



Community and Enterprise Resources
Executive Director Colin McDowall
Planning and Building Standards Services

Andrew Howlett
Public Petitions Committee
T3.40

Scottish Parliament
Edinburgh
EH99 1SP

Email only:

Andrew.Howlett@scottish.parliament.uk

Our ref: CER/PBS/RF
Your ref: PE1497
If calling ask for: Ruth Findlay
Phone: 01698 455943
Date: 25 February 2014

Dear Sir

CONSIDERATION OF PETITION PE1497 – Calling in the Scottish Parliament to urge the Scottish Government to give local councils and communities the power to stop unwanted supermarket expansion on their local high streets

I write in response to your letter dated 4 February in which you seek response to the following questions:

- What are your views on what the petition seeks and the discussions that took place at the meeting on 28 January?
- What has been the impact of new small local supermarkets opening in town centres?

The petition seeks to protect small independent businesses to safeguard "one of the most fundamental human needs – our easy access to healthy and affordable food". The petition seeks to change planning powers:

- to allow consideration of cumulative shop floorspace that one company operates in an area
- to change use class of shops to put large chain stores into a separate class and thereby generating a requirement for planning permission.

From the petition and discussions that took place at the meeting it is evident that the principle of preserving diversity and choice in our food supply chain and to support local businesses and their importance in economic recovery for Scotland to thrive and prosper is not in dispute. The view of the 'Say No to Tesco' campaign believes that planning policy should change to allow communities to comment on a planning application when a large chain supermarket is seeking consent to occupy a store in a high street and that cumulative floorspace of one company taken into account in the assessment of such a proposal.

The planning policy currently in place under the Town and Country Planning (Use Classes) (Scotland) Order 1997 does not require planning consent for changing occupiers within Class 1 shops. In planning terms each local authority sets out its policy for local/neighbourhood centres or high streets in their development plan. South Lanarkshire sets out in their Local Plan that village and neighbourhood centres are small groups of shops, typically comprising newsagents, small supermarket/general grocers, post office and other shops for local people, and there is a general presumption against the loss of Class 1 retail to other use classes.

Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB Phone: 08457 406080 Fax: 01698 455948
Text Phone: 01698 454039 Email: enterprise.hq@southlanarkshire.gsx.gov.uk



INVESTOR IN PEOPLE



**Healthy
Working
Lives**

::ODMA\Meridio\EDRMSDB001#2400432#2

It is considered that the issue being raised by the 'Say No to Tesco' campaign is with the nature of the occupier of a unit. The planning system has policies in place to control the use of units on high streets under the use class order and powers through conditions to control the range of goods on sale, though not to control the particular operators. Therefore it is considered that sufficient planning measures exist for high street shops. Furthermore if the changes proposed by 'Say No to Tesco' were implemented and a planning authority were minded to refuse an application on the grounds that there were too many stores of the one company in a defined area then the European Union competition law implications would require consideration.

In addition the National Review of Town Centres External Advisory Group report dated July 2013 outlines recommendations - one of which is to pilot a single "Town Centre Use Class" which could help simplify planning processes in town centres. This proposal would be to make the change of use of shops more flexible rather than increasing measures as proposed by 'Say No to Tesco'.

The second question seeks information on the impact of new small local supermarkets opening in town centres. South Lanarkshire's town centres range from large shopping malls in urban areas to high streets in small towns/villages. The Council has no evidence that large chain supermarkets occupying existing average sized units within town centres and high streets have had an impact on independent food retailers.

Taking into account the above, it is considered that changing the use class order to require a planning application for the change of use to a large chain supermarket operator would be onerous on the planning system and that sufficient measures exist within the use class order.

I trust the above is of assistance.

Yours sincerely

Michael McGlynn
Head of Planning and Building Standards