EXECUTIVE NOTE

DRAFT SSI: THE NATIONAL SCENIC AREAS (CONSEQUENTIAL MODIFICATIONS) (SCOTLAND) ORDER 2010

(S.S.I. 2010/XXX)

The above instrument is made by the Scottish Ministers in exercise of the powers conferred by section 58(1) of the Planning etc (Scotland) Act 2006. The instrument is subject to affirmative resolution procedure.

Policy Objectives

The changes provided for by this instrument will support the designation of existing National Scenic Areas ("NSAs") under provisions of section 263A of the Town and Country Planning (Scotland) Act 1997 by providing for references to NSAs to be made in terms of section 263A in certain legislation and to remove references to designations of NSAs under other instruments. This includes references to NSAs identified under Part II of the Countryside Commission for Scotland publication "Scotland's Scenic Heritage" published in 1978, inserted in 2008 as an interim measure. This follows a decision to implement the provisions, introduced by the Planning etc (Scotland) Act 2006, at section 263A, for the desigation of NSAs by direction. Although provision (now repealed) existed in the Town and Country Planning (Scotland) Act 1972 for designation of NSAs, there is no evidence that this was ever used. The criteria applicable to consideration of development proposals within NSAs has been recognised in the planning system since 1980 via a number of planning circulars and directions[1] defining NSAs by reference to Part II of the Countryside Commission for Scotland publication "Scotland's Scenic Heritage" published in 1978.

Consultation

As these are technical/ legal changes no formal public consultation has been undertaken.

Financial Effects

The instrument has no new financial effects on the Scottish Government, local government or on business. The changes proposed will correct the technical defect identified but will have no other implications for the legislation or its application

Scottish Government Rural & Environment Directorate
Nov 2010

[1] SDD Circular 20/1980 introduced new controls for NSAs via Directions made under the Town and Country Planning (General Development) (Scotland) Order 1975. These Directions were replaced by Directions made in 1987 (and notified to local authorities via Circular 9/1987). This will be amended to reflect the new NSA designation provisions.