

PLANNING (SCOTLAND) ACT 2019

EXPLANATORY NOTES

OVERVIEW OF THE ACT

PART 4 – OTHER MATTERS

National Scenic Areas

Section 51: National Scenic Areas

250. Section 263A of the 1997 Act provides for the designation of National Scenic Areas, which are areas of outstanding scenic value in a national context. In exercising planning powers with respect to land in any such area, special attention is to be paid to the desirability of safeguarding or enhancing its character or appearance. Section 51(2) of the Act removes the words “the desirability of” from that provision.
251. Subsection (6) of section 263A of the 1997 Act requires the Scottish Ministers, before issuing a direction designating a National Scenic Area, to consult with Scottish Natural Heritage and such other persons as are prescribed. Section 51(3) of the Act adds new paragraphs to require consultation also with residents in and adjacent to the proposed area, and any community body with an interest in the area. Section 51(4) inserts a new section 263B to the 1997 Act, which requires the Scottish Ministers to produce a report on the consultation undertaken, in any year they have designated a new National Scenic Area. This must include the ways in which any views expressed were taken into account, and how the Scottish Ministers will improve their consultation process before issuing any future directions. Under section 3A(4A) of the 1997 Act, inserted by section 2(6) of the Act, the Scottish Ministers must have regard to any such report when preparing the National Planning Framework.