

To: Communities, Housing and Planning Policy Board

On: 14 January 2020

Report by: Director of Communities, Housing and Planning Services

Heading: Agent of Change Principle

1. Summary

- 1.1 At the Council meeting of 9th May 2019 a motion regarding the protection of music venues and other locations of cultural significance was approved.
 - 1.2 The new Planning (Scotland) Act 2019 introduces an 'Agent of Change' Principle - 'Noise-sensitive developments' which supports the evening economy and the protection of music and cultural venues and noise sensitive uses.
 - 1.3 Regulations were laid in the Scottish Parliament on the 8 November 2019 and came into force on the 20 December 2019 where planning authorities will require to give consideration to the Agent for Change principle when determining planning applications.
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2. Recommendations

- 2.1 It is recommended that the Board notes:
 - (i) that the Planning (Scotland) Act 2019 introduced 'Noise-sensitive developments' legislation to reflect the Agent of Change Principle to protect music, cultural venues and noise sensitive uses and that the Regulations came into force on the 20 December 2019; and
 - (ii) that guidance will be prepared in line with Scottish Government Regulations/Guidance that emerge in relation to 'Noise-sensitive development'.

3. Background

- 3.1 A motion was lodged at the meeting of the Council on 9 May 2019 regarding the protection of music venues and other locations of cultural significance across Renfrewshire and the Agent of Change Principle. The motion is set out below.

Protection of music venues and other locations of cultural significance.

Council recognises the importance of music venues and other locations of cultural significance to the local economy. Increasingly, with the move to repopulate town centres, noise generating venues come into conflict with residential development and Council supports proposals in the Planning (Scotland) Bill to allow the designation of culturally significant zones.

Council also supports use of the principle of 'Agent of Change' in order to assess and ameliorate conflict arising from such situations. Finally, Council will use its powers to support business and ensure residents have sufficient amenity in such situations of conflict. Officers will examine measures to address such conflicts and report back to the Communities Housing and Planning Policy Board."

- 3.2 The Planning (Scotland) Act 2019 received Royal Assent on the 25th July 2019. The proposal that was in the Planning (Scotland) Bill to allow the designation of Culturally Significant Zones is not included within the Act.
- 3.3 The Act does however introduce the 'Agent of Change Principle' which is related to 'Noise-sensitive developments'.
- 3.4 Section 41A of The Planning (Scotland) Act 2019 includes new requirements for planning authorities when assessing planning applications for noise sensitive developments. These are set-out below:
- *must, when considering whether to grant planning permission for a noise-sensitive development subject to conditions, take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities (including in particular, but not limited to, live music venues), or dwellings or businesses in the vicinity of the development, and*
 - *may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise.*
- 3.5 The Planning (Scotland) Act 2019 (Commencement No.2, Saving and Transitional Provisions) Regulations 2019 were laid in the Scottish Parliament on the 8 November 2019 and came into force on the 20 December 2019. The Regulations require planning authorities to give consideration to the Agent for Change principle when determining planning applications.

- 3.6 This means that a new residential development to be built near established cultural venues/facilities would have to incorporate sufficient measures to mitigate, minimise or manage the effect of noise between the new proposed development and any existing venue in the vicinity. Cultural venues include live music venues.
- 3.7 Under the Regulations, a Planning Authority also may not place conditions on the planning permission that would impose additional costs on any existing 'noise source' for acoustic design measures to address any noise issues.
- 3.8 The new 'Noise-sensitive developments' legislation isn't a significant change to how planning proposals for noise sensitive developments are currently assessed in Renfrewshire. Issues in relation to noise disturbance will still be addressed by the Council in line with the requirements of The Environmental Protection Act 1990.
4. **Next Steps**
- 4.1 Guidance on the 'Noise-sensitive developments' is expected from the Scottish Government. This will inform the preparation of new planning guidance for Renfrewshire on noise sensitive developments and the protection of music venues and other locations of cultural significance.

Implications of the Report

1. **Financial** - None
2. **HR & Organisational Development** - None
3. **Community Planning** – None
4. **Legal** - None
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights** -
 - (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. **Health & Safety** - None
 9. **Procurement** - None
 10. **Risk** - None
 11. **Privacy Impact** – None
 12. **COSLA Policy Position** – Not applicable
 13. **Climate Risk** – None.
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List of Background Papers

- (a) None
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