

POLICY NOTE

THE TOWN AND COUNTRY PLANNING (MISCELLANEOUS AMENDMENTS AND TRANSITIONAL SAVING PROVISION) (SCOTLAND) ORDER 2016

SSI 2016/421

1. The Scottish Ministers make the above order in exercise of the powers conferred by sections 26(2)(f), 30, 31, 275(2B) and 275(8) of the Town and Country Planning (Scotland) Act 1997 and all other powers enabling them to do so.
2. The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016 (the Amendment Order) is subject to negative Parliamentary procedure.
3. The proposed amendments reflect and strengthen existing planning policy in relation to overprovision or clustering of betting offices and pay day loan shops in certain areas.
4. The proposed amendments complement national planning policy as set out in Scottish Planning Policy (SPP)¹ and are intended to give planning authorities the opportunity to consider proposals for new betting offices or pay day lending shops in the light of local policies where these are in place.
5. This contributes to the following national outcomes:
 - We live in well-designed, sustainable places where we are able to access the amenities and services we need
 - We value and enjoy our built and natural environment and protect it and enhance it for future generations

Background

6. Concerns have been expressed in recent years about the levels of problem gambling and personal indebtedness and the prevalence of betting offices and premises selling high interest short term loans – often referred to as pay day lending (PDL).
7. The regulation of financial services is a reserved matter for the UK Government and Parliament. The power to legislate on the regulation of gambling also remains largely reserved to the UK Government and Parliament.
8. However, as described in its Action Plan of 8 August 2014² (link below), following the earlier Summit on Gambling and Pay Day Lending in Scotland's Town Centres and

¹ <http://www.gov.scot/Resource/0045/00453827.pdf>

² <http://www.scotland.gov.uk/Topics/Built-Environment/regeneration/town-centres/PayDayLendingActionPlan>

Neighbourhoods, the Scottish Government is taking steps within its current devolved powers to address concerns about these matters where it can.

Relationship to existing policy

9. The planning issue relates to concerns about the negative impact of overprovision or clustering of betting offices and pay day lenders on the character and amenity of town centres and shopping areas and the wellbeing of communities. The SPP, published in June 2014, recognised these concerns and the role of planning in addressing them (paragraph 67 of SPP);

‘There are concerns about the number and clustering of some non-retail uses, such as betting offices and high interest money lending premises, in some town and local centres. Plans should include policies to support an appropriate mix of uses in town centres, local centres and high streets. Where a town centre strategy indicates that further provision of particular activities would undermine the character and amenity of centres or the well-being of communities, plans should include policies to prevent such over-provision and clustering.’

10. The Amendment Order supports this policy aim. The effect of the Amendment Order is to amend the Town and Country Planning (Uses Classes) (Scotland) Order 1997 (the UCO) to remove betting offices from class 2 (financial, professional and other services) and to add both betting offices and pay day loan shops to the list of uses excluded from the various use classes. This means that any material change of use of premises to such offices or shops would require a planning application.

11. Where a planning application has to be submitted, planning authorities will have the opportunity to consider the application against any local policies that may be in place regarding clustering or overprovision of betting offices or pay day loan shops.

12. The Amendment Order also amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 to ensure that, as at present, a change of use from a pay day loan shop or a betting office to a use in class 2 or in class 1 (shops) of the UCO does not require a planning application.

Consultation and Business and Regulatory Impact assessment

13. Public consultation on amendments to the UCO was undertaken in 2014. Further conversations between Planning and Architecture officials and betting office operators and pay day loan providers were held in 2016. These conversations and the consultation responses were taken into account in the drafting of the Amendment Order and the accompanying Business and Regulatory Impact Assessment.

14. The Business and Regulatory Impact Assessment is attached.