



## Diocese of Ripon & Leeds Diocesan Advisory Committee Guidelines

### HOW TO GET YOUR FACULTY

A 'Faculty' is the document indicating formal approval from the Church of England authorities for proposed alterations or extensions to church buildings and churchyards and changes to their contents. Following the advice contained in this sheet will help you to understand and follow the process more efficiently. Proper use of the faculty process helps the local church by getting useful advice and avoids delays in getting the work undertaken.

Under the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 which came into force on 1 March 1993, faculties are granted either by the Chancellor of the diocese or by the Archdeacon.

In deciding whether to grant a faculty, the Chancellor is guided by the Diocesan Advisory Committee (DAC). This guidance note has been prepared by the DAC for the Ripon & Leeds Diocese to help parishes to understand the process.

A faculty is normally needed for the following:

1. Building or other work to the fabric of a church, or to a building in a churchyard or curtilage of a church (eg Lychgate or churchyard walls).
2. Internal reordering or change of use of a church or part of a church.
3. Reordering of a churchyard.
4. The introduction of furniture or contents, or memorials and plaques in churches.
5. The disposal of items situated in the church building.
6. Repairs to the church, treatment of wood infestations, taking down stonework, redecoration.
7. Fabric of a building includes items fixed to it such as fittings, organ, bells, clock, heating system, sound enhancement systems, lights, security systems etc.

**This list is merely a guide and you should always seek the advice of your Archdeacon at the earliest opportunity or when you request a faculty application form.**

The fact that an item is not a fixture, ie it can be moved or is temporary does not mean that a faculty is not required. Faculties are required for introducing or disposing of all items not included in the de minimis list – a list of work agreed by the Chancellor that

does not require a faculty. A copy of this is held by your Archdeacon. Faculties are required for communion plate, processional crosses, lecterns, holy tables and vestry furniture; carpets, painting; sound, lighting and heating systems; etc.

There are a few cases where a faculty is not required, in particular;

1. An Archdeacon may issue a licence for temporary reordering or rearrangement of the contents of a church with a view to seeing if proposed arrangements are generally acceptable.
2. Tombstones which, by reason of their conventional size, shape and material, may be authorised by the incumbent – see the Chancellor’s Rules for Churchyards.
3. Items and works as set out in the Chancellor’s Guidance List. The Archdeacon will advise you whether he considers that your proposal is one that falls within that list.

The Church of England is not exempt from Planning Permission. If the work requires Planning Permission, permission from the Local Planning Authority must be obtained. Planning Permission is required for any work to an existing building which changes its external appearance, or for a material change of use of a building, or for a new building, or for an extension to a building. There may also be a need to take into account building regulations, tree preservation orders and advert regulations depending on the work being undertaken.

However, the Church of England’s Faculty system does take the place of the secular system of listed building control. If, like most churches, your church is a listed building and your proposal needs planning permission, you will need a Faculty also.

## **THE PROCEDURE**

Before you start to formulate your proposal you should prepare two documents – the ‘Statement of Significance’ and ‘Statement of Need’. These will both be required as part of your eventual formal submission but they also need to be the background to your thinking about the proposal. The Statement of Significance explains in summary what is important about the church building, its contents and history and its setting. The Statement of Need states why the proposed change is required. The DAC Secretary can provide a leaflet giving guidance on how to draw up these statements. Your architect – the person who carries out your Quinquennial Inspection – may be able to help, particularly with the Statement of Significance.

## **INFORMAL CONSULTATION**

The first stage is one of consultation and should involve the minister (rector, vicar, or in some cases team vicar, priest in charge or deacon in charge), the churchwardens and parochial church council, the Archdeacon, people such as architects, surveyors and other professional advisers who may be needed, and the DAC Secretary.

The DAC are only too happy to be consulted at an early stage in order to help with your application and formulation of proposals. It can bring to bear accumulated experience of

dealing with similar issues, and early consultation can avoid delay at the later, formal, stage.

## **PCC RESOLUTION**

When the PCC has an idea about what it would like to do, it should pass a resolution confirming that it is happy to proceed with the proposals put forward. This may be a “general” resolution if the matter is complex or a “detailed” one if it is relatively simple. A copy of the relevant PCC resolution(s) will need to be submitted to the DAC in due course with all the other papers.

## **WIDER CONSULTATION**

It may be wise to consult certain non-church bodies before you finalise your proposals; these may include:

- a) English Heritage, where significant changes are proposed to the interior or the exterior of a Grade I or Grade II listed church or if English Heritage or its predecessors have given a grant for work to the church.
- b) National Amenity Societies which will ultimately be consulted by the Chancellor so their views need to be known at an early stage. The National Amenity Societies comprise:
  - The Ancient Monuments Society (before 1715)
  - The Georgian Group (1700 – 1840)
  - The Victorian Society (1837 – 1914)
  - The twentieth Century Society (1914 onwards)
  - The Council for British Archaeology
  - The Society for Protection of Ancient Buildings
- c) Local amenity societies (e.g. Civic Societies) where appropriate.
- d) English Nature, if bats or their roosts may be affected.
- e) The Commonwealth War Graves Commission, if graves or churchyard memorials may be affected.
- f) The Local Planning Authority for new buildings, car parks, alterations to the exterior of the church or work to trees which are subject to a Tree Preservation Order or in a conservation area.
- g) The people of the parish, both members of the church and the wider parish community if the work includes major or significant changes or any matter likely to prove controversial.

The criteria upon which consultation should take place are set out in Appendix B of the Faculty Jurisdiction Rules 2000 and detailed reference to this should be made. A failure to consult at this stage may mean a compulsory consultation at a later stage which will

inevitably result in delay and inconvenience to you. The Archdeacon or DAC Secretary will be glad to advise.

## **APPLICATION TO THE DAC**

When you have full details of your proposals, they should be sent to the DAC Secretary, with the Application for Advice form, which you will have obtained from the Archdeacon, and the following:

1. The name of the architect and the person or firm who will carry out the work. If your quinquennial architect has not been involved with the work proposed it would be helpful to know that (s)he is in agreement with the work. A letter from the architect confirming this will suffice.
2. Please ensure that any plans drawn up are submitted on A3 and A4 paper. If larger sized paper is used, the application will be held up.
3. If photographs can be supplied showing the area which is to be changed, it will help the Committee to see the context of the work being proposed.
4. Statement of Need and Significance.

If you intend to make a grant application to English Heritage for the proposed work, you will need to ensure that the architect you employ is accredited under the Architects Accredited in Building Conservation Register.

The DAC will consider the proposals in some cases arranging a site visit by some of its members. Following consideration the Secretary will return the documents to the applicants together with the DAC Certificate relating to the proposals. The certificate will contain a full description of the proposals and indicate whether the DAC has decided to recommend them, or to raise no objection to them, or not to recommend them. Page 2 of the certificate will also specify if consultation is required and who is to be consulted.

If the DAC decides not to recommend the proposals, or the DAC Certificate includes provisos about which you are unhappy, you may still apply for a faculty to the Chancellor who will consider your proposals on their merits. On the other hand, it may be sensible to modify the proposals to meet the DAC's concerns and resubmit them to the DAC before proceeding further.

It should be stressed, however, that after consultation with your professional advisers, the responsibility for what to submit in your petition is yours and yours alone. The DAC principal duty is to advise the Chancellor on whether or not a faculty should be granted. Neither the DAC, nor individual members of it, can be held legally responsible for the correctness or otherwise of advice given to a parish or other applicant with regard to any proposal.

## **WHAT HAPPENS NEXT?**

When the DAC Secretary returns the certificate to you, also included will be a Petition for a Faculty form, a citation form and guidance on how to post the citation and submit your faculty petition. Please note that a DAC certificate is NOT authority for works to proceed. It merely records the advice of the DAC.

## **THE PETITION AND PUBLIC NOTICE**

### **LODGING THE PETITION**

You should lodge the completed petition with the Diocesan Registrar. The petitioners are normally the incumbent and churchwardens – if anyone else is the petitioner, consult the Diocesan Registrar first. The “Schedule of Works or Purposes” should follow the description in the DAC Certificate.

To avoid delay

**It is important that you submit the petition immediately following the period of public notice, with the documents listed below, to the Diocesan Registrar:**

- a) The DAC certificate.
- b) A copy of the completed Public Notice.
- c) A copy of the PCC resolution(s) relevant to the proposals.
- d) The drawings, designs, plans, specifications, estimates etc. giving full particulars of the proposed works. These should be the same documents as were submitted to the DAC. These documents will normally be returned by the Diocesan Registry.
- e) All other correspondence etc referred to in the answers to the questions in the faculty form (including any letters from the insurers stating that the work has their consent and any correspondence with English Heritage and the national Amenity bodies).

The Registrar will forward your petition to either the Chancellor or one of the Archdeacons for consideration. However, you do not need to wait until the end of the period of Public Notice to submit the petition. A Public Notice can be submitted separately at the end of the period of notice.

You will have received the required number of public notices. If the petitioners are the minister and/or churchwardens, they must also complete and sign the Public Notice and display it, following the Notes for Guidance. (In cases where the petitioners are not the minister and/or churchwardens, they should ask the Registrar for directions as to the Public Notice).

For your convenience, the schedule of works or purposes on the Public Notice will have been completed by the DAC. If you are not happy with the wording on the Public Notice, or events have resulted in a change of work or purposes and you alter or add to the wording, the Registrar will refer this to the DAC Secretary for approval before proceeding to a faculty. By completing the Faculty Petition and Citation, you are accepting responsibility for the Works or Purposes described.

## **DISPLAYING THE PUBLIC NOTICE**

You will find directions for the display of the Public Notice with the package sent to you by the DAC Secretary. You must display it for a continuous period of not less than 28 days including at least one Sunday when the church is used for worship. After this has been done you should send the Public Notice to the Registrar with the "Certificate of Execution" on the form, duly completed.

Anyone who wishes to object to the proposals must write to the Registrar during the period of Public Notice to register their objections.

**PLEASE DO NOT START ANY WORK BEFORE THE FACULTY HAS BEEN ISSUED AND ANY OTHER NECESSARY CONSENTS (Planning, Building Regulations etc.) HAVE BEEN OBTAINED.**

## **CONTACT DETAILS**

### **The Archdeacon of Leeds**

The Ven Peter Burrows, Archdeacon's Lodge, 3 West Park Grove, Roundhay, Leeds LS8 2HQ

Tel/Fax: 0113 269 0594. Email: Peterb@riponleeds-diocese.org.uk

### **The Archdeacon of Richmond**

The Ven Janet Henderson, Hoppus House, Smith Lane, Hutton Conyers, Ripon HG4 5DX

Tel/Fax: 01765 601 316. Email: janeth@riponleeds-diocese.org.uk

### **DIOCESAN ADVISORY COMMITTEE**

Peter Mojsa, DAC Secretary, Ripon & Leeds Diocesan Offices, St Mary's Street, Leeds LS9 7DP

Tel: 0113 2000542. Fax: 0113 2491129. Email: peterm@riponleeds-diocese.org.uk

### **DIOCESAN REGISTRAR**

Mrs Nicola J Harding or Mr Christopher Tunnard. Ripon & Leeds Diocesan Registry, Cathedral Chambers, 4 Kirkgate, Ripon HG4 1PA

Tel: 01765 600755. Fax: 01765 690523. Email: registry@tunnardsolicitors.com

### **ENGLISH HERITAGE**

English Heritage Yorkshire and the Humber Region, 37 Tanner Row, YORK YO1 6WP

Tel: 01904 601901. Fax: 01904 601999

### **VICTORIAN SOCIETY**

Historic Churches Adviser, The Victorian Society, 1 Priory Gardens, London W4 1TT

Tel: Direct Line 020 8747 5893. Fax: 0820 8747 5899

### **GEORGIAN GROUP**

The Georgian Group, 6 Fitzroy Square, London W1T 5DX.

Tel: 087 1750 2936 Fax: 087 1750 2937 Email: office@georgiangroup.org.uk

### **SPAB (The Society for the Protection of Ancient Buildings)**

Churches and Cathedrals Officer SPAB, 37 Spital Square, London, E1 6DY

Tel: Direct line 01306 627048 or general 020 7377 1644. Email: churches@spab.org.uk

### **COMMONWEALTH WARGRAVES COMMISSION**

2 Marlow Road, Maidenhead, Berkshire, SL6 7DX

Tel: 01628 634221

This advice and information is given in good faith and is based on our understanding of the current law. The DAC cannot accept any responsibility whatsoever for any errors or omissions which may result in injury, loss or damage including consequential or further loss. It is the responsibility of the PCC to ensure that it complies with its statutory obligations.