

Our Ref.: RA/2016\_AR\_DCLG



12 April 2016

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

Dear Mr Quartermain,

## **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 Article 23 of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015, 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 DMPO 2015.

### **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 2015 (DMPO), Schedule 4, Para (x), that requires the Trust to be consulted on planning applications for '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, Schedule 4, Para (r), (as amended in 2016) which requires the Trust to be consulted in relation to planning applications for Development involving:

- (i) any land on which there is a theatre;
- (ii) residential development (excluding householder development) within 50 metres of a theatre (not falling within paragraph (i)); or
- (iii) a proposed theatre.

## **Protecting theatres for everyone**

**Director** Mhora Samuel **Chair** Tim Eyles  
**Trustees** Nick Allott OBE, Richard Baldwin, Dara Ó Briain, Paddy Dillon, Ruth Eastwood, Oliver Goodwin, Prof Gavin Henderson CBE, Jerry Katzman, Dame Penelope Keith DL, Judith Mellor OBE, Peter Roberts, 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.

Set out below, therefore, are tables and statistics for the period between 01 April 2015 and 31 March 2016 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 2015 to 31 March 2016 received by The Theatres Trust.**

Consultation Type	England	Wales
The number of consultation requests received from local planning authorities (England and Wales) on registered planning applications	116	1
Number of consultation requests from local planning authorities (England and Wales) at the pre-planning application stage	0	0
Number of consultation requests from developers (England and Wales) at the pre-planning application stage	7	0
Total	123	1

### Statistics

During the period between 01 April 2015 to 31 March 2016 the Theatres Trust received a total of 124 pre-planning and registered planning application consultations in England and Wales. 123 were from England and 1 was from Wales. Seven pre-planning application consultations equated to 6.7% of the total number of planning 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	
	No.	%	No.	%	No.	%
Total number of application consultations dealt within 21 days (E+W)	108	92.3	7	100	115	92.7
Total number of application consultations dealt within an agreed extended deadline (E+W)	112	95.7	0	0	119	95.9
Total number of application consultations in Non-compliance within 21 days or agreed deadline (E+W)	5	4.3	0	0	5	4.1
Total	117		7		124	

## **Statistics**

During the period between 01 April 2015 to 31 March 2016, the Theatres Trust provided a substantive response to 124 pre-planning and registered planning application consultations in England and Wales and responded to 115 consultations within the statutory deadline of 21 days. This equates to 92.7% of the total consultations received.

The Theatres Trust also provided a substantive response to four consultations where the 21 day deadline had been extended by agreement of the local planning authority. Overall, the Theatres Trust provided a substantive response to a total of 119 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 95.9% within the statutory deadline of 21 days or extended by agreement during the period between 01 April 2015 to 31 March 2016.

## **Local and Neighbourhood Planning**

During the period between 01 April 2015 to 31 March 2016, the Theatres Trust provided a substantive response to nine Local Plan consultations in Wales, 297 Local Plan consultations in England, and nine Neighbourhood Plan consultations within the deadlines provided.

The Neighbourhood Planning (General) Regulations came into force on 6 April 2012. Provision within the regulations requires The Theatres Trust to be consulted on Neighbourhood Development Orders and Community Right to Build Orders because the Trust is a consultation body specified within Schedule 1 (b). The Trust does not wish to be consulted on all Development orders or Community right to build orders, only where there is an existing theatre or one is proposed. The Theatres Trust was consulted on 1 Community Right to Build Order during the period between 01 April 2015 to 31 March 2016.

## **Theatres Trust Statutory Remit**

As noted above, the Trust's statutory remit in Wales was expanded (from 16 March 2016) to include planning consultations for residential development within 50 metres of a theatre. This to help facilitate quality residential development where amenity and noise issues next to a theatre can cause conflict. The remit now also includes 'a proposed theatre' to clarify proposals for new theatres should also be referred to the Trust.

To aid the Theatres Trust to provide better protection for theatres, as per the Theatres Trust Act 1976, we request that should an opportunity arise that our remit in England is aligned with our statutory remit in Wales to include residential developments within 50 metres of a theatre and proposed theatres.

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

Yours sincerely,



Ross Anthony  
Planning Adviser