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Dear Colleague

### **Live music venues and the Agent of Change principle**

During his statement to the Scottish Parliament on ‘Planning and Inclusive Growth’ on 5 December 2017, Kevin Stewart MSP, Minister for Local Government and Housing said:

“I am attracted by the prospect of embedding the Agent of Change principle into our planning system so that we can protect the established and emerging talent in our music industry. Our live music venues should not become financially disadvantaged or have their viability threatened as a result of new development in their vicinity.”

The Scottish Government recognises the cultural and economic contribution of Scotland’s music industry, as well as the importance of live music to the vibrancy of our town centres and to our night-time economy.

Complaints about noise nuisance can place particular pressure on our music venues, potentially leading to additional costs for them to remedy negative impacts, or to cease certain operations such as live music, or to endanger the viability of the business altogether. Sometimes these complaints can be generated as a result of new development being carried out in the vicinity of existing music venues.

The Agent of Change principle clearly places the responsibility for mitigating any detrimental impact of noise on neighbours with those carrying out the new development or operations. So for example, where a new residential property is to be developed within the vicinity of an existing music venue, the responsibility for mitigating adverse effects should sit with the housing developer, as the ‘agent of change’. Conversely, if a new music venue is proposed, or an existing venue is to be extended, that responsibility would be with the venue operator.

This principle is consistent with the statutory requirement that planning decisions be made in accordance with the development plan, unless material considerations indicate otherwise. In planning decisions, it is normal to take into account both the potential impact of the new development on existing nearby uses, and also the potential impact of those existing uses on the new development. That approach should be taken in considering whether a proposed development is acceptable, or what steps would be required to make it acceptable.

Existing guidance in Scottish Planning Policy (SPP) provides support for decision-making which promotes a sustainable pattern of development. For example, the SPP reflects on the impact of new development on the character and amenity of town centres as a material

consideration, to encourage a mix of developments which support their vibrancy, vitality and viability.

This is complemented by Planning Advice Note (PAN) 1/2011 *Planning and Noise*, which provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. The PAN promotes appropriate location of new potentially noisy development and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses. It highlights how site selection, design of development and conditions which may be attached can all play a part in preventing, controlling and mitigating the effects of noise. The PAN also advises that “when considering applications for new noise sensitive development close to an existing noise source, the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future are likely to be relevant, as will the extent to which it is possible to mitigate the adverse effects of noise”.

Building on that advice, we now intend to include explicit policy guidance in the next National Planning Framework (NPF) and the SPP, implementing the Agent of Change principle in recognising the need to support our live music venues.

This will be taken forward after the Planning (Scotland) Bill has completed its passage through the Scottish Parliament. You will be aware that the Scottish Government’s intention through the Bill is that the NPF will in future incorporate the SPP and the new format will be brought within the statutory development plan. This combined NPF/SPP will be subject to thorough public consultation and parliamentary scrutiny before being finalised.

In the meantime though, I wanted to take this opportunity to highlight the Scottish Government’s support for the Agent of Change principle, including its relationship to established policy and expected practice, and to advise of our intention to implement the principle explicitly through future national policy. I would ask that you ensure issues around the potential impact of noise from live music venues are always appropriately assessed and addressed when considering proposals either by venues themselves or for development in their vicinity, and that decisions reflect the Agent of Change principle.

This advice does not affect the operation of noise nuisance controls under the Environmental Protection Act, nor any consideration of licensing issues. However, if effective mitigation measures are put in place with new development, it should lead to less conflict and fewer complaints being made.

If you have any queries about this letter, please do not hesitate to contact our development management team at [DMprocedures@gov.scot](mailto:DMprocedures@gov.scot).

Regards,

**John McNairney**  
Chief Planner