

Our Ref.: RA/2014DCLG

15 July 2014

Mr Steve Quartermain
Chief Planner
Department for Communities and Local Government
Eland House
Bressenden Place
London SW1E 5DU

Dear Mr Quartermain,

The Theatres Trust Annual Return to the Department of Communities and Local Government

Background

Under the provisions within the Planning and Compulsory Purchase Act 2004 and in accordance with Planning Policy Guidance (ID.15) 'Consultation and pre-decision matters', The Theatres Trust, as a statutory consultee, is required to:

- a) provide a *substantive response* to consultations on pre-planning and registered planning applications within 21 days upon receipt of the documentation forming the consultation; and
- b) submit a *report (Annual Return)* to the Secretary of State in compliance with the provisions under the Planning and Compulsory Purchase Act 2004 and the Planning Policy Guidance (PPG).

Provide a substantive response

Under Section 54 of the Planning and Compulsory Purchase Act 2004, The Theatres Trust is required as a statutory consultee to provide a substantive response to planning consultations. A substantive response is one which:

- states that the consultee has no comment to make;
- states that, on the basis of information available, the consultee is content with the development proposed;
- refers the consultor to current standing advice by the consultee on the subject of the consultation' or
- provides advice to the consultor.

Theatres Trust consultee status

England: The Theatres Trust delivers statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO), Articles 16&17, Schedule 5, Para (w), that requires the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.

Wales: The Theatres Trust delivers statutory planning advice on theatre buildings and theatre use through the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Article 14, Part 3 (Paragraph (r) of Schedule 4) definition, which states that the Trust should be consulted in relation to any 'development involving any land on which there is a theatre.'

Protecting theatres for everyone

Director Mhora Samuel **Chairman** Rob Dickins CBE

Trustees Nick Allott OBE, Dara Ó Briain, Ruth Eastwood, Tim Foster, Oliver Goodwin, Prof Gavin Henderson CBE, Jerry Katzman, Dame Penelope Keith DL, Judith Mellor OBE, Peter Roberts, Matthew Rooke, Simon Ruddick, Ann Skippers, Anna Stapleton

ANNUAL RETURN

The purpose of the Annual Return is to provide the Department of Communities and Local Government (DCLG) with The Theatres Trust's performance in meeting its statutory deadlines in terms of the number of consultation requests received at the pre-application and registered planning application stages and the number of such consultation requests which were responded to within 21 days or within an agreed time frame. The Theatres Trust also identified key issues or challenges faced by The Theatres Trust as a statutory consultee.

Set out below, therefore, are tables and statistics for the period between 01 April 2013 and 31 March 2014 demonstrating the number of pre-planning and registered planning application consultations in England and Wales received by The Theatres Trust and compliance within the 21 day or agreed extended deadline from the Local Planning Authority.

The number of pre-planning and registered planning application consultation requests within the reporting period: 01 April 2013 to 31 March 2014 received by The Theatres Trust.

Consultation type	
The number of consultation requests received from local planning authorities (England and Wales) on registered planning applications	96
Number of consultation requests from developers (England and Wales) at the pre-planning application stage	3
Total	99

Statistics

During the period between 01 April 2013 to 31 March 2014 The Theatres Trust received a total of 99 pre-planning and registered planning application consultations in England and Wales. 97 were received from England and 2 were received from Wales. Pre-planning application consultations equated to 3% of the total number of consultations by The Theatres Trust during the period.

Timeliness of responses on registered pre-planning and planning application consultations

	Registered application		Pre-planning application		Total	Total %	Total No.
	No.	%	No.	%			
Total number of application consultations dealt within 21 days	75	78.2	3	100	78	78.8%	78
Total number of application consultations dealt within an agreed extended deadline	4	4.1	0	0	4	4.0%	4
Total number of application consultations in Non-compliance within 21 days or agreed deadline	17	17.7	0	0	17	17.2%	17
Total	96	100	3	100	99	100%	99

Statistics

During the period between 01 April 2013 to 31 March 2014, The Theatres Trust provided a substantive response to 99 pre-planning and registered planning application consultations and responded to 78 consultations within the statutory deadline of 21 days. This equates to 78.8% of the total consultations received. The Theatres Trust also provided a substantive response to 4 consultations (equates to 4.1% of the total consultations) where the 21 day deadline had been extended by agreement of the local planning authority or a developer. Overall, The Theatres Trust provided a substantive response to a total of 82 pre-planning and registered planning application consultations either within the statutory deadline of 21 days or extended by agreement.

This equates to an overall response rate of 82.8% within the statutory deadline of 21 days or extended by agreement during the period between 01 April 2013 to 31 March 2014.

Key issues and challenges faced by The Theatres Trust as Statutory Consultee

1. The Theatres Trust spends a considerable amount of time pursuing applications where the Local Planning Authority did not originally consult the Trust. The main reason for this is often that the planning officer is not aware of the requirement to consult The Theatres Trust as set out within the relevant DMPO or the PPG. We are delighted that in the PPG there is direct reference to the Statutory requirement to consult with The Theatres Trust. However awareness of this in the PPG would be helpful.
2. However, there is also a problem that our consultation requirement within the Orders is not clear. Both Orders state 'development involving any land on which there is a theatre'. This is not helpful as planning officers fail to consult the Trust if a theatre is in another use because it is not apparent it was a former theatre.
3. Adjoining development continues to affect theatres business operation and viability. Often we are not consulted on applications which affect theatres on land adjoining a theatre. Currently there is a real issue concerning relaxation of planning regulations regarding new residential uses adjoining or over theatres having an impact on theatres viability.
4. The time spent in ensuring that we are properly consulted, reminding local authorities of the Trust's remit, and establishing that planning applications should be sent to the Trust would be better spent on processing statutory referred casework.
5. Plans should be made available as soon as possible following the start of the consultation period, not a few days or a week later. The effect of this reduces the potential consultation period.
6. The Trust is not a statutory consultee on applications for Listed Building Consent to listed theatres and therefore is not able to totally fulfil our role as set up by Act of Parliament in 1976. The Trust would like be included as a consultee in new guidance for Heritage Applications affecting theatres.

Please do not hesitate to contact us if we may be of further assistance.

Yours sincerely,



Ross Anthony
Planning Adviser