



# Planning etc. (Scotland) Act 2006

## 2006 asp 17

### PART 10

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Miscellaneous*

#### **50 National Scenic Areas**

After section 263 of the principal Act insert—

##### *“National Scenic Areas*

#### **263A National Scenic Areas**

- (1) Where it appears to the Scottish Ministers that an area is of outstanding scenic value in a national context and that the special protection measures specified in subsection (2) are appropriate for it, they may by direction designate the area as a National Scenic Area.
- (2) Where any area is for the time being designated as a National Scenic Area, special attention is to be paid to the desirability of safeguarding or enhancing its character or appearance in the exercise, with respect to any land in that area, of any powers under this Act.
- (3) The Scottish Ministers may issue guidance to a planning authority for the purposes of this section and that authority must have regard to any guidance so issued.
- (4) In deciding whether to designate an area as a National Scenic Area, the Scottish Ministers are to take account of—
  - (a) whether the area is of outstanding natural beauty,
  - (b) the amenity of the area, including—
    - (i) whether it is of historical, cultural or environmental importance; and
    - (ii) the nature of any buildings or other structures within it, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) any flora, fauna or physiographical features of the area, whether or not to any extent the product of human intervention in the landscape.
- (5) Any designation under subsection (1) may be varied or cancelled by a subsequent direction.
- (6) Before issuing a direction under subsection (1) or (5), the Scottish Ministers are to consult with—
  - (a) Scottish Natural Heritage, and
  - (b) such other persons as are prescribed.
- (7) The Scottish Ministers are to compile and make available for inspection free of charge a list containing particulars of any area which has been designated as a National Scenic Area.
- (8) For the purposes of subsection (7), a list may be made available by electronic means.
- (9) The Scottish Ministers may by regulations make provision as to—
  - (a) the form of any direction under subsection (1) or (5),
  - (b) the manner in which a National Scenic Area is to be described in such a direction,
  - (c) the publicity to be given to any such direction, and
  - (d) other procedural matters in connection with the making of such a direction.
- (10) Regulations under this section may make different provision for different purposes.”.