

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 Circular 08/2005, 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 in accordance with Circular 08/2005.

Providing 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.

ANNUAL RETURN

The purpose of the Annual Return is to provide the Department of Communities and Local Government 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 timeframe. The Theatres Trust also has to provide a summary of reasons why the statutory deadline has not been met and any 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 2009 and 31 March 2010 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 2009 to 31 March 2010 received by The Theatres Trust.

Consultation type		
The number of consultation requests received from local planning authorities on registered applications	102	88%
Number of consultation requests from developers at the pre-application stage	14	12%
Total	116	100%

Statistics

During the period between 01 April 2009 and 31 March 2010, The Theatres Trust received a total of 116 pre-planning and registered planning application consultations in England and Wales. Pre-planning application consultations equated to 12% of the total number of consultations by The Theatres Trust during the period 01 April 2009 and 31 March 2010.

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

	Consultation				
	Registered application		Pre-planning application		Total
	No.	%	No.	%	No.
Total number of application consultations dealt within 21 days	81	79	10	71	91
Total number of application consultations dealt with within an agreed extended deadline	16	16	4	29	20
Total number of application consultations in Non-compliance with 21 days or agreed deadline	5	5	0	0	5

Statistics

During the period between 01 April 2009 and 31 March 2010, The Theatres Trust provided a substantive response to 91 consultations within the statutory deadline of 21 days. This equates to 78% of the total consultations received. The Theatres Trust also provided a substantive response to a further 20 consultations (17%) where the 21 day deadline had been extended by agreement of the local planning authority or a developer. During the period April 2009 to March 2010, The Theatres Trust provided a substantive response to a total of 111 pre-planning and registered application consultations either within the statutory deadline of 21 days or extended by agreement.

This equates to an overall response rate of 95% within the statutory deadline of 21 days or extended by agreement during the period between 01 April 2009 and 31 March 2010.

Only 5 consultations (all registered planning applications) were not carried out within the statutory deadline of 21 days of receipt or an agreed extension period. This equates to 5% of the total number of application consultations received.

Summary of reasons why statutory deadlines have not been met

Reason for a response being late	Number of responses	Percentage of responses
Awaiting further plans	1	1
Complicated response requiring more time	3	3
Staff capacity (holidays, illness)	1	1

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

The Theatres Trust spends a considerable amount of time pursuing applications where the Local Planning Authority did not originally consult us. The reasons for this might include planning officers not being aware of the requirement to consult the Trust in the GDPO, or because the theatre is in another use and therefore it was not apparent it was a former theatre. The time lost in chasing referrals, reminding local authorities of our remit and establishing that planning applications should be sent to us would be better spent on processing statutory referred casework.

Plans should be made available as soon as possible following the start of the consultation period, not a few days to a week later, which is current common practice. The effect of this reduces the potential consultation period. Plans and documents submitted by applicants to the local planning authority should be of suitable quality. All documents should be submitted electronically by applicants so that individual pages do not have to be scanned (sometimes badly) by council employees. If documents and plans are not clear they should not be accepted by the local planning authority and be re-presented by the applicant. We often have to request plans by CD which extends the consultation process.