



Scottish Government

Permitted Development Rights Review – Phase 3 Consultation

Section 6: Other Phase 3 Proposals – 6.2 Temporary Use of Land: Shooting Ranges

A submission on behalf of Scottish Target Shooting

Submitted on: 22nd August 2023

Response to Question 30

Introduction

On 31st May 2023, the Scottish Government issued a consultation on ‘Permitted Development Rights review – phase 3 consultation’. This consultation is a substantial review of permitted development rights (PDR). Phase 3 focusses on renewable energy equipment, replacement windows, electricity network infrastructure, reverse vending machines and temporary use of land for shooting ranges. The deadline for submitting a response is 23 August 2023. Full details of the consultation can be found by following: <https://www.gov.scot/publications/scottish-government-review-permitted-development-rights-phase-3-consultation/pages/1/>.

STS and the shooting community is primarily concerned with ‘Section 6: Other Phase 3 Proposals – 6.2 Temporary Use of Land: Shooting Ranges’ and responding to Question 30 which asks: *Do you have any comments on the potential exclusion of the use of land as a target shooting range from class 15 PDR? If such a change were taken forward, do you have views on the potential justification for exempting the activities discussed in paragraphs 6.2.4 and 6.2.5?*

1. Concerns with the Premise

1.1 We are somewhat surprised that a localised issue, that has evidentially been thoroughly investigated over the course of two years and is in the process of being regularised using existing planning powers, should result in a formal consultation on Scotland-wide changes to legislation that a) would appear to be working entirely satisfactorily, and b) has already enabled appropriate action to be taken with regard to any material planning breaches on the land in question.

2. The Importance of Shooting to Scotland

2.1 In the sporting world, target shooting is one of very few activities that is truly accessible to all and is popular amongst disabled participants for that very reason. It is a sport where all participants - male and female, young and old - can compete on an almost level playing field that requires skill, focus, dedication and practice. It is overwhelmingly positive and Scotland has some of the best shooters in the world competing on the world stage at the Commonwealth and Olympics Games, as well as other world level competitions.

2.2 The qualities and opportunities that Scotland offers for shooting sports are such that not only do people travel from all four corners of the UK to experience what we have to offer and compete here, we have global reach as well and attract participants from all over the world. Target shooting activities can range from half-day Scout or cadet groups holding airgun events to Home Nation and international full-bore competitions, all of which are likely to operate under permitted development rights and would be severely impacted upon by any restrictions to the GPDO. These events not only benefit the

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sport but the wider local economy that tourism from these events brings. Waiting periods, delays and, crucially, the significant costs associated with planning applications are likely to sink most shooting events that largely run as 'not-for-profit' events, and will no doubt harm the local economy in the process by association.

3. Existing Controls

3.1 The main legislative instrument for overseeing firearms use in Scotland is the Firearms Act 1968, along with subsequent acts and orders, including the Air Weapons and Licensing (Scotland) Act 2015. Together, the 'firearms acts' provide a framework that is routinely described as being one of the most robust and effective in the world; this framework underpins the extremely low firearms crime figures and a firearms community who are already tightly regulated, safe, respectful and overwhelmingly responsible.

3.2 The firearms acts determine who is allowed to possess firearms and the specific circumstances relating thereto. They can also assess land for suitability, with amenity issues being a consideration alongside safety, and permits can be issued for specific events or activities. Explosives and hazardous materials, which can have a relationship with firearms use depending on the firearms in question, are also governed by their respective legislation.

3.3 The Environmental Protection Act 1990 gives responsibility for statutory noise nuisance to local authority Environmental Health, SEPA and local authorities have power to act on pollution and contaminated land. The Roads (Scotland) Act 1984 sets out powers that the Roads Authority can exercise relating to certain impacts on the safety and free flow of traffic on public roads and the Health & Safety Executive issues guidance on the safe use of guns and, under UK REACH, is involved in the regulation of lead ammunition in the environment.

3.4 It is clear that firearms use and ownership is already one of the most tightly regulated and managed areas of civilian activity in the UK. Various authorities and agencies are already tasked with the oversight of all other key considerations, ranging from public safety to amenity to environmental impacts.

3.5 The planning system does also have an existing role where the permanent, long-term use of land for fixed shooting facilities is concerned, however with so much existing regulation covering all of the key concerns, not least noise impact and public safety, there is no justification or reasonable case to be made for introducing a new legislative burden for the occasional use of land relating to only one aspect of firearms use. Such a move would undoubtedly represent unnecessary dual regulation in general terms.

3.6 More specifically, however, and with particular regard to the second half of Question 30 (namely: "Do you have views on the potential justification for exempting the activities discussed in paragraphs 6.2.4 and 6.2.5?"), were changes to introduced to Class 15 then we are unquestionably of the view that any activities or events authorised under the firearms acts must be exempt from the need to apply for planning permission. A failure to do so would introduce a clear overlap of regulatory responsibility.

4. Administrative Burden on Local Authorities (and other Agencies)

4.1 We are aware that the general ethos and trajectory of planning reform in Scotland over the past 20 years or thereby has been to reduce the bureaucratic burden on developers, communities and local authorities alike and instill more clarity, certainty and trust into the planning system. We wholeheartedly support that objective. If we consider other amendments made to the GPDO since the first significant revisions began coming online in the late 2000s, almost every amending order has represented the addition of new, often expansive, PDR to make the process more streamlined and permissive. In almost every other aspect in this consultation, the expansion of permitted development rights is the key objective.

4.2 PDR relating to fixed target shooting is at clear odds with that direction of flow and the only class lined up for a significant contraction of rights. Notably, elsewhere in the consultation document is the government's commitment to changes

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that are considered to be “in the interests of providing greater certainty”, to “introduce a more flexible approach” and, broadly speaking, to make the planning system more efficient, effective and supportive.

4.3 Given the clear potential for added complexity, confusion, cost and administrative burden that would without doubt follow if occasional fixed target shooting was omitted from Class 15, and for little to no apparent planning gain, we are of the firm belief that the government’s clear commitment in the rest of the consultation document to reducing red tape, facilitating positive development and balancing PDR so that they are fair, balanced proportionate and justified should be afforded to Class 15 and occasional fixed target shooting activities as well.

4.4 We are concerned that there will be significant scope for enforcement complaints concerning uncertainties over what does or does not require express planning permission and what is or is not enforceable. Delays caused by this will not serve the shooting community or the general public well. Much of the complexity and confusion is likely to stem from what aspects of shooting or associated infrastructure falls within the meaning of development, and where it is ‘development’, what category of use applies and what other GPDO exemptions may or may not be applicable.

4.5 If fixed target shooting was removed from the scope of Class 15, every time a complaint was received, the planning authority would have to undertake significant investigations and expend significant resource establishing, amongst other things i) the type and nature of the shooting activities; ii) the existing use of the land; iii) whether the shooting was ancillary to any existing use or constituted a material change of use or was de minimus; and iv) whether any other permitted development rights applied to some or all of the activities. This process could take a significant amount of time and be entirely disproportionate to the very occasional use of a piece of land for temporary fixed target shooting

5. Justification for Singling Out

5.1 We are not aware that occasional fixed target shooting is any more problematic than myriad other temporary land uses that occur in Scotland every day of the year without issue. We would therefore question why target shooting has been singled out in this consultation and refer back to our opening remarks with regards concerns with the premise.

5.2 We are also confident that as temporary land use activities go, the potential for noise and amenity, pollution, roads and servicing impacts stemming from fixed target shooting are considerably lower than for activities such as fun fairs and carnivals, music festivals, rural sporting events and trials etc., which operate under the same clause and are more regularly the subject of complaints and amenity concerns, yet have not been put forward for potential restrictions.

5.3 Supporting this, it is our understanding that it is exceedingly rare for shooting sports to be the subject of planning enforcement complaints generally and those relating to ‘occasional fixed target shooting’ are an even rarer subsection.

6. Significant Scope for Abuse & Inconsistencies

6.1 Were the GPDO to be amended so that ‘fixed target shooting’ activities were explicitly excluded from the scope of Class 15 all such activities would then, if they constituted development, either be subject to an application for planning permission (or enforcement action where permission is not in place) or be classed as de minimus. We are, however, aware that the definition of de minimus is moveable, imprecise and not defined in planning law, and is subject to being viewed subjectively rather than objectively. This is of significant concern and introduces a high degree of uncertainty into the process, not least when paired with the perpetual ‘fact and degree’ challenge where the materiality of many ‘change of use’ cases is concerned.

6.2 We are also aware that both individual interpretation and political stimulus can influence the definition of de minimus and given the potential for this interpretation to be varied throughout the 32 local authorities (and two national parks), we would be concerned about the potential of a patchwork of post code lotteries appearing in this area of planning. The possibility of an anti-shooting agenda leveraging any change to the planning process that is vulnerable to interpretation is real and this would negatively affect the responsible and overwhelming positive lawful use of firearms to the detriment of those individuals

Scottish Target Shooting

Scottish Target Shooting is a company limited by guarantee, incorporated in Scotland with registered number SC515115, having its registered office at Caledonia House, 1 Redheughs Rigg, Edinburgh, EH12 9DQ



Scottish Target Shooting is supported by

sportscotland
the national agency for sport



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and businesses who rely on them; however, it would also provide little in the way of certainty, clarity or consistency for the general public either.

6.3 We are aware that the definition of development, while defined in Section 26 of the Town and Country Planning (Scotland) 1997, can and is open to some interpretation, particularly where the use of land is concerned as opposed to the physical carrying out of building, engineering or other similar operations, and interpretation can vary between individual planning officers, committees and planning authorities. With the use of land being the principal issue for Class 15 temporary uses and fixed target shooting activities, this will again lead to inconsistencies of application throughout Scotland.

7. Conclusion

7.1 In conclusion, we are not supportive of the Scottish Government’s Phase 3 proposals for Class 15 of the GPDO which would, if enacted, exclude the use of land as a temporary shooting range comprising fixed targets associated with firearms, and we object to any such changes in the strongest possible terms.

7.2 We are concerned that this has arisen from a single, localised issue and is an illogical reaction and have not been made aware of any substantial or sustained public demand for changes to be made.

7.3 We have seen no evidence to suggest that there are any consequential development management issues stemming from the occasional and temporary use of land for target shooting activities, and on the very rare occasion that issues have arisen, they have been resolved under the existing planning framework.

7.4 We believe that there are more than sufficient existing controls already in place and that any additional controls may create confusion and be in conflict with existing controls creating an unworkable system.

7.5 We consider that any contraction of rights under Class 15 would have a serious and detrimental impact on a wide range of lawful shooting activities (well beyond those that have been mentioned in the consultation documentation).

7.6 We believe that these proposed changes would place an unfair, unreasonable, unjustified and costly burden on not only target shooting clubs, land managers and country sports providers but also local authorities and other agencies required to regulate this and all associated work.

7.7 There are no circumstances, no material considerations and no objective body of evidence that justify the significant damage that such changes would undoubtedly cause to not only shooting sports and activities but also planning teams and agencies. We consider the proposals to be entirely disproportionate to the low key and often imperceptible impact of temporary target shooting activities on the ground.



Further Information

About Scottish Target Shooting (STS)

Scottish Target Shooting is the governing body for the sport of target shooting in Scotland, bringing together the following key disciplines in Scotland to support development of the sport at grassroots level and performance on the international stage, as well as to discuss other matters which affect all shooting disciplines, specifically the following:

- ✓ Air Guns
- ✓ Full-bore Rifle
- ✓ Gallery Rifle
- ✓ Olympic Shotgun
- ✓ Pistol
- ✓ Smallbore Rifle

Scottish Target Shooting is recognised by **sportscotland** (the National Agency for sport in Scotland), the Commonwealth Games Council for Scotland and Commonwealth Shooting Federation as the governing body for shooting in Scotland. At the date of this submission, Scottish Target Shooting has over 900 members and 60 member clubs with a combined membership of over 2,500 target shooters.

By uniting under the umbrella of Scottish Target Shooting, these disciplines are better placed to utilise and attract commercial investment to grow the sport. A single body is also better placed to deliver clear and consistent pathways for athletes, coaches and officials, regardless of discipline, improving talent transfer and resource sharing between disciplines.

As a single body the sport is also better placed to respond to consultations such as these by representing all disciplines with a single voice, working closely with other bodies such as **sportscotland**, the Scottish Government and Police Scotland.

Specifically, on a performance level, the governing body works with **sportscotland's** Institute for Sport to prepare Scottish athletes to compete on behalf of Scotland at the Commonwealth Games and works with British Shooting to prepare Scottish athletes to compete at the Olympics and Paralympics. Scottish athletes Seonaid McIntosh was selected to represent Team GB and Lesley Stewart to select ParalympicsGB in Tokyo 2020. Seonaid McIntosh was World No. 1 in 3 Position Rifle at the end of 2019 and became the first British athlete ever to win a Gold Medal in an Air Rifle event at an ISSF World Cup, which she won in February 2023 and followed up with a Silver medal at the European Championships in March 2023.

Other STS partners include other Scottish Governing Bodies such as Scottish Disability Sport and Scottish Student Sport, Scottish local authorities and UK national shooting bodies such as British Shooting, the National Rifle Association and National Small-bore Rifle Association.

For additional information regarding Scottish Target Shooting, visit the website at: www.scottishtargetshooting.co.uk.

Contact Details for Scottish Target Shooting

Should any information be unclear or the committee wish for further information regarding any of the points raised in this response then Scottish Target Shooting can be contacted using the following details:

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