



Our Ref.: MP/O/34

17 August 2009

Policy Team  
Historic Scotland  
Room 2.9  
Longmore House  
Salisbury Place  
Edinburgh EH9 1SH

Dear Sirs,

### **The Ancient Monuments and Listed Buildings (Amendment) (Scotland) Bill**

The Theatres Trust downloaded this consultation paper from your website seeking views on the proposed provisions of the Ancient Monuments and Listed Buildings (Amendment) (Scotland) Bill. I have set out below the remit of The Theatres Trust and general comments as they relate to the Trust.

#### **The Theatres Trust**

The Theatres Trust is the National Advisory Public Body for theatres and a statutory consultee on planning applications affecting land on which there is a theatre. This applies to all theatre buildings, old and new, in current use, in other uses, or disused. It was established by The Theatres Trust Act 1976 and The Theatres Trust (Scotland) Act 1978, *'to promote the better protection of theatres'*.

The Theatres Trust has the powers to acquire or hold any theatre or land required for the benefit of any theatre, contribute to the acquisition of any theatre or land, and maintain or assist in the maintenance of any theatre. We operate nationally in England, Wales, Scotland and Northern Ireland providing an authoritative and knowledgeable source of expert advice and information on theatres, promoting the value of theatre buildings, developing the debate on what makes a good theatre, and championing their future.

Our aim is to provide leadership in the statutory planning and protection of theatres and to develop a strategic approach to achieving better protection for theatres.

The main objective of The Theatres Trust is to safeguard theatre use or the potential for theatre use. Our focus for delivering this is through statutory consultation on planning and listed building applications, assisting in the maintenance of theatres, and by offering pre-application advice and information on theatres and performing arts buildings in relation to architecture and design, heritage and conservation, property and planning, regeneration and development and theatre use. We provide our services to a wide range of individuals, institutions and organisations including theatre owners and managers, local authorities, elected government representatives and the public.

### **Protecting theatres for everyone**

**Director** Mhora Samuel **Chairman** Rob Dickins CBE  
**Trustees** Jason Barnes, Phil Clark, Marilyn Cutts, Venu Dhupa, Tim Foster, Penelope Keith CBE DL,  
Dr Pauleen Lane CBE, Baroness McIntosh of Hudnall, Chris Shepley CBE, Sam Shrouder,  
Dr Phyllis Starkey MP, Pat Thomas OBE, Ben Twist

We recognise the importance of establishing a heritage protection system to safeguard and sustain heritage assets as an essential resource. The most successful towns and cities have integrated the preservation of historic theatre buildings within their planning, regeneration and cultural objectives and have enshrined these principles in their current Local Plans or are developing new Development Plans. Historic theatres are regularly at the heart of planning policy related to the built environment, economic and social development, tourism, quality of life and community cohesion.

There are over 750 listed theatres in the UK, not all of which were originally constructed as theatres. The earliest still in use, Bristol's *Theatre Royal* (Grade I), was opened in 1766, and the latest, *The Barbican*, was built between 1971 and 1982 (Grade II). Around one third of the listed theatres throughout the UK have been converted to other uses. There are more than 50 listed theatres in Scotland and of the purpose-built ones, 18 are Grade A and around 30 are Grade B. The earliest purpose-built theatre in Scotland is the Dumfries *Theatre Royal* dating from 1792 (Grade B) and the latest is the *Eden Court Theatre* constructed between 1973 and 1976 (Grade A).

We are therefore particularly pleased to be able to comment on this consultation for Historic Scotland. We would also be willing and interested to work on complementary or similar Advice Notes in Scotland and would be grateful to be added to your consultation list.

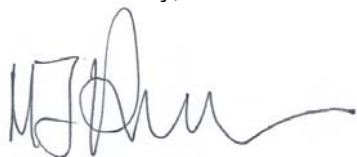
#### **General comments on the consultation**

The Trust particularly supports Section 25 – Liability of owner and successors for expenses of urgent works. Paragraph 2.40 states that Section 25 will amend existing legislation by enabling a notice of liability for expenses to be registered in the appropriate property register against the listed building, and that at present the planning authority and Scottish Ministers are limited to pursuing recovery of expenses from whoever was the owner at the time notification under Section 50 (2) was served. We support the Scottish Government in wishing to improve the powers to recover such expenses. The additional provision will give power to recover costs from the new owner. This would be pertinent to a theatre group wishing to negotiate the purchase cost of a historic theatre because they would be able to talk down the asking price to take on board these additional costs.

We have no further comments at this stage but look forward to having future discussions about taking policies forward.

I hope you find this useful. Please do not hesitate to contact us if we can be of further assistance.

Yours sincerely,

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

Mark J Price  
Planning and Architecture Adviser