

Agenda Item No

Report No 275/99

ANGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE

11 MARCH 1999

SUBJECT: NATIONAL SCENIC AREAS: A CONSULTATION PAPER

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report provides a synopsis of the Consultation Paper published by Scottish Natural Heritage on the review of National Scenic Areas in Scotland.

1 RECOMMENDATION

1.1 It is recommended that the Committee:

1. Note the findings arising from the Consultation Paper on the review of National Scenic Areas (NSAs) particularly the enhanced role outlined for local authorities in relation to NSAs and agree that it is the view of Angus Council that:
 - (a) NSAs should be retained as the primary national landscape designation;
 - (b) Management Strategies be prepared for the existing NSAs;
 - (c) the approach favoured by Scottish Natural Heritage with regard to purpose and definition of future NSAs and the structured approach to search and site selection be supported.
 - (d) in the event of National Parks being designated NSAs should be restricted to locations outwith National Parks;
2. Recommend to Scottish Natural Heritage that Landscape Character Assessment should be the basis for the conservation and enhancement of landscape character in preference to the introduction of a national second tier landscape designation.
3. Advise Scottish Natural Heritage that if local authorities are expected to undertake an enhanced role in relation to the identification and management of NSAs, then sufficient resources need to be made available from Scottish Natural Heritage or Central Government to meet the increased requirements arising from implementation of these national landscape designations.
4. Agree that this report be submitted to Scottish Natural Heritage as the observations of Angus Council.

2 INTRODUCTION

- 2.1 The National Scenic Area (NSA) designation (introduced in 1980) has played an important role in the planning system by identifying those areas of Scotland judged to be the most scenic and therefore deserving of special care. But has the NSA designation worked effectively over the past 20 years? What changes are needed to make it relevant to our needs today? Do we need to think about identifying new NSA's? and what will its role be following the possible establishment of National Parks.

- 2.2 Scottish Natural Heritage (SNH) has recently issued 'National Scenic Areas: A Consultation Paper' which reviews the existing NSA designation.
- 2.3 The review sets out four main purposes:
- to make recommendations on how the operation of the NSA designation can be made more effective, including proposals for its basis in statute;
 - to consider and advise whether the present suite should be expanded to include other kinds of landscapes not yet represented, particularly in the lowlands and the coasts of the south and east;
 - to advise on what relationship the NSA might have with any future National Park designation; and
 - to review and make recommendations on the relationship between the NSA and other scenic designations.
- 2.4 The Consultation Paper is set out in two parts. While part 1 describes the background to the NSA designation and how it might be made more effective, part 2 considers the future of NSAs including how the present suite might be expanded and the link with other designations. A copy of the contents page and key issues for consultation are attached as Appendix 1.
- 2.5 It should be noted that within Angus, only the Caenlochan area at the head of Glen Doll is contained within a more extensive NSA, extending into Aberdeenshire and Perth and Kinross.
- 2.6 A copy of the 'National Scenic Area Consultation Paper' is available for reference in the Members' Lounge, The Cross, Forfar. A shorter, less technical summary has also been produced and SNH have distributed a copy to each Community Council and also made copies available at public libraries. Scottish Natural Heritage has requested comments on the Consultation Paper by 7 April 1999.

3 SYNOPSIS OF MAIN POINTS

- 3.1 Publication of the Consultation Paper was preceded by wide ranging consultation and specialist studies which highlighted the following main weaknesses in the present NSA designation:
- the lack of statutory base in primary legislation for the NSA which gives it limited status and significance;
 - the lack of a detailed and strong national policy framework to give greater status to landscape conservation and a clear role for NSAs in this, although recent NPPGs have improved matters;
 - the need for clear and well-defined statements of the scenic values of individual NSAs;
 - the absence of an agreed vision and strategy for individual NSAs, setting out their objectives and how landscape change should be managed;
 - the limited scope and strength of the consultation and referral mechanism and its restriction to the planning system;
 - the limited role of the NSA in influencing land management decisions; and
 - the general lack of awareness and understanding of the designation amongst public bodies, land managers, communities and the wider public.

- 3.2 SNH considers that the priority is to make the existing designation more effective, before expanding the present suite of sites, and have set out the following measures:
- an enhanced role and responsibility for the designation lying with local authorities in particular, while recognising that all public bodies and others with an interest have a role to play;
 - the provision of a new statutory base;
 - a new duty on public bodies to safeguard the interests of NSAs;
 - a requirement for local authorities to produce, implement and review an NSA Management Strategy;
 - a review of provisions under the Town and Country Planning system;
 - broader provisions to influence land management within NSAs;
 - stronger policy guidance from Government; and
 - actions to increase the awareness and ownership of NSAs.
- 3.3 In considering designation of future NSAs, the nub of the question is what kind of designation is appropriate for Scotland. SNH suggest that a designation should be based on scenic value or natural beauty, although whether this should be based on accolade, representative sample or a combination of the two needs to be determined.
- 3.4 SNH set out some initial thinking on methodology for the search and selection of NSAs. While the Consultation Paper puts forward general selection criteria it is recognised that issues of boundary definition, limits to size will also need to be resolved.
- 3.5 Given the proposed new designation of National Parks, and the requirement for the establishment of a Management Strategy for these areas, SNH suggest that NSAs should be confined to areas outwith National Parks.
- 3.6 On the question of local designation, SNH suggest that Areas of Great Landscape Value (AGLV) (originally established in 1962) remains relevant, but needs to be updated, through definition and revitalisation of their purpose and role.

4 DISCUSSION

- 4.1 As part of earlier comments on Natural Heritage Designations (Report 291/97 to Planning and Transport Policy Committee, 6 March 1997) and officer comments in response to initial consultation on the review of NSA designation in autumn 1998, key areas of concern previously highlighted by Angus Council have related to:
- the need for a structured approach to landscape/scenic designation at both national and local level;
 - clarification of purpose and role of NSAs;
 - methodology for selection of sites/areas;
 - existing approach is seen as an accolade;
 - mechanisms for controlling change in landscape;
 - the need for consistency in local designations;
 - how NSA designation fits into possible National Parks.
- 4.2 In the main these concerns have been considered in the context of the recently published review.

Existing National Scenic Areas

- 4.3 The proposals put forward for managing existing NSAs, particularly relating to the establishment of Management Strategies and use/extension of planning powers are particularly important. A Management Strategy would establish the characteristics and qualities for each NSA, and thereby set a broad framework for the management and enhancement of features and/or areas within the NSA. The responsibility for preparation and implementation would rest mainly with the local authorities but would require involvement/participation of a wide range of interest groups. The principle of Management Plans is consistent with approaches being put forward to deal with National Parks and SSSI's, and would help provide a mechanism for establishing and delivering a consensus view for managing land use change within the NSA. The consultation document also outlines various approaches to implementation of the Management Strategy, including management committee/group, or Project Officer post, although it is recognised that no one solution is going to suit all 40 NSAs. This would represent additional costs to local authorities and while the broad concept is acceptable, financial resources would need to be commensurate to enable full implementation.
- 4.4 NSAs have their origins in the planning legislation and while stricter planning controls already affect certain types of development, (under the General Permitted Development Order), the Consultation Paper suggests that this should be extended to cover road improvement schemes, telecommunication development, signage, electricity lines and change of use to forestry. If scenic value or national beauty is the founding principle then control of developments which would have a visual impact would be beneficial. This would however result in further planning applications being submitted for local authorities to determine. The importance of the Management Strategy in addressing key planning issues and providing guidance is central to the way forward and could also be linked back into local plans giving Management Strategies extra weight and/or policy guidance in dealing with assessment of development.
- 4.5 While control is useful, SNH also believe that incentives are a more effective means of influencing land management. In this way, existing measures could be tailored to meet the objectives for individual NSAs established by Management Strategies.
- 4.6 Resources are important to implement many of the ideas brought forward by SNH and the importance of securing additional funding is stressed.

Identification of New National Scenic Areas

- 4.7 The second part of the Consultation Paper deals with expansion of the NSA series and relationships with other designations. Fundamental to this is the purpose and definition of the NSA. The present series of 40 NSAs were selected not as a representative of landscape type but areas considered to be the 'best'. The existing designation is therefore an 'accolade'. This makes it difficult to justify one area against another area since there is no objective basis for selection.
- 4.8 The Consultation Paper suggests that the use of Landscape Character Assessments (now complete for Scotland) or natural and/or cultural landscapes could be a useful role in providing this objectivity. The method(s) selected very much depends on whether the purpose of the NSA is an accolade or representative of landscapes.

- 4.9 SNH's preference is for an accolade designation which represents those landscapes for which Scotland is most renowned but with a wider spread across the range of Scotland's landscapes than at present. This would be on the basis of scenic beauty alongside a more objective basis to the selection of areas. The Consultation Paper gives a proposed definition for the NSA as follows:
- "NSAs represent the best of Scotland's scenery and are areas of land and water:
- whose natural beauty and amenity are of such outstanding quality that they should be safeguarded and enhanced as part of the national heritage; and
 - where the aim is to manage change arising from development and land use decisions, so as to accord with the primary purpose, while making provision for the social and economic needs of the area."
- 4.10 While NSA designation should still be founded on outstanding natural beauty and amenity, the selection purpose could be more representative of the diversity of Scotland's scenic areas. The approach to search and selection would be wider taking account of expert opinion, Landscape Character Assessment, public opinion and use of information sources on land cover. To assist this structured approach a number of guidelines are put forward, which would serve three main roles:
- qualifying factors necessary for an area to be a candidate;
 - assist in discriminating between one candidate and another;
 - give guidance on practical matters.
- 4.11 In broad terms this structured approach being suggested by SNH is supported.
- 4.12 In terms of the relationship between NSAs and proposed National Park designation, SNH are of the view that NSAs should not be designated within the Parks. Issues relating to landscape/scenic protection and enhancement in National Parks can be dealt with through the Management Strategy. This approach will of course depend on whether National Parks are established by the Scottish Parliament (Report 274/99 refers).

Regional/Local Landscape Designations

- 4.13 One area of particular concern has been the lack of consistency throughout Scotland in the approach by local authorities to the issue of regional and local scenic designations. NPPG 14 Natural Heritage (1999) indicated that the use of Area of Great Landscape Value designation (AGLV) would be reviewed in the context of the National Scenic Area reviews. AGLVs were introduced in 1962 under planning legislation, but were largely a passive designation. While the introduction of Landscape Character Assessment (LCA) offers an alternative to formal designations, SNH prefer that AGLVs is retained as a designation under the planning system. Landscape Character Assessment could be used to provide assistance in defining AGLVs and in policy formulation.
- 4.14 Angus County Development Plan (1962) established 10 AGLVs of varying size and character ranging from the coastal strip between Arbroath and Montrose through the upland areas of the Sidlaw Hills to the very expansive highland areas. These were passive areas with no additional development control policy or supplementary guidance. More recent Local Plans by both Angus Council and the former Angus District Council proposed that AGLVs be replaced by land use and development

control policies as a basis for dealing with planning applications in rural Angus. In the case of the Angus Local Plan the conservation of landscape character takes account of the sensitivity of the landscape to change and is linked to the Landscape Character Assessment undertaken by SNH.

- 4.15 While the use of AGLV designation across Scotland could give a potentially more consistent second tier approach to landscape conservation, it is not considered a prerequisite for identifying and safeguarding locally important landscape features in Angus.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications arising from this report.

6 CONSULTATION

- 6.1 The Chief Executive, Director of Finance, Director of Law and Administration and Director of Recreation Services have been consulted in the preparation of this Report.

7 CONCLUSION

- 7.1 The review of NSA designations, including issues relating to National Parks and local designations is welcomed. The Consultation Paper tackles many of the areas of concern previously highlighted by Angus Council in response to earlier consultation documents.
- 7.2 The requirement for a national landscape designation is justified and the approach recommended by SNH in dealing with existing NSAs is therefore supported, although there will be resource implications for local authorities which should be recognised by the new Scottish Parliament in finalising the future of NSAs.
- 7.3 With regard to the recommendations associated with future NSA designation, the approach favoured by SNH in connection with the role, purpose and selection criteria is also broadly welcomed. Although it is acknowledged that issues associated with landscape designations are complex the approach recommended by SNH should enable a more objective assessment of scenic areas in Scotland, thus hopefully producing a meaningful, manageable and more publicly understood designation.
- 7.4 The need to establish a nationally accepted second tier scenic designation is less clear and the merit of some consistent hierarchy should be set against the significant variation in local landscape types. On balance this would not appear an essential part of the mechanisms available to conserve important local landscape features.
- 7.5 On the question of the relationship of national landscape designations and proposed National Parks the approach promoted by SNH is noted. In the event of National Park designation NSAs would only be designated outwith National Parks. Landscape issues within proposed National Parks would be dealt with through proposed Management Strategies.

NOTE

The following background paper, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

- National Scenic Areas: A Consultation Paper - Scottish Natural Heritage - February 1999

AA/GDP/SP
1 March 1999

Alex Anderson
Director of Planning and Transport

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Key Issues for Consultation

7.6 SNH welcomes comments on any aspect of this consultation paper. However we would particularly welcome your views on the questions posed, which are listed below for ease of reference.

- (1) The role of the local authority as champion for individual NSAs and the future role for SNH.
- (2) The need for a new legislative base, and the proposed duty to be placed on public bodies.
- (3) The proposed statutory requirement to produce, implement and review an NSA Management Strategy, and the provisions which this should include.
- (4) The merits of an NSA Management Strategy, its contents, the process for its production, and the requirement for its endorsement or approval by SNH.
- (5) The options identified for promoting the objectives of an NSA, or any other approaches which should be considered.
- (6) The role and benefits of the consultation and referral mechanism and whether this should be extended or reduced; and if judged necessary, the way in which the scope of the consultation and referral procedure should be modified.
- (7) Whether there is a need to remove permitted development rights from further types of development within an NSA and, if so, the types of development.
- (8) The need or otherwise to strengthen controls over land uses falling outwith the planning system.
- (9) What incentives need to be provided to encourage fulfilment of the NSA's objectives, and what opportunities exist to utilise existing mainstream support mechanisms.
- (10) The need for further policy guidance, and on the content of such guidance.
- (11) Approaches to increasing the general understanding and awareness of the NSA designation and individual NSAs.
- (12) The need for additional funds and their source.
- (13) Whether the basis of the NSA should in the future rest primarily on natural beauty, rather than any other basis of choice and, if not, what alternative approach might be preferred.
- (14) Whether the National Scenic Area designation should remain as a purely accolade designation; or whether it should shift to being an accolade series based on choice from those landscape types for which Scotland is most renowned; or whether a fully representative approach is desirable, including examples of all landscape types, without attribution of value.
- (15) Whether the NSA should adopt a socio-economic purpose into its definition.
- (16) The proposed definition for the NSA.
- (17) The appropriateness of the suggested approaches, or any others which could be considered, to the initial search process.

- (18) The proposed selection criteria.
- (19) The process of validation.
- (20) Whether there should be an upper target level for designation.
- (21) The comprehensiveness and appropriateness of the suggested principles for defining boundaries.
- (22) The appropriateness of including relatively small 'scenic gems' in the NSA suite.
- (23) Whether NSAs should be limited in their upper size through the strong application of criteria of integrity and merit.
- (24) Whether NSAs should be de-designated where they fall within National Parks and, if so, whether the proposals for safeguarding and enhancing the qualities for which the former NSA had been identified are appropriate.
- (25) The role of NSAs as a complementary mechanism to National Parks, and their appropriateness for this task.
- (26) The need for a regional or local scenic designation, especially in the light of the evolving experience of landscape character assessments; and the need for management support, beyond planning policies, to local scenic designations, and how this might be done.
- (27) The need (or otherwise) for greater consistency of approach towards regional or local scenic designations, and on how this might best be achieved, whilst still allowing the flexibility needed to cater for local circumstances.
- (28) The need for a hierarchy of scenic designations, on the number and level of tiers below the national designation, and on how policy should differentiate between the tiers in terms of status and standard of care.
- (29) Whether AGLV is the most appropriate term to use for a sub-national scenic designation in the future.

7.7 Responses to this consultation paper will shape our final advice to Ministers. Please write with your views to the address in Chapter 1 by Wednesday 7 April 1999. Unless you specify otherwise, all responses will be available for others to see on request.

