Local Government and Communities Committee

Planning (Scotland) Bill

Supplementary Written Submission from DF Concerts

Dear Convener and Members of the Parliamentary Committee

Thank you for the opportunity to provide you with a written submission in relation to the committee meeting held last Wednesday. Once again, please accept my apologies for being unable to attend due to the severe weather conditions and transport problems I experienced.

I represent DF Concerts & Events, the leading concert promoter within Scotland, responsible for consistently, selling over 1 million tickets a year, producing over 800 shows, across 65 Scottish venues ranging from 100 to 55,000 capacities. We are responsible for delivering Scotland’s largest music festivals, the legendary T in the Park, Glasgow Summer Sessions and the newly established urban festival TRNSMT. We are also owners of the world-famous venue King Tuts Wah Wah Hut; recently rated #87 in Pollstar’s annual worldwide charts for the busiest club venues for ticket sales (club venues = up to 2500 capacity). A remarkable achievement considering our capacity of 300.

I have had the pleasure of working within the Scottish Music Industry for over 23 years and witnessing first-hand the significant contribution that it makes socially, culturally and economically to our country.

Some of the oldest artefacts found in human and protohuman sites are musical instruments such as bone flutes and animals skins stretched over tree stumps. Live music performance has played an integral role within our society and has done so throughout human history.

Every part of our brain is engaged and music stimulates memory, perception and creativity. It evokes strong emotions within us with thoughts, feelings, hopes and desires. The chance to experience love and beauty. It is an adventure – one which you never experience the same thing twice. It continually moves us and surprise us as contexts, society and cultures change. Listening to music satisfies an urge similar to that of eating when we feel hungry and our music venues are essential in ensuring that this need is satisfied.
They provide artists with the chance to play their music, sing their songs, collaborate with likeminded artists and to hone their skills. They are where audiences can access a diverse range of genres, participate and experience life affirming moments. They inspire and compel people from every generation, are places of innovation and entrepreneurship, and help encourage sustainable development within our society. They bring communities together and promote social cohesion.

In the last year, 5 of Glasgow’s key venues within the Unesco City of Music have been affected by potential or previously approved planning developments. Three of which were recently recognised as key assets for the city within the “Growing the value for Music Tourism in Glasgow” report published by the Scottish Music Industry Association for Scottish Enterprise, an industry which, Glasgow alone brings in £159.7 million annually but overall brings £334 million to the Scottish economy. All have had to incur cost and defend themselves against the risk of potential noise abatement notices. Prior to this, Edinburgh saw the loss of several much-loved venues before essential steps were taken by the local authority to afford limited protection to their network of venues. The city of Aberdeen has equally experienced its share of venue closures due to an inability to afford imposed soundproofing. The problem is nationwide and while not all the venues affected are grassroots venues it is inevitable that they will be the most likely to close.

We need to provide robust protection as this is going to having a long-term damaging effect on our Scottish Music Industry. At present, we consistently punch above our weight within the world stage when it comes to music and this brings great economic wealth to our society. However, there are a series of relationships that exist within our music industry and each one is dependent on the other. If an imbalance occurs in one area, it will cause trouble in other parts of the chain and a domino effect can cascade throughout the whole ecosystem. Therefore, it should be contemplated as a whole and understood that you cannot have the Paolo Nutini’s, Emelie Sande’s, Calvin Harris, Biffy Clyro, Simple Minds, Texas, Snow Patrol or the T in the Park, TRNSMT Festival, Glasgow Summer Sessions or The Hydro without all parts of the sum. Our industry could not just rely on bringing in bands from other countries, we must be able to grow, sustain and export our own to create a healthy ecosystem.

From our own experience in relation to the planning applications that King Tuts has been faced with, I can concur with Beverley Whitrick’s point of the feeling of shock you experience when you receive a neighbour notification and the feeling of isolation. We love music, we promote bands, what do we know about planning law? Will the process protect us? Very quickly, you need to learn. You must create a strategy for defence that incorporates getting legal advice, speaking to a planning consultant, getting not just
1 but 2 or 3 noise assessments completed to establish your own evidence and the fitting of a permanent sound recording meter to prove your compliance. You have a short period of time to carry out these tasks, gather data and submit a very concise, clear and relevant objection before the window of opportunity closes.

In our case, we also engaged a leading noise consultant to prepare a methodology report on what they felt was industry standard and best practice when completing a noise impact assessment on a live music venue. We did this, as we soon realised that the Planning Advice Note 1/2011: ‘Planning and Noise’ and Circular 4/1998: ‘The Use of Conditions in Planning Permissions’ supporting this process were woefully inadequate in providing direction to planning officers in their consideration of an application.

All of this cost incurred is exacerbated by the time you must spend focusing on this issue and you’re already lengthy working day has just got longer as you are not able to drop the balls in other areas. You still must comply with your legal obligations, protect your staff & customers safety as well as ensuring you continue to bring customers through the door. You are firefighting, feeling on the backfoot and quite frankly battling for your own survival. Just as an example, if we could spend the money again, we would be able to employ someone full time, for a year to teach music and songwriting skills to many disadvantaged individuals, providing them with a real opportunity to escape their current situation. However, what alternative are you faced with? Hoping that your new neighbour, loves music so much that they don’t mind living next door to it!

As you go through the process you start to question why you are in this position. This journey has led us to understand the following and I hope that you find some of these points helpful in your consideration of how best to adopt the agent of change; -

- At present the application form for a proposed planning development does not need you to stipulate that you are planning your development near an existing noise emitting source. If it did, then we feel this would be a real advantage in ensuring that a planning officer at the start of a process, seeks additional supporting information about the local environment. Currently, it will ask you if your development is near trees or watercourses as an example but not a noise emitting source. This would make it binding for a developer to submit this information and to ensure they give it consideration. It would rule out the very real situation that exists today where applications do not even mention that they are being planned next to a music venue.

- We feel it should be mandatory that if you are planning a development close to a music venue that you must be made to complete a “fit for purpose” Noise Impact Assessment. We strongly feel that the supporting documentation used by
planning officers, to guide them during the process must be brought up to current industry standard. We have over 900 different artists perform in King Tuts annually from different music genres, that generate different frequencies across different octave bandings. Yet, a developer could submit a noise assessment based on the performance of 1 artist, who in their opinion was the loudest.

- In a recent application for another well-known Glasgow Venue, it was noted that because of the venue not submitting its own noise report then the planning officer did not have anything to benchmark the developers Noise Impact Assessment on. Thankfully, the application was rejected on other grounds but it does show an expectation that if you are a music venue and a planning development comes into your area then you must incur this cost.

- Our venue has lived harmoniously within its environment for the last 28 years, we have created managements plans to co-exist with the office environment that has surrounded us. We have over 50,000 customers attending our shows every year, we are listed as one of the leading live music venues in the UK, we are internationally renowned and our venue operates within a Unesco City of Music, yet no-one from the cultural sector could comment on the planning applications we have been faced with. We had to shout about our own value and hope that the planning officer took note. However, if our venue had cultural status applied, such as a theatre may have then a process could be built for ensuring that our contribution to society, economically and culturally would be professionally advocated.

- Whilst I agree that cultural zones within large cities and towns within development plans could help provide protection for music venues, I do think it very important that we do not limit where a venue can exist. The very success of an operation can be down to its uniqueness. Would King Tuts or the Barrowlands work on Sauchiehall Street? Probably not. The success of a venue can often be as result of the aesthetics or quirkiness of the building and that its location isn’t the norm, adding to the exploration and adventure of the overall experience. My first gig I ever went to when I moved to Glasgow was in the Halt Bar, in an area at that time that had little infrastructure. From the outside you
would never have known what was going on inside, yet when you walked through
the door you entered a different world. This is a feeling I experienced recently
when I visited a small venue in a Berlin suburb. The creativity had allowed to be
organic and embraced the whole city. Music venues must be able to co-exist
with their local community as well as the community that travels to them. This
can happen with sensible, collaborative planning development.

- Providing music venues or areas designated as temporary event spaces, such as
Glasgow Green with the recognition of cultural status in law, would help create a
framework to ensure they are recognised within City Development Plans. This
would provide clear guidance to planning officers during the application process.
Furthermore, it would also help support the inclusion of The Unesco City of Music
Status for Glasgow to be referenced within the Glasgow Development Plan,
promoting and protecting this unique status, applied to only 31 cities worldwide

- I do feel it essential that training is a core requirement, so that it ensures that
Agent of Change is understood and properly implemented across all levels but
especially at local level. At present there is disparity and inconsistency in how
applications, involving music venues are approached across different local
authorities and amongst individual planning officers within the same local
authority. Clear direction on how to apply the principle needs to be mandatory.
As an example, 2 applications for hotel developments planned beside 2 different
music venues in Glasgow, were granted 1 week apart by the same planning
authority with varying consequences. Both cases had been handled completely
differently, yet very similar situations applied in each case. Such as the
properties would be joined, structural borne noise would exist, bedrooms would
be located close to noise emitting sources, load out was not addressed. This
showed that each planning officer was working in isolation and to their own
interpretation.

- I agree with the points raised regarding planning and licensing and their being an
opportunity for greater alignment. Planning conditions and licensing conditions
for the same venue can sometimes contradict each other. Efficiencies could be
made by having an arrangement that encourages collaboration between both
areas.

Thank you once again for the opportunity to highlight some key areas of concern for our
industry. I wish you the very best with your task ahead.

Warmest regards,

Fiona Ellis