

Draft National Planning Policy Framework Response Form

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I am responding on behalf of an organisation, The Theatres Trust

Policy Questions

1a. The Framework has the right approach in establishing and defining the presumption in favour of sustainable development.

We strongly disagree.

1b. Comments.

[Para 9] In our opinion, the definition of 'sustainable development' in the NPPF is appropriate but the presumption in favour of sustainable development is not balanced or workable. We believe that culture is a core planning principle. Culture keeps the spirit of places alive and is essential to our wellbeing. Whilst the NPPF includes '...that all people should be able to enjoy a better quality of life, both now and in the future' it makes no reference to culture, the arts and theatres. It lacks any reference to the fundamental role culture plays in achieving economic prosperity and wellbeing. It also lacks recognition that cultural interests are identified in the Localism Bill in relation to defining community assets, social wellbeing and interests (through an amendment by Baroness Hanham (10 October 2011)).

We believe that there is a need to strengthen the guidance by making explicit reference to culture at appropriate points in the text to reflect this recent amendment and to ensure a properly balanced presumption in favour of sustainable development. In our response we have provided proposed text changes which we believe would recognise the role of culture in sustainable development and provide greater clarity within the NPPF and its consistency with the Localism Bill.

[Para 9] The UK Government's Sustainable Development Strategy, 'Securing the Future' published in 2005 said that sustainable communities should be 'fair, tolerant and cohesive with a strong local culture' and that there should be 'opportunities for cultural, leisure, community, sport and other activities.'

[Para 9] Globally, local authorities recognise that culture is the fourth pillar of sustainable development. The 'United Cities and Local Governments' (UCLG), which represent over 1000 cities across 95 countries, and includes the Local Government Group in England, approved in 2010 a policy statement recognising culture as the fourth pillar of sustainable development, next to economic growth, social inclusion and environmental balance.

[Para 9] It should also be noted that The Welsh Assembly Government's Sustainable Development Scheme, 'One Wales: One Planet' published in 2009, states 'We have a legal duty to sustainable development'. In its chapter on 'The Wellbeing of Wales', it says that it wants to ensure 'Wales' rich culture, values and traditions are celebrated, particularly through encouraging diversity, distinctiveness and promoting the Welsh language'. The strategy promotes 'A rich and diverse culture' which has as one of its aims to ensure that the 'cultural environment of Wales is protected and sustained for all to enjoy'.

[Para 10, bullet 1] The DCMS works with Department for Communities and Local Government on using the arts to regenerate local communities and recognises the important contribution that the arts make to the UK economy. It identifies issues that limit economic and artistic growth and works with the industry to overcome them but there is no consideration of policies to support culture's contribution to economic development within the NPPF.

[Para 10, bullet 2] The DCMS believes that the arts can help individuals and communities by bringing people together, strengthening relationships between local residents, welcoming differences and removing social barriers. It works with the Department of Health on ways that the arts can help improve wellbeing in the UK. Yet culture is not referred to within the NPPF under health and wellbeing.

[Para 10, bullet 2] Proposed text change: 'Planning for People', the last sentence in this bullet point should read 'with accessible local services that reflect a community's needs and supports their health, social and cultural wellbeing'.

[Para 10, bullet 3] The Theatres Trust welcomes the recognition of cultural heritage in the NPPF and the use of the planning system to protect and enhance our natural, built and historic environment. However this only covers a small percentage of theatres in England that are designated as a result of their architectural and historic significance. It makes no reference to the contribution that the arts, in particular theatres and public art initiatives make to enhancing the quality of the built environment.

[Para 18] This policy is welcomed. Cultural infrastructure is referenced in the Community Infrastructure Levy Overview [May 2011 from DCLG] which acknowledges that cultural infrastructure is an important element of local infrastructure that can be funded by the levy. A direct reference to the CIL Overview would be helpful.

[Para 19, bullet 2] At present, leisure, sport and heritage matters are explicitly recognised and given the same prominence in the draft NPPF through their genesis in PPG17 and PPS5 but cultural interests relating to the arts and theatres are not. If there continues to be no recognition of culture, the arts and theatres in the NPPF's sustainable development principles they are then directly threatened by the presumption that 'Decision-takers at every level should assume that the default answer to development proposals is 'yes', except where this would compromise the key sustainable development principles set out in this Framework'.

[Para 19, bullet 6] The reduction of policy guidance, particularly in relation to PPS4: Planning for Sustainable Economic Growth and its accompanying Good Practice Guide, in the new NPPF, has meant there is a lack of clarity surrounding culture, the arts and theatres and the role they play in achieving 'vibrant places' particularly in relation to balanced sustainable development for the success and vitality of the evening economy of town centres. This is particularly the case for theatres which are unique, special buildings that make a contribution to local economies, the built environment and the quality of life of communities and are *sui generis*.

[Para 15] If we are to achieve a less complex, balanced and accessible planning system and one which promotes truly sustainable development, economic development and wellbeing then culture, the arts and theatres have to be recognised. The inclusion of culture will provide clarity within local and neighbourhood plans and will ensure there is sufficient guidance for the future allocation and protection of existing land, assets, buildings and facilities for cultural uses for those involved in development management.

[Para 19, bullet 9] Proposed text change: Should read 'planning policies and decisions should take account of and support local strategies for social interests, including in particular cultural, recreational, and sporting interests to improve health and wellbeing for all'.

2a. The Framework has clarified the tests of soundness and introduced a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

We strongly disagree.

2b. Comments.

[Para 23, bullet 2] Proposed text change: Should read 'the provision of retail, leisure, cultural and other commercial development'.

[Para 23, bullet 4] Proposed text change: Should be amended to read 'Local Plans should... include strategic policies to deliver cultural and community infrastructure'.

[Para 24, bullet 4] In setting out strategic priorities for their area strategic policies should include references to cultural development and the provision of cultural, arts and theatre facilities. This would include site allocation, cultural infrastructure (to guide the application of the Community Infrastructure Levy towards cultural infrastructure) and policies for the protection of cultural facilities.

[Para 24, bullet 6] We believe that it is important that the special nature of theatres continues to be recognised and protected by their *sui generis* use 'class' to ensure that any change of use or development must be taken through the planning process.

[Para 27] It is also important that local plan making undertakes a proper assessment of cultural interests supported by 'adequate, up-to-date and relevant evidence' relating to cultural, arts and theatres needs, from the perspective of economic, environmental and wellbeing outcomes and that these are fully integrated into local and neighbourhood plans. The Government's own recently published 'Measuring National Wellbeing – Measuring what matters: National Statistician's reflections on the National Debate on Measuring National Wellbeing', identifies the importance of work/life balance, stating 'The 'Taking Part' survey (by the Department for Culture, Media and Sport) showed links between partaking in cultural and sporting activities and improving wellbeing'. Attendance at cultural events is recorded in the DCMS Taking Part Survey 2010/11 as being 67.1% of all adults of 16 or more years of age, excluding cinema. Some reference to the Taking Part Survey in the NPPF would be helpful and the DCMS's definition of culture and the arts should be reflected in a definition of 'cultural interests'.

[Para 30, bullets 1, 3, 4, 5] Many local authorities define culture as distinct from leisure. Leisure is synonymous with sport whereas culture is associated with arts and theatres. This is reflected currently in their Local Development Frameworks. Any evaluation of requirements for land or floor space for economic development should include cultural uses, particularly where they may be of a commercial nature, including entertainment, and where they may have a positive impact on improving the performance of town centres and support the regeneration of 'locations of deprivation'.

[Para 30, bullet 1] Proposed text change: Should read '...retail, leisure and cultural development'.

[Para 31, bullet 1] Proposed text change: Should read '...assess the quality and capacity of... health and social care, social infrastructure in particular cultural, recreational and sporting infrastructure, waste and flood defence infrastructure...'

[Para 38] If culture is not included in the NPPF, local and neighbourhood plans may not take account of cultural needs in forward planning, to the detriment of the wellbeing of communities. For coherence, clarity and continuity and to ensure that by its omission this does not lead to further lack of guidance, culture must be included in policies guiding local and neighbourhood plan making within the NPPF at local and neighbourhood levels, particularly in relation to achieving wellbeing.

[Para 38] Proposed text change: Should read '...take account of the health status and social interests, in particular cultural, recreational and sporting interests, and needs of the local population...'

[Para 40] In addition cultural infrastructure is referenced in the Community Infrastructure Levy Overview [May 2011 from DCLG] which acknowledges that cultural infrastructure is an important element of local infrastructure that can be funded by the levy.

2c. The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

We strongly disagree.

2d. Comments.

[Paras 45, 46 and 47] In planning across local authority boundaries there needs to be an appreciation of cross-authority cultural, arts and theatres provision, particularly for national and regionally significant theatres whose audience catchments cross over council borders. Joint working proposals need to include consideration of existing and relevant cultural infrastructure. This will help to ensure that existing cultural, arts and theatres provision continues to be viable in the context of planning for any new and additional cultural infrastructure.

[Paras 44, 45, 46] The Theatres Trust does not believe that the NPPF, together with the 'duty to cooperate' will provide a sufficient basis for larger-than-local strategic planning on culture. Without any reference to culture, the arts or theatres in the NPPF it is not explicit that the duty-to-cooperate would cover these sectors, particularly where future provision of national and regional theatres was at stake.

[Para 48] At an Inspectorate level if the NPPF is silent on culture our fear is that Inspectors will not consider the need for specific policies on culture, the arts and theatres in local plans, as they do currently. Under examination local authorities core strategies policies on cultural uses are being further strengthened. For example the London Borough of Islington Core Strategy Policy 14 had a sentence stating that 'Existing cultural facilities will be promoted and protected'. During the Core Strategy Examination the Inspector decided to make a number of changes including replacing this sentence with stronger guidance, 'the council will protect and enhance the existing arts and cultural uses and encourage new arts and cultural uses, particularly within town centres'. The justification for the change was to clarify the approach to arts and culture. The Inspector also said that 'A key issue for the Core Strategy is building on the Borough's strengths as a cultural and arts destination. ...This change reinforces the relevant special objective ... to provide a clear strategic policy framework for protecting and developing such uses throughout Islington. It is endorsed to ensure effectiveness.'

3a. In the policies on development management, the level of detail is appropriate.

We strongly disagree.

3b. Comments.

[Para 55] Without concise NPPF policies that establish culture's contribution to sustainable development The Theatres Trust fears the resulting loss of theatre buildings in towns and cities that may already have little else in the way of cultural facilities. The protection of theatres is essential if future generations are to have the opportunity to experience the joys of drama, dance, music and opera. Theatre buildings contribute to the quality of the built environment especially in a town centre, and to the wider historic setting. The Opera House in Workington is one example where a local group is campaigning to see the theatre re-opened as an arts facility. This former theatre already has permission for demolition for a commercial development.

[Paras 58, 61] The Theatres Trust delivers statutory planning advice on theatre buildings and theatre use 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.' This applies to all theatre buildings. We actively encourage pre-application consultations and believe that we offer a highly 'proactive' approach to development proposals. Our role ensures that cultural interests, as they relate to theatres, contribute to the wellbeing of communities, economic prosperity, and the quality of the built environment.

[Para 64] The Theatres Trust does not believe that Local Development Orders should be considered in the context of theatres. Theatres are *sui generis* and should continue to require a full planning application to be made when any development is being considered. Theatres are highly complex buildings and require particular attention when undertaking development.

[Para 70] Where a non-theatre related development concerns a theatre, the use of planning obligations and conditions must be applied in order to safeguard and protect the cultural interests of the community's wellbeing.

The Theatres Trust believes that where a theatre is lost due to development for other uses consideration must be given to the provision of a like-for-like replacement facility or equivalent financial contribution towards theatre use within the catchment of the development. Provision of a replacement theatre or financial contribution should not be stated as a reason for undermining the viability of development proposals.

4a. Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

We disagree.

4b. What should any separate guidance cover and who is best placed to provide it.

The loss of guidance relating to culture in Planning Policy Statement 4: Planning for Sustainable Economic Growth and its practice guide is of major concern to The Theatres Trust. As government-backed guidance it provides clarity and authority in relation to the promotion of arts and culture in town centre policies by local plan makers. There are around 1400 theatre buildings in theatre use across the UK and as many again in other uses or unused.

Without the detail of PPS4 guidance in relation to cultural provision planners may overlook the need to consider the contribution theatres and the performing arts make to the vibrancy of communities and town centres within their local and neighbourhood plans.

It is worth noting that in the case of the Aylesbury Waterside Theatre which opened in 2010, Aylesbury Vale District Council Planning Committee report specifically quoted the text on planning for cultural and tourism from PPS6 (the precursor to PPS4) as a reason for supporting the granting of planning permission for the new theatre within the town centre. The venue has a 1,200-seat auditorium that converts into a 1,800-capacity hall for standing events, and a 225-seat suite for smaller events including dance, drama, meetings and conferences.

The majority of theatres and cultural facilities are not statutory listed and thus have no protection unless specified within a local plan and could easily be demolished to make way for shops, offices and housing, leisure or sports facilities because it could be argued that a use referenced in the NPPF is deemed more of a priority and that there needed to be a more commercial return from the use of the land. No matter how large a campaign to save local cultural facilities there is no guarantee this will have any affect without clear local plan policy. Witness the Brent Libraries High Court ruling. The new chapter on Sustainable Communities is welcomed in this regard. In light of the amendment to the Localism Bill with reference to 'Social interests' including in particular 'cultural interests' we have made suggested textual changes later in our response.

As the National Advisory Body for Theatres and a statutory consultee we offer detailed guidance on theatre development proposals. This advice and guidance is welcomed by those who are promoting cultural interests, specifically theatres, and who recognise the value of our guidance. We provide this advice freely and it comes with our authority as a statutory consultee. It therefore has status, but would be further strengthened by having Government acknowledgement within the context of the NPPF.

We would welcome and support the development of guidance that specifically supported the promotion and protection of cultural interests and the arts in relation to economic development, design, sustainable communities and the built environment associated with implementation of the NPPF. The Theatres Trust would be pleased to have a role in developing and offering this guidance.

5a. The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.

We strongly disagree.

5b. Comments.

[Para 71 and 72, bullet 2] Culture, the arts, and theatres make a significant contribution to the vitality and viability of town centres and policies within this chapter should incorporate this. In September 2010 Visit Britain estimated that tourists who visited the theatre in 2009 helped boost the UK's economy by £2.8 billion and said that this 'shows that British theatre is making a massive contribution to Britain's economy.'

[Para 73, bullet 1] The relationship between the NPPF to other national statements of planning-related policy is not sufficiently clear. The chapter within the NPPF on 'Business and Economic Development' incorporates the current policies within Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) but it does not bring forward PPS4's distinction between leisure, and the arts and culture. PPS4 contains important policies that help to promote and protect theatres in towns and cities.

[Para 73, bullet 2] We believe it is vital that policies which 'promote the vitality and viability of town centres' make reference to allocation of suitable sites to meet the scale and type of cultural developments in town centres. Please also see our comments to Para 19 and Question 4.

[Para 73, bullet 4] Suggested text change: Should read: 'positively plan for the location, promotion and expansion of clusters or networks of knowledge driven, cultural, creative or high technology industries'.

[Para 73, bullet 5] Suggested text change: Should read: '...economic regeneration, social interests, infrastructure provision and environmental enhancement'.

[Para 73, bullet 6] Suggested text change: Should read: 'facilitate new working practices such as live/work, for example affordable artists workspace/studios'. Some theatres in the UK benefit financially and artistically from associated live/workspace provision that they have created and manage for artists and production companies.

6a. The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

We strongly disagree.

6b. Comments.

[Para 76] The policies within the NPPF do not currently encourage cultural development in any locations nor do they protect the vitality and viability of town centres in relation to cultural uses. The references within Planning Policy Statement 4 where it explicitly refers to theatres offers clarity to plan makers and the development management system. At paragraph 7.4 (page 3) PPS4 it includes reference to 'arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)'. More explicitly Policy EC4.2 states: 'Local planning authorities should manage the evening and night-time economy in centres. Policies should: encourage a diverse range of complementary evening and night-time uses which appeal to a wide range of age and social groups, making provision, where appropriate, for leisure, cultural and tourism activities such as cinemas, theatres, restaurants, public houses, bars, nightclubs and cafes'. We would ask that these references be reintroduced within the NPPF to offer better guidance and clarity to plan makers in relation to cultural provision.

[Para 76] The absence of these references means that the NPPF does not integrate national planning policy in respect of the Government's commitment to culture and the arts and the sectors supported by the Department for Culture, Media and Sport (DCMS). As stated in Arts Council England's 2011 paper on 'Supporting growth in the arts economy', '...our best arts and cultural infrastructure (the most open theatres, connected media centres and interdisciplinary art spaces) have become the 'spikes' and 'intersections' for creative exchange, operating at once as places (and digital spaces) of creative business transaction, inspirational cultural experience, education, and cross-sector innovation'.

[Para 76] It is interesting to note that the Scottish Government 2010 Scottish Planning Policy chapter on 'Sustainable Economic Growth', covering Town Centres and Retailing, states 'Town centres should be the focus

for a mix of uses including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses.'

[Para 76, bullet 1] Suggested text change: Should read: 'recognise town centres as the heart of their communities and pursue policies to support the viability, vitality and cultural vigour of town centres'.

[Para 76, bullet 5] Suggested text change: Should read '...retail, leisure, cultural, commercial and community services...' thereby allocating suitable numbers of sites for cultural uses, including theatres.

[Para 76, bullet 7] Suggested text change: Should read '...retail, leisure and cultural proposals...' thereby ensuring there is provision for cultural uses.

[Para 77] Suggested text change: Should read '...retail, leisure and cultural uses...'.

[Para 78] Suggested text change: Should read '...retail, leisure and cultural uses...'.

[Para 79] Suggested text change: Should read '...retail, leisure and cultural development...'.

[Para 80] Suggested text change: Should read '...the impact of retail, leisure and cultural proposals...'.

7a. Transport. The policy on planning for transport takes the right approach.

We disagree.

7b. Comments.

We generally support the policies within this chapter. However we would like there to be an analysis of any impact upon cultural interests within Transport Statements or Transport Assessments. As well as encouraging transport solutions that can provide better public transport and widen participation in cultural, arts and theatres and reduce in carbon emissions we are conscious, through our work as a statutory consultee, of the need to ensure that transport solutions do not have a negative impact on the viability of theatres. Many theatres remain 'road' locked by the introduction of ring road schemes that restrict pedestrian flow to the theatre building.

[Para 91] Suggested text change: Should read '...employment, shopping, leisure, cultural, educational and other activities'.

[Para 92] Suggested text change: Should read: '...key facilities such as primary schools, local community and cultural facilities and shops should be located within walking distance of most properties.'

12a. Design. The policy on planning and design is appropriate and useful.

We agree.

12b. Comments.

[Para 114] Our belief is that everyone has an equal right to experience theatre in buildings of the highest quality (whether newly designed, purpose-built or converted), and that they are valued as community assets and cultural infrastructure.

[Para 115] Theatres are unique buildings. They announce their presence on the built environment and provide visual landmarks that attract audiences and visitors. This in turn provides a ready-made source of destination marketing for town centres. The exterior of the building and signage should be of the highest quality to provide public signals that the building is welcoming and safe. Planning policies should insist on the highest standards, enabling theatres to advertise their presence and create a focal point for the area.

[Para 117] We would welcome recognition that theatre buildings need to be able to advertise current shows on the outside of their buildings and provide signage for the theatre. We commend Westminster City Council's TheatreLand Lighting and Signage design guide as best practice in this area.

Sustainable communities. The policies create strong, vibrant and healthy communities, by creating a good quality built environment with local services that reflect community needs and support wellbeing.

We strongly disagree.

Comments.

[Para 124] Culture keeps the spirit of places alive and is essential to our wellbeing. It enhances and improves the places in which we live and the quality of the lives of communities. The performing arts, in the broadest sense, contribute to people's happiness and wellbeing. Theatre's ability to entertain, engage and involve is beyond doubt. Theatre also enables young people to demonstrate their skills and potential and supports individuals to develop an understanding of their responsibilities in society and a moral compass regardless of background and personal circumstance, delivering strong, vibrant and healthy communities.

[Para 125] The Theatres Trust welcomes this new emphasis on sustainable communities within the NPPF, however the policies within the 'sustainable communities' chapter needs to also deliver the right cultural facilities to meet local needs and not just be focused on the Green Belt. We believe that it is through culture that we facilitate social interaction and inclusive communities. We are pleased that within the amendment to the Localism Bill agreed on the 10 October 2011, buildings or land of community value could be deemed as such if in the opinion of the authority they further social interests or wellbeing and that these interests include cultural, recreational and sporting interests. The grouping of cultural, recreational and sporting interests should be reflected in policies within this chapter.

[Para 124, bullet 3] Suggested text change: Should read: '...ensure access to cultural, recreational, sporting and open spaces that promote the health and wellbeing of the community...'

[Para 126; bullet 1] Suggested text change: Should read '...community facilities (such as local shops, cultural facilities, meeting places, public houses and places of worship)... to provide greater clarity that cultural uses are included.

[Para 126, bullet 2] Suggested text change: Should read 'unnecessary loss of valued social and cultural facilities (such as theatres, galleries, libraries, museums and archives) and services...'

[Para 126; bullet 4] Suggested text change: Should read '...suitable locations which offer a range of cultural and community facilities'.

[Para 128] With the amendment to the Localism Bill which defines 'social interests' as including (in particular) each of the following '(a) cultural interests; (b) recreational interests; (c) sporting interests' we would like to see policies in relation to open space, sport and recreational buildings and land incorporate cultural facilities.

[Para 128] Suggested text amendments: Heading 'Deliver cultural, recreational, sporting facilities and open space'. 'Access to good quality buildings and open spaces and opportunities for culture, recreation and sport can make an important contribution to the health and wellbeing of communities... Planning policies should identify specific needs and quantitative or qualitative deficits or surpluses of cultural, sports and recreational facilities and open space in the local area... set locally derived standards for the provision of cultural, recreational, and sports facilities and open space'.

[Para 129] Suggested text amendment: 'Existing cultural, recreational and sports buildings and land, including playing fields should not be built on for purposes other than these unless...'

[Para 129, additional bullet] Suggested text amendment: 'it can be demonstrated that no other social, cultural, recreational or sporting use can be established for the buildings or land.'

[Para 131, bullet 2] Suggested text amendment: '...its beauty, historic importance, cultural or recreational value, tranquillity or richness of its wildlife.'

16a. Historic Environment. This policy provides the right level of protection for heritage assets.

We strongly disagree.

16b. Comments.

The Theatres Trust asks that the NPPF takes note the comments of the Heritage Alliance. We are in agreement with the response of the Heritage Alliance in matters relating to the historic environment.

Glossary

This section should include a definition of 'social interests' in accordance with the Localism Bill and any use of our recommendations. Specifically, 'social interests' include (in particular) each of the following (a) cultural interests; (b) recreational interests; (c) sporting interests.

There should also be a further definition of cultural interests to include: theatres, concert halls, art galleries, museums, libraries, public art initiatives, crafts venues and artists' studios.

The Glossary could consider a description for the term 'community assets'. Many local authorities have adopted the following description in their local development frameworks. The definition states 'These are facilities that provide for health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community'.

ENDS