Appendix C

National Planning Policy Review
C1 Introduction

National Planning Policy Guidelines (NPPGs), currently being replaced by Scottish Planning Policy (SPP), provide statements of Scottish Executive policy on nationally important land use and other planning matters. A key objective of these documents is to guide policy formation and decision-making toward the goal of sustainable development. They also provide a statutory framework for future proposals and projects to ensure environmental safeguarding and quality. The NPPGs are supported by Planning Advice Notes (PANs), which provide good practice and other relevant information specific to the NPPG.

The primary policy framework for the Line One project is set out in National Planning Policy Guideline NPPG 17 (1) and supported by Planning Advice Note PAN 57 (2). Within NPPG 17, land use planning is stated as an important tool in reducing the need to travel by integrating transport and land use policy. Central to this aim is the requirement to relate land use to transport facilities, enable access to local facilities by walking and cycling, encouraging public transport access to new and large developments and to support essential motorised travel but ensure that it is related to overall sustainable movements.

PAN 57 also sets out good practice advice for the measures planning authorities may consider in fulfilling their integrated land use and transport planning responsibilities in a sustainable manner.

The following SPPs/NPPGs are also applicable to the project and provide guidelines for aims and objectives for infrastructure developments, as well as environmental assessment:

- SPP 1 – The Planning System (3);
- SPP 2 – Economic Development (4);
- NPPG 5 – Archaeology and Planning (5);
- NPPG 8 – Town Centres and Retailing (6);
- NPPG 13 – Coastal Planning (7);
- NPPG 14 – Natural Heritage (8);
- NPPG 18 – Planning and the Historic Environment (9).

In addition, the following PANs are applicable to the project:

- PAN 42 – Archaeology – The Planning Process and Scheduled Monument procedures (1);
- PAN 51 – Planning and Environmental Protection (2);
- PAN 56 (3) & Circular 10/1999 (4) - Planning and Noise;
- PAN 59 – Improving Town Centres (5);
- PAN 60 – Planning for Natural Heritage (6).

These policy statements are briefly reviewed in the following paragraphs and reference is made to the relevance of the policy to the proposal for Edinburgh Tram Line One. A more detailed review of policy compliance of Line One development is presented in Section 1.2 and 1.3.

C2  SPP 1 (formerly NPPG 1) - The Planning System

SPP 1 The Planning System states that the primary objectives of the planning system are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration;
- to maintain and enhance the quality of the natural heritage and built environment.

According to NPPG 1, the determination of a planning application must be made in accordance with the development plan, unless material considerations indicate otherwise. There are no rules governing the balance between the development plan and other material considerations (7) but SPP1 states that the following principles should apply:

- permission should only be refused where there are sound reasons to do so;
- decisions should depart from the development plan policies only where there are sound reasons to do so;
- where development plans are overtaken by events, there may be good reasons to depart from established policy.

Greater weight should be attached to policies in adopted plans than plans at earlier stages of presentation.

C3  SPP 2 (formerly NPPG 2) - Economic Development

SPP2 Economic Development states that the planning system should:

- recognise the changing nature and uncertainty of future economic development by providing for the space and locational requirements of a wide range of businesses;

(7) Material considerations are issues which should be taken into account in the consideration of development applications and other planning matters.
• integrate competing demands between economic, social and environmental considerations;
• ensure that the development planning and development control systems are operated efficiently, speedily and in a transparent manner.

Of particular note to this development, the policy document recognises that a successful economy relies upon an effective and efficient transport infrastructure. Moreover, considerable financial support is being given to maintaining radial bus and train routes because of their importance to maintaining city centre access. Design quality and the protection of the built and natural heritage should be taken into account in deciding development proposals for economic development, with mitigation measures put in place where appropriate.

C4 NPPG 5 – Archaeology and Planning

This NPPG seeks to set out the government policy on how sites of archaeological and heritage importance should be addressed within the development planning system. Where development is likely to encroach on such sites, early discussions should be sought and an archaeological assessment and field evaluation ensured where appropriate. The protection of ancient monuments and their setting is expressly noted as a material consideration in determining planning applications. This guidance has been followed in the approach to assessment of the archaeological impacts of the scheme.

The effects of Line One on cultural heritage are reported in Chapter 11 of the ES.

C5 NPPG 8 – Town Centres and Retailing & PAN 59 Improving Town Centres

Although this policy does not directly address the issue of LRT, it does deal specifically with the accessibility of town centres for retailing activity. It recognises that competitive and successful town centres rely upon the attractiveness of both private and public transport for access.

PAN 59 is also aimed at encouraging a wide range of transport options for gaining access to town centres. Within this, priority will be given to integrated public transport systems over and above provisions for the private motor vehicle.

C6 NPPG 13 – Coastal Planning

This NPPG sets out how planning can contribute to sustainable development and biodiversity along Scotland’s coasts. In particular, development plan policies must distinguish between policies for developed, undeveloped and remote coastline and how the planning system should respond to the risk of flooding and coastal erosion. It also sets the areas of jurisdiction for the planning system as the Mean Low Water Mark of Ordinary Spring Tides (seaward) and a zone of variable width (landward) for local authorities to set taking account of local characteristics.

In accordance with the NPPG, land reclamation should only be permitted in exceptional circumstances given the potential adverse impacts on cultural heritage and nature conservation, most notably on intertidal flats and saltmarsh habitats.
C7  NPPG 14 – Natural Heritage & PAN 60

This NPPG is of particular significance to this proposal as it sets out national policy on the interaction between planning and the protection of species and habitats, landscape protection and enhancement and specific designations such as Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs). In a wider context, the protection of trees and woodland, and opportunities for new planting is encouraged where possible.

PAN 60 is intended to supplement this NPPG with particular emphasis on good practice and further detail on the individual aspects of natural heritage such as biodiversity, access and recreation and local designations. The PAN takes particular note of the need to maximise development opportunities to improve the environment through high quality siting and design considerations.

The effects of Line One on natural heritage are reported in Chapter 9 of the ES.

C8  NPPG 17 & PAN 57 – Transport and Planning

NPPG17 is the key national policy document relating to transport and planning. The policy seeks to achieve better integration within and between transport modes, between transport and environmental policy, with land use planning at all levels of governance and with other government policies on education, health, economic growth, social inclusion and access. The relationship between transport and the pursuit of sustainable development is also discussed.

The NPPG highlights the interaction between transport and town centres and the need to maintain viable retail and employment use through access to public transport. It reiterates the requirement for the statutory development plan to set out the policies against which decisions will be made, and a general assumption against development generating increased travel where integration between modes is inadequate. The policy also notes that “within cities, consideration should therefore be given to re-allocating road space to dedicated public transport use.”

C9  NPPG 18 – Planning and the Historic Environment

This NPPG sets out the national framework of statutory designations for the protection of the historic environment, particularly Listed Buildings, Conservation Areas and other designations such as World Heritage Sites and Historic Gardens. It recognises the historic environment as an irreplaceable record of our heritage and, as such, looks to mitigate against any potential development impacts. It also recognises the importance of survey and analysis on this policy area and highlights Townscape Audits and Conservation Area Appraisals as useful tools.

The effects of Line One on the historic environment are reported in Chapter 11 of the ES.
C10 PAN 56 & Circular 10/1999 - Planning and Noise

PAN 56 sets out government policy on the treatment of noise within development plans and planning applications. It stresses the role of Noise Impact Assessments in developments where noise is likely to be considerable, and emphasises the need for mitigation where noise is likely to require some form of control. With specific reference to noise from railways, attention is drawn to the potential noise impacts of depots in addition to operational noise. Attention is also drawn to the potential impact of ground-borne vibration on surrounding land and buildings. Construction noise is also considered here with reference to the need for minimisation of construction impacts.

The effects of Line One on noise and vibration are reported in Chapter 13 of the ES.