

Call for Evidence on the Planning (Scotland) Bill

A response from CAMRA, the Campaign for Real Ale

January 2018



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1. Introduction

- 1.1. Thank you for the opportunity to submit evidence to the Committee on the Planning (Scotland) Bill. CAMRA, the Campaign for Real Ale, warmly embraces the broad aims of the Bill and supports any initiative to make the planning system more accessible to the public.
- 1.2. CAMRA is a UK consumer group with over 5,100 members in Scotland that acts as the independent voice for real ale drinkers and pub goers. Our vision is to have quality real ale and thriving pubs in every community.
- 1.3. In addition to the current provisions of the Bill, CAMRA is calling on the Committee to give consideration to these additional policy measures:
 - Remove the planning loophole that allows non-listed pubs and those outside conservation areas to be demolished without planning permission, preventing communities from objecting to such plans.
 - Issue national planning policy guidance that affirms pubs as community facilities, and that their unnecessary loss should be guarded against through the adoption of robust local planning policies.
 - Adopt the 'Agent of Change' principle into national planning policy guidance
 - Provision within the Bill to support measures contained in the Community Empowerment Act, and create an advisory service along with a system of grants and loans to help people taking over their local pub.

2. The social and community value of pubs

- 2.1. The beer and pub sector in Scotland supports nearly 60,000 jobs and contributes £1.7billion to the economy annually. However, pubs have been found to have a beneficial effect on individual wellbeing.
- 2.2. The 'Friends on Tap' Report was commissioned by CAMRA from Oxford University. The report found that people who identify as having a 'local' pub have more close friends and feel more engaged with their local community. One of the key recommendations of the report was that 'city planners and developers make greater efforts to ensure that communities have local pubs readily available to them', recognising the vital role that the planning system has to play in the retention of pubs.
- 2.3. The sense of community which pubs provide is also vital in preventing social isolation. Research by the Campaign to End Loneliness found that 52% of over 65s surveyed stated that having someone to sit with helped to ease feelings of loneliness, while 35% said that eating with someone helped.
- 2.4. The social value of pubs is linked to their role as community facilities, especially in rural areas. With closures of village shops, libraries and post offices, pubs are now diversifying at a faster rate than ever before and offering services beyond the supply of food and drink to their customers.
- 2.5. CAMRA maintains that pubs are the safest and most regulated environment in which to drink alcohol as both the sale and

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consumption is supervised, and in a social setting. This is in stark contrast to the off-trade where alcohol is consumed off site and sold at much lower price points. When surveyed, 59% of adults in Scotland stated that they considered drinking moderately in the company of others had a beneficial effect on personal wellbeing.

3. Further policy considerations

3.1. Demolition of pubs

3.1.1. Currently in Scotland it is possible to demolish freestanding pubs without any planning permission provided they are not in a conservation area or listed as a heritage site. This creates a planning loophole through which pubs can be demolished, which extinguishes the use class and makes planning permission for a different use easier to obtain.

3.1.2. CAMRA is calling for the removal of this loophole through the Planning (Scotland) Bill.

3.1.3. The closure of this planning loophole will help ensure that:

- Viable pubs that enhance community life are retained, which will benefit publicans and consumers alike
- Local communities are given the ability to comment before a valued pub is lost permanently
- Local councils are able to fully deliver on local planning policies aimed at safeguarding valued community amenities such as pubs.

3.1.4. Case studies

CAMRA has been made aware of the following cases where pubs have been demolished without planning permission, denying the local community the opportunity to comment:

- The Jooglie Brigg, Musselburgh, EH21 6ET
- Caledonian Ale House, Haymarket, Edinburgh, EH12 5EZ
- Tower Hotel, Barassie, KA10 6SG
- Howard Park Hotel, Kilmarnock, KA3 1UT

3.2. Local Development Plans

3.2.1. As stated above, CAMRA maintains that pubs are community facilities, and therefore planning policies should seek to prevent their unnecessary loss. In Scotland one pub closes each week, and the current planning loophole and weak development plan policies are contributing to this. In order to provide local communities and planning officers with robust tools to prevent the demolition and conversion of community pubs, planning guidance relating to pubs must be strong at all levels of government. The current National Planning Framework, and

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Scottish Planning Policy documents do not include reference to pubs as community facilities.

3.2.2. CAMRA believes that all local councils should include a policy in their Local Development Plan that guards against the loss of pubs. CAMRA has completed an audit of Local Development Plans and believes the following to be accurate at the time of writing:

- No council has a specific pub protection policy in place
- Three councils have policies which protect against the loss of community facilities and specify that this includes pubs
- Two councils have policies which guard against the loss of rural community facilities and specify that this includes pubs
- Seven councils have policies which restrict change to pub use, for example, not allowing conversion to pub use underneath existing residential development, where there may be an adverse impact on amenity for neighbours, or only allowing change to pub use in urban centres.

3.2.3. The National Planning Policy Framework paragraph 70, in place in England, states:

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services*

3.2.4. CAMRA would welcome further national guidance similar to that in England which affirms the status of pubs as community facilities, and that their unnecessary loss should be guarded against through robust local planning policies.

3.3. Agent of change principle

3.3.1. CAMRA supports the adoption of the Agent of Change principle into planning guidance to ensure that pubs which are small music venues do not face licensing restrictions or closure based on complaints from developments built years following the establishment of the pub.

3.3.2. CAMRA welcomed the announcement earlier this month from Sajid Javid MP, Secretary of State for Housing, Communities



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and Local Government, that the UK Government would be adopting the Agent of Change principle in English planning guidance, and notes that similar proposals are currently under discussion in Wales.

- 3.3.3. CAMRA also notes remarks made by Kevin Stewart MSP, Minister for Local Government and Housing on 5th December in response to a Topical Question from Lewis Macdonald MSP:

"I welcome Mr Macdonald's discussions with me on the issue, just as I welcome the discussions with Tom Arthur, Fiona Hyslop—the Cabinet Secretary for Culture, Tourism and External Affairs—and the industry. We all know that there have been difficulties in certain places with live music venues, and we have to do all that we possibly can to ensure that we protect that vital part of our heritage. The Government is aware of proposals in Wales, where the issue is being dealt with through planning policy rather than legislation. I am also aware that the mayor of London is looking at the agent of change principle for the next London plan and that planning policy in the state of Victoria in Australia has something similar in that regard.

As Mr Macdonald is aware from the discussions that I have had with him, I do not know whether primary legislation is necessarily required; it might be that changes to Scottish planning policy are required. However, whatever change is required, he can be assured that I will be positive on the issue"

- 3.3.4. CAMRA would welcome any forthcoming changes to planning policy to bring Scottish planning guidance into line with forthcoming changes underway in England and Wales.

3.4. Community pub ownership advisory service

- 3.4.1. There are groups in Scotland attempting to navigate through the process of community buyout, however compared to England there are few sources of funding or information for such groups seeking to take a valuable local facility into community ownership.

- 3.4.2. While a community group recently purchased the Swan Inn, Banton after successfully securing money from the Scottish Land Fund there is little else in the way of funding available, and some groups have stalled during the process. A community group trying to re-open the Crook Inn at Tweedsmuir have successfully bought the building, but are now struggling to access funds to make repairs to the building and reopen, ten years after their campaign began.

- 3.4.3. As of March this year, only 7 requests had been received under the Land Reform (Scotland) Act 2003 or the Community Empowerment (Scotland) Act 2015 in relation to the Community Rights to Buy Land in relation to public houses, two of which came from the Tweedsmuir group.

- 3.4.4. In England, the Department for Communities and Local Government provided £3.6m of funding for the 'More Than a Pub' project which was provided through Power to Change and the

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Plunkett Foundation, with the aim of supporting groups take 80 pubs into community ownership. A similar scheme of grants and support could be provided in Scotland at a much lower cost due to there being fewer in Scotland.

- 3.4.5. CAMRA would welcome measures within the Planning (Scotland) Bill to support the provisions of the Community Empowerment Act by providing a funding and advisory service for groups looking to take a pub into community ownership.

4. Contact

- 4.1. For further information please contact CAMRA:

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