

Mark Price
The Theatres Trust
22 Charing Cross Road
London WC2H 0QL
Tel: 020 7836 8591
Fax: 020 7836 3302
mark.price@theatrestrust.org.uk

By Email and Post

28 March 2006

Ms Carmel Howard
Barker Review Team
4/E1
1 Horseguard's Road
London SW1A 2HQ

Dear Ms Howard

Barker Review of Land Use Planning

I am writing in response to your consultation on the Barker Review of the land use planning system in England. The points below relate directly to the appropriate questions that apply to us in the consultation paper. We welcome the opportunity to comment.

The Trust recognises the importance of good land use planning, as our main objective is to safeguard theatre use and the potential for such use. A strong planning system is needed to reduce threats to theatre use and is essential for us in our role as a steward of theatres in the UK. We have a direct interest in land use planning as we are a statutory consultee on planning applications that affect land on which there is a theatre. The Theatres Trust was established by The Theatres Trust Act 1976 '*to promote the better protection of theatres*'.

The Trust is an authority on land use and development. Our unique perspective on theatre and experience of land use pressures facing the cultural sector across the UK informs strategic planning and other policy debates on the use and development of land as a sustainable resource for cultural benefit. We provide expert advice on design, conservation, property and planning matters to theatre operators, local authorities and official bodies. The Theatres Trust provides support to

ensure that theatres are better positioned to take advantage of the range of development opportunities within the Government's Sustainable Communities agenda.

Theatres are important cultural anchors in town centres. They provide venues for creative, cultural, leisure, entertainment and arts activities. These can include not just performances on stage, but foyer music and exhibitions, pre-performance talks and events. A flourishing arts scene helps promote local identity and vitality, and entertains and stimulates local residents and businesses. Theatres attract activity into town centres and make important contributions to the economic viability of SME-run retail outlets, hotels, bars and restaurants.

We have supported major changes to the land use planning system in England and Wales which aim to strengthen the links between planning and other areas of policy, in particular the arts, culture, leisure, town centre development, improving design in the built environment, economic development and tourism. An important part of the Trust's work is with local planning authorities in strengthening these policies in Local Development Frameworks.

In reference to your Annex 1 Question 6, which asks if the planning system is sufficiently 'joined up' with other aspects of Government Policy, we have found that in relation to theatres and the arts, a policy vacuum exists at national level. The result of this is that the ODPM is currently not including the necessary references to arts and culture in guidance documents being issued to planning authorities. This is essential if we are to ensure that theatre use is secured for the benefit of the nation.

In response to this gap The Theatres Trust publishes an Advice Note, which has been issued to all planning authorities and which sets out recommended policies to help protect and enhance theatres and cultural provision. The Theatres Trust has also been working with the ODPM on good practice guidance in relation to PPS6, qualifying the needs and benefits arising from theatre location within town centres. We would like to see this guidance incorporated into future measures to strengthen theatre and cultural provision through the planning system within Regional Economic Strategies and Regional Spatial Strategies.

One important part of the protection given to theatres is through theatres in use being regarded as '*sui generis*' in planning terms, so that any change of use needs planning consent. It is often this that triggers the requirement to consult the Trust in its role as statutory consultee. We were relieved to learn that the ODPM has decided not to change the '*sui generis*' status given to theatres, and that the Trust status as a statutory consultee is recognised and valued, with clearer guidance being given to local authorities on when it is appropriate to consult us.

Most of our planning work is undertaken by our small Planning Team guided by our Trustees which include the former Government Chief Planning Inspector, Chris Shepley and planning lawyer with SJ Berwin, Pat Thomas. In practice the major part of the Trust's work involves helping theatres that are still in use. Our latest Annual Report is attached and copies of chapters Two and Three illustrate the range of our work. It is perhaps worth noting in this context that the obligation on planning authorities to consult the Trust relates to any development that affects a theatre, rather

than simply alterations to or a change of use of the theatre building itself. Increasingly as city centres are intensely redeveloped we find that works adjacent to a theatre are inadvertently affecting such essential aspects as car parking and vehicle access for loading, or precluding a theatre's own scope for redevelopment.

Below are specific answers given to the questions raised in the consultation at Annex 1 which are of direct relevance to the Trust:

1. Is the planning system sufficiently flexible and/or responsive to the right signals to deliver the right development in the right place, given the changing economic circumstances due to globalisation, demographic change, natural resource pressures and environmental change? If not, what policy measures might help deliver this flexibility?

Cultural needs and concerns arising from aspirations to achieve of sustainable communities are currently not sufficiently addressed within the planning system. Given that cultural activity is an important element of a successful sustainable community this deficiency needs to be addressed urgently. Advisory NDPBs such as The Theatres Trust and Executive NDPB's, such as the Sports Council, English Heritage, CABE and the Arts Council are working together to encourage a more culturally responsive planning system. The Theatres Trust would like to see stronger planning policy guidance at local and regional levels to protect theatres. We would like policy guidance that addresses the architectural, economic, social and cultural significance (as well as heritage significance) of theatres and their protection for re-use at some future time. Should change of use occur, land value increases should contribute to the improvement and restoration of the theatre concerned and its potential for future re-use not be compromised. We would like to see policy guidance, across the UK, which ensured that existing theatres could not be demolished without provision of a suitable replacement and that the uplift in land value created through change of use from *sui generis* should be provided towards the provision of the new theatre, or improving theatres in that locality.

2. Do you have any views on the scope of plans at the different spatial levels in England which are now emerging following the introduction of the new system in 2004? Are there further improvements to the plan-making process at the different spatial levels in England, particularly regarding the need to encourage a positive/proactive approach to planning, which was a key theme of the new plan-making system? Does the current system strike the right balance between central direction and regional and local discretion?

We are concerned that the level of resources now required, to ensure that the Trust maintains its influence upon local, sub regional, regional and national planning policy, has increased since the introduction of the new system. We are responding to LDF and regional consultation exercises as best we can but have not been resourced sufficiently to respond to the 'proactive approach'. We would benefit from being able to draw down additional funds and resources to enable us, as a national statutory consultee, to invest properly into the process.

5. What is the impact of planning on encouraging or impeding business investment? In this context, how would you assess the potential of recent reforms to the English planning system, which are now being implemented? Are they increasing the transparency of the system and providing greater certainty for businesses? What further reforms, if any, are desirable in order to improve the transparency and effectiveness of the system still further?

From the perspective of theatres whose Planning Applications have been sent to the Trust, we note that applications made for small improvements, particularly to listed buildings, are often costly and time consuming. These do not represent value for money for the SME (theatre) or for the Planning Authority. We would be happy to contribute to further work on establishing work programmes that could create a more cost and time efficient planning permission process.

6. Is the planning system sufficiently “joined-up” with other related aspects of government policy? In particular, are Regional Economic Strategies delivering a clear economic framework to help inform Regional Spatial Strategies? Is there sufficient interaction between RDAs and RSSs when preparing their respective regional strategies and if not how might greater interaction be encouraged?

Please see the response to Question 1.

7. Planning applications for major projects will typically take a considerable time to work through all the necessary stages. Do you consider the system puts too much emphasis on speed or do you feel that is too slow? If there is an undue emphasis on speed, what are the negative consequences of this and how could they best be avoided? If the process is too slow, what could be done to overcome delays? In particular, what improvements might be made to the planning appeal system to improve its speed and efficiency?

The Trust’s work as a statutory consultee on individual planning applications provides us with a strong evidence base concerning the issues above and we would be able to provide case studies where the speed of the planning process has had an impact on the theatre development. This has been most notable where delays increase the overall cost of a development – and these additional costs have then had to be absorbed by public sector funders including the National Lottery. The Croydon Warehouse is an interesting example case. The *Warehouse Theatre* is a thriving SME which operates from a former warehouse building that lies within the Croydon Gateway redevelopment site. Although the Local Authority has poor planning policies to protect theatre use we have been able to negotiate replacement theatre schemes for the two rival applications for the site. However the planning process has been ongoing for 3 years and both competitor schemes are now before the Secretary of State. This has a negative affect on the theatre - increasing costs of development and increasing levels of delivery risk within the theatres business plan.

8. Is there evidence to suggest that the direct costs of making a planning application are deterring investment? Are there any unnecessary burdens/how might information requirements be streamlined to reduce the regulatory burden from the process of making an application?

We have not found that the direct costs of making an application are deterring investment. However we have found that Theatres operating in the voluntary sector are not familiar with the planning process. The advice and guidance we provide at The Theatres Trust is invaluable to them. We would like to be in a position to develop this advisory role and act as a channel for information between authorities and applicants.

11. To what extent does the planning system effectively support innovation through fostering the formation of business clusters and wider agglomeration of economic activity?

Theatres and cultural activity contribute significantly to the agglomeration of economic activity in town centres. Unless a local planning authority has planning policies in place to secure the future of theatre provision, a vital economic force in a town centre is often at risk when placed along side higher value, retail and commercial development schemes. Theatres are centres of innovation in towns and cities. We would like to see stronger planning policy guidance to secure the future of theatres as an important economic contributors.

12. Do planning authorities have the skills and resources required to help promote sustainable economic development? If not, what is the best way to ensure that resources match the challenges the system faces? Are there ways to increase further efficiency of process?

Our main concern is that the new system is quite labour intensive, and that the changes are being driven primarily to speed up the delivery system without the potential cost to the equality of the outcome. We recognise that policy sections within planning departments are often under staffed and under resourced. It is vital that there is a proactive approach drawing upon skills with other sections within the local authority and that they draw upon voluntary resources. Although the Government provides a planning delivery grant Councils are allowed to use the money which ever way they feel appropriate. It may be more suitable to ring-fence some of the funds towards the improvement of sustainable development.

13. Are the new arrangements for stakeholder engagement in the plan-making process succeeding in engaging those representing economic interests, including SMEs? If not, what are the barriers to that engagement and how might they be addressed?

Question 12 relating to skills and resources of planning authorities could equally be applied to the skills and resources available to SMEs, or theatres in our case, to contribute to stakeholder engagement. These barriers to participation, which we also touched upon in question 8, means that theatres and other cultural and creative industries interests associated with theatre provision are increasingly approaching the Trust for information and advice. We are limited only by the limits of our own resources to support them. As an advisory NDPB, The Theatres Trust is looking to expand and develop its Planning Team to support better engagement of theatre SMEs in the plan-making process. We would be pleased to discuss these plans with members of the Barker Review.

14. Are there ways that the incentive structure for decision-makers and local communities can be improved so that a balance is achieved between local interests and the interests of the wider community regarding proposals for economic development?

Please refer to Question 1.

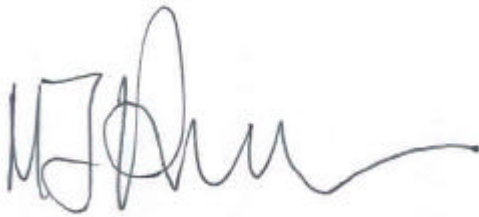
15. Economic development can help achieve the regeneration and renaissance of urban and rural areas. Are there ways which planning could strengthen economic performance in regions, sub-regions (including city regions) and at the local level?

Please refer to Question 1.

The Theatres Trust would like to comment on any further consultation and make a positive contribution through the Trust's statutory role and experience into any recommendations.

Please let me know if we can be of further assistance or if you need clarification.

Yours sincerely

A handwritten signature in black ink, appearing to read 'MJP', with a long horizontal flourish extending to the right.

Mark J Price
Planning Adviser