To whom it may concern,

Call for Evidence on the Planning (Scotland) Bill

I write on behalf of KSG Acoustics Ltd to add our voice to the call for the inclusion of the Agent of Change Principle into the Planning (Scotland) Bill.

Agent of Change is a common-sense principle which means that any person or business responsible for bringing about a change is responsible for managing the impact of that change. Agent of Change places the onus on the developer, not the affected venue; to ensure that a proposed development is suitably protected from noise and other related matters.

We are a firm of acoustic engineers based in Glasgow and we specialise in providing consultancy to the music industry. As such, we work closely with promoters, venues and clubs, as well as with Local Authority Departments of Environmental Health and Licencing.

We, along with many others, are seeking to safeguard the future of Scotland’s diverse network of music and arts venues. We are passionate about Scotland’s music venues and the contribution they make to our diverse cultural, social and economic landscape.

Our position brings us into contact with many music venues that are coming under pressure as a result of ever-closer noise sensitive uses receiving planning consents. The absence of enforcement of the Agent of Change Principle can result in Planning Conditions inadequate to protect the existing venue, which in turn leads to complaints from new residents to Departments of Environmental Health, which deal with such complaints as a matter of Nuisance. This puts pressure on the venue to alter their operations or retrofit noise attenuation measures, which can be prohibitively costly. At worst, it can result in abatement notices and even closure of existing businesses due to onerous operating restrictions and increased costs through no fault of their own.

Agent of Change is needed because it is inherently unjust for music venues to be responsible for mitigating the impacts arising from new third party development. However, this is exactly what has been happening.
The pressures facing our music venues are not unique and the Agent of Change principle is currently being introduced into the Welsh and English planning regimes, receiving cross party support.

We are therefore seeking for the emerging Planning Bill to introduce Agent of Change as a principle to be enshrined within the Scottish planning system, providing much-needed support for Scotland’s music and arts venues.

In particular, we feel that Scottish Planning Policy should be revised to specifically include the Agent of Change principle so that it is implemented by local Planning Authorities in taking decisions on planning applications and when preparing development plans.

In turn, Agent of Change should be specifically referenced in Planning Advice Note (PAN) 1/2011 Planning and Noise, as this is the Scottish Government document that underpins the approach by Local Authorities to Noise Impact Assessments. The current PAN 1/2011 focusses on the noise generated by a proposed development rather than the pre-existing acoustic environment into which a sensitive receptor may be introduced. Indeed, there is no reference at all to music and entertainment as an existing environmental noise source to which a future noise sensitive development may be exposed.

We are in the process of forming a working group with other interested parties to formulate a Good Practice Guide that will set out guidelines for the preparation of Noise Impact Assessments in respect of noise sensitive development affected by music noise from pre-existing assisting venues. We hope that this will give Local Authorities confidence in the assessment of Noise Impact Assessments submitted by developers to ensure that, if consented, there is demonstrable acoustic protection incorporated into the design that is fit for purpose to ensure that existing venues are unaffected.

Ultimately, our hope is that this Good Practice Guide will be endorsed by the Scottish Government and adopted into future revisions of PAN 1/2011 to ensure that Agent of Change and the protection of our venues is a priority to decisionmakers now and in the future.

Aside from these specific measures, we also consider there is a need to examine how the planning and licensing regimes operate. There is often significant overlap between planning and licensing in respect of music venues and in our experience there is a need for greater consistency between the two regimes and there are perhaps some efficiencies which could be made by having greater alignment between the two.

I hope that you find the foregoing compelling and that you consider that the Agent of Change is essential to the future of Scottish Planning.
Kind regards,

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Director
KSG Acoustics Ltd.