as they have been called—to appreciate them and take away from them what they want. Ultimately, what people derive from such areas is down to the individual. As I said before, the people who live not only in NSAs but in national parks and other designated areas can become proud of their area's designation. I would like to think that a good example of that attitude is the word "accolade", which is used about NSAs in particular. How living in a designated area affects people day to day is anybody's guess, but I doubt whether it affects them much.

Dave Petrie: You do not see any conflict arising from such places becoming a lot busier because of being promoted and so on.

Jonathan Hall: I do not see them getting much busier than they are. It is not as if there is a proposal to put up at the entrance of each of the 40 NSAs in Scotland a huge sign that would be similar to the one at Drumochter summit, which announces that you are entering the Cairngorms national park. I do not think that there will be much change in the number of people who visit NSAs or in the activities that take place in them. For example, I honestly cannot see changes to what we do affecting visitor numbers in the Eildon hills in the Borders, one way or another. I do not see it affecting land management in the areas, either.

12:30

Dave Petrie: Will there be tighter restrictions in NSAs in relation to renewables?

Maf Smith: We hope not. The issue comes back to what NSAs are for, which depends on the management plans. Certain types of development could be appropriate in some NSAs; indeed, some developments have already occurred in the areas. Dave Petrie asked whether conflicts might arise. There will always be people for and against. We can draw a parallel with public attitudes to renewable energy developments, why they take place and what they mean for the areas in which they take place. There has been a lot of debate

about wind farms. If wind farms are to be acceptable and are to work, they must be accepted by local communities and must bring a wider benefit to Scotland by producing stable and clean energy supplies. That is happening in practice, as is borne out by surveys among people who live in the areas and tourists who visit the areas. We find high acceptance among both groups. We believe that the same will happen with NSAs.

To return to the point about the different designations, we are concerned about what we call designation creep, in which one type of designation evolves into another. For example, local scenic areas might become national scenic areas. The danger is that we end up with a situation in which no type of scheme is appropriate anywhere. We are a long way from that, but we must guard against it and bear in mind what we want the designations to do. We should not have designations just for the sake of it. However, that does not seem to be what is on the agenda.

John Home Robertson: I do not want to lead the witnesses too much, but they should not miss this opportunity to flag up any concerns. The NSA designation is an accolade but, for some people who live and work in the areas, it could be a millstone round their necks. I do not suggest that anybody will want to put wind turbines on top of the Eildon hills, but people within the general boundaries might want to diversify their businesses in ways that reasonable people might regard as appropriate. Is there a concern that the proposals will make it difficult for people who live in the NSAs to develop their livelihoods?

Jonathan Hall: My experience is not quite the reverse of that. In some of the NSAs that are between the national parks, a concern arises that, since the establishment of the national parks in the past couple of years and the development of the national park plans, they might be drawing away resources—which are always limited, for many reasons—from NSA support through management agreements and initiatives. Rather than a concern about the prevention of development, the view has been expressed to me that people who have been in NSAs for some time might be disadvantaged because of the national parks. They are the top-tier designation, they attract the most publicity and they are in the public eye. They certainly attract a significant amount of public funding for their operation and to fulfil their objectives. The concern is that the NSAs might become a poor relation.

Maf Smith: The NSA management strategies must be pragmatic and must allow activities to go ahead. The proposal is not that NSAs should pickle areas and prevent developments, to maintain some rosy past that never was. That is why consideration of the local population and

businesses will be important. Alongside that, it must be acknowledged that there are many different scales and types of renewables development, so we should not have a one-size-fits-all approach. In NSAs, larger-scale wind farms are unlikely to be appropriate, but smaller-scale schemes, such as community-led schemes, forestry diversification schemes, small hydro schemes and microgeneration schemes could all be appropriate. We would hate it if nothing was allowed.

Scott Barrie: What lessons, if any, can be learned from the English and Welsh experience and the ways in which they have developed areas of outstanding natural beauty?

Jonathan Hall: I echo the three points that were cited rapidly earlier. I picked up particularly on the point about resources. Management plans will be put in place, but the key issue for everything will be resources. However, that does not necessarily mean—this leads to another point that the previous panel made—that we must identify a separate funding source for NSAs or other landscape designations. It is in the gift of the Executive and the Parliament to use existing resources to ensure that protecting landscapes is put on the same platform as are other national objectives to deliver wider rural development benefit—I am thinking in particular of the new Scottish rural development plan for 2007 to 2013 and the development of measures such as land management contracts. If we were clear about the national objectives for initiatives such as landscape designation—or landscapes across the board, whether designated or not—and drew them in as much as we would to tackle other important issues, such as diffuse water pollution, biodiversity strategies or the Scottish forestry strategy, we could use resources neatly.

As I said in my opening comments, landscape is the Cinderella—the poor relation—of policy and is not the primary focus, particularly in land use policy. Such policies affect landscapes, almost as an externality. Sometimes that is positive, but often that is negative. Therefore, as well as have a landscape objective, we need to build the landscape into policy and use resources that we are channelling to deliver all sorts of objectives, rather than just follow an English and Welsh model and establish a separate fund of money. I am not saying that that should be ruled out, but we could be a bit more creative in how we operate.

Maf Smith: Resourcing is important; that is a lesson that should be learned. As Jonathan Hall said, that does not necessarily mean that separate funding is required. Local planning authorities, SNH and other statutory consultees are involved in dealing with renewables as a development activity. There is much development interest in

some areas, so local authorities receive planning fees to reflect that activity, but that does not always spread out and certainly does not necessarily spread to the statutory consultees. Effective resourcing of the consultees so that they can manage the processes is important; otherwise, decisions are made unilaterally.

SNH has a duty to create dialogue, involve other organisations and work in partnership. It does not always do that, not because it does not want to, but because it is not always resourced to do so. We are talking about management strategies. In discussions about new designations, we want open dialogue. SNH needs to consider its resourcing and prioritisation and to have support to work in the way that I described.

Scott Barrie: I will ask the same question as I asked the previous panel. Do you agree with the Executive's contention that encouragement and a light touch will be enough to deliver management strategies in five years?

Jonathan Hall: Probably not. However, I am not arguing that a duty should be placed on local authorities or anybody else to implement management strategies. If the Executive really wanted management strategies to be put in place for all the national scenic areas in five years, the only way to achieve that in the world in which we live would be to make that an obligation, not a power—to place a duty on those responsible. However, I am not necessarily arguing that that is the way forward.

Maf Smith: A related point is the wider context of aspirations to create a development plan-led system through the Planning etc (Scotland) Bill. Such a system offers the best means of considering matters in the round, because local authorities will consider the different designations and pressures for development and try to balance all the issues in their development plans.

We have talked about whether there should be an obligation on authorities to prepare management strategies, but we can consider the matter slightly differently. Local authorities will be under an obligation to keep their development plans up to date, so the question is how they take into account NSA and other issues when they do so. We would hate the work on management strategies to be done in isolation, because that would undermine the wider purpose of the development plan process.

Tricia Marwick: Mr Hall, the NSA designation is often described as an accolade designation, but how well recognised is it on the ground? For example, when people advertise bed and breakfast and hotel accommodation, do they mention that they are close to an NSA? Do people know what an NSA is?

Jonathan Hall: My response will be entirely anecdotal and I have no evidence to back it up, but I do not think that the NSA designation is well understood by people who are outwith such areas. Indeed, land managers in NSAs learn about the designation only when it becomes an issue. In the hierarchy of designations, people are aware of the ones that affect their daily work and lives. For SRPBA members, SSSIs, SACs, special protection areas, Natura 2000 nature conservation sites and national parks are far more important and have a much greater impact on day-to-day issues than does the NSA designation.

However, I have spoken to members who value NSA designation as an accolade and do not regard it as a burden that brings an extra layer of bureaucracy. The system has at least identified areas that should be recognised for their outstanding scenic value and in my experience has not placed a disproportionate burden on people who continue to live and work in the NSA. The designation can benefit those people if it is used as a marketing tool that identifies an area as being of national importance.

Tricia Marwick: VisitScotland's response to the consultation called for NSAs that are in national parks to be managed with the "customer" in mind. Who is the customer?

Jonathan Hall: I imagine that VisitScotland means the people who come to stay and pay, but "customer" should equally mean someone who lives or works in a national park or NSA. However, "customer" is not the correct word in this context. We are all customers of landscape and we can all enjoy the landscape without spending a penny. NSAs are public goods, in many senses. We derive value from NSAs that we might never have visited. I do not think that I will ever get to St Kilda and I imagine that the vast majority of people in the room have not been there, but we derive a value from knowing that St Kilda exists and is being properly managed.

John Home Robertson: It would be a great place for a wind farm.

Tricia Marwick: Do you agree that NSAs should be managed primarily with the landscape in mind or do you still believe that the people who live in the area should be equally important?

12:45

Jonathan Hall: The designation is not purely about landscape and aesthetic qualities and so on, which can be extremely subjective. It is important to build in to the purpose of the designation recognition of the economic and social importance of the landscape—as we said in our submission, the consultation was supportive of increased recognition of the social and economic dimensions

of the designation—because these are places where people live and work. That is an important step.

Maf Smith: The socioeconomic aspects are important. Renewables bring the wider benefit of addressing climate change objectives, which in turn could have the wider, global benefit of helping to protect those areas, particularly through landscape protection and nature conservation. That ensures that Scotland plays its part in climate change, which will come back and bite us if we are not careful. Renewables bring a socioeconomic benefit to areas through jobs or income. Ensuring that the wider issues are taken into account will be important. That is not to say that we should downgrade the scenic issues—they need to have primacy—but they should not be considered in isolation.

Euan Robson: That and talk of wind on St Kilda prompts me to ask Mr Smith a question. We know that renewable energy resources are often best harnessed in remoter locations. Have the issues been taken on board in considering the NSA proposals and local landscape designations, given the context in which we all want to develop renewable resources?

Maf Smith: In general, yes. There is on-going concern about designation creep and that we will end up with nowhere that is seen as being appropriate for renewables. That should be avoided. Also, if controversies arise over different types of development—the current controversy is onshore wind but in the past it was larger-scale hydro—we need to avoid saying that we can avoid controversy by jumping immediately to the next technology. When it comes—for example, larger-scale development of bioenergy, or of wave and tide power—it will have impacts too. Larger use of forestry in itself has impacts that need to be managed. We must be pragmatic about why we are doing this and what we are in it for.

Renewables have a wider, global benefit as well as a national, economic benefit. That needs to be balanced. The planning system can and does do that. The current planning policy for renewables, NPPG 6, says that there are no no-go areas for renewables. However, if we consider where schemes are being proposed and considered, and we overlay that with SNH's preferred areas approach, which considers landscape and wider natural heritage conservation issues, we see that the vast majority of schemes are being proposed outside designated areas. When developers consider options, they do the sifting themselves. If they see that there are problems, they will investigate whether those can be dealt with, for example through mitigation measures; if they cannot, they will tend to go elsewhere. They know that the planning system is there to test proposals

and to ensure that only the good ones go forward. As long as that pragmatism in local authorities remains—there are exceptions, but in general it is there—we can get on.

The schemes that have consent will enable the Executive's target of 18 per cent renewables by 2010 to be met next year, so we will be able to go further than the Executive's target by 2010, which is to be welcomed. We think that we should continue to go beyond the target because of the wider benefits that renewables have been proved to bring.

Euan Robson: That is helpful. It is important to know that no particular obstructions are built into the NSA proposals or the local landscape designations.

You mentioned forestry, which brings me to my second question. I understand that the SRPBA mentioned landscape issues in its response to the Scottish Executive's forestry strategy consultation. Have Executive departments managed to link effectively enough in producing the forestry and landscape consultations, so that there are no interdepartmental differences of emphasis or—worse than that—direct contradictions? Perhaps Mr Hall can help us with that question.

Jonathan Hall: I will make a brief comment that does not relate exclusively to landscape matters.

Despite a lot of good rhetoric coming from the Executive about integrating land use policies, it is still missing a trick and falling back into a degree of silo thinking—if I can use that term—on land use which, ultimately, affects the landscape. This year there will be a review of the Scottish forestry strategy and "A Forward Strategy for Scottish Agriculture" has already been reviewed. Analysis of the documents shows that the two strategies overlap very little, which the SRPBA thinks is a shortcoming. An integrated land use strategy rather than a sectorally divided strategy is required. Landscapes would have fitted well into such a strategy, their profile would have been raised and renewables, for example, could have been drawn into it. Despite the good efforts that are being made, the Executive still thinks departmentally. Its approach expresses itself in a number of policies that directly affect land use and consequently significantly affect landscapes.

That said, there is an opportunity to start to break down the barriers a wee bit with the new Scottish rural development plan, land management contracts and so on. I applaud the Executive for putting in all the effort that it has put in so far to put ideas into practice, but we all know that the task will be a big one for all of us. It will be tough.

John Home Robertson: That raises an issue that I worried about when I had responsibility for

forestry at the Scottish Executive Environment and Rural Affairs Department. Is the Forestry Commission part of the problem? Would it be a good thing if the aspect of public policy that we are discussing were drawn into the mainstream of the department rather than there being a free-standing policy that is neither one thing nor the other?

Jonathan Hall: I would not like to say whether Forestry Commission Scotland is a problem. Increasingly, my experience is—

John Home Robertson: I am talking about the structure.

Jonathan Hall: My experience from the recent past is that the Forestry Commission, the Deer Commission for Scotland, SNH and the Scottish Environment Protection Agency are working much more closely with SEERAD. SEERAD's on the ground initiative is drawing the agencies closer together, which can only help, but there is still a long way to go. To be honest, I cannot imagine one all-embracing body within SEERAD in which the Forestry Commission, the Deer Commission for Scotland, SNH and SEPA were housed.

John Home Robertson: Oh, I do not know.

Jonathan Hall: Things are moving in the right direction, but frustratingly slowly. The process is probably as frustratingly slow for the Forestry Commission and SEERAD as it is for anyone else.

Maf Smith: I do not think that there will ever be complete co-ordination; indeed, we probably would not want there to be, as the organisations that have been mentioned have different objectives.

We have been considering the forestry strategy. It is important for forestry to be seen primarily as a business concern that produces a sustainable resource that can be utilised, rather than for it to become more recreational or to be just about land management. We need to recognise that things have different purposes. However, co-ordination would be welcome. We are not convinced that there is sufficient co-ordination at the moment.

The Convener: That concludes the committee's questions. I thank the witnesses for their participation. The meeting will be suspended briefly to allow them to leave.

12:55

Meeting suspended.

12:56

On resuming—

The Convener: We now have an opportunity to consider the evidence on national scenic areas that the committee has been given. It might be helpful if we asked the minister to appear before the committee to afford us the opportunity to question him on the evidence that we have heard. I suggest that he does so in the first week after the summer recess and that, in advance of his appearance, he furnishes the committee with the amendments that he intends to lodge at stage 2, in draft or finalised form, so that we have an opportunity to consider them. Are members content with that course of action?

Members indicated agreement.

Patrick Harvie: Can we also encourage the minister to submit to us before we question him further written evidence on some of the issues that have arisen today, in particular the Executive's intentions after the bill is passed—assuming that that happens? Given that we did not see the proposed amendments before taking evidence, it would be helpful to have additional written material from the Executive.

The Convener: We can certainly ask for that. It will be for the minister to decide whether he wants to appear before the committee or to provide us with further information, but there is no harm in our asking for it.

Meeting closed at 12:58.

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