

NOTTINGHAM CITY COUNCIL

LOCAL PLAN PART 2 EXAMINATION

Statement of Common Ground as agreed between:

**1) Power Leisure Bookmakers Ltd. represented by
Planning Potential (3728)**

and

2) Nottingham City Council

in respect of

**Matter 5 Development Management Policies – Sustainable
Growth**

Date:12 November 2018

Purpose

To identify areas of common ground with regards to Matter 6 (Development Management Policies – Sustainable Growth) between Power Leisure Bookmakers and Nottingham City Council, in respect of the City Council’s Proposed Post Submission Changes.

Background

- 1.1 This Statement of Common Ground (SoCG) is in response to the Issues raised by the Inspector in the Matters, Issues and Questions during the examination of the Nottingham City Land and Planning Policies Development Plan Document - Local Plan Part 2 (LAPP). Specifically this relates to the following questions:

Matter 6: Development Management policies – Sustainable Growth

Issue 3: City, Town, District and Local Centres

Policy SH2: Development within Primary Frontages

Q5. Is consideration 2 i) in policy SH2 (along with a similar consideration in policies SH3 and SH7) which indicates that proposals will be assessed against whether it would have a negative impact on the economic and social wellbeing of local residents justified and in particular in this context is the specific reference in the supporting text to Pay Day Loan Shops and Betting Shops justified? If so, is the consideration capable of effective implementation? How would the Council assess whether or not a proposal would have a negative impact on the economic and social wellbeing of residents?

Policy SH3: Development within Secondary Frontages

See Q5 in relation to policy SH2 which also applies to consideration f) in policy SH3.

Policy SH7: Centres of Neighbourhood Importance (CONIs)

Q3. See Q5 in relation to policy SH2 which also applies to criterion d) in policy SH7.

- 1.2 At the Consultation stage of the Publication version LAPP (2016), Power Leisure Bookmakers Ltd. (3728) raised a number of representations in relation to Policies SH2 (Development within Primary Frontages), SH3 (Development within Secondary Frontages) and SH7 (Centres of Neighbourhood Importance (CONIs)) and the accompanying Justification Text

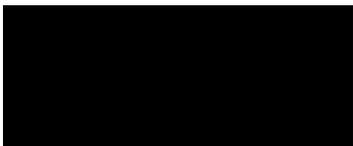
in paragraphs 3.103, 3.110 and 3.135. These comments were subsequently repeated at the Revised Publication Consultation stage (2017).

- 1.3 In responding to the Inspector's Matters Issues and Questions, the City Council reconsidered its approach to these policies in relation to Betting Shops and put forward Proposed Post Submission Change (PPSC) Numbers 19, 20, 21, 22, 24 and 25 (as set out in Appendix 1). Following this, the City Council liaised with Planning Potential (who are the agent for Power Leisure Bookmakers Ltd.) to establish whether the PPSCs met the objections of their client. Planning Potential indicated that, with the addition of two further amendments to the original PPSCs, that all of Power Leisure Bookmaker's representations would be resolved. The City Council also supports these two further amendments and they are therefore set out as PPSC 44 and PPSC 45 in Appendix 1.
- 1.4 Appendix 2 of this SoCG details all of the representations made by Power Leisure Bookmakers Ltd. during the Publication and Revised Publication Stages and clarifies that each of the representations have been met by the PPSCs proposed in Appendix 1, (including the two further PPSCs to those already set out in the City Council's response to Matter 5).

Conclusion

- 1.5 This SoCG sets out that City Council's reconsidered policy approach to Betting Shops (as set out in PPSCs 19,20, 21, 22, 24, 25 and two further PPSCs 44 and 45) resolve all of the objections submitted by Power Leisure Bookmakers Ltd.

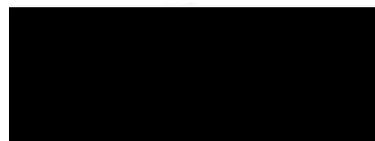
Signed on behalf of Nottingham City Council



**Nottingham
City Council**

Position: Director Planning and Regeneration

Signed on behalf of Power Leisure Bookmakers
Ltd.



PADDYPOWER.

Position: Senior Planner, Planning Potential

Appendix 1: Details of how the Proposed Post Submission Changes (PPSC) meet the objections of Power Leisure Bookmakers Ltd.

PPSC Number	Para Ref/Policy	Detail of the PPSC	Does the PPSC meet with Agreement from Power Leisure Bookmakers?	Is a further change required?
PPSC19	Policy SH2: Development within Primary Frontages	Delete Criterion 2 i) of Policy SH2 "i) whether the proposal would have a negative impact on the economic and social wellbeing of local residents."	Yes	No
PPSC20	Policy SH2: Development within Primary Frontages	Amend justification text to Policy SH2 as follows: "3.100 Beyond the City Centre, the defined Town, District and Local Centres will continue to be the focus for retail provision in line with NPPF and Core Strategy. These Centres have a wider role as a focal point within communities, a place to meet, socialise, gain access to services and pursue leisure interests. <u>Above all, the policy will seek to ensure that centres remain vital, attractive and provide a diverse retail offer.</u> <u>3.100a Nottingham has high levels of deprivation and poor health and was ranked as the 8th most deprived local authority out of 326 local authority districts in England according to the 2015 Index of Deprivation. Research on the spatial distribution of Payday Loan Shops (and Betting Shops) shows that they tend to locate in areas which experience high levels of health and economic deprivation (e.g. research by Landman Economics 2014 and 'Betting, Borrowing and Health' – Southwark Council 2014). Specifically, in relation to</u>	Yes	No

		<p><u>these uses, it is important that further development does not lead to any clusters or concentrations which would lead to negative impacts.</u></p> <p><u>3100b Due to there being such a diverse range of town and local centres with distinct identities and characters, the policy will assess non A1 uses in relation to specific locational circumstances taking into account, for example, the number of non A1 units, length of non A1 frontage, amount of active frontage and clustering of single uses rather than specifying proportions of non A1 frontages for town centres.</u></p> <p>3.101 Changes in shopping behaviour and trends towards internet based shopping reinforce the already acknowledged importance of other complementary main town centre uses to the vitality and viability of Centres. This has also been recognised by the Government with the introduction of more flexible Permitted Development rights to allow change of use of some retail units to other uses without the need for planning permission.</p> <p>3.102 The Government has also responded to concerns over the growth of Pay Day Loan shops in the high street. In March 2015 the Government confirmed that Pay Day Loan shops would no longer be included within the A2 Use Class but would become ‘sui generis’ meaning that planning permission is now required for such uses. This was in response to concerns over the impact that such uses can have on the retail character and attractiveness of an area but most importantly the potential negative impact on the social and economic wellbeing of local communities.</p> <p>3.103 Nottingham has high levels of deprivation and poor health and was ranked as the 8th most deprived local authority out of 326 local authority districts in England according to the 2015 Index of Deprivation. Research on the spatial distribution of Pay Day Loan shops (and betting shops) shows that they tend to locate in areas which experience high levels of health and economic deprivation (e.g. research by Landman Economics 2014 and ‘Betting, Borrowing and Health’ – Southwark Council 2014). The Council will resist proposals which do not assist in reducing</p>		
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		<p>inequality and which may further harm the economic and social wellbeing of residents. In considering proposals, the Council will review the social and economic characteristics of the local area including reference to the Government's Indices of Deprivation and where appropriate information from other agencies on the nature of inequality and deprivation in the area.</p> <p>3.104 If necessary, further guidance to support the enhancement of Centres will be provided, particularly where Centres are identified as being in decline and/or underperforming, or where significant additional provision and change is required to meet identified need."</p>		
PPSC21	Policy SH3: Development within Secondary Frontages	<p>Delete criteria f) SH3 as follows: "f) whether the proposal would have a negative impact on the economic and social wellbeing of local residents."</p>	Yes	No
PPSC22	Policy SH3: Development within Secondary Frontages	<p>Amend justification text to Policy SH3 as follows: "3.110 The Justification Text to Policy SH2, is also relevant to Policy SH3 <u>in relation to Payday Loan and Betting Shops</u> and the Council will carefully consider and resist proposals to ensure that development <u>does not lead to any clusters or concentrations of these uses</u> which could have a negative impact on the economic and social wellbeing of residents."</p>	No	<p>Yes a further Proposed Post Submission Change is required and agreed by both Power Leisure Bookmakers and Nottingham City Council to change the wording highlighted below:</p> <p>PPSC 44</p> <p>"3.110 The Justification Text to Policy SH2, is also relevant to Policy SH3 <u>in relation to Payday Loan and Betting Shops</u> and the Council will carefully consider and resist proposals to ensure that development <u>does not lead to any clusters or concentrations of single uses</u> which could have a negative</p>

				impact on the economic and social wellbeing of residents."
PPSC24	Policy SH7 Centres of Neighbourhood Importance (CONIs)	Delete criteria d) of Policy SH7; Policy SH7:- "d) whether the proposal would have a negative impact on the economic and social wellbeing of local residents."	Yes	No
PPSC25	Para 3.135 of Policy SH7 Centres of Neighbourhood Importance (CONIs)	"3.135 When assessing development proposals within CONIs the unique character of each CONI will be taken into account, along with the contribution that is made by different uses towards sustaining future local needs provision within the Centre and the on-going economic performance of the Centre. The Justification Text to Policy SH2, is also relevant to Policy SH7 <u>in relation to Payday Loan and Betting Shops</u> and the Council will carefully consider and resist proposals to ensure that development <u>does not lead to any clusters or concentrations of these uses which could have a negative impact on the economic and social wellbeing of residents.</u> "	No	Yes a further Proposed Post Submission Change is required and agreed by both Power Leisure Bookmakers and Nottingham City Council to change the wording highlighted below: PPSC 45 "3.135 When assessing development proposals within CONIs the unique character of each CONI will be taken into account, along with the contribution that is made by different uses towards sustaining future local needs provision within the Centre and the on-going economic performance of the Centre. The Justification Text to Policy SH2, is also relevant to Policy SH7 <u>in relation to Payday Loan and Betting Shops</u> and the

				Council will carefully consider and resist proposals to ensure that development <u>does not lead to any clusters or concentrations of single uses which could have a negative impact on the economic and social wellbeing of residents.</u> "
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Appendix 2: Summary of representations from Power Leisure Bookmakers Ltd. and the extent to which these are resolved by the Proposed Post Submission Changes (PPSCs)

Publication Stage

Rep no.	Policy Number	Summary of Power Leisure Bookmaker's Representation	Do the PPSCs resolve the representation
4198	SH2	Plan is not justified, positively prepared or based on a sound evidence base particularly in relation to betting shops. Not compliant with NPPF.	YES with addition of two further PPSC numbers 44 and 45
5042	SH3	Plan is not justified, positively prepared or based on a sound evidence base particularly in relation to betting shops. Not compliant with NPPF.	YES with addition of two further PPSC numbers 44 and 45
5043	SH7	Plan is not justified, positively prepared or based on a sound evidence base particularly in relation to betting shops. Not compliant with NPPF.	YES with addition of two further PPSC numbers 44 and 45
4392	SH2	Council must comply with Regulators Code which seeks to promote proportionate, consistent and targeted regulatory activity through transparency and reduction of business burdens.	YES with addition of two further PPSC numbers 44 and 45
5044	SH3	Council must comply with Regulators Code which seeks to promote proportionate, consistent and targeted regulatory activity through transparency and reduction of business burdens.	YES with addition of two further PPSC numbers 44 and 45

5045	SH7	Council must comply with Regulators Code which seeks to promote proportionate, consistent and targeted regulatory activity through transparency and reduction of business burdens.	YES with addition of two further PPSC numbers 44 and 45
4393	SH2	Agree with Policy SH2 that non A1 proposals should be adequately assessed and that general threshold policies for designated frontages are not appropriate.	YES with addition of two further PPSC numbers 44 and 45
4394	SH3	Agree with Policy SH3 that non A1 proposals should be adequately assessed and that general threshold policies for designated frontages are not appropriate.	YES with addition of two further PPSC numbers 44 and 45
4395	SH7	Agree with Policy SH7 that non A1 proposals should be adequately assessed and that general threshold policies for designated frontages are not appropriate.	YES with addition of two further PPSC numbers 44 and 45
4396	SH2	Policy SH2 (a) is unmeasurable and therefore not effective or justified and could encourage out of centre development and fails to provide specific guidelines on what an acceptable number or concentration comprises. Policies do not distinguish between non A1 uses so that an applicant will be unable to demonstrate why a specific proposal might be acceptable. Will lead to subjective rather than objective assessment. Recent appeal decision allowed 2015 after betting shops became SG Inspector confirmed that 6 betting shops in a centre was a low figure when compared to other non A1 uses in the centre. Policy does not provide clarity on what is appropriate. Should be re-worded so that proposals can be assessed on a site by site and centre by centre basis. Greenwich Council policy provided as a good example.	YES with addition of two further PPSC numbers 44 and 45
4397	SH3	Policy SH3 (b) is unmeasurable and therefore not effective or justified and could encourage out of centre development and fails to provide specific guidelines on what an acceptable number or concentration comprises. Policies do not distinguish between non A1 uses so that an applicant will be unable to demonstrate why a specific proposal might be acceptable. Will lead to subjective rather than objective assessment. Recent appeal decision allowed 2015	YES with addition of two further PPSC numbers 44 and 45

		after betting shops became SG Inspector confirmed that 6 betting shops in a centre was a low figure when compared to other non A1 uses in the centre. Policy does not provide clarity on what is appropriate. Should be re-worded so that proposals can be assessed on a site by site and centre by centre basis. Greenwich Council policy provided as a good example.	
4405	SH7	Policy SH7 (d) is unmeasurable and therefore not effective or justified and could encourage out of centre development and fails to provide specific guidelines on what an acceptable number or concentration comprises. Policies do not distinguish between non A1 uses so that an applicant will be unable to demonstrate why a specific proposal might be acceptable. Will lead to subjective rather than objective assessment. Recent appeal decision allowed 2015 after betting shops became SG Inspector confirmed that 6 betting shops in a centre was a low figure when compared to other non A1 uses in the centre. Policy does not provide clarity on what is appropriate. Should be re-worded so that proposals can be assessed on a site by site and centre by centre basis. Greenwich Council policy provided as a good example.	YES with addition of two further PPSC numbers 44 and 45
4398	SH2	Betting shops and other non A1 uses are typical town centre uses and are likely to amount to a high proportion of uses within centres prior to the adoption of the policy, many of these centres will be regarded as healthy. Policy is contrary to town centre first policy.	YES with addition of two further PPSC numbers 44 and 45
5046	SH2	Betting shops and other non A1 uses are typical town centre uses and are likely to amount to a high proportion of uses within centres prior to the adoption of the policy, many of these centres will be regarded as healthy. Policy is contrary to town centre first policy.	YES with addition of two further PPSC numbers 44 and 45
5047	SH7	Betting shops and other non A1 uses are typical town centre uses and are likely to amount to a high proportion of uses within centres prior to the adoption of the policy, many of these centres will be regarded as healthy. Policy is contrary to town centre first policy.	YES with addition of two further PPSC numbers 44 and 45
4399	SH2	Para 3.103 justifying SH2 (i) is not supported by evidence to suggest that Pay Day Loan/Betting Shops located in areas with high levels of health and economic deprivation. Evidence does not prove that these uses have a negative effect. Policy is therefore not justified or effective.	YES with addition of two further PPSC numbers 44 and 45

4400	SH3	Para 3.110 justifying SH3 (f) is not supported by evidence to suggest that Pay Day Loan/Betting Shops located in areas with high levels of health and economic deprivation. Evidence does not prove that these uses have a negative effect. Policy is therefore not justified or effective.	YES with addition of two further PPSC numbers 44 and 45
4401	SH7	Para 3.135 justifying SH7 (d) is not supported by evidence to suggest that Pay Day Loan/Betting Shops located in areas with high levels of health and economic deprivation. Evidence does not prove that these uses have a negative effect. Policy is therefore not justified or effective.	YES with addition of two further PPSC numbers 44 and 45
4402	SH2	Approach to SH2 should be revisited due to conflict with p23 of NPPF which requires positive policies and competitive town centres with diverse retail offers. Policy will have serious impact on the industry and competition between operators.	YES with addition of two further PPSC numbers 44 and 45
4403	SH3	Approach to SH2 should be revisited due to conflict with p23 of NPPF which requires positive policies and competitive town centres with diverse retail offers. Policy will have serious impact on the industry and competition between operators.	YES with addition of two further PPSC numbers 44 and 45
4404	SH7	Approach to SH7 should be revisited due to conflict with p23 of NPPF which requires positive policies and competitive town centres with diverse retail offers. Policy will have serious impact on the industry and competition between operators.	YES with addition of two further PPSC numbers 44 and 45
4406	SH2	Perceived issues relating to gambling is a matter dealt with under the Licensing Act and not a matter easily dealt with by the planning system. Already heavily regulated and subject to restrictions/conditions. Therefore para 3.103 used to justify the policy is not necessary, economic and social considerations are dealt with via licensing.	YES with addition of two further PPSC numbers 44 and 45
4407	SH3	Perceived issues relating to gambling is a matter dealt with under the Licensing Act and not a matter easily dealt with by the planning system. Already heavily regulated and subject to restrictions/conditions. Therefore para 3.110 used to justify the policy is not necessary, economic and social considerations are dealt with via licensing.	YES with addition of two further PPSC numbers 44 and 45

4408	SH7	Perceived issues relating to gambling are matters which should be dealt with under the Licensing Act and not a matter easily dealt with by the planning system. Betting shops are already heavily regulated and subject to restrictions/conditions. Therefore para 3.135 used to justify the policy is not necessary, economic and social considerations are dealt with via licensing.	YES with addition of two further PPSC numbers 44 and 45
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Revised Publication Stage

Rep no.	Policy Number	Summary of Power Leisure Bookmaker's Representation	Do the Proposed PPSCs resolve the representation
5462	SH2	Object to the inclusion of the supporting information which underpins the policy (i.e. paragraph 3.103) which is used to justify criterion i). Contend that it is unjustified and the City Council has failed to present any evidence that suggests that Pay Day Loan Shops and Betting Shops tend to locate in areas which experience high levels of health and economic deprivation. Do not consider it appropriate to group Betting Shops and Pay Day Loan Shops together.	YES with addition of two further PPSC numbers 44 and 45
5470	SH3	Object to the inclusion of the supporting information which underpins the policy (i.e. paragraph 3.110 which cross references paragraph 3.103) which is used to justify criterion f). Contend that it is unjustified and the City Council has failed to present any evidence that suggests that Pay Day Loan Shops (and Betting Shops) tend to locate in areas which experience high levels of health and economic deprivation. Do not consider it appropriate to group Betting Shops and Pay Day Loan Shops together.	YES with addition of two further PPSC numbers 44 and 45

5471	SH7	Object to the inclusion of the supporting information which underpins the policy (i.e. paragraph 3.135 which cross references paragraph 3.103) which is used to justify criterion d). Contend that it is unjustified and the City Council has failed to present any evidence that suggests that Pay Day Loan Shops (and Betting Shops) tend to locate in areas which experience high levels of health and economic deprivation. Do not consider it appropriate to group Betting Shops and Pay Day Loan Shops together.	YES with addition of two further PPSC numbers 44 and 45
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