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28 January 2016

I am writing in response to your report “The Report of the Church Buildings Review Group”, on behalf of Historic England, which is the public body that looks after England’s historic environment. We champion historic places, helping people understand, value and care for them. We have enormous respect for the congregations and communities who take responsibility for the Church of England’s historic parish churches, recognising that stewardship of over 12,000 listed buildings is an additional pressure on their resources, on top of their primary focus on mission and ministry.

In this context we welcome the *Church Buildings Review* consultation. Our response is underpinned by on-going commitment to local and national partnership to ensure that these very significant buildings continue both to serve the spiritual and pastoral needs of their parishes and make a vital contribution to the national and local heritage. Where they are not required for worship we are committed to working with the Church, local authorities and potential new owners to find creative and viable future uses.

The following paragraphs are a summary of our overall response to the *Review*; more detailed comments on specific Principles and Recommendations are appended.

The statistical analysis, following on from the extremely useful data in *Released for Mission; Growing the Rural Church*, demonstrates the extent of the challenges being faced. The theological perspective sets out a framework of reference that is invaluable for the heritage sector and, we hope, it will also inform congregations and clergy as they identify their needs and balance them against the significance of their local heritage.

The *Review* suggests that there is a need for national reflection on the challenges facing the Church of England and we would strongly support that. These buildings are, as the report emphasises, a major part of the nation's heritage and Historic England would welcome a much broader discussion that includes funding, legal frameworks (secular and ecclesiastical) and a realistic strategic overview of the optimum use of the resources across England. The issues raised by the *Review* extend beyond the Church of England and require a wider discussion, perhaps a Government Commission or Task Force or some form of cross-sector partnership. We would be pleased to engage with you on the precise form this might take.

The *Review* makes no explicit reference to the National Planning Policy Framework (NPPF), under which the Ecclesiastical Exemption operates. The NPPF requires that proposals for changes to listed buildings should take economic, social and environmental issues into account. It also recognises the importance of sustainability and public benefit. Historic England strongly supports this approach to constructive conservation and would be happy to work with the Church of England to articulate this more clearly to help congregations understand the legal framework, national and ecclesiastical, within which they exercise their responsibilities.

We are concerned that there is very little reference within the report to the training of clergy so that they are better equipped to manage historic church buildings by the time they reach their first incumbency. Whilst in many situations the PCC bears the day to day responsibility, a greater understanding of the historic development of church buildings, including liturgical practice, would be a valuable contribution to local discussions. This was identified as the single biggest weakness of the Faculty Jurisdiction by those attending the recent Parish Church Interiors conference and Historic England is aware that the Cathedral and Church Buildings Division is actively engaged in developing relevant training.

The concept of 'Festival Churches' remains a concern to Historic England. Sharing responsibility with the wider community is clearly a reasonable proposal but no details of what this actually means are provided. The *Review* emphasises that there can be no single model, but that raises the spectre of wasted energies as each diocese develops its own definitions. The potential complexities of legal arrangements, involvement with a number of volunteer bodies, conflicts of interest and misunderstanding of the legal requirements under the ecclesiastical exemption mean there is a high risk of 'Festival Churches' falling through the gaps and becoming badly managed, neglected or even abandoned by the very safety net set up to protect their future.

Historic England strongly advises that checklists covering core items of concern are developed that would apply to all 'Festival Churches' e.g. explaining maintenance, security, risk to fixtures and fittings in intermittently heated buildings, responsibilities for regular electrical, lightning conductor, and fire extinguisher inspections. In addition, basic templates could be provided for the various legal frameworks, allowing for local variations but ensuring basic consistency across dioceses.

Whilst it is not our place to comment on the issues relating to parochial structures and organisation, we understand the Church's wish to consolidate both staff skills and the expertise of those who serve on Advisory Committees. We would be interested to learn more about the proposed Church Buildings Commission, including how it will relate to public interests beyond the Church of England and whether it will continue to include members nominated by DCMS.

Duncan Wilson OBE  
Chief Executive

## Appendix 1

### Principles

*1. For so long as a building has a contribution to make to the mission of the Church of England and remains open for worship, the legal responsibility for it should normally remain at parish level, and where that is not possible, at diocesan level. Local ownership – in every sense of the word – is generally to be preferred to other alternatives, not least because it will continue to facilitate wider community support for what is often the most significant historical building in the locality.*

Historic England agrees that this is an important principle, not least because wider community support at local level, beyond the worshipping congregation, is going to be crucial for most church buildings' survival in the future.

*2. What is understood by 'open for worship' has evolved over time depending on local contexts and will need to evolve further for some buildings over the coming years. Legislation needs to facilitate this.*

Historic England agrees that it would be good if legislation could be amended to reflect the reality of a spectrum of use from churches only used for Christmas, Easter and on 'fifth Sundays' to buildings that are humming with a range of liturgical, commercial and social activities 365/6 days a year. The 'Open and Sustainable' agenda of the Cathedral and Church Buildings Division, combined with the public access requirements of the English Heritage and Heritage Lottery Fund dedicated places of worship repair schemes, have ensured that the concepts of 'open' and 'closed' are now outdated. Equally, the heritage sector has long argued that historic buildings that fall out of use do not become 'redundant' but require proactive development so they have a viable new purpose. Sadly, it is still the case that even 'open' churches are in fact locked and inaccessible for much of the time.

However, the definition of 'open for worship' will need to take into account the requirements of various grant streams, both publicly and philanthropically funded, to ensure that the Church's interpretation does not exclude buildings from access to grants in future, or put them in default of contracts for grants received in the past.

*3. More generally, the overall legislative framework governing the use and management of church buildings needs to be simpler, less prescriptive and less burdensome for laity and clergy. There needs to be more flexibility to reflect the wide diversity of local situations.*

Historic England considers that there needs to be a balance between flexibility to reflect local situations and the waste of resources resulting from each diocese devising its own bespoke solutions.

The legislation will need to take account of the need for the ecclesiastical exemption to provide equivalent protection of historic buildings to that provided under the secular planning regime as set out in the National Planning Policy Framework (NPPF). The NPPF is inherently flexible in setting out how reasonable decisions can be made and would provide a model for the sort of formulation that the Church of England might wish to apply. It also has the benefit of compliance with the principles of the ecclesiastical exemption and emphasises that the key issues for flexible decision-making are the provision of sound information and the input of expert consultees into the process. Good decisions require good inputs and the provision of those safeguards needs to be retained.

Multi-building benefices are particularly prevalent in rural areas. Historic England notes that *Released for Mission* made several constructive recommendations about improving structures to support congregations and clergy with administration, financial management and legal matters. It also suggested that resources should be available with expertise in building and churchyard management. We offer no comment on the spiritual, pastoral and other matters that might be included in the proposed changes as these are outside our expertise and remit.

*4. Dioceses need to integrate thinking about their church buildings with their mission and ministry planning. Regular diocesan strategic reviews, taking account of diocesan and deanery plans, mission action plans and parish audits are important for ensuring that buildings issues are given their proper weight – neither dominating nor being overlooked or regarded as a specialist subject.*

Historic England strongly supports the proposal that church buildings should be intrinsic to diocesan, deanery and parish reviews. Several of the Historic Places of Worship Support Officers have been, or are, involved in these strategic reviews and Historic England regards this as an important element of their work.

Historic England therefore welcomes this Principle, believing that examples such as the Brighton and Hove Pastoral Review demonstrate that such reviews can have extremely positive outcomes if there is goodwill amongst all stakeholders and the diocese determines to use church buildings to the full, rather than simply determining to close those that are no longer viable exclusively for worship. Historic England also considers that the relationship between Mission Action Plans, Deanery Plans and Strategic Diocesan Reviews is similar to Local Plans in local authorities and as such is a useful means of communicating strategy to the wider public.

Helping congregations and dioceses to include an understanding of the significance of their buildings not only in relation to mission, ministry and pastoral care but also their historic, architectural, aesthetic and communal values could greatly enhance national appreciation of parish churches. Historic England hopes that the Church of England will encourage congregations to contribute to 'Enriching the List', which will give the public the opportunity to add information to the formal National Heritage List for England descriptions. The development of Statements of Significance should also mean that the Church Heritage Record increases its value as a national repository.

In the past some reviews did not give considerable weight to the building assets available for mission and ministry; others focused on pastoral, mission and resourcing issues, overlooking church buildings or regarded them as a problem rather than as part of the solution. This confusion is also sometimes reflected in diocesan structures, where the Diocesan Advisory Committee's position may be within the property team, ministry group, board of mission or simply regarded as 'administration'.

*5. Over the centuries it has never been either possible or desirable to retain all church buildings. There have always been and will continue to be circumstances where closure is the right option. In those cases the process needs to be managed sensitively but efficiently, with more focused effort than now on seeking alternative uses.*

Historic England agrees that there have always been closures and, indeed, construction of new buildings, to meet demographic changes. Part of our own Strategy in working with places of worship is to 'work with owners, local authorities and decision-makers to come to pragmatic, viable solutions for their future'. However, Historic England would welcome early consultation when closure is first considered as a possibility, so that options for future use – or a decision on demolition where circumstances demand – can be ascertained as quickly as possible in partnership with the local authority. The role of the Churches Conservation Trust

in finding creative community solutions to churches where regular worship is no longer possible should be acknowledged.

An extended use-seeking period makes buildings extremely vulnerable to heritage crime, storm damage and neglect, all of which decrease its attractiveness and viability, making it increasingly difficult to find appropriate new owners.

Historic England would urge congregations considering closure to prepare a Statement of Significance, and use deanery and diocesan plans, mission action plans and Church Buildings Reports (Pastoral Measure Reports) to help them take a strategic overview of all local church buildings to inform a holistic decision about the future and potential use of their resources.

*6. The work undertaken nationally to support parishes and dioceses in their stewardship of buildings needs to be reshaped at member and staff level to provide a sharper focus, pool expertise and facilitate greater strategic thinking.*

Historic England is keen to support those who care for places of worship and seeks to build on the partnerships already established through working together e.g. Taking Stock (Gloucester and Salisbury Dioceses), Support Officers, secondment of staff, representation on CFCE and CBC expert committees. This is in addition to the expertise offered at local casework level through our planning teams and nationally through our research and strategy for working with places of worship.

## Recommendations

*1. Church and Government representatives should explore ways in which more assured financial support for listed cathedrals and church buildings can be provided for in the long term.*

HE supports public funding for cathedrals and church buildings and notes that in the General Synod Debate of this Report appreciation was shown for the Government's commitment of public funding in respect of the Listed Places of Worship Grant Scheme (VAT refund), the Roof Repair Fund and the World War One Cathedrals Grants, in addition to HLF opportunities. It is understandable that the Church should wish to have a longer-term security but HE considers this is unlikely to be feasible both because of Government's trajectory of withdrawal from central intervention in favour of local responsibility across all Government Departments and because HM Treasury is never likely to wish to commit future resources to external bodies for periods beyond each Spending Review. We would encourage discussion of how a wider group of stakeholders such as representatives of local government, others in the heritage sector, community groups and businesses might become engaged with the church and Government in developing possible long term financial models for Cathedrals and church buildings, particularly the latter in rural areas.

HE is concerned that the Report misrepresents its position in paragraph 126, by implying that HE's acceptance 'that the listed places of worship of the Church of England are there for the benefit of the whole community and that helping to keep them in good repair for future generations is in the public interest' is an aspiration. In fact, HE (and EH before it) has consistently supported historic places of worship through Repair Grants either independently or, from 1996 in partnership with HLF. One of the conditions of such grants (not always fully honoured by recipients) has been that buildings should be open for a minimum number of days each year to the public as an acknowledgement of the tax-payer resources invested in their repair.

In addition, funding continues to be made available for Support Officers working in dioceses to help congregations care for their buildings and use them for wider community benefit. Other grants have been given to the Cathedral and Church Buildings Division to undertake the research that now underpins the Church Heritage Record, intended to help congregations understand their buildings better and improve the quality of faculty applications when alterations are proposed, and on-going research projects in partnership with the CCBD to improve our shared evidence base for the sustainability of parish churches. HE would be happy to explore further ways to build on this longstanding commitment but feels that the Report misrepresents our position and that of the HLF.



*2. In order to facilitate new, creative models of managing and caring for buildings and free up clergy and laity for mission and ministry the PCC (Powers) Measure 1956 should be amended to enable a PCC – with diocesan consent – to formally transfer its care and maintenance liability to another body.*

HE considers that freeing parishes to transfer the care and maintenance of the fabric of their building to other bodies is reasonable, subject to the legal framework within which the other bodies operate and their Terms of Reference. The Report does not make it clear exactly what provision is to be made. HE suggests that there should be agreed national templates for such arrangements, providing a core of responsibilities that is accepted across dioceses. Key issues need to be established, including the bodies' relationship to the exercise of the Faculty Jurisdiction and how enforcement for illegal works would be addressed. Equally the bodies would need to have sufficient legal interest in the building to be able to apply for grants, in lieu of the PCC. Provision could be made for specific variations relevant to particular buildings, but it would be extremely confusing if each site was subject to a unique constitution.

There are already a number of models being used, including local Trusts that have taken responsibility for parish churches, and it would be good for those to be more carefully examined before multiple ad hoc bodies are created. HE is however concerned that the vicissitudes of time, changing personnel and alterations in local priorities can easily mean once enthusiastic and healthy bodies become unable to meet the original vision. Any changes to the Measure need to take this into account and include provision for the PCC or DBF being required to take back the responsibility for the building in the event of another body's failure to manage and care for the building to an appropriate standard.

HE is also concerned about the future of churchyards, particularly as there is increasing discussion of the current arrangements for those Closed by Order in Council. The decline in regular management of churchyards is widespread and the Church of England may wish to consider whether amendments to allow Friends groups or Trusts to take on responsibility for churchyards would both enhance their care and reduce the burdens on the PCC.

*3. Guidance on legal models relating to the use of open church buildings should be more widely disseminated in order to promote good practice in enabling such wider use.*

HE strongly supports the dissemination of guidance and the models available for wider use and sharing of church buildings. This was repeatedly identified as a key issue for those attending the recent Parish Church Interiors conference but there was also concern about proliferation of guidance offering apparently contradictory advice to congregations. HE would be happy to work in partnership with the Church of England and other bodies, should this be appropriate, to cross-reference guidance.

A major problem for broadening the use of historic buildings is ensuring that partners have security of tenure; this is especially important for organisations that are funded by external bodies and Historic England applauds the proposal to promote good practice.

One option for shared use that has worked well at St Peter's Church Barton-on-Humber has been the use of the building as a repository for human remains removed archaeologically from Christian Burial Grounds. This facility opened in 2007 under the terms of a joint policy with HE (English Heritage) agreed in 2005. As the legal model is already available and St Peter's is successful, perhaps this would be a use that could be considered more widely.

*4. The next phase of the Simplification Agenda, in looking to reduce 'red tape' affecting parish and benefice structure and organisation, should, as proposed, review governance requirements with a view to relieving pressures on clergy and laity and freeing up energy and resources for mission.*

Historic England welcomes the proposal to reform legal structures and remove 'red tape', particularly in areas where, for demographic and resource reasons, traditional structures cannot be maintained. However, it is hoped that this Simplification will not unintentionally imply that the church building itself is not a resource for mission and, indeed, is often intrinsic to the support of the wider community.

More information is needed on how this would affect both legal and practical responsibility for the church building and churchyard and control and management under the ecclesiastical exemption.

*5. The Simplification Group's recommendation to amend Canon B 14A to facilitate 'Festival Churches', while proposing further work on their role and how mission and evangelism are developed in the surrounding communities, should be implemented. Additionally, the CBC should work with dioceses pioneering this concept to identify and promote good practice in caring for such buildings. A grouping such as an Association of Festival Churches may also offer a beneficial means of supporting such initiatives.*

Historic England considers that the ‘Festival Churches’ proposal potentially puts historic buildings at great risk. The Report refers to the need to have ‘proper care arrangements in place’ but it is not clear about how this will be achieved. There is a danger that a ‘Festival Church’ will be neglected unless there is a careful management plan and regular inspection to check for minor problems that, if overlooked, will become major repair challenges.

Since the Report offers no clear definition of a ‘Festival Church’, or examples of the models already being explored in various dioceses, Historic England remains extremely concerned about what the concept actually means.

Historic England is also concerned about the impact of ‘Festival Churches’ on the morale of neighbouring congregations that continue to be responsible for the full upkeep on their buildings, in addition to financial contributions to the diocese and all the other ‘burdens’ of which churchwardens and clergy frequently speak.

Until there is greater clarity about what ‘Festival Churches’ might be HE remains concerned about this proposal and would welcome the opportunity to be involved in the development of the concept.

*6. Regular diocesan church building reviews or audits should be incorporated into each diocese’s vision and strategy, as well as forming an integral part of deanery Mission Action Planning. Diocese need to see the strategic importance of investment to address buildings issues, drawing in as much outside help as can be secured.*

Historic England fully supports this recommendation and hopes that it will encourage congregations, deaneries and dioceses to consider that mission, ministry and buildings are inseparable when considering strategy, resources and reorganisation. Any review needs to take into account the significance of the church buildings and churchyard, including archaeological issues, so decisions are fully informed and do not inadvertently create more problems than they are trying to solve.

Historic England would be interested in further discussion about the provision of Support Officer posts, particularly how they could contribute to strategic planning at all levels, including identifying buildings that are in danger of becoming ‘at risk’ if congregations are

not given help to engage in repair projects and find sustainable additional uses to improve sustainability.

Ownership of such reviews has a crucial impact on their outcome and Historic England suggests that consultation with the wider community, including statutory consultees, early in the process would be helpful. Including potentially interested parties from the outset is likely to minimise delays and frustrations in both implementing the plan and wider public understanding of what the church is seeking to achieve.

*7. Whilst closed church buildings should continue to vest in DBF until their future is settled, any Diocesan Mission and Pastoral Committee should be able to transfer all of their use-seeking functions for closed churches to the Church Commissioners, with the latter's consent.*

The process of closure and disposal is often extended and usually detrimental to the condition of buildings, whether ecclesiastical or secular. Care and maintenance is not always rigorous and the responsibility is a financial burden on the diocese. Historic England would welcome a holistic review of the present process, to include options such as the Church Commissioners taking on responsibility for finding a new use, different models of caretaking (such as those explored by the Diocese of Chichester's Support Officer), or permitting of temporary uses so that the building remains active and monitored.

Historic England would also encourage the Church to reconsider the existing restrictions on new use/ownership, especially in areas where changes in the local community make it extremely unlikely that a new Christian use will be found, and the appropriateness of covenants.

*8. Staff in Church House involved in all aspects of church buildings including cathedrals and chancels should be brought together to form a single staff team, with the relevant staff based in one location in Church House.*

HE has no comment on the administrative arrangements of the CofE.

*9. A new statutory Commission (CBC for England) should be established to take on oversight of the CofE's stewardship of its church buildings and enable a more strategic view to be taken of*

*priorities and resource allocation. This would replace the present CBC including its SAC, and the Church Commissioners' Church Buildings (Uses and Disposals) Committee. While no changes in the responsibilities of the Church Commissioners in relation to church buildings are proposed, the new body, for some purposes, would act as a committee of the Commissioners.*

HE appreciates the desire to consolidate resources to achieve greater efficiency but considers that public appointments, through DCMS, need to be maintained to ensure that the new Commission will be accountable, transparent and able to meet the requirements of the Ecclesiastical Exemption Order 2010. Clear lines of demarcation in relation to the Commission's work for the Church Commissioners would need to be established.

HE is not clear, in view of recommendation 8 above, whether the Commission will reflect the new staff arrangements, in bringing Cathedrals and Church Buildings under one body, or if the CFCE will continue as a separate entity.

*10. The current powers and responsibilities of the CCT work well and should not be changed.*

Historic England agrees that the CCT works extremely well and is very creative with its limited funding but it does not have the current capacity, to absorb more than two or three buildings a year. This is particularly important if the arrangements for highly listed 'Festival Churches' fail and buildings that cannot easily be adapted for other uses because of their significance are urgently in need of vesting.

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