

## **Executive Note**

### **The National Scenic Areas (Scotland) Regulations 2008 SSI/2008/202**

The above instrument is made by the Scottish Ministers in exercise of the powers conferred by–

- (a) section 2(2) of the European Communities Act 1972;
- (b) sections 37(2)(c) and 60 of the Electricity Act 1989; and
- (c) section 40 of the Town and Country Planning (Scotland) Act 1997.

The instrument is subject to negative resolution procedure.

### **Policy Objectives**

The purpose of the instrument is to correct references in one Act and a number of statutory instruments to National Scenic Areas (“NSAs”) designated under provisions of the Town and Country Planning (Scotland) Act 1972 (“the 1972 Act”). It was recently discovered by the Scottish Government that no formal designations of NSAs appear to have been made under the 1972 Act. Instead, NSAs were recognised in the planning system through a series of circulars and directions which define NSAs by reference to Part II of the Countryside Commission for Scotland publication “Scotland’s Scenic Heritage” published in 1978 (“the CCS 1978 Report”)<sup>1</sup>. However, the legislation being amended by the current Regulations incorrectly referred to areas designated under the 1972 Act. It is thought that in practice that legislation has been applied so that areas identified in the CCS 1978 Report have been treated as if they had been formally designated under the 1972 Act. The National Scenic Areas (Scotland) Regulations 2008 therefore amend the description of NSAs in the legislation identified by substituting a reference to NSAs identified in the CCS 1978 Report. The “Scotland’s Scenic Heritage” publication is available from the Scottish Natural Heritage website at <http://www.snh.org.uk/publications/on-line/scotlandsscenicareas/> (and a hard copy deposited in SPICe.)

### **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 Directorate**  
**May 2008**

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<sup>1</sup> 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).