



## PLANNING BULLETIN

### The Gaming Bill – Casinos

**The Gaming Bill was introduced on 18 October 2004. The Bill proposes the replacement of the entire existing British law on gambling.**

Licensed operators will be able to locate gambling premises in any licensing authority area. They will no longer have to prove unmet demand in their chosen location, or ensure that it is within a permitted area designated in secondary legislation.

### Casino Numbers

The Government has taken the view that the risk of an increase in problem gambling will be reduced if a limit is imposed on the number of casinos. There is therefore an initial limit of 8 Regional, 8 Large and 8 Small casinos. A Government appointed independent advisory panel will identify recommended areas for each category of casino.

Regional Spatial Strategies (RSSs) are to establish the locational criteria appropriate to regionally and sub-regionally significant leisure uses, or to identify the broad location of major new leisure developments. Their proposals will feed into the recommendations of areas for the initial 8 Regional casinos. Suitable locations would need to optimise their contribution to tourism and regeneration.

No earlier than 3 years after the award of the first premises licence, the Government will ask the Gambling Commission to advise on whether the introduction of the new types of casinos has led to an increase in problem gambling or is increasing that risk. The Government also wants to assess what the regeneration and other economic outcomes have been.

### Planning Implications

The Government does not consider that a separate national planning policy statement on casinos is required. However there will be further clarification and development of its planning policy in respect of casinos in a finalised PPS6.

National planning policy guidance directs all casinos to town centre locations. However, the ease of accessibility to such casinos is argued to encourage problem gambling. At this stage, the mechanism for regional planning bodies determining suitable locations for Regional casinos, in particular, is unclear. It is therefore likely that such applications will be called-in by the Secretary of State.

For all 3 categories of casinos the specific sites will be designated by local planning authorities (LPAs) in their Local Development Frameworks, having regard to national policy and the RSS.

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None of the Bill's proposals will affect the ability of LPAs to refuse to have a new casino of any size in their area.

Casinos currently fall within Use Class D2 (Assembly and Leisure). Existing Class D2 premises can therefore be converted to casinos, as no new planning permission has to be sought. Such premises could be developed as Regional casinos without being included in a RSS. In these cases, planning benefits will not be able to be negotiated, as new planning permission will not have been granted. However, the Secretary of State for Culture, Media and Sport has announced that all gambling premises will either be a separate use class or treated as a sui generis use to help ensure that planning benefits can be obtained from all new casinos. The latter option is likely to be favoured and will be decided later this year.

### Timescale

Further to the scheduled final sitting of Committee in January 2005, the next stage of the process will be a Third Reading in the Commons before the Bill enters the House of Lords.



The Dome, Greenwich Peninsula On behalf of potential operators Kerzner, CgMs carried out an audit of the planning application submitted by Anschutz (who are developing the Dome as an entertainment venue) for the erection of decked floorspace of some 150,000sq ft, to be used as a casino. This involved the consideration of the robustness and detail of the proposal and changes to the Use Classes Order. Greenwich Council subsequently granted permission.



Land adjacent to Leeds United Football Stadium Acting on behalf of potential investors, CgMs provided advice on the prospects of planning permission being forthcoming for a casino on a 7-acre site adjacent to the stadium. Stanley Leisure has subsequently announced plans for a 150,000sqft casino, a hotel, restaurants, bars, leisure facilities and designer shops.

This is a brief summary; for further information or a discussion on the implications for your property decisions, please contact:

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