Local Government and Communities Committee  
Planning (Scotland) Bill

Supplementary Written Submission from UK Music

Please find attached Music Venue Trust's further submission to the Committee following the evidence session on 28 February.

Kind regards,

Beverley Whitrick  
Strategic Director  
Music Venue Trust

PROPOSED WORDING FOR AGENT OF CHANGE BILL

Short Title: A Bill to require special controls in relation to development likely to be affected by extant noise sources.

The following proposal was created by a specialist in English and Welsh Planning and Licensing Law as a basis for developing John Spellar MP’s Private Members Bill to introduce Agent of Change into legislation at Westminster, working with UK Music and Music Venue Trust. We appreciate that significant rewriting would be required to make it relevant to Scottish law and legislation. We are particularly aware that the role of the Licensing Decisionmaker in Scotland has jurisdiction over alcohol sales only, not entertainment. Our purpose in submitting this in its current form is to demonstrate the sort of legislation that we would recommend examining for Scotland. We would be very happy to play a part in such a process, as would Sarah Clover, Barrister.


(1) In exercising or performing any

(a) Licensing functions within the meaning of s.4(1) Licensing Act 2003

(b) Planning functions within the meaning of Schedule 1 of the Town & Country Planning Act 1990

concerning development [within the meaning of s 55 TCPA 1990] which is or is likely to be affected by an existing noise source a relevant local authority shall have special regard to the desirability of preventing unreasonable (“unreasonable” taken from NPPF para 123) consequences for that source of noise resulting from the implementation of the development.

[2] Requirements for Agents of Change [Duties on Developers].
An application for development in the vicinity of any premises licensed for regulated entertainment [within the meaning of Schedule 1 of the Licensing Act 2003] under the Licensing Act 2003 shall contain in addition to any relevant requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015

(a) a Noise Impact Assessment

and

(b) such other particulars as may be required by the Local Authority.


In any proceedings determining the existence of “nuisance” within the meaning of

(a) Licensing Act 2003 s.4 (2)

and /or

(b) Environmental Protection Act 1990 s79(1)(g)

in relation to residential development the decision maker shall have regard as material considerations to:

(a) the chronology of the introduction of the relevant noise source and of the relevant residential development

and

(b) whether steps have been taken to insulate or to otherwise mitigate noise ingress to the relevant residential development from the existing premises.

Sarah Clover
Kings Chambers
11 December 2017