



National Planning Framework 4 Early Engagement – Policies

SUPPORTING CULTURE AND THE ARTS

Scottish Planning Policy (2014):

Paragraph 60 of SPP confirms that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- *apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;*
- *encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;*
- *ensure development plans, decision-making and monitoring support successful town centres; and*
- *consider opportunities for promoting residential use within town centres where this fits with local need and demand.*

Cultural and social activities are recognised as an important indicator when considering town centre vibrancy through health checks.. The impact of new development on the character and amenity of town centres is also recognised as a material consideration with the aim of encouraging a mix of developments which support their vibrancy, vitality and viability.

What has changed since 2014?

- Protecting Scotland's Future: The Government's Programme for Scotland 2019-20¹ confirms that culture is central to Scotland's wellbeing and its social, economic and environmental prosperity and that it will work hard to make sure that everyone now and in the future is able to benefit from the cultural and creative experiences Scotland has to offer.
- The Scottish Government will shortly publish a Culture Strategy for Scotland. This will highlight the intrinsic value and reach of culture and its transformational potential to contribute to individual, community and national wellbeing and prosperity.
- The Agent of Change principle places the responsibility for mitigating impacts from existing noise-generating activities or uses on proposed new noise-sensitive developments. In December 2017, the Scottish Government's Minister for Local Government, Housing and Planning, Kevin Stewart, confirmed his support for embedding the Agent of Change principle into the planning system to ensure that live music venues do not become financially disadvantaged or have their viability threatened as a result of new development in their vicinity.

¹ [Protecting Scotland's Future: The Government's Programme for Scotland 2019-20](#)

- The Chief Planner wrote to planning authorities in February 2018 to highlight the Scottish Government's support for the Agent of Change principle and to advise of an intention to implement the principle explicitly through future national policy.
- The Planning (Scotland) Act 2019 requires planning authorities, when considering an application for a "noise-sensitive" development, to take particular account of whether sufficient measures are included to "mitigate, minimise or manage" the effect of noise from existing cultural venues, particularly live music venues, dwellings or businesses. They also may not place conditions on the development that would impose costs on a noise source to address noise issues.
- The UK Government's National Planning Policy Framework includes an explicit policy confirming that "planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."
- The Agent of Change principle is recognised in the Draft London Plan (July 2019) with a proposed policy that would confirm "development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them." The onus would be on development proposals to manage noise and other potential nuisances by ensuring good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area and exploring mitigation measures early in the design stage, with necessary and appropriate provisions including ongoing and future management of mitigation measures secured through planning obligations. Proposals should be refused if they have not clearly demonstrated how noise and other nuisances will be mitigated and managed.

Key objective of NPF4: To recognise and support the contribution of cultural activities to individual, community and national wellbeing and prosperity, including the protection of existing cultural and live music venues by ensuring that applications for new developments include sufficient measures to mitigate, minimise or manage any noise so that existing users do not have restrictions placed on them as a result of development permitted after they were established.

Issues to consider:

- How can the planning system best support the economic and social benefits that cultural organisations and venues provide?
- How can we ensure that the planning system makes appropriate provision for cultural facilities, including the retention of existing facilities?
- Is there a need to ensure that new development does not lead to the loss of valued and sustainable cultural facilities?

- What policy criteria should be used in NPF4 to recognise the agent of change principle and ensure that the interests of existing venues are protected when determining proposals for new development?
- Are there policies in place elsewhere that are considered effective in ensuring that new development proposals take sufficient measures to mitigate, minimise or manage the effect of noise from existing users?
- What more needs to be done to support effective implementation of an agent of change policy i.e. need for definitions, statutory consultation arrangements?
- Is there a need for standalone policies on new venues to ensure that likely impacts on existing uses are addressed?

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