

When to consult the Church Buildings Council

ChurchCare



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The **Faculty Jurisdiction Rules 2013** explain when the Church Buildings Council may or must be consulted over proposed works that are subject to faculty. This guidance note explains how the Rules are used in practice. It replaces guidance previously issued in September 2010 that predated the 2013 Rules.

It is most often at an early stage that advice from the Church Buildings Council, along with that of the Statutory Consultees, can have the greatest impact.

Early referral can also save the potential for frustration caused if advice is received after considerable time and expense has gone into working up detailed proposals. Referrals should always be with the knowledge of the DAC (and will usually be from the DAC Secretary).

Early advice by English Heritage and the amenity societies is dealt with by Rule 3.4 and schedule 1 of the Rules. However, the Council

can often be usefully consulted at the same time as the amenity societies.

Consultation with the CBC under Rules 3.6(6) and 3.6(8) follows the issuing of the DAC Notification of Advice.

However, when it is apparent that a matter falls under these Rules the Council welcomes consultation before the Notification of Advice is issued (for the reasons set out above).

To help the Council to provide advice the parish must have made a start with preparing the Statements of Significance and Need (Rules 3.2 and 3.3). When these documents are not available (even in draft form) the Council will advise

that they are prepared before giving substantive advice.

Where **Conservation, alteration or disposal of an article of special historic, archaeological or artistic interest, or commissioning new works of art (including stained glass)** is proposed, consultation with the CBC by the Chancellor is mandatory under Rule 8.6. The Chancellors can also refer any other case at their discretion (Rules 8.7). If there has been early consultation with the CBC it can satisfy the requirements of these Rules.





In addition to the provisions made in the Rules the Diocesan Pastoral and Mission Measure 2007 requires the CBC to consider requests for advice over applications or possible applications for the grant of a faculty (although the Council is not obliged to comment every time it is asked). The following section sets out the type of works that it is most likely to consider.

What is it appropriate to refer to the Church Buildings Council?

The Church Buildings Council expects to be asked about cases which involve **significant impact to Grade I and Grade II*** listed church buildings. **Significant impacts are those which would result in a lasting change to a church building, its interior or setting.**

In coming to a view about the potential impact of the proposals DACs may find the following grid helpful. As a guide cases should be considered for referral if they tick two or more of the shaded boxes. For example a new extension on the existing footprint would need to have a high impact to be considered for referral from a Grade II* listed building.

	<i>Grade I</i>	<i>Grade II*</i>	<i>Grade II</i>
IMPACT	High	high	high
	moderate	moderate	moderate
	low	low	low
PROPOSAL	Major liturgical reordering	yes	yes
	Major reordering and reseating	yes	yes
	Major lighting schemes	yes	yes
	Subdivision	yes	yes
	Entirely new extensions	yes	yes
	Extensions on existing footprint	yes	yes
	Landscape and curtilage	yes	yes
	Archeological remains	yes	no
	Affecting ancient trees, protected species, wildlife	yes	yes

Note: The Council will usually only consider Grade II listed buildings where there is a major proposal, usually with a high impact on the liturgical arrangements, unless there is a special reason to do so. When it is helpful to do so it will consider exceptional unlisted twentieth-century ensembles.





Other factors which should prompt a referral:

- Novel or unusual proposals which may set a precedent that could help CBC to disseminate knowledge and experience,
- cases where there are widely differing views,
- cases where the DAC cannot provide expert advice, or such advice is at variance with others' views,
- sensitive context (e.g historic importance, major visitor attraction),
- untypical and historic building services installations.

Conservation issues

There is one situation where consultation with the CBC is mandatory; Rule 8.6 relating to articles of particular historic, architectural, archaeological or artistic interest and their introduction, conservation or disposal. This Rule clearly covers a potentially wide range of faculty applications. The following list indicates the type of thing that it is helpful to refer:

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| <ol style="list-style-type: none"> 1. monuments (all historic monuments and nineteenth-century and later monuments with special historic or local significance), 2. churchyard structures Listed Grade I and II*, 3. timberwork (all historic timberwork and nineteenth century and later timberwork that provides an intact example of the architect's or craftsman's work), 4. historic metalwork (including external railings) and church plate, 5. textiles (all historic textiles and nineteenth-century and later works with known artist/maker), 6. historic books and manuscripts, 7. wall paintings (all historic wall paintings and nineteenth-century and later works with known artist/maker), 8. historic and/or artistically significant | <ol style="list-style-type: none"> 9. paintings on canvas and wood, 10. historic and/or artistically significant stained glass and plain historic glazing (all historic stained glass and nineteenth-century and later work with known artist/maker), 11. organs (particularly those that have a BIOS Historic Organs Certificate) that are intact examples of their builder's work and/or instruments of outstanding character. 12. bells (particularly works that involve change to or loss of a bell or bell frame identified on the Council's list of bells and bell frames of high historic significance). This includes proposed tuning and recasting; works that involve the loss of timber frames or conservation of frames including significant amounts of new material. 13. clocks (all proposals involving timber framed clocks; works involving change to or relocation of |
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metal/metal and timber framed clocks; total loss of any clock.

How the Council will respond to requests

In the majority of cases considered by the Council a visit will be arranged to the church to discuss the proposals. The CBC will always be represented by an officer who will often be accompanied by a member of the Council. The visit is to ensure that the delegation have fully understood the proposals and seen the site at first hand in order to report to the CBC to enable a full discussion of the scheme and relevant issues.

The CBC officer will arrange the visit with a representative from the Parish, liaising with the DAC Secretary, and will welcome the attendance of the incumbent, churchwardens, architect and anyone else involved in the proposed works as well as representatives from the DAC. Some DACs may wish to arrange meetings of all interested parties at an early stage. This is usually very productive and wherever possible the CBC will arrange for an officer, at least, to be in attendance.

The report of the visit will be discussed at the next CBC meeting and the resulting advice will be sent in writing to the DAC within 10 days of the meeting.

The CBC meets on seven occasions throughout the year. Dates of the CBC meetings are available on ChurchCare together with contact email addresses for all members of staff. Please note that although the Council is not subject to the 28 day time limit imposed on the other consultees it will normally deal with referrals at the next available Council meeting. If a matter is deferred to the DAC this will be indicated within 28 days, and usually sooner.

8 January 2015

