



A CHURCHWARDEN'S GUIDE

to the DAC and the care of churches

and churchyards



Introduction

This guide is a brief introduction for churchwardens (and others who are responsible for the care and maintenance of church buildings) to the Faculty process, the Diocesan Advisory Committee (DAC) and other topics associated with the care of your church. The aim of it is to provide you with a broad knowledge of things to consider when approaching maintenance or development projects for your church building and churchyard, what permissions (if any) are required, and how to go about obtaining these permissions. It is not exhaustive, and therefore there are references to where you can find further information on certain topics throughout the guide.

We appreciate that caring for church buildings, listed or not, is a huge responsibility and brings with it a great deal of work. This is all the more significant when those who are charged with this work (i.e. you) are volunteers with all sorts of other responsibilities too. It is our job, as the staff of the Church Buildings/DAC team in the Diocesan Office, to provide you with as much support, guidance and help as we can so please do use us. You are always welcome to contact us in the office for advice on any aspect of church care – if we do not know the answer ourselves, we should know someone who does.

We hope that you find this guide useful as a ‘starter for 10’ on all things church-building-related. Remember that we also have pages on the Diocesan website that contain more detailed Guidance Notes and information on a whole range of topics, and they are regularly updated. You can find our web pages at

<http://www.dioceseofcoventry.org/ChurchBuildings>

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1. The Diocesan Advisory Committee (DAC)

The Diocesan Advisory Committee for the Care of Churches (DAC) is the diocesan committee required within the Faculty process, to act as an advisory body on matters affecting places of worship in the diocese.

The DAC consists of members, appointed by Bishop's Council, who between them have knowledge of the history, development and use of church buildings, liturgy and worship, architecture, archaeology, art and history, and experience of the care of historic buildings and their contents.

They are particularly useful for PCCs when PCCs are exploring works which will require a Faculty, are considering ways in which they can use their church building differently, or have queries about any remedial repairs that are proposed. The DAC also offers early advice to PCCs considering a major re-ordering scheme, the addition of new facilities (e.g. a WC or kitchen), or an extension.

The Committee has a wide range of experts who can offer technical advice on the best way to proceed. They are all volunteers and their advice and guidance to parishes is completely free.

Whom do the DAC advise?

The DAC is required to give advice to:

- Parochial Church Councils
- Anyone else who is contemplating making an application for a private faculty
- The Diocesan Chancellor who is responsible for granting a Faculty

The DAC's role in the Faculty process

When it comes to faculty applications, the DAC is required to advise the Chancellor on whether the proposed changes are, in its view, appropriate or suitable. The Committee makes its decision in the light of pastoral, heritage, practical, legal and where appropriate aesthetic considerations. The Chancellor decides whether to grant the faculty or not. He receives guidance from the DAC which is a valuable resource to the Chancellor but the decision to grant a Faculty will be his alone.



The DAC are only an advisory body, and do not grant faculties.

The DAC 'Notification of Advice'

The 'Notification of Advice' is a document issued by the DAC following its consideration of an application for Faculty. This document signals whether the Committee are in support of the works proposed. There are three types of 'Notification of Advice' documents, and one of these will be issued for each application. These three types are:

- A Notification of Recommendation
- A Notification of No Objection
- A Notification of No Recommendation

The DAC Notification of Advice is NOT permission to undertake the work. It is a document that states the views of the Committee on the proposals which is sent to the Chancellor of the Diocese and the PCC. Once the Chancellor has received the Notification of Advice, he will consider the DAC's advice and any other representations. He will then decide whether to grant or refuse the application for a Faculty.

The DAC and the A and B Lists (Minor Works)

The DAC is also often required by the Archdeacon to advise on applications for Minor Works permission. You can read more about this in section 5.

The DAC and informal advice

You don't have to just contact the DAC when you are preparing an application for Faculty or Minor Works permission. They are available to offer advice informally on any matters relating to your church building, its contents, the churchyard and its trees. For example, if you are considering a new heating system but are not sure how to proceed, the DAC Heating Adviser would be able to meet



with you to discuss the various options well in advance of preparing any sort of application for permission. Similarly, the Organ Adviser can help you with issues relating to your organ, the Bells Adviser with bells and bell towers, the Lighting/Electrical Adviser with those sorts of works etc. Whatever the works being considered, it is always worth contacting the DAC Office to see if there is someone who can help you to develop your proposals.

The DAC office staff are very familiar with how the permissions process works and can advise on what information will be required to obtain the necessary permission.

DAC Guidance Notes and information

The DAC have created a number of documents called Guidance Notes to help with many aspects of church building development and repair. These can be found on the DAC website at <http://www.dioceseofcoventry.org/ChurchBuildings/guidancenotes> primarily, but also subject specific ones are spread across the DAC pages (e.g. ones relating specifically to Quinquennial Inspections are on the page dedicated to that). The best thing to do is to spend half an hour one evening exploring the pages – the address for the homepage is <http://www.dioceseofcoventry.org/ChurchBuildings>. If you would like to see a Guidance Note on a specific topic that is not yet covered please get in touch with the Church Buildings Development and Projects Officer, and it is possible that one can be produced!

What the DAC are not

- The DAC members and advisers are not there to design or specify projects for you – they can advise on options or methods of repair suggested by the PCC or their professional adviser (e.g. Church Architect or contractor) but do not design these themselves.
- The DAC do not grant faculties – only the Chancellor or the Deputy Chancellor on his behalf has the authority to do this.

The DAC Office

The DAC Office is based in the Cathedral and Diocesan Offices in Coventry. The team consists of:

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Both Will and Tim are happy to advise on any aspects relating to the repair or development of your church building, its contents, and your churchyard so please do not hesitate to get in touch with any queries or thoughts you wish to discuss.

2. Faculties

A 'Faculty' is a licence issued by the Chancellor of the Diocese on behalf of the Bishop that allows a PCC to undertake repairs or alterations to their church building. The system under which it is issued is called Faculty Jurisdiction, and the aim of this is to ensure that all repairs and alterations are undertaken with due respect and consideration to the historic fabric and architectural significance of the building, and the archaeological impact.

The Chancellor of the Diocese is the person who is legally responsible for approving or refusing the proposed changes to the Church and is usually a barrister or judge. He requests advice from the DAC (see section 1) in his consideration of applications for Faculty.

The aim of faculty jurisdiction "*is to ensure that the sacred spaces are protected, that the parishioners are duly consulted and that the wider aesthetic interests of the public are considered, but remembering always that a church is a place of worship and mission, not a museum*" (1993 – Newsom & Newsom report).

This system is currently governed by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the Faculty Jurisdiction Rules 2015. These have the status of the law of the land and are not just an internal requirement of the Church of England. The Faculty System applies to all church buildings – listed (which most are) or not. But it is true to say that it is on the whole a lot easier to make changes to an unlisted building than to a listed one, especially Grade I or Grade II* (the most important grades).

Faculty permission provides the PCC not only with authority to undertake work but also with protection in the event of any subsequent objections to work that has been done.

Work undertaken *without* a Faculty leaves those who performed or arranged the work exposed to the risk of an order that they reinstate what has been changed at their own expense. It is unlawful to use PCC funds to pay for work which has not been authorised by a faculty in circumstances where a Faculty is required.

Other permissions

The Faculty process replaces the need for *Listed Building Consent*, which applies to listed secular buildings. The Faculty process is administered by the Church of England, and not the local authority, and therefore allows more consideration of the role of the church as a local centre for worship and mission than the secular authorities would.



Faculty Jurisdiction does not replace Planning Laws – Building Regulations apply and planning permission will be required when alterations affect the exterior of a church, the churchyard or the change of use of part of the church.

The Duffield Questions

The Faculty process seeks to answer these questions in the consideration of applications affecting listed churches:

1. Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
2. If the answer to question (1) is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals. Questions 3, 4 and 5 do not arise.
3. If the answer to question (1) is “yes”, how serious would the harm be?
4. How clear and convincing is the justification for carrying out the proposals?
5. Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or II*, where serious harm should only exceptionally be allowed.'

The role of the DAC

Within the Faculty process it is the DAC's task to:

- a) Advise the Chancellor on whether the application should be granted or refused.
- b) Assist PCCs to develop proposals that are likely to prove acceptable to the Chancellor in the context of these criteria.

Getting started

Before you get going on any project it is useful to contact the DAC Office to find out whether the DAC or heritage bodies are likely to have any concerns with the proposals, and whether there are any specific advisers on the DAC who can help you to develop your project (e.g. heating, lighting, works to stained glass etc.). In some cases it might be beneficial to hold a site visit at the church with relevant advisers and heritage professionals (e.g. Historic England). The DAC office staff will arrange this for a mutually convenient time.

The value of early discussions, when the PCC's ideas are still at a formative stage before specific proposals are produced and significant architect's fees incurred, cannot be over-emphasised.



Submitting the formal application for a Faculty should be the end of the process, not the beginning!

Statements of Significance and Need

For most Faculty applications, a Statement of Significance and a Statement of Need will be required. The DAC office staff can advise on what you need to include in these documents.

A **Statement of Significance** summarises the historical development of the church and identifies the important features that make a major contribution to the character of the church. The first part should provide an overview of the significance of the church (including architectural features, archaeological remains, fine furnishings etc.), which could be re-used to support subsequent faculty applications for significant changes. The second part is essentially an impact assessment which focuses on the particular part(s) of the church or its curtilage, affected by the proposed works.

The **Statement of Need** is a document agreed by the PCC, which sets out the needs to be fulfilled by the proposal(s) and the reasons why the changes are regarded as necessary to assist the church in its worship and mission. It is the justification for the proposals in question.

These should be the first documents that the PCC produce at an early stage of the scheme as they can be very useful in determining what the needs are, and the likely impact.

Further information on Statements of Significance and Need can also be found at:

<http://www.churchcare.co.uk/churches/guidance-advice/statements-of-significance-need>

<http://www.dioceseofcoventry.org/ChurchBuildings>

Options Appraisal

For proposals that will have a significant impact on the character and/or archaeology of the church and/or churchyard, the PCC will need to write an Options Appraisal, which is designed to demonstrate that the PCC has looked at all possible options for meeting the needs and the impact of each on the building. This document will need carefully to set out what options the PCC has considered and why they were rejected and why the proposed solution is the most practical and appropriate.

Who will be consulted on proposals?

In some cases where the proposals are extensive, and particularly if yours is a Grade II* or I listed building, it is necessary for heritage bodies to be consulted on the proposals too. These bodies are:

- Church Buildings Council (CBC)
- Historic England
- Local Planning Authority
- Amenity Societies (Society for the Protection of Ancient Buildings {SPAB}, The Georgian Group, the Victorian Society, the Twentieth Century Society, and the Council for British Archaeology {CBA}).

The DAC office team will contact the relevant bodies on your behalf so the PCC do not have to do this. Sometimes, representatives from these groups may be invited to site visits if the proposals are particularly controversial. This enables the PCC to present their project to all

parties at an early stage so that any potential concerns or issues can be identified (and hopefully resolved) before lots of money has been spent on architect's fees etc.

Natural England needs to be consulted **directly by the PCC** if the church has or possibly has bats or a history of roosting bats and the proposals (e.g. structural repairs or timber treatments) may affect the bats or their roosts. The PCC may also need to consult Natural England if the works might affect any birds nesting in or on any part of the church building or churchyard.

The Chancellor is required to ensure that such bodies have been consulted in the circumstances outlined above, so it is an important part of the process, and best done earlier to avoid potential delays later on.

Applying for a DAC 'Notification of Advice'

The DAC Notification of Advice replaces the DAC Certificate which was issued until December 2013, and it is this document that the PCC needs in order to progress to the final stage of applying for a Faculty. Issuing this document is the final stage of the DAC's involvement in an application, and it statutorily notifies the PCC and the Chancellor of whether the DAC supports the application or not. The Chancellor will consider this document when determining whether to grant a Faculty for the work. The granting of the Faculty may or may not follow the advice given in the DAC's Notification – it is ultimately the Chancellor's decision.

In order for the DAC to best assess the project, supplying as much information as possible is vital. The principal enclosures (which may not necessarily be needed for every application) are:

- Faculty Petition form
- Statement of Significance
- Statement of Needs
- Options Appraisal
- Copy of PCC resolution authorising the works and the voting figures
- Architect's detailed specification for the work, materials to be used and method of working
- Drawings, plans and other relevant documents including a site and church plan
- Planning Permission (for external work)
- Approval letter from insurers
- Quotes / estimates from architect / contractors
- Photographs to identify proposed works

The best way to make applications is by using the **Online Faculty System (OFS)**. The OFS is web-based and designed to provide an electronic system for making and tracking applications right through from seeking initial advice from the DAC to receiving the Faculty from the Chancellor. On it you are able to fill in online versions of the application forms and Statement of Need, populate your Statement of Significance, and upload any supporting documents. The DAC office staff will be able to help you set up your account and guide you through the online process, and guidance notes are also available on the online system website. Applications can also be made by submitting hard copy documents but this is likely to be a more cumbersome process. If you do not have access to the internet or are

otherwise unable to use the Online Faculty System please contact the DAC office staff for guidance. The OFS can be found at <https://facultyonline.churchofengland.org/>

The application will need to be discussed at a DAC meeting, and is usually referred to appropriate DAC members prior to the meeting to enable them to make informed comments on the detail to the rest of the Committee. The DAC may require further information or consider it desirable for a sub-committee to visit or agree final details if it is unable to reach a conclusion at the meeting.

If the Committee are able to reach a conclusion they will issue their Notification of Advice. This will:

- Recommend the work; or
- Raise no objection; or
- Decline to recommend the work

A Notification that declines to recommend the work will set out the reasons why the DAC felt unable to support the proposals. If the DAC declines to recommend the work, the PCC or other applicant is still entitled to petition the Chancellor to issue a Faculty notwithstanding the DAC's decision. The Notification of Advice is just that – advice – and it is the Chancellor who will decide whether or not to grant a Faculty for the work based on his careful consideration of the whole application.

When the DAC issues its Notification of Advice the PCC will be emailed a covering letter explaining where the Notification of Advice and Public Notices can be downloaded from. These will also be made accessible to the Registry.



The Notification is not an authority to do the works. The PCC must proceed to the next stage and Petition the Chancellor to issue a faculty before any works are undertaken.



Delays in the process are reduced if the PCC checks the closure date for agenda items for the six-weekly meeting. If the application is not submitted in time the office cannot guarantee that it can be added to the agenda for the next meeting. Prior agreement for the late submission of applications is available, but must be discussed with the DAC Secretary in advance of the closing date. The closing dates for the receipt of submissions can be found on the DAC website: <http://www.dioceseofcoventry.org/ChurchBuildings/faculty>

The Public Notices

The PCC will need to display the two copies of the Public Notices for 28 days and after this period should complete and sign both copies of the Certificate of Publication and send **one copy** to the Diocesan Registrar.

Petitioning the Chancellor for a Faculty

The next (and hopefully final) stage is to apply to the Chancellor for Faculty. The application and supporting paperwork considered by the DAC along with any written comments from the CBC, Historic England and National Amenity Societies will be available to the Diocesan

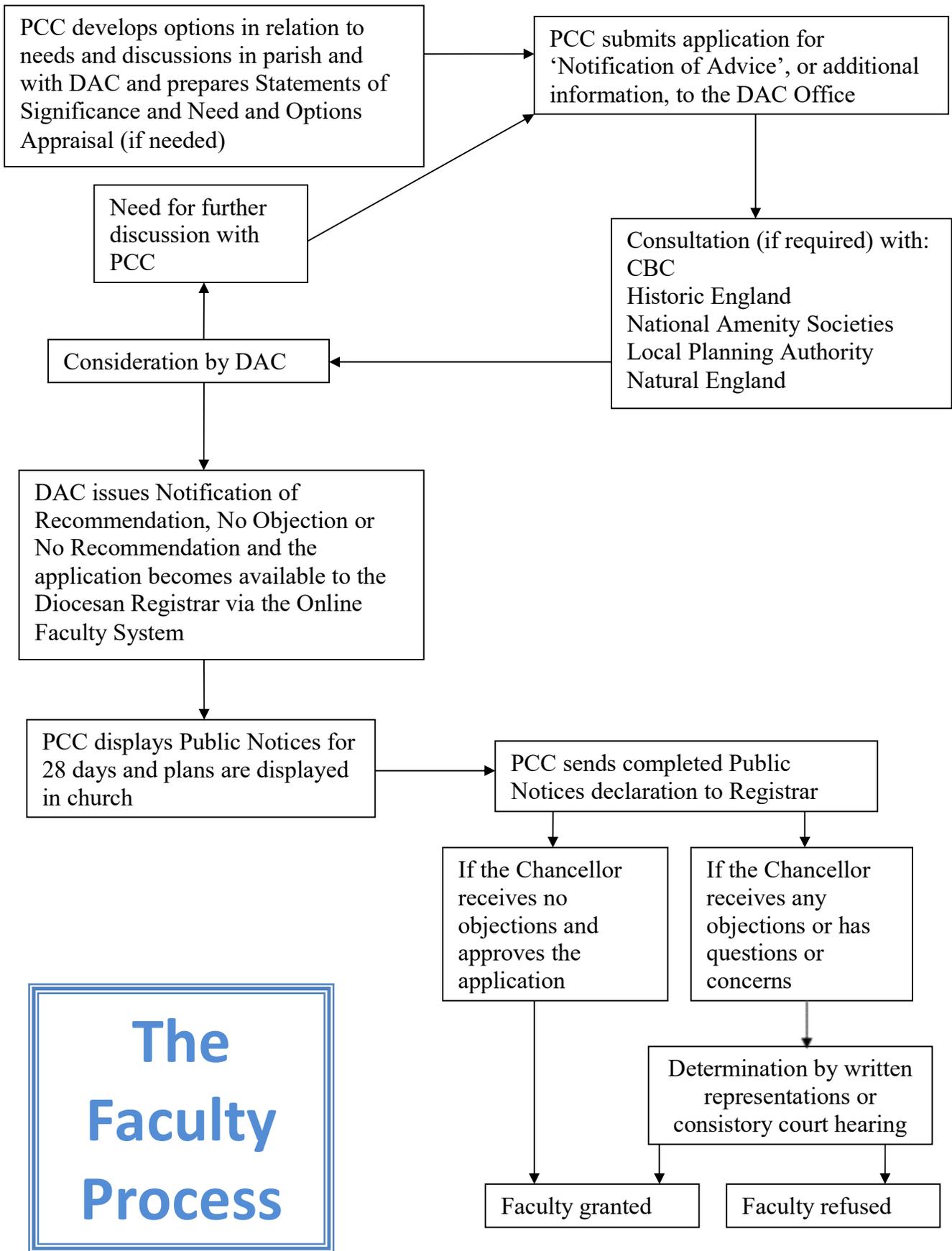
Registrar via the Online Faculty System, with a copy of the Notification of Advice that has been issued. The PCC do not have to do anything at this stage. The Faculty cannot be issued until the Public Notice and Certificate of Publication have been sent to the Registrar and she has confirmed that there are no objections.

If there are **no objections** the Chancellor will consider the application, and will either:

- issue a Faculty for the works
- issue further Directions if additional information is required
- issue a Judgment outlining his reasons if he chooses not to grant the Faculty

If there are **objections** the Chancellor will consider these and how to deal with them. If all parties agree, the Chancellor may consider the representations and determine the application on the basis of written submissions. If parties disagree, or the Chancellor feels that the nature of the proposals warrant it, the case will be heard at a Consistory Court hearing before the Chancellor. Any person or body formally objecting to the proposals may be liable for the costs of this. The Chancellor's decision may be given verbally on the day, with a written judgement setting out the reasons and conditions afterwards, or delivered in writing at a later date.

For further information on the Faculty process please visit the DAC section of the Diocesan website at <http://www.dioceseofcoventry.org/ChurchBuildings/faculty> where there are a number of guidance notes on the subject.



3. Emergency Consent

From time to time, repair problems arise which require urgent attention because failure to attend to the problem might cause additional damage and expense, or impact on the church's insurance policy.

This may be due to:

- **A health and safety risk** (e.g. real risk of falling stonework, electrical faults, or an issue arising from vandalism or other anti-social behaviour)
- **The loss of a basic service** (e.g. boiler breakdown, electrical faults)
- **In instances where the timeframe of the normal Faculty procedure will result in significant additional damage and expense** (e.g. water ingress through the roof, for example following a theft of lead).



In these circumstances, it may be possible to obtain an Interim Faculty from the Chancellor of the Diocese to undertake the work immediately.



The Church Architect or Surveyor should always be kept informed of emergency works required

How to get an Interim Faculty (emergency consent)

In all instances, the PCC should contact the DAC Secretary, who, after discussion with the Archdeacon and relevant members of the DAC with relevant knowledge and sometimes Historic England ask the Chancellor, on behalf of the PCC, whether he would be willing to grant an Interim Faculty for the work. The Archdeacon and DAC would normally require the PCC to submit supporting information in relation to the proposed remedial works e.g.:

- Details of the proposed repairs/requirements
- An estimate or a quote for the work
- A statement outlining why the work is deemed to be an emergency

All this information will be given to the Chancellor as part of the emergency application. He will then review the application, and the Archdeacon and DAC's advice on the proposals, and determine whether he feels an Interim Faculty can be granted for the work. Once the Faculty is received the repairs can be undertaken.

Confirmatory Faculty

A confirmatory Faculty application will need to be submitted afterwards within a timescale prescribed by the Chancellor (usually four months) to confirm the authorisation of the emergency work done and authorise any further work required. This would proceed through the Faculty process in the normal way, with the usual relevant documentary submissions.

Proposals NOT usually eligible for Emergency Consent

Emergency Consent is normally reserved for cases in which there is an immediate health and safety risk, a loss of a basic service, or situations in which significant damage to the building and expense to the PCC would be caused should the normal Faculty procedure be used. The following works or reasons are not usually eligible to be considered under this procedure:

- The contractor is available to do the work immediately
- The works will result in a significant visual change or alteration to the building for which consultation through the Public Notice period is required
- No harm or consequences will occur if the application were to be considered under the normal Faculty procedure

If you are unsure as to whether your proposals are eligible for Emergency Consent please contact the DAC Secretary who will gladly advise.

4. Temporary Reordering Licence

A Licence for *Temporary Minor Re-ordering* can be obtained from the Archdeacon Pastor for small-scale projects that are fully reversible. Projects authorised under this procedure must fulfil the following criteria:

- It does not involve any interference with the fabric of the church
- It does not include any electrical works
- It does not involve the fixing of any item to the fabric or the disposal of a fixture or fitting

Past projects that have fallen under this category include things like removing or relocating (but not disposing of) a couple of pews in order to be able to experiment with the space to identify whether the PCC wish to develop a larger reordering scheme, or for a specific event or activity taking place at the church.

Removing or relocating items (e.g. pews)

Where fixtures are relocated or temporarily removed under a Licence it should be done by a suitably competent person, and the items safeguarded and stored in an appropriate location. It must also be able to be easily reinstated at the end of the Licence period.

Making a Temporary Licence permanent

The *Temporary Minor Reordering Licences* are only valid for a maximum of 15 months. If the PCC are using the Licence as an opportunity to creatively explore options within the church and decide during this period that the temporary reordering is something they wish to make permanent they must apply for a Faculty not less than two months before the expiry of the licence.

When the Licence expires

On the expiry of the Licence the PCC should inform the Archdeacon as to whether a Faculty has been applied for to make the work permanent, or if not, confirm that the position has been reinstated to as it was prior to the granting of the Licence



Please note that a Temporary Minor Reordering Licence cannot be given for a church where there is currently no minister.

5. List A and List B (Minor Works)

Some smaller-scale projects may be undertaken without a faculty, under the *Minor Works* procedure. [Lists A and B](#) were introduced on 1st January 2016, and replace the *Minor Items and Routine Works* list that came before.

More information about Lists A and B, and the document clarifying what falls under these lists, can be found at:



http://www.dioceseofcoventry.org/ChurchBuildings/minor_works

List A

List A contains matters that can be carried out by PCCs without any formal notification from the Archdeacon, DAC or Chancellor. There are no financial limits on the work that can be undertaken and there is no requirement to seek DAC advice to carry out these works. List A includes, for example, some minor repairs, the introduction, removal and disposal of some items, the routine maintenance of musical instruments, bells, bell frames and clocks, and the lopping and topping of trees. Please consult the list for further detail on what matters can be carried out under List A.

List B

Matters included under List B can only be undertaken if the Archdeacon has been consulted and has given notice in writing that the matter may be undertaken without faculty. The Archdeacon will consult with the DAC, or with its members or officers as he sees fit before deciding to give his authorisation, and the proposals may be subject to conditions. List B includes works of routine repair or maintenance to the fabric, redecoration, routine maintenance of heating, lighting and electrical systems, the replacement of carpets and curtains, the introduction of benches in churchyards, and the planting or felling of (diseased or unsafe) trees. Please consult the list for further detail on what matters can be carried out under List B.

Archdeacon's consent can be obtained by applying online via the Online Faculty System (OFS) with details of the proposals. Each application will require:

- A PCC or Standing Committee Minute authorising the work
- Details of the proposals (an architect's specification may be necessary, depending on the work)
- Photographs and/or location plans, if applicable
- Quote/Estimate for the work
- Any other details you feel may be necessary/helpful

You will be able to upload these documents to the OFS in making your application.

If you do not have access to the internet or are otherwise unable to use the OFS please contact the DAC office for assistance.

The benefits of the List B procedure

The List B procedure differs from the Faculty application procedure because the proposals are authorised by the Archdeacon Pastor, as opposed to the Chancellor of the Diocese. For List B applications there is no requirement to display Public Notices for 28 days. The Archdeacon will normally consult a member of the DAC with relevant knowledge in considering the application, however an application would not normally need to be presented at a DAC meeting (unless the Archdeacon feels it is necessary). Once the Archdeacon has confirmed that he is content with the proposals the work can be carried out.



If your project does not come under any of the categories in either List A or List B it will require a Faculty. If you are unsure please do get in touch with the DAC Office to discuss.

The Archdeacon can decline to authorise the application if he believes the works proposed do not fall under List B, or that for some reason it ought to be subject to the full Faculty procedure including formal DAC consultation and the statutory Public Notice period. This could be, for example, if the proposals are particularly complex or could be controversial. Under these circumstances a PCC will be asked to petition the Chancellor for Faculty in the usual way. The whole system remains under the jurisdiction of the Chancellor and anything which is not clear as to whether it is a List A or B matter or a Faculty matter will be referred to him for his direction.

Items excluded from List A and List B:

1. Any works which involve alteration to or the extension of a listed building to such an extent as would be likely to affect its character as a building of special architectural or historic interest.
2. Any works which are likely to affect the archaeological importance of a building or any archaeological remains within a building or its curtilage.
3. Any works which involve extension, demolition or partial demolition of a building, or the creation of a new building.
4. Any matter which gives rise to a question of law or of doctrine, ritual or ceremonial or which would, if undertaken, affect the legal rights of any person.
5. The sale or disposal of any article of architectural, archaeological, artistic or historic interest.

It is noted that of these 1, 2 and 5 are matters where opinions could vary and a precautionary approach is recommended.

6. Churchyards

Churchyards are locally important and special places not only because they hold the remains of those buried there, but also as places that embody the community's social history and as significant habitats for local wildlife, flora and fauna. Churchyards are consecrated to their purpose in the name of God and this should be recognised when any new works or maintenance are proposed.



Responsibility for maintenance

Usually it is the PCC who are responsible for the care and maintenance of the churchyard, however there are various ways in which local authorities may help with this. Under the Open Spaces Act 1906 a local authority may agree to take responsibility for the churchyard. In instances such as these, the local authority has a duty to care for the space and Faculty would still be required for any works in the same way as it would if the PCC were responsible.

Good management

It is important to manage the churchyard effectively and responsibly so that the character of it can be preserved and enjoyed for generations to come. Comprehensive records, including seasonal photographs and plans, should be kept for all aspects of the churchyard including:

- Burials
- Trees and Tree Preservation Orders
- Monuments of historical interest (including those separately listed)
- Wildlife, flora and fauna

With these records in mind it is advisable for the PCC to agree a management plan that incorporates the long term maintenance, repair and goals for the churchyard. Conservation of the historical and significant features of the churchyard, and the local wildlife should all be incorporated into this management plan.

The land terrier should include all lands and an inventory of articles belonging to the church, which includes items etc. in the churchyard, and the logbook should record all repairs to any items in the churchyard including boundary walls and felling of trees.

Health and safety

Those responsible for the churchyard have a duty to ensure that the area is safe for visitors under the Occupiers Liability Act 1957 – this could include testing memorials for safety, repairs to boundary walls and fences, or paths and identifying potentially dangerous trees (and dealing with them if/when necessary). It is important to note that an individual PCC member could be personally liable if they became aware of a danger and failed to report it.

Closed churchyards

When a churchyard is full it may be closed under an Order in Council after which no further burials are permitted with the exception of burial spaces previously reserved by Faculty or in existing family graves. An application to close a churchyard is made to the Ministry of Justice. Where a churchyard has been formally closed the PCC would still be responsible for caring for it unless responsibility has transferred to the local authority, which is sometimes the case.

Burial

The incumbent is entitled to designate a grave space unless a plot has been previously reserved by Faculty. Incumbents are also responsible for specifying the depth of burial, and have discretion as to the materials of the coffin.

Gardens of Remembrance

A Faculty is required for the creation of a Garden of Remembrance including details of the extent of the area and how it will be demarcated, as well as how interments will be commemorated and any other features (e.g. planting, benches etc.). Such a reserved area should be large enough for the requirements of the next 25 years. PCCs are increasingly becoming more creative with their designs for Gardens of Remembrance, designing peaceful attractive spaces for visitors and mourners to pause and reflect. Some incorporate focal points like sculptures or crosses.

Cremated remains

Ashes should be poured directly into the ground or interred in small caskets made of untreated softwood or an equivalent readily biodegradable material. The use of lined or hardwood caskets is not permitted. The scattering of ashes in churchyards is not permitted.

Reservation of grave spaces

A grave space can only be reserved if a Faculty is applied for and granted by the Chancellor. Details of reserving grave spaces can be found in the DAC section of the Diocesan website at <http://www.dioceseofcoventry.org/ChurchBuildings/Memorials> alongside the relevant application form, or via the DAC Office.

Archaeology

Sometimes work will be proposed that could affect the archaeology in the churchyard. This could be, for example, through the construction of paths or extensions to the church, or drainage channels. In these instances, the DAC Archaeological Adviser will be happy to advise on what the potential impact of the works may be and whether any archaeological evaluation or monitoring is necessary. Excavations into a churchyard will require a Faculty so it is important to contact the DAC Office prior to any work being carried out.

Exhumation

Exhumations will not be permitted except by Faculty.

Further information

The definitive guide to churchyards is *The Churchyards Handbook* published by Church House Publishing (<http://www.amazon.co.uk/The-Churchyards-Handbook-Conservation-Mission/dp/0715175831>)

Caring for God's acre is a website dedicated to providing resources and information for those looking after churchyards (<http://www.caringforgodsacre.org.uk/>)

7. Memorials

If the churchyard has not been closed under an Order in Council anyone who dies in the parish or resident in it is entitled to burial within it, however it does not bring with it an automatic right to erect a memorial. One of the most significant and visually prominent features of any churchyard are the monuments within it, whether they be elaborate chest tombs, or headstones. They hold significance as markers of commemoration for those close to the deceased, but also portray the social history of the parish, and add character to the area contributing to the feeling of it being a special and peaceful space.



Therefore, any new memorials erected in a churchyard should be aesthetically in keeping with what is there already. Unfortunately, this can sometimes result in disappointment particularly when families are not allowed to erect a memorial in the type of stone that they have chosen, or with a particular inscription or image that perhaps does not reflect the Christian nature of the churchyard.

The Chancellor of the Diocese has issued Regulations concerning churchyards and Gardens of Remembrance. These regulations include details of memorials which may be authorised by incumbents without a faculty under delegated powers from the Chancellor, and also those memorials for which a faculty is required. It also includes details of which designs and features that are not permitted.

The Regulations can be downloaded from the DAC section of the Diocesan website at: <http://www.dioceseofcoventry.org/ChurchBuildings/Memorials>

Introducing memorials in churchyards

The Chancellor has delegated powers to authorise some memorials to the incumbents of the church for those memorials which comply with section 5 of the Regulations. This primarily includes memorials within a certain size range, and of a natural stone of a colour, type and texture traditionally used within, or in the locality, of the churchyard concerned. Where local stone is no longer available, a matching natural stone of a similar geological nature is acceptable.

For memorials that fall outside of these parameters, a Faculty is required from the Chancellor. In cases such as these, the petitioner will need to demonstrate why a particular type or design of memorial is proposed.

Where a Faculty is required, the Petitioner will be required to pay a faculty fee. Applications for a Faculty are submitted directly to the Diocesan Registrar who will also be able to advise on the cost of the Faculty fee. The DAC are usually asked by the Chancellor to advise on Faculty applications for a new memorial, and consequently a Notification of Advice will be issued in the same way as under other Faculty applications (see section 2).



Those intending to erect a memorial must obtain the necessary permission for it first (either from the incumbent or the Chancellor) before entering into any agreement with a memorial mason.

Memorials requiring Faculty

There are many reasons why a memorial may require a faculty. It could be that it is too large or depict an image not deemed appropriate for the Christian nature of the churchyard. More commonly, it is due to the type of stone proposed for the memorial. Polished granites, marbles or synthetic stone are contrary to the regulations – these are not natural to Warwickshire, and rarely blend in well with the traditional appearance of the churchyard. However, there are some churchyards in which the Chancellor's Regulations have not been adhered to in the past, and such headstones are commonplace. In such circumstances the Chancellor may be more mindful to grant a faculty for a stone of this type for example to complete a clearly defined area or row. Historical disregard of the Regulations is, however, no reason to let such a practice continue. PCCs are urged to actively discourage the use of 'alien' stones in churchyards.

Memorials in non-standard shapes (e.g. books, hearts etc.) are not normally permitted and therefore will also require a Faculty, as do those proposed with gilded inscriptions, and photographs etc. Some symbols are allowed with the authority of the incumbent or archdeacon; please consult the churchyard regulations for details.

The permanent removal of any memorial will also require a Faculty.

Flowers

Fresh flowers are permitted as long as the container forms part of the stone base or sunk into the ground so that it is virtually invisible, or laid on the ground. Artificial flowers are not allowed save for Remembrance Day poppies and traditional Christmas wreaths and they should be removed as soon as soon as they appear withered.

Commemoration in Gardens of Remembrance



There is a variety of ways of commemorating those whose cremated remains are interred in the churchyard in Gardens of Remembrance; please consult the churchyard regulations for details about how to go about this considering this question. Individual marker stones are discouraged. This is because the cumulative effect of many of these over time can end up looking out of place in a natural setting, although there are some cases in which this may not be the case. Traditionally, a Book of Remembrance is used to record those buried in Gardens of Remembrance, though markers with a number of names on them can be permitted by Faculty.



Full details of what will require a Faculty can be found in the Chancellor's Regulations

Maintenance of memorials

The maintenance of memorials are the responsibility of the person who paid for them, and after them, the heirs of those commemorated. As we well know, as generations go by, memorials become less well cared for, which is why it is important that any new memorial is of good quality, securely erected, not susceptible to vandalism, or expensive to maintain.



It is for this reason that the Memorial Regulations do not permit kerbs, chippings, railings or chains with new memorials as they can present maintenance problems.

Where possible, relatives of those buried in a churchyard should be encouraged to make periodic gifts towards the upkeep of the churchyard so that when repairs are required, they have financed or at least contributed to the cost of enabling these to be done.

The temporary removal of a memorial for repair or for the addition of an inscription may be authorised by the incumbent.

Further Information

For further information please visit the DAC section of the Diocesan website at <http://www.dioceseofcoventry.org/ChurchBuildings/Memorials> - here you will be able to download copies of the Chancellor's Regulations, as well as Guidance Notes for Clergy and Families, and the application forms for those requiring Faculty, and those which can be authorised by the incumbent or contact the DAC Office for hard copies.

Churchcare have also produced a useful Guidance Note on Memorials in Churchyards which can be found at <https://www.churchofengland.org/resources/churchcare/advice-and-guidance-church-buildings/new-burials-and-memorials>

8. Trees

Trees are visually and ecologically very significant elements of our churchyards, and provide habitats for large amounts of wildlife including insects, birds and bats, fungi, and lichen, and PCCs have a responsibility for caring for them unless that responsibility has been transferred to the local authority.



Trees, whether in a churchyard (be it open or closed) or in the consecrated part of a local authority cemetery are covered by guidance issued by the Church Buildings Council at: <https://www.churchofengland.org/resources/churchcare/advice-and-guidance-church-buildings/trees>.

Most tree related matters are included in [Lists A and B](#), the main exception (requiring a Faculty) being the felling of a healthy tree for reasons other than safety.

Churchyard Plan

Every church should have a churchyard plan on which all trees should be recorded, with a note pertaining to whether they have a Tree Preservation Order on them. Trees should be inspected regularly (and more increasingly the older they get) by an Arboricultural Consultant. This report should be included in the Quinquennial Inspection report.

Tree Preservation Orders (TPO)

A Tree Preservation Order (TPO) is an Order made by a Council in respect of a tree(s) because the tree is considered to bring amenity value to the surrounding area. The order makes it an offence to cut down, uproot, prune, lop or damage the tree in question without first obtaining the Council's consent, and for churchyards a List B (Minor Works) authorisation, or Faculty Consent.

Planting

Planting a new tree in a churchyard requires much consideration, particularly with regard to the species chosen. For example, consideration must be given to the size of the tree when it reaches maturity, its effect on local habitats and wildlife, and its appearance. The DAC would always recommend that a newly planted tree should be native, and ideally of a species traditionally local to the area. The planting of trees can be authorised under the List B (Minor Works) procedure.

The DAC Ecological Adviser can advise on the sorts of trees that may be appropriate for your churchyard, and other considerations relating to planting schemes.

Felling

Sometimes it is necessary to fell a tree in a churchyard because it has become a health and safety concern, is diseased, or for some other reason. It is important to ascertain whether there is a TPO on the tree, and if so get the necessary permission from the local authority to fell it, before approaching the DAC for List B or Faculty permission.



- If a tree is diseased, or a health and safety risk, the authorisation to fell it can be obtained under the List B (Minor Works) procedure.
- If the tree is healthy then Faculty consent must be obtained in order to fell it.

Where trees have been felled, the stump should be removed either by tractor and chain (if space allows) or by a portable stump grinding machine.

Lopping and topping

Standard remedial work such as the removal of split and hanging limbs and major deadwood may be carried out as advised by Arboricultural Consultant under the List B (Minor Works) procedure. This also applies to cable bracing, crown reduction, and the removal of major limbs so long as a report supporting or recommending this work is provided by an expert, and submitted with the application.



Every application for List B or Faculty consent relating to works to trees should normally be accompanied by a report/assessment by an arboricultural expert, a plan showing the location of the tree concerned, a PCC minute authorising the work, and written consent from the local authority if the tree concerned is subject to a TPO. Ideally a photograph (particularly if the tree is to be felled) is helpful too.

Further information

The Trees Guidance can be found in the DAC section of the Diocesan website at http://www.dioceseofcoventry.org/ChurchBuildings/DAC_Trees and applications can be made via the Online Faculty System (OFS) at <https://facultyonline.churchofengland.org/>. If you do not have access to the internet or are unable to apply online using this system, please contact the DAC office staff for assistance.

The DAC have an *Ecological Adviser* who can advise on issues such as trees, bats, wildlife and habitats, and other issues that relate to the churchyard. Contact can be made with this adviser via the DAC Office.

Some local authorities employ an *Arboricultural Adviser* who would be able to advise on the safety of a tree in a churchyard, and the type of maintenance work required.

9. The Quinquennial Inspection

The Quinquennial Inspection (or 'QI' for short) is a condition survey of the church building that should be undertaken every five years. This is a legal requirement under the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, as amended by the Church of England (Miscellaneous Provisions) Measure 2019 for all parish churches and other consecrated churches, chapels and buildings licensed for public worship. The aim of this inspection is to ensure that no building maintenance problems creep up on a church unnoticed.



The QI Architect/Surveyor

The Inspection must be undertaken by a suitably qualified and experienced professional such as an architect or surveyor. Prior to finalising the appointment of an inspector the PCC must obtain and have regard to advice from the Diocesan Advisory Committee (DAC) and must be satisfied that the person to be appointed has the necessary qualifications and experience. The DAC's advice can be obtained by submitting the architect's name with the name of the church to the DAC secretary. If the architect has not yet submitted their details to the DAC using the form provided this will need to be done before advice can be given and the appointment made. The DAC Office will normally contact you at the start of the year in which your Quinquennial Inspection is due. It is then the PCC's responsibility to contact their existing church architect, or appoint a new one if so desired to arrange the inspection and negotiate a fee.

The Inspection Day

The inspection of the church is visual, and such as can be made from ground level ladders or accessible roofs, galleries or stagings. Parts of the structure which are inaccessible, enclosed, or covered will not be opened up unless specifically requested. The PCC should provide ladders and any other assistance as the professional adviser considers necessary.



TOP TIPS for the Inspection Day

- Ensure that keys for all the doors in the church are available
- Ensure the church Log Book, Terrier and Inventory are available
- Provide details of any recent repair or maintenance work undertaken and other inspections (electrical, heating, safety etc.)
- Provide ladders to help to reach high level areas
- List any defects or issues that you have noticed
- Make sure that the bells are rung down

The architect may ask someone from the PCC to be present to hold ladders etc. or assist in other ways. It is a good idea to ask your architect what his/her specific requirements are in advance of the inspection.

The Report

The PCC will be supplied with copies of the report. It is also the architect's responsibility to send a copy to the DAC Office (preferably electronically) for it to be recorded on our database and reviewed by the Archdeacon. The report should be completed and forwarded within two months of the date of the inspection. If you do not receive it within this time period, you should chase this up with your architect. There are Diocesan guidelines for the report which should be followed. These guidelines are accessible from the DAC website at <http://www.dioceseofcoventry.org/ChurchBuildings/QIs>. The PCC should only pay the fee for the report when they are content that the report complies with these guidelines. The DAC Secretary would be glad to advise on this if necessary.

The report will highlight what repairs are needed over the next five years in order of priority, however the report is NOT an individual specification for any repairs. The architect has simply inspected the building and identified any problems found, and how urgently they should be addressed.

Resulting repairs and maintenance

The report will outline problem areas in the building that may require some repairs to be undertaken. The majority of these repairs will require List B authorisation, or Faculty consent. Please do contact the DAC Office to discuss what permissions may be required for any works proposed, and how to develop the relevant applications.

Further information

Guidance on the scheme requirements the List of Approved Architects, and notes on appointing a new QI architect can be found on the DAC section of the Diocesan website at <http://www.dioceseofcoventry.org/ChurchBuildings/QIs>.

The Churchcare website also has some useful guidance notes on Quinquennial Inspections at <https://www.churchofengland.org/resources/churchcare/advice-and-guidance-church-buildings/quinquennial-inspections>.

10. Appendix

Lists A and B (Minor Works)