Local Government and Communities Committee

Planning (Scotland) Bill

Submission from North Planning and Development on behalf of the Sub Club, King Tuts Wah Wah Hut, SWG3, Barrowland Ballroom, 02 ABC and 02 Academy

Dear Sir / Madam,

CALL FOR EVIDENCE ON THE PLANNING (SCOTLAND) BILL

The following submission is made on behalf of the interests of all Scotland’s music and arts venues along with representatives from The Sub Club, King Tuts Wah Wah Hut, SWG3, Barrowland Ballroom, 02 ABC & 02 Academy.

The above venues are collaborating in order to represent the interests of the Scottish music and arts community, seeking to safeguard the future of Scotland’s diverse network of music and arts venues. Our client group are passionate about Scotland’s music venues and the contribution they make to our diverse cultural, social and economic landscape.

Our clients have been engaging with the Scottish Government, seeking for the Agent of Change principle to be enshrined within the Scottish planning system so that our nation’s music, arts and cultural venues are better protected against the impacts arising from new developments.

Context

Music is at the heart of Scottish culture and our music scene is of international significance. Glasgow boasts UNESCO City of Music status; the Edinburgh International Festival has a significant music component and The Hydro is the second biggest arena venue in the world in terms of annual ticket sales.

In addition, our smaller music venues continue to provide a platform for new talent, reinforcing Scotland’s long-established tradition of producing some of the world’s finest musical artists. Indeed, in Pollstar’s recent live music venue report, of the four UK venues which featured in the world’s top 200 venues, three of these are in Scotland, namely the 02 Academy, the 02 ABC and King Tuts Wah Wah Hut. This is undoubtedly a great news story for Scotland, demonstrating and reinforcing the importance of our country’s music scene.

The economic impact of our sector is also significant, contributing £334m to the Scottish economy, supporting job creation, urban regeneration and the attraction of international and domestic visitors. Scotland is also home to some of the UK’s leading higher education institutions, offering music courses and hosting a burgeoning population of music students.

Our music venues are an essential part of the Scottish music industry ecosystem. They are the places where artists perform, where audiences access a diverse range of music genres and where talent is developed, and the tastemakers of the future
collaborate and hone their craft. This talent includes musicians, artists, creative professionals, technicians and venue managers. Without our venues there would be no Scottish music scene.

Despite the contribution which music venues make to Scotland, increasingly they are coming under threat. Alarmingly around 35% of UK music venues have closed in the past decade and Scotland’s venues are threatened by tougher licensing laws, unwelcoming neighbours, aggressive development and increased property values. Many Members of the Scottish Parliament have examples of much-loved venues in their area that have been forced to close or are under threat. Every venue that closes represents the loss of a local business together with a loss of jobs. Closures also deprive artists of places to play and audiences of a valued live music experience.

Some of our most important venues, internationally recognised and revered by both fans and artists alike are currently facing challenges associated with the impacts of proposed new developments; including the following:

- **King Tut’s Wah Hut, Glasgow**: On three occasions in the last nine months this landmark Glasgow venue has been forced to defend itself against the impacts associated with proposed hotel and residential developments. The venue has had to commit significant expenditure on planning and acoustic consultancy services, expenditure which could otherwise have been invested in supporting new music in Scotland.

- **Studio 24, Edinburgh**: Despite spending £40k on sound proofing, this venue has had to close after 22 years as a direct consequence of noise complaints from new residential development.

- **Sub Club, Glasgow**: This long established and cherished Glasgow venue has been impacted upon by planning approval for a proposed hotel on adjoining land. The hotel has been approved without sufficient mitigation measures in place resulting in the Sub Club having to take legal recourse through the courts.

- **Barrowland Ballroom, Glasgow**: This iconic Glasgow venue has been impacted upon by new residential development and has consequently been forced into altering their venue servicing arrangements, incurring cost and impacting upon their established operational arrangements.

- **Downstairs, Holburn Street, Aberdeen**: Faced with having to spend £80k on new soundproofing measures this Aberdeen was forced into closure in August 2016.

- **ABC, Glasgow**: The ABC in Glasgow is currently having to defend itself against a proposed student residence development on a site which adjoins their venue. This has required the ABC to incur time and cost on consultant’s fees, diverting investment in their established business.

These threats to Scotland’s music venues cannot go unchecked and there is a pressing need to address matters. There are many elements to promoting and protecting Scotland’s music venues, but the planning system has a key role to play by ensuring there are appropriate policy measures in place to protect our country’s music venues.
What is Agent for Change and Why is it Needed?

‘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.

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; resulting in venue closures or situations where venues are burdened with onerous operating restrictions and increased costs through no fault of their own.

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.

Agent of Change has also been successfully introduced in Australia, resulting in better planning and development outcomes. Below are two testimonials provided by Australian venues regarding the success of Agent of Change:

Patrick Donovan, CEO Music, Victoria

“The Agent of Change has been crucial in saving 6 key venues and rehearsal studios in Melbourne. There were earlier attempts to provide it through voluntary practice notes, but this proved ineffective before it was eventually enshrined in legislation.

“There is no doubt that without the agent of change in the planning system the developer would just barrel through and leave my venue with the problem, which would require us to spend several hundred thousand dollars to regain our environmental compliance.

The agent of change has been in the planning system for several years now and has been used in several planning contexts since. Some of those have resulted in agreements between developers and venues that have then fed into conditions on the planning permit.”

John Perring, Tote Hotel, Melbourne

One case went to our planning tribunal (VCAT) case resulting in a permit refusal because the planning application didn’t adequately address sound attenuation needed to address live music noise from an existing venue (Open Studio in Melbourne).”

In light of the above, we see no reason why Agent of Change should not be introduced in Scotland.
The Way Forward

Planning plays an important role in shaping our towns and cities and planning policies and decisions should protect our valued social, recreational and cultural venues.

Therefore, we are seeking for the emerging Planning Bill to introduce Agent of Change as principle to be enshrined within the Scottish planning system, providing much-needed support for Scotland’s music and arts venues. Below are our recommendations as to how the Agent of Change principle should be introduced into Scotland’s planning system:

• In the first instance, a letter of intent should be issued to all planning authorities from the Planning Minister / Chief Planning Officer, signalling the Scottish Government’s intention to introduce the Agent of Change principle within revised Scottish Planning Policy. This letter should request that all local planning authorities begin applying the principle, where it is a relevant consideration, with immediate effect. This approach was adopted by the Welsh Assembly when introducing Agent of Change in Wales.

• 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. The Agent of Change principle should be specifically referenced in SPP and introduced into the subject policy section of revised SPP with clear direction given about how to apply the principle when assessing development proposals nearby existing music and arts venues. There is a need for agent of change to be specifically referenced so that it becomes enshrined into Scottish Planning Policy and is clearly identifiable as a principle which must be followed when determining planning applications and when preparing development plans.

• Glasgow’s UNESCO Music City status should be acknowledged in National Planning Framework 4 (NPF) and within Scottish Planning Policy (SPP). Specifically, support should be given to existing music and arts venues which are critical to ensuring that this world leading status is maintained. The importance of Edinburgh’s UNESCO World Heritage Site status is already referenced in SPP and NPF so there is precedent for this.

• To further strengthen a revised version of SPP, there would also be benefit in existing Circulars and PANs being updated to reflect the Agent of Change principle. Specifically, there would be benefit in Planning Advice Note 1/2011: ‘Planning and Noise’ and Circular 4/1998: ‘The Use of Conditions in Planning Permissions’ being updated to reflect current best practice.

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.
Conclusions

The Agent of Change principle is not complicated or controversial, it’s simple common sense and its introduction would send a powerful message that Scotland’s music and arts venues are important to our Government, to our local communities and to our music industry.

We are asking The Scottish Government to enshrine the Agent of Change principle into the emerging Planning Bill and to take appropriate measures to ensure that it is introduced into Scottish Planning Policy, the National Planning Framework, Planning Advice Notes and Scottish Government Circulars.

The measures that we have outlined above are reasonable and the current review of Scotland’s planning system provides the perfect opportunity to take the necessary steps to introduce Agent of Change as a robust mechanism to safeguard Scotland’s music venues. Our music venues are an essential component of Scottish life and a nation with a vibrant and thriving music scene will be richer in every other respect.

We hope that the Scottish Government will support the measures put forward in this submission and we are keen to engage with The Planning Minister and the Scottish Government’s planning officials in bringing forward Agent for Change.

Specifically, our client group would welcome the opportunity to present oral evidence to the committee, sharing their experience with the current planning system and explaining in further detail why introducing Agent of Change is so important to Scotland’s music industry. We hope this is something that the committee will respond positively to.

Yours sincerely

Graeme Laing
Director
North Planning & Development