

Proposals for a licensing scheme and planning control areas for short-term lets in Scotland

Pre-screening for the Strategic Environmental Assessment

Scottish Government

December 2020

1. Introduction

- 1.1. Seven impact assessments have been prepared in respect of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2021 (“the Licensing Order”) and the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021 (“the Control Area Regulations”):
- A **Business and Regulatory Impact Assessment (BRIA)**, examining the likely costs and benefits of the Licensing Order and Control Area Regulations.
 - A **Children’s Rights and Wellbeing Impact Assessment (CRWIA)**, which is used to identify, research, analyse and record the impact of a proposed law or policy on children’s human rights and wellbeing.
 - The results summary of **Equalities Impact Assessment (EQIA)**, examining the impact on different people and groups, prevent discrimination and identify opportunities to promote equality.
 - A **Data Protection Impact Assessment (DPIA)** is required by the General Data Protection Regulation (GDPR) for all projects (including new policy and regulation) involving personal data and privacy.
 - A summary assessment against the **Fairer Scotland Duty** aims to help the public sector make better policy decisions and deliver fairer outcomes. The duty focuses on socioeconomic inequality issues such as low income, low wealth, and area deprivation.
 - An **Island Communities Impact Assessment (ICIA)** is required by the Islands (Scotland) Act 2018 where a policy or strategy is “likely to have an effect on an island community which is significantly different from its effect on other communities”. The requirement to carry out an Island Communities assessment is not yet in force yet but Scottish Government has committed to completing them for new policies.
 - A summary of the pre-screening document for the **Strategic Environmental Assessment (SEA)**. The SEA helps to protect the environment by allowing planners and decision makers to consider the likely significant environmental effects of plans, programmes and strategies.
- 1.2. All of the impact assessments examine the impact of Licensing Order and Control Area Regulations. The proposals are summarised and the consultation process and outcomes explained in chapters 1 to 7 of the *Consultation report on proposals for a licensing scheme and planning control*

areas for short-term lets in Scotland (“the 2020 consultation report”) which can be found at: www.gov.scot/publications/short-term-lets/.

- 1.3. The policy objectives and design principles (which may be found at **Annex D** of the 2020 consultation report) are common to all of the impact assessments.

Policy objectives

- 1.4. The high-level policy purpose behind the licensing and planning control area interventions is intended to be as follows:
- **Licensing** – to ensure short-term lets are safe and address issues faced by neighbours; and to facilitate local authorities in knowing and understanding what is happening in their area and handling complaints effectively.
 - **Control areas** – to help manage high concentrations of secondary letting (where it affects the availability of residential housing or the character of a neighbourhood); to restrict or prevent short-term lets in places or types of building where it is not appropriate; and to help local authorities ensure that homes are used to best effect in their areas.

Contribution to national outcomes

- 1.5. The regulation of short-term lets supports the following National Performance Framework objectives:
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
 - We have thriving and innovative businesses, with quality jobs and fair work for everyone.
 - We tackle poverty by sharing opportunities, wealth and power more equally.
 - We live in communities that are inclusive, empowered, resilient and safe.
 - We value, enjoy, protect and enhance our environment.
 - We are creative and our vibrant and diverse cultures are enjoyed widely.

2. Pre-screening for the Strategic Environmental Assessment

- 2.1. A pre-screening notification¹ was issued on 9 October 2020 with the following brief summary of the likely environmental consequences:

These new powers provide local authority with the means to manage short-term lets in order to improve safety and to try to provide a quality experience for visitors. It is our view that new powers would have no impact on most environmental receptors. Those receptors such as Human Health, Population and material assets which are likely to experience some positive effects from these new powers are still considered to be safely within the minimal threshold and therefore exempt from Strategic Environmental Assessment as per Section 7 of the Environmental Assessment (Scotland) Act 2005.

- 2.2. No issues were raised.

¹ PRE01073.