

DIOCESE OF ST EDMUNDSBURY AND IPSWICH

***THE CARE OF OUR
CHURCHES AND
CHURCHYARDS***

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"It has been most truly said that these old buildings do not belong to us only. They belonged to our forefathers and they will belong to our descendants unless we play them false. They are not in any sense our property to do with them as we like, we are only trustees for those that come after us."

William Morris

Issued under the authority of
The Bishop of St. Edmundsbury and Ipswich and
The Chancellor of the Diocese

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INTRODUCTION

England is fortunate in having many parish churches of unrivalled beauty and architectural importance. Generally in the past they have been looked after well and today it is the responsibility and privilege of church members to maintain and care for their parish churches, remembering that they hold them in trust for the whole community, not only for the present but for the future.

Our diocese is renowned for the number and excellence of its historic churches. There are fine examples of Victorian and Edwardian urban buildings and the range and quality of medieval churches is outstanding. Each of these buildings is a standing relic of the constructional and artistic skills, religious zeal and aspirations of our forefathers.

Each generation has played its part in the structure or collection of furniture and fittings. The complexity of any building's history is preserved in the fabric, and the older the church, the more likely that the earliest remains have been worn away by time or the alterations of successive parish communities. They are fragile entities which should be treated with care and circumspection - the very complexity of their history means that no one person is likely to understand the implications of works to alter or conserve the building or its contents. What appears to be the simplest repair to an eight hundred year old building (and the great majority of our churches fall into this category) may be a threat to an irreplaceable piece of evidence from the past.

Thus the information provided in the following pages is given so that church members will be aware of the various ways in which this trust and these responsibilities can be discharged. It does so by offering guidance on maintenance and care of churches and churchyards. It draws attention to the availability of grants and advice on the way to obtain them. It deals with faculty jurisdiction which it should be emphasised is primarily concerned with the duty to protect our church heritage.

It is hoped that the information given will help people to appreciate the common anxiety we all share to ensure that our heritage is not abused and that it may remove some misunderstandings and enable the system to be more readily followed.

The legislation under which the Church takes care of its buildings is contained in "Care of Churches and Ecclesiastical Jurisdiction Measure 1991" and it is significant and of vital importance to emphasise that Section 1 of the Measure sets out the general principle under which that care is to be exercised:

"Any person or body carrying out functions of care and conservation under this Measure or under any other enactment or rule of law relating to churches shall have due regard to the role of a church as a local centre of worship and mission."

All who are involved with our parish churches, PCC, Incumbents, Churchwardens, Archdeacons, Architects, Surveyors, Diocesan Advisory Committee, Chancellor, Registrar may view the care of our churches from differing standpoints but all share a common aim, to preserve our church heritage.

Richard St Edmundsbury and Ipswich

Sir John Blofeld Chancellor of the Diocese

SOME IMPORTANT DOs AND DON'Ts

DOs

1. DO consult early with all who will be involved – Architect/Surveyor, DAC, English Heritage, Amenity Societies, Archdeacon, Planning Authorities.
2. DO make sure that in Petitions for Faculty, the schedule includes full specification details of the work involved.
3. DO ensure that when displaying a Public Notice the date by which objections must be sent is inserted.
4. DO obtain the advice of English Nature on matters involving bats.
5. DO check and clear gutters and drains regularly.
6. DO ensure that where a person is to be buried in the churchyard, or ashes are to be interred, that the bereaved family knows of the churchyard rules governing monuments at an early stage.
7. DO keep a detailed record in the church log book of all work carried out in the churchyard or church.

DON'Ts

1. DON'T start work without a Faculty (if in doubt contact the Archdeacon).
2. DON'T start work, for which you seek a grant, before applying for the grant from English Heritage or other bodies (grants are not given on work already undertaken).
3. DON'T treat the Quinquennial report as a specification - IT IS NOT.
4. DON'T sell church treasure (silver, furniture, organ or artefact) without a Faculty.
5. DON'T lop or fell trees without appropriate permission. Fines for felling trees covered by a Tree Preservation Order or in Conservation areas are high when done without permission from the Planning Authority.
6. DON'T plant trees or hedges in a churchyard without a Faculty to do so.

CARE OF THE CHURCH

*"The slate was lost for want of a nail,
For want of a slate the rafter was lost,
For want of a rafter the roof was lost,
For want of a roof the church was lost,
And all for the want of a copper nail."*

The care of our churches must be a continuous process. To care in this way minimises the necessity for periodic major restoration work with the concomitant crippling cost and PCCs should do all they can to "stave off decay by daily care".

THE CARE OF THE CHURCH - Recommendations for Routine Maintenance

General

Every building needs maintenance, especially the fabric of an historic church. Regular commonsense maintenance can often avoid the need for repair. That maintenance should take a regular form and cover the following relevant items.

Log Book

All churches are required to keep a maintenance log book and it should be the particular responsibility of one of the churchwardens or members of the PCC to keep it up to date. In it should be recorded all checks and tests of mechanical equipment, architect/surveyor's inspections and the nature and cost of all work carried out. A log book may be obtained from The Parishes Resource Office, St Nicholas Centre, 4 Cutler Street, Ipswich, IP1 1UQ. (01473 298507)

Routine Checks

Regular checks of the fabric are recommended and it should be the responsibility of one of the churchwardens or members of the PCC to see these are carried out.

- a) Walk-round visits each week and after gales and heavy rain.
- b) Three-monthly checks of all means of rainwater disposal including tower roof and other valley gutters and spouts, eaves, gutters, downpipes, gullies, drain channels and belfry netting.
- c) Annual checks of roof coverings, wall and floor surfaces, glazing, furniture, fittings, etc, for signs of damage, dampness, vegetation growth or insect or fungal attack (including the boundary walls and gates). A light extending ladder which should be in sound condition is a useful part of the church's equipment for this purpose.
- d) Mechanical equipment (bells, bellframe, clock, organ, heating installation etc) also need skilled routine inspection and regular maintenance contracts are recommended in cases requiring professional technical knowledge. The Diocesan Advisory Committee has advisers in many fields of expertise who are freely available to a PCC. Please contact the DAC Secretary, Churchgates House, Cutler Street, Ipswich, IP1 1UQ (01473 298533) for more details.

Routine Maintenance

- a) All work of a routine maintenance character requiring attention should be put in hand as soon as possible to prevent further damage being caused.
- b) All damage of a serious or structural kind requires expert attention and should be brought to the attention of the Architect/Surveyor for his advice before repairs are carried out.
- c) A routine maintenance contract for the cleaning of all valley and eaves gutters, gullies and drain channels in November and May of each year is recommended. This is of particular importance in the case of church buildings in the close proximity of trees.
- d) Debris and derelict fittings, old bell ropes, books and fabrics attract damp, dust and woodborer activity and should not be allowed to accumulate on Tower floors and galleries and in chests, parvises, boiler houses and shed. All disused objects of architectural and historic interest should be carefully stored to prevent deterioration.
- e) Neat and serviceable arrangements for the disposal of dead churchyard flowers are recommended. They should not be heaped against the walls of the church.

Specific Maintenance Points

Damp

Experience has shown that one of the main causes of damage and deterioration in the fabric of a church is damp. Since medieval churches have no damp course, moisture is constantly present in the walls, rising from the foundations, and it may also percolate through defective pointing and descend from faulty gutters. Prevention is far cheaper and better than cure. The following points are therefore of great importance:-

- i. Gutters, drains, downpipes and roof gullies should be sufficient in number, clear and in good repair.
- ii. Water tanks should not be placed near the walls unless an overflow is provided and space left for ventilation between the tank and the wall.
- iii. No vegetation should be allowed upon or near the walls of the church. Ivy, grass, shrubs and weeds should be cleared from the vicinity of the walls, and trees near the building should be cut back if their leaves are liable to choke the gutters. The danger of damage to the foundations by tree roots (especially elders, poplars and willows) should be guarded against.
- iv. It is important that no vegetation shall be allowed near the base of the wall, and that the soil be left free for the moisture to evaporate.

Fire precautions

- a) Every care should be taken to guard against damage by an outbreak of fire. Boilers and other heating equipment should be kept in good condition. Electrical installations should be tested every five years by a NICEIC registered electrician. Temporary or experimental electric fittings must have adequate safeguards.

- b) Rubbish, twigs and birds' nests should not be allowed to accumulate in the tower or a disused porch.
- c) Adequate fire-fighting apparatus should be kept in the church and maintained in good condition. Advice should be sought as to the desirability of providing lightning conductors. It is imperative that, where these are provided, they should be inspected regularly by a qualified person; if not properly maintained they can be dangerous.

Insurance

An annual review of the insurance of the church is recommended to ensure that an up to date level of comprehensive cover is maintained. The importance of having adequate cover against fire and third party risks is emphasised. It is a statutory obligation to provide insurance cover against employer's liability and the insurance certificate must be displayed in the church. Grant making bodies insist on Insurance Cover for buildings.

Where the Insurance cover is index linked check that items are not overvalued.

Advice on insurance as with many other matters is available from the Archdeacons and Diocesan Office, St Nicholas Centre, 4 Cutler Street, Ipswich, IP1 1UQ. (01473 298500)

INSPECTION OF CHURCHES

Under the Inspection of Churches Measure 1955 (as amended) a system has been introduced to monitor the state of repair of our churches and thus ensure that remedial action is taken in time.

Under the Measure, architects or surveyors are appointed Diocesan Inspectors of Churches who are required to inspect once every five years every church in the diocese. The Diocesan Advisory Committee ("DAC") holds a list of architects and surveyors whose work on medieval churches is known to the Committee. The Inspecting Architects/Surveyors form part of this list. In order to obtain admittance to the list an architect or surveyor has to submit an application and CV to the DAC. In the case of an architect he/she will need to be accredited under the Architects Accredited in Building Conservation register and for a surveyor he/she will need to be accredited under the Royal Institute of Chartered Surveyors scheme. Both will need to be members of EASA (Ecclesiastical Architects and Surveyors Association). The Committee would wish to see what experience the architect or surveyor has had on church buildings, which qualification he/she has received and the number of appropriate courses undertaken.

The Diocesan Inspectors of Churches are required after inspecting a church to submit a report of their inspection to:-

1. The Parochial Church Council;
2. The Archdeacon;
3. The Diocesan Advisory Committee; and
4. The Suffolk Historic Churches Trust

Each Diocesan Inspector is required to give reasonable notice to the PCC of his intention to carry out the inspection and the Council is required to provide facilities of access to all parts of the fabric of the church and must also supply such sound and safe ladders as the Inspector may require for the purposes of his inspection.

The remuneration of the Diocesan Inspectors of Churches and the costs of administering the Scheme are met by the Diocese. Thus fees for the survey and report are paid for under the Scheme but any further fees for consultation would be the responsibility of the parish.

A PCC may employ an architect or surveyor not on the list to oversee repairs or improvements to the church building. The DAC recommends however that the Diocesan Inspector is used in this capacity as over the years, that person would have built up a wealth of knowledge of the building. A patient/doctor relationship is often used as an analogy.

REPAIR AND GRANT PROCEDURE

Once faced with a repairing liability thrown up perhaps by a quinquennial review, the PCC will need to plan how it will discharge that responsibility and the following guidance notes will, it is hoped, be of assistance:

1. Faculties

Before any work is put in hand a Faculty *must* be obtained. Application forms are available from either the Diocesan Registrar, 20/32 Museum Street, Ipswich, IP1 1HZ, (04173 232300), or from the Secretary to the DAC, Diocesan Office, St Nicholas Centre, 4 Cutler Street, Ipswich, IP1 1UQ (01473 298533). There is no direct cost for a Faculty unless it is of a confirmatory nature or being applied for on behalf of a private individual.

Please follow the instructions sent to you with the forms; failure to send the correct papers, as requested, is the commonest form of delay.

2. Quinquennial Survey Report

This should be discussed by the PCC as soon as it is received. Items of routine maintenance should be put in hand without delay.

3. State Aid

The primary responsibility for finding the necessary finance lies with the PCC, but central government has allocated sums for repairs to churches in use which are of architectural or historic importance. Administered by English Heritage, these grants are available for church buildings listed as either grade 1 or grade 2*. Further funds are available through the Heritage Lottery Fund. Lottery grants cannot be made to projects which will attract English Heritage grants but may be made to churches and projects within churches which don't attract a grant from English Heritage eg grade 2 buildings and improvements and extensions to grade 1 and 2*. To assist PCCs, there is a joint application form, available from English Heritage, Brooklands, 24 Brooklands Avenue, Cambridge, CB2 2BU (01223 582700). PCCs who do not wish to receive Lottery grants can indicate this on the form which will then be considered by English Heritage. Full details may be obtained from the above address.

English Heritage no longer require parishes to seek their approval for works on the basis of having received English Heritage grant before 2002. If grant has been received since 2002 then EH approval will need to be obtained. This rule will cease to apply 10 years after the last grant payment has been received.

Under the new English Heritage two stage system the chancellor will not require a faculty to be obtained for exploratory work only provided that is wholly reversible.

4. Preparing a Specification

Except in the case of very minor repairs and maintenance a specification is necessary and you are advised to engage a suitably experienced architect/surveyor (preferably one

known to the DAC) to prepare it. He/she will be able to give you an approximate idea of the costs involved and advice on how the work may be phased.

If a grant from English Heritage is to be sought they should be approached at an early stage and before a detailed specification is prepared by the Parish Architect/Surveyor. Please note that the quinquennial survey report is not a specification and should not be given to a contractor for the purpose of obtaining estimates. Whilst the architect/surveyor's fees covering the survey and the report are paid for by the Diocesan Board of Finance further consultation with the architect/surveyor is not. Please ascertain the level of fees to be paid to the architect/surveyor before engaging him/her in work. If good relations have been developed between the PCC and architect/surveyor many pieces of advice may be obtained from the architect/surveyor freely over the telephone.

5. Obtaining Estimates

Unless work is of a very straightforward nature, only contractors experienced in work on historic buildings should be employed. Repairing an ancient church presents very different problems from those encountered on modern buildings. Frequently it is difficult to obtain firm or competitive estimates of cost, as the full extent of much of the work involved may not become clear until the work is in progress. Your architect/surveyor will advise you about the best way to proceed.

6. Diocesan Advisory Committee

The Committee must consider a Petition for Faculty before a Faculty can be issued, and the Secretary to the Committee will automatically place the papers before the Committee when they have been sent to him. Business to be discussed at a meeting must arrive with the Secretary not less than 10 days before the date of the meeting.

Early consultation with the Committee is most useful and essential when major proposals for alteration to a church are considered. The Committee has a wealth of expertise which is freely available to PCCs and advisers in many disciplines from archaeology to art, books, clocks, heating, organs, bells, liturgy etc. Advice will be gladly given, and if you wish to ask for guidance at any stage contact the Secretary at Diocesan Office, St Nicholas Centre, 4 Cutler Street, Ipswich, IP1 1UQ (01473 298533), mobile with answering machine:(07702 079051).

7. Local Fund-raising

Even with a Heritage grant, the PCC may well have to raise substantial sums, and will in any case be expected to do as much as it can. The Parish Resources Adviser, Diocesan Office, St Nicholas Centre, 4 Cutler Street, Ipswich, IP1 1UQ (01473 780295) is able to offer assistance.

8. Other Grant Applications

Among the other bodies which make grants towards the parish's share of the costs are:-

The Suffolk Churches Capital Fund, Diocesan Office, St Nicholas Centre,
4 Cutler Street, Ipswich, IP1 1UQ (01473 298533).

The Historic Churches Preservation Trust, 31 Newbury Street, London, EC1A
7HU. (020 7600 6090)

Incorporated Church Building Society, address as above.

The Suffolk Historic Churches Trust, The Grants Secretary, Brinkleys, Hall
Street, Long Melford, Sudbury, Suffolk. CO10 9JR. (01787 883884).

The Council for the Care of Churches, Church House, Great Smith Street,
London, SW1P 3NZ. (020 7898 1000)

If the PCC wishes to apply for a grant, it should write a preliminary letter to the body concerned stating the PCC's wish to apply for grant aid and detail local fund-raising activities. The different bodies follow different procedures and they will inform PCCs of what their regulations require. Many of them will insist that the work is supervised by an architect/surveyor. They will not normally give grants if the work has already commenced and if you wish to begin work before the grant application has been considered you should obtain their prior consent. Please note that the grant making bodies may take some time in processing an application. A PCC if possible, should always apply well in advance of the start of the work. Some applications have to be routed to the grant making body via the Archdeacon.

There is no reason why a PCC should not seek help from all the organisations listed. District Councils make grants to the Suffolk Historic Churches Trust and are therefore unlikely to give grant aid to a PCC. However, a PCC is encouraged to approach its Parish Council for financial assistance. Many grant making bodies insist on parishes applying for a Heritage grant and they must be informed of any such grant as soon as possible.

9. Archaeological significance

Parishes should be aware that some repair work or new works which affect either the historic fabric or the ground under and around the church will only be acceptable if an adequate archaeological record is made. The record is, therefore, an integral part of a programme of works and will result in costs. If the work that requires a record is grant aidable (e.g. repairs) the recording work probably will be too. If the works are not grant aided the parish will still need to know the costs they are likely to incur. It is important to include these costs in your estimates, and your grant applications.

10. General

Please consult your Archdeacon if you have any problems. The best advice that can be given is for anyone concerned with churches to consult with the appropriate person or body as soon as possible when a problem has arisen.

FACULTIES

Introduction

A faculty is a Special Licence authorising something which otherwise could not lawfully be done. In ecclesiastical law the term has come to be applied mainly to the authorisation of works and purpose involving the fabric or contents of churches or the churchyards. The necessity to obtain a Faculty for the execution of such works or purposes is associated with the legal effects of consecration.

Consecration of land has the effect of bringing it and everything on it or in it within the jurisdiction of the Bishop of the Diocese whose permission is thereafter generally necessary before any alteration can be lawfully effected. That jurisdiction is exercised on his behalf by the Chancellor of the Diocese who is appointed by him.

The faculty jurisdiction has existed over many centuries but is now regulated by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 and the Faculty Jurisdiction Rules 1992. Under the Canons of the Church of England the duty to comply with the jurisdiction is specifically imposed on the Minister and Churchwardens of any parish.

The thrust of the Measure and the rules made under it has been to try and make the system both as efficient and as accountable as possible. It also takes into account the legitimate interest which the Amenity Societies have in our churches as old buildings and which the Nation generally now has based on the substantial public funds disbursed for church repairs through English Heritage and Heritage Lottery Fund. In recent years there has been a considerable pressure for the ending of ecclesiastical exemption from listed building planning control which the Church of England currently enjoys. If that happened, churches would then be brought within secular listed building control with consent being granted by planning authorities who, unlike an ecclesiastical body, would not necessarily have the same interest in or concern for the pastoral aspects of any proposals. If sometimes the faculty jurisdiction system is seen as irksome, those who have had experience of obtaining listed building planning consent may regard the faculty system as less burdensome and expensive.

It is also important to emphasise the purposes of the jurisdiction if only to demonstrate that there are valid reasons (quite apart from legal necessity) for complying with it. In essence its purposes are to protect the interests of succeeding generations of parishioners and to provide safeguards against ill considered change. In this context too, it has to be remembered that a parish church belongs not to any one generation nor is its condition the exclusive care of those who may inhabit the parish at any one period of time.

The faculty jurisdiction also affords a method by which disputes between interested parties can be settled. Thus if there is a genuine disagreement in the Parish as to certain work or change, the Chancellor is there to provide that independent adjudication.

A faculty for permission to carry out development is generally required for additions or alterations or repairs, decorations or other works carried out to a building used for public worship or its contents or the churchyard of such a building. There are certain minor items of work that can be done without formal authority and a list of these minor matters (de minimis) is set out on Page 15. In case of doubt whether an item is minor and within the exemption do please consult your Archdeacon or the Registrar.

In considering whether or not to grant a faculty the Archdeacon or Chancellor takes into account a wide range of matters affecting ecclesiastical buildings and land including liturgy and the role of the church as a local centre of worship and mission in addition to matters which relate simply to aesthetics and planning.

The procedure to be followed on the submission of a Faculty Application is as follows:-

Procedure for obtaining a Faculty

1. When a proposal is put forward it must be discussed initially within the PCC and generally it is helpful to have early discussions with the church architect/surveyor, especially where major works are envisaged. It is also helpful at an early stage to consult your Archdeacon.

Informal Advice

2. The Diocesan Advisory Committee is, as always, very ready to give informal advice and if necessary to appoint a sub-committee to visit the parish to discuss the matter on site. Do please contact the Secretary of the Committee for this purpose.

Formal Consideration

3. When the parish have agreed details of any proposal and have decided to proceed, the proposals must first be referred to the Diocesan Advisory Committee for formal consideration. Notice of Dates of meetings are available on the Diocesan Web Site. If in doubt please phone Diocesan Office (01473 298533) for this information.

The application for formal approval should consist of:

- (a) Completed Faculty Petition. The Petition should be fully completed and the Schedule to it should give details of the proposed works together with the plans, any photographs, specification, quotation and drawings as appropriate. It is of the first importance that the Schedule should give a full and adequate description of the work as otherwise a delay in the process may result.
 - (b) A certified copy of the PCC minute approving the resolution.
 - (c) (i) Any correspondence with English Heritage
(ii) Any correspondence with any Amenity Society
 - (d) The planning consent (if required)
 - (e) If the proposed works are likely to affect the organ, an electrical installation or the security of the building against fire, vandalism, theft or other risks a letter from the insurance company concerned stating that the work has their consent.
 - (f) Statements of Need and Significance for all re-ordering, extensions and potentially controversial improvements. If in doubt contact the DAC Secretary, Diocesan Office St Nicholas Centre, 4 Cutler Street, Ipswich, IP1 1UQ. (01473 298533)
4. When an application for such formal consideration is received it will be placed on the agenda for the next meeting of the Diocesan Advisory Committee. Agendas will close 10 days before a meeting of the DAC and no further applications will be accepted for consideration at that meeting after that cut-off date. It may be that before making a

recommendation the sub-committee will wish to visit and discuss the proposals on site or it may be that the committee will want to seek further specialist advice.

5. If the DAC agrees that the proposal can be recommended for a faculty, the Secretary will issue a certificate, the original of which will be sent to the Parish, together with the Public Notices. A copy of the certificate, together with Petition and other papers lodged by the Parish will be sent by the DAC Secretary to the Diocesan Registrar.

6. (i) On receipt of the certificate the parish should consider the recommendations made by the DAC including any conditions. If it is decided to proceed, the Public Notice procedure in paragraph 7 should be followed.

(ii) If the parish do not agree with the contents of the Certificate, it can, of course, ask the DAC to reconsider its position. It also can ask that their petition which has not got the support of the Committee be referred to the Chancellor by the Registrar. In the event of this request being made, the procedure in paragraph 7 should be followed.

7. Where a certificate is received this will be accompanied by two Public Notices (three in the case of works to trees or floodlighting). The Public Notices should then be displayed for a continuous period of not less than 28 days both inside the church on a notice board or in some other prominent position and also on a notice board or the principal door outside the church. If the relevant church is not a parish church, the Public Notice should be published at the church and at the parish church. **It is essential that at the time the Public Notice is displayed the date by which objections must be sent is inserted together with the name and address at which supporting paperwork can be inspected.** Failure to do so renders the Public Notice invalid. If there is no appropriate notice board or in any case of difficulty please consult the Registrar.

8. The Public Notice is intended to give parishioners and other interested parties an opportunity of objecting to the proposals. Such objections must be in writing to the Registrar. After publication for the 28 days, the certificate of execution on one of the two Public Notices displayed must be completed and then sent to the Registrar. The Registrar is unable to proceed with the petition until this step has been taken.

9. In certain cases the Chancellor is bound to direct that English Heritage, the Local Planning Authority and any National Amenity Society he deems appropriate should be specifically notified. In addition he may require the PCC to place a notice in the local newspaper. This is so if the works for which a faculty is sought involve:

- (i) alterations to or extension of a church which is listed to such an extent as is likely to affect the character as a building of special architectural or historic interest; or
- (ii) would affect the archaeological importance of the church or archaeological remains existing within the church or its curtilage; or
- (iii) would involve demolition affecting the exterior of an unlisted church in a conservation area.

Consequently it is likely to save time if in relevant cases these bodies are approached at an early stage. The Archdeacon, Secretary of the DAC or the Registrar is always ready to advise petitioners whether any approach should be made to these bodies. The National Amenity Societies are defined as the Ancient Monument Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the

Victorian Society and the Twentieth Century Society. A list of addresses is set out in Appendix 4.

(iv) The Chancellor is also required where any petition for a faculty concerns or involves an article or matter of historical or artistic interest to serve full details on the Council for the Care of Churches in order to obtain a report from that Body in the proposals.

(v) If bats use any part of the church and it is possible that the work or purposes might harm or disturb the bats or their roosts, the advice of English Nature should be obtained before a petition is presented and the letter of advice from them submitted with the petition.

(vi) If works are to be carried out in the churchyard which are likely to affect graves or memorials maintained by the Commonwealth War Graves Commission the petitioners should seek the agreement of the Commission to the proposal.

10. Once the completed Public Notice and certificate of execution have been returned to the Registrar and if no objections have been lodged, a Faculty will be issued either by the Archdeacon or the Chancellor depending on the nature of the Application. It may be issued subject to conditions. If objections have been received the petition will be dealt with by the Chancellor who will direct what steps are to be taken and whether or not the matter must be dealt with at a hearing in the consistory court.

If there is formal opposition the Chancellor is likely to afford the petitioner and objector a hearing in open court. He usually sits in the Parish concerned in order to meet the convenience of the parties who may appear either in person or by solicitor or Counsel.

If a court hearing is directed, at its conclusion the Chancellor will give his decision, and he will make an order for the costs of the proceedings. The costs of unopposed petitions where the Chancellor has felt it right that there should be a hearing are borne by the petitioner, but the award of costs in a contested case is in the discretion of the court and an objector may be asked to bear the costs if unsuccessful.

When a Faculty is issued there is also sent with it the Certificate of Completion which should be completed and returned to the Registrar when the authorised work has been carried out.

Re-ordering Proposals

11. The Rules enable the Archdeacon to give a licence in writing for a temporary re-ordering scheme for a period not exceeding 12 months where the application is made to him by the minister and has the support of a majority of the parochial church council. A licence can only be granted however provided the Archdeacon is satisfied that the scheme does not involve any interference with the fabric of the church and does not involve the fixing of any items to the fabric of the church nor the disposal of any fixture. If the scheme also involves the moving of any item the same must be done by some suitably competent or qualified person and the item must be safeguarded and stored in the church or in such other place as he approves and in the circumstances where the item can easily be reinstated. If the Archdeacon is not in a position to grant a licence or declines to do so, the parish would then have to apply in the usual way for a faculty.

Planning

12. While the faculty system gives exemption from listed building control there may be cases where a planning consent will be required e.g. extensions, erecting telecommunications equipment, some noticeboards, external works, floodlighting, etc. The parish's Architect/Surveyor, DAC Secretary or Registrar will be able to give guidance as will a planning authority where they may be concerned.

Grave Spaces and Exhumations

13. The faculty procedure outlined above does not apply where the permission being sought relates exclusively to exhumation or the reservation of a grave space. In such circumstances the person seeking the faculty should approach the Registrar in the first instance for a petition which can then be submitted direct to him, without reference to the DAC. He in turn will seek the Chancellor's directions on the application.

Confirmatory Faculties

14. If work has been carried out without a Faculty, the Chancellor may direct the payment of costs and could order reinstatement to be made at the expense of those responsible for the unauthorised work.

Minor matters for which a Faculty is not needed (as authorised by the Chancellor of the Diocese).

1. Cruets.
2. Vases and flower stands.
3. Kneelers, hassocks and cushions (but not where a substantial replacement of hassocks is intended over a period of time).
4. Furniture in church halls.
5. Authorised service books.
6. Hymn books, song books, bibles and choir and organ music (but not disposal of handbound or other valuable books).
7. Altar linen (but not altar frontal or falls).
8. Movable hymnboards.
9. Fire extinguishers (subject to Archdeacon's instructions as to location in the church).
10. Decorative banners used for displays not lasting more than three months.
11. Works of routine maintenance of electrical fittings (by approved NICEIC electricians) or other equipment and furniture not costing more than £1000 plus VAT.
12. Works of routine maintenance on the fabric of a church (see below) not costing more than £1000 plus VAT.
13. Replacement of ordinary carpets or curtains (in the same material).
14. Introduction of a small movable bookcase no larger than 100 cm x 200 cm x 30 cm or display stands.
15. Maintenance of paths not amounting to full re-surfacing.
16. Maintenance of pianos using matching materials.
17. Tuning of organs and tuning and adjustment of harmoniums and pianos.
18. Inspection and routine maintenance of bells and bell frames, clocks and clock faces.
19. Replacement of wooden bell stays and routine works involving bells and bell ropes.
20. Lawnmowers and other churchyard equipment.
21. Surplices, albs, cassocks, choir robes and vergers' robes.
22. Introduction of registers and deposit thereof in diocesan record offices.
23. Routine repair and maintenance of silver plate subject to prior consultation with the archdeacon and the archdeacon's written consent being given prior to such work being undertaken.
24. Introduction of bat boxes.
25. Security-marking of movables with UV pen and other invisible security-marking.
26. Money collecting boxes and lock-safe in the vestry providing that the same are not built into the fabric.
27. Lopping of branches of trees within the churchyard where branches are less than 10 cms in diameter providing that the local authority gives its consent.
28. Removal of dead trees or dead branches of trees providing that the local authority gives its consent.
29. Work to trees where their roots are interfering with buildings, graves, walls or other structures in the churchyard providing that the local authority gives its consent.
30. Such other matters as may from time to time be added by the chancellor after consultation with the Diocesan Advisory Committee.

NOTES:

1. A matter not on this list will require a faculty from either the Chancellor or the Archdeacon.
2. No item should be disposed of without consultation with the Archdeacon.
3. Definition of maintenance: To repair an item using exactly the same materials as the original - to retain its originality.
4. IF YOU HAVE ANY DOUBT ABOUT A MATTER, CONSULT YOUR ARCHDEACON.

MEMORIALS IN CHURCHES

It is happily true in many parishes that each generation sees examples of devoted and meritorious service which clearly deserve to be kept in remembrance. Often instead of a memorial tablet, an accepted mode of commemoration maybe the provision of some article or feature suitably inscribed which can be dedicated as a permanent addition to the contents or perhaps structure of the church, e.g. memorial windows, panelling, pews, candlesticks, communion plate, altar frontals, dorsals, font covers, lecterns and many other articles. Sometimes, however, a request is made for a memorial tablet. This does require a Faculty as indeed do most of the suggested alternatives. Early consultation is recommended.

It should be emphasised that the placing of a plaque or tablet in Church is not a right but is a special privilege reserved for exceptional cases. Before a Faculty will be granted evidence will be required that the person to be commemorated has rendered outstanding service to the Church and/or the community as a whole. Even then the granting of the permission will not follow as a matter of course and among other considerations the Chancellor will bear in mind:-

- a. the character of the church
- b. the design of the proposed memorial
- c. the availability of suitable wall space
- d. the recommendation of the Diocesan Advisory Committee.

It may sometimes appear to applicants that the strictness with which the Chancellor exercises his discretion may on a short term view appear excessive. It is, however, the Chancellor's duty to protect the interest of future generations. If Faculties were freely granted, albeit in deserving cases, the walls of a church might in the course of years become crowded with tablets to the detriment of that church's appearance.

If a Petitioner feels that he has an appropriate case it is suggested that before he goes to the expense of a Faculty and a detailed drawing of the plaque, that the application should receive preliminary consideration. The Registrar will, on receiving details (including any information on all the points mentioned above), place the matter before the Diocesan Advisory Committee and the Chancellor for a preliminary view.

If a Petition is presented a substantial burden of proof will normally rest on the Petitioner and even in the absence of formal objection by other parties, a hearing in Court may be required.

CHURCH TREASURES

In more recent years parishes faced with a heavy repair burden have considered whether to try and dispose of valuable articles belonging to the church to fund those repairs. Before any sale can be made a Faculty must be obtained and the following observations may help in guiding a parish which is considering such a step.

The discretion of the Chancellor to allow a sale will be exercised sparingly and a substantial burden does rest on Petitioners, even in the absence of opposition, to satisfy the court that a sale is justified. Applications may be granted where a church is faced with an emergency, i.e. a need to carry out substantial repairs with no hope of raising funds for this purpose through normal means. In considering any such application the Chancellor would need to be satisfied not only of the amount of expense being incurred but also what efforts might have been made to raise the money and whether any shortfalls could not otherwise be met.

The reluctance of the Court to allow a sale is based on the principle that the church is regarded as being the custodian of its possessions for the time being rather than the owner.

The Faculty for such a sale follows the usual procedure except that an expert valuation from the parish will be required and in addition to the views of the Diocesan Advisory Committee a report will be required from the Council for the Care of Churches (see Page 13 (paragraph 9iv)).

It is also possible that notwithstanding the absence of any objection the Chancellor would require a court hearing to be held at which the arguments in support of a sale could be adduced before ruling on the application.

Parishes should also be aware that some grant making bodies who otherwise might assist will not do so if the parish is disposing of a Church Treasure. Before proceeding with any such application it is advisable to ascertain whether any such grant would be at risk.

The Diocese is fortunate in possessing a Cathedral Treasury and the Cathedral is always willing (space permitting) to receive on loan Church Treasure such as plate for display when the Parish as often as not have to safeguard such "treasures" by depositing them in a Bank. A Faculty is required for such a loan and in the first instance the Parish should approach the Cathedral to enquire about the possibility for display.

CHURCHYARDS

Care of the Churchyard

The care and maintenance of the churchyard is the responsibility of the Parochial Church Council whose legal obligation is to maintain the churchyard by keeping it in decent order and its walls and fences in good repair.

Under the Local Government Act 1972 there is a discretionary power for District Councils or Parish Councils to contribute towards the expenses incurred by the PCC in providing and maintaining the churchyard. It would seem not unreasonable that the PCC which is in fact providing the burial ground in which the inhabitants of a particular Authority's area can be buried (a duty which would otherwise rest on the Local Authority) should make a request for contribution to the cost thereof. However, there is no obligation on a Local Authority to contribute.

The PCC in carrying out its responsibilities must comply with the Churchyard Rules made by the Chancellor. These are set out at Appendix 1. Model recommendations are set out in Part III of those Rules and in the absence of specific regulations made by a PCC those model recommendations shall be deemed to apply to the churchyard.

In carrying out its responsibilities the PCC should have regard to the following points:

1. Grass close to the church should be kept short, and there should be a border of mown grass on either side of all pathways. Grass in that part of the churchyard currently in use should never be allowed to grow so long that approach to a grave is rendered impassable.
2. As previously mentioned, the growth of trees and shrubs near the church should be discouraged. Ivy in particular is destructive; where it is attached to a wall or to a tomb, care is needed in its removal. It should either be cut off at the root and allowed to die before being torn down and removed, or an appropriate weedkiller used. No new growths of ivy should be allowed to establish themselves anywhere in the churchyard. Trees should not be placed within twenty five feet of the church. When full grown their roots can cause damage to the foundations and branches can be blown off and cause substantial damage.
3. The use of weedkillers will assist in the task of keeping all paths as well as the immediate surround of the church building clear of weeds, otherwise weedkillers should be used sparingly so as to encourage wild flowers which in their variety often enrich our churchyards. Weedkillers should never be used near main drainage channels.
4. A plan of the churchyard (preferably to scale) showing the whereabouts of individual graves is needed so that there is an accurate record of where deceased parishioners are buried. Approaches may be made from time to time to parishes for information on places of burial by relatives of a deceased and the parish also needs to know what plots have not been used.

Memorials

Parishioners and persons dying within a parish have a legal right to be buried in the churchyard but the erection of a gravestone or monument, though customary, remains a

privilege. It is an erection on consecrated ground and therefore in strictness requires the grant of a Faculty. In practice, however, a Faculty is not insisted upon for a gravestone PROVIDED it falls within the scope of the authority delegated by the Chancellor to the Incumbent or Priest in Charge who consents to its erection.

The present extent of the delegated authority given by the Chancellor to Incumbents etc. is set out in detail in the Churchyard Rules (Appendix 1).

Although the Chancellor has given that authority to an Incumbent, the Incumbent may in his absolute discretion refuse permission leaving the applicant to pursue the matter by way of a Faculty Application.

Where a gravestone falls within the delegated authority and the Incumbent consents, that approval should be obtained by using the form, a specimen of which is set out in Appendix 2.

Copies are available from the Diocesan Office, St Nicholas Centre, 4 Cutler Street, Ipswich, IP1 1UQ (01473 298533).

If the gravestone does not fall within the delegated authority, a Faculty must be obtained before any work is carried out.

In considering whether or not to grant a Faculty for a gravestone or a memorial in a churchyard, the Chancellor is likely to take into account the following points:-

- a) the probable effect of the proposed gravestone or memorial upon the appearance of the churchyard
- b) the presence or absence of other gravestones or memorials of a similar type of material in the particular churchyard
- c) the quality and appearance of the material proposed to be used
- d) the standard of workmanship
- e) the quality of the design
- f) the effect of the proposed memorial or gravestone on the task of maintenance
- g) the space available in the particular churchyard
- h) the fact that the presence of any kerbs, railings, chains or chippings is likely to add greatly to the difficulties of maintenance.

Vases

The wish of relatives to place flowers on a grave is understood and the Chancellor has granted to Incumbents the right to consent to the use of a flower vase. (For the precise terms of that consent, please refer to Appendix 1.)

Churchyard levelling

- (a) From time to time parishes wish to tidy their churchyard by levelling mounds, by removing kerbs or footstones and occasionally headstones.

A Faculty is required for such work, and the value of this protective procedure is then particularly evident. It allows a parish some freedom of action while at the same time

enabling interested parties to state their case and it inhibits the wholesale or thoughtless destruction of valuable historical evidence. Gravestones, kerbs, mounds are sometimes regarded as obstacles to the easy maintenance of the grass but any proposals put forward for removal or re-arrangement of gravestones, etc. require careful scrutiny and must never detract from the essential character of the churchyard as a place of burial near a church. This character is not best maintained by treating the churchyard as though it were a garden or park.

(b) Suggested procedure.

(i) the parish should consult their church architect/surveyor and the Diocesan Advisory Committee for advice on what tombstones should be retained in situ before a Faculty Application is submitted and the following steps are also advised:-

(1) full local publicity should be given to the proposals to see whether the work would give rise to any objections. In the past distress has been caused to the relatives of persons buried in a particular churchyard who have only learnt of the changes after the work has been undertaken. Local enquiries should be made to ascertain whether any descendants of those buried whose stones are to be removed are still alive and can be contacted.

(2) A detailed plan will be required with the Faculty Application showing the precise position of the stones to be moved and giving names if decipherable.

(c) When the work is undertaken extreme care should be taken by those carrying it out to ensure that no graves are disturbed nor should any memorials be destroyed unless so included in the Faculty.

Further advice on the subject is given in the Churchyard Handbook available from the Council for the Care of Churches (details Appendix 4).

Reservation of Grave Spaces

While Parishioners have the right to be buried in their churchyard the only method by which a person can reserve for the future a grave space in a particular position is by obtaining a Faculty. In order to obtain a Faculty it must be shown that:-

- a) The person or persons to be buried are connected with the parish
- b) There is sufficient room in the churchyard for the future burial of parishioners
- c) The size and the position of the space desired are suitable
- d) The petitioner has contributed or will contribute to the maintenance of the churchyard. The Chancellor has stipulated the amount of such contribution and the Registrar will advise the current figure.
- e) The application has the support of the PCC

Where the application is by a husband and wife the same Petition can cover the Reservation of a double depth grave.

The normal procedure for obtaining a Faculty is followed, save that the Petition is not referred to the DAC but should be forwarded direct to the Registrar.

Following the issue of the Faculty, notification is given by the Registrar to the PCC. It is important that the site and name of the person should be properly recorded in Church records to ensure that another person is not inadvertently buried in the reserved space.

Closure of Churchyards

When a churchyard is full, application may be made to the Home Office for an Order in Council closing the churchyard. Guidance notes have been issued by them of the procedure to be followed and these are set out in Appendix 3.

The practical advantage to the PCC of the closure of the churchyard is that thereafter it can require the Local Authority to take over the maintenance of that churchyard. (Ownership still remains with the church.) When responsibility is thus transferred to the Local Authority they succeed to the functions and liability of the PCC (for these functions and liabilities see "Care and Maintenance of the Churchyard"). Where a PCC wishes in such circumstances to transfer responsibilities, it will need to pass an appropriate resolution and notify that decision to the Local Authority.

The closure of a churchyard does not prevent the interring of cremated remains in it.

Sometimes parishes are unclear whether an Order in Council has been made or not in the past and the following lines of enquiry are suggested:-

- (a) There should be a copy of the Order in Council or of the issue of the London Gazette in which it appeared, with the parish church or with the Local Authority's records.
- (b) The index to the London Gazette 1839-1883 (available in the bigger reference libraries) will mention the Order if made before 1884
- (c) If made between 1884 and 1891 it can be traced through the quarterly Indices to the London Gazette
- (d) If made after 1891, the Order will be listed at the end of the annual volumes of Statutory Rules and Orders or Statutory Instruments but this involves a tiresome search unless the approximate year is known.
- (e) Enquiries may be made from the Home Office.

Closed churchyards are still subject to Faculty jurisdiction even though the responsibility for their maintenance has been transferred to a Local Authority.

Consecration of a Churchyard or Cemetery extension

When it is decided to apply for consecration of an extension, the request should be made to the Diocesan Registrar who will advise in detail on the procedure to be followed.

It should be emphasised that once consecrated a churchyard cannot be used for any other purpose without the authority of a Faculty.

Graves

There is no set period of time (unless a grave space has been reserved) before a grave space can be reused. Clearly however to avoid any pastoral upset a substantial period of time (at least a 100 years) would first have to elapse and even then if a memorial stone is

still on site, a longer period is likely to be involved. A Faculty would also be needed for the removal of any existing memorials.

Trees in Churchyards

The Chancellor has issued Rules and these including the advice of the DAC are set out in Appendix 5.

Disposal of Cremated Remains

Burial has always been the Christian tradition of decently interring the remains of the deceased and the scattering of cremated remains can be unseemly and distressing to the bereaved and should normally be avoided.

Direct committal into the earth is from the point of view of both symbolism and sound practical sense, the course to be preferred. If there is to be a casket, it should be biodegradable.

Conservation in Churchyards

Because of the dramatic changes in the countryside, churchyards have a new importance for nature conservation. 96% of Suffolk's wild flower meadows have gone. Many plants and animals, once common in the countryside, have few refuges left except gardens and small areas like churchyards. Conservation of this grassland habitat is now a high priority. The Suffolk Wildlife Trust has surveyed all the churchyards in the County and found that collectively, we have a significant proportion of the remaining grasslands within our churchyards.

Conserving wild flower meadow habitat means cutting it and raking off the cuttings at the right times of the year. It does not mean leaving it alone or cutting very frequently.

Conservation practices can easily be incorporated with general churchyard maintenance so that the churchyard still has a neat and cared for appearance and can function as a churchyard should. Pathways and around tended graves should still be kept short. Other areas may only need cutting monthly and some parts can be kept as meadows and only cut once or twice a year. A management plan details how this can be achieved taking into account the individual conditions and needs in a particular churchyard.

For advice on getting a management plan or on conservation in churchyards in general, contact the Suffolk Wildlife Trust, Brooke House, The Green, Ashbocking, Ipswich, Suffolk, IP6 9JY, telephone 01473 890089.

MISCELLANEOUS

Publications

A number of helpful publications are available covering a wide range of subjects on church buildings and church administration. For more information contact The Parishes Resource Office, St Nicholas Centre, 4 Cutler Street, Ipswich, IP1 1UQ (01473 298507).

Church Clocks

PCCs might like to know that where the church in effect provides the public clock for the Parish then there is power under the Parish Council Act 1957 for Parish Councils to bear the reasonable cost of repairing and maintaining such a clock and a request for such assistance might be made to it. A faculty is still required, however, before work to it is undertaken.

/u/wp/jdm/MCCC&APPs

APPENDIX 1

CHURCHYARD RULES

PART I

1. (i) Nothing shall be erected or placed, and no work shall be done, in the churchyard without the consent of the Chancellor of the Diocese or of the Incumbent (including Priest in Charge) of the Parish acting within the authority delegated to him/her by the Chancellor. The extent of that authority is set out in Part II below. Where there is a Vacancy the permission of the Rural Dean should be obtained.
- (ii) Any consent given by the Incumbent shall be in writing. Any consent given by the Chancellor will normally be by Faculty and will always be in writing.
- (iii) Every application for consent shall be made in the first instance to the Incumbent on the form prescribed by the Chancellor. The application shall be accompanied by a cheque to cover the appropriate fee. If the application is not within his/her power to grant, or if he/she does not think fit to grant it, he/she will inform the applicant, who may then apply to the Registrar of the Diocese with a view to petitioning the Chancellor for a Faculty.
- (iv) No action shall be taken in respect of any such application until a faculty or consent has actually been given.

PART II

INTRODUCTION OF MONUMENTS etc

2. The Chancellor has delegated to the Incumbent power within his/her sole discretion to permit the introduction into his churchyard of monuments falling within the following provisions:-
 - (i) A simple headstone. Its face must be flat and not curved and it must be erected vertically from the ground. The dimensions shall not be more than 1200mm (4ft high), 900mm (3ft) wide and 150mm (6ins) thick and not less than 762mm (2ft 6ins) high, 450mm (1ft 6ins) wide and 75mm (3ins) thick (slate 2ins). (These measurements include the base.) A headstone shall not be erected within 1200mm (4ft) of the outer wall of the church.
 - (ii) a. A base forming an integral part of the design of a headstone is permitted. It shall be properly secured to the headstone, preferably by two non-ferrous metal dowels, and these should be at least 100mm (4ins) in length. All joints should be firmly fixed. The base shall not project more than 50mm (2ins) beyond the headstone in any direction (except where a vase is incorporated when the base may extend a maximum of 200mm (8ins) in front of the headstone). The base shall itself be fixed on a foundation slab (which may be reinforced concrete) which should be positioned just below the turf so that a mower may pass freely over it. The foundation slab shall extend beyond the base by between 75 to 124mm (3 and 5 ins) all round.

- b. For free standing memorials the headstone should be set in the soil, to a minimum depth of 381mm (15 ins) or, alternatively, the stone should be fixed using two jockey blocks at least 381mm x 152mm x 76mm (15ins x 6ins x 3ins) set below ground level.
 - iii) Natural stone vases which are permitted shall be not more than 300 x 200 x 200mm (12ins x 8ins x 8ins) in size. A vase may be incorporated into the base of the headstone. Glass containers are prohibited.
 - iv) Memorials for Young Children**

Representations have been made to the Chancellor that in some cases the size of these memorials might be reduced to below the minimum dimensions contained in the Churchyard rules set out above.

For pastoral reasons he is sympathetic to those representations although he is also concerned that memorials should be large enough to be easily seen so that they are not damaged inadvertently and that they should be strong enough to survive accidental knocks.

He therefore delegates to an incumbent power within his sole discretion to permit the introduction into his churchyard of a simple memorial for a young child with a minimum size of 460mm high x 300mm wide x 75mm thick (1ft 6ins x 1ft x 3ins)

This discretion may be exercised in respect of memorials to young children who have died under the age of 10 years.
 - v) Cremated Remains**
 - a. The burial of cremated remains may, subject to b. below, be commemorated by tablets or plaques (including wedge shaped tablets) not exceeding 535mm (1ft 9ins) square. A vase may be incorporated into the tablet. Such tablets or plaques may be upright or flush with the turf.
 - b. Where a part of the churchyard has been specially set aside by Faculty for the burial of cremated remains, no tablet, plaque, monument or vase shall be introduced into that area except in accordance with the terms of the faculty setting the area apart.
 - vi) Monuments shall be of natural stone (including slate and grey granite) but not black, red or Scottish granite, or marble, which are prohibited. Monuments may also be of teak or oak. Stones traditionally used in local buildings or closely similar to them in colour and texture are to be preferred. The stone including the lettering surface shall not be mirror polished (i.e. highly polished so as to reflect). No monuments (or vases) shall be of synthetic stone or plastic.
 - vii) No monument shall include any raised kerb, railings, stone or other chippings, statuary or book or bird bath. Every monument shall be simple in shape.
 - viii) No advertisement or trade mark shall be inscribed on the monument, but the name of the mason may be inscribed at the side or on the reverse of a headstone in unpainted and unleaded letters no more than 15mm (1/2in) in height.
3. The approval of the Diocesan Advisory Committee must be obtained for a Cross and any application for one must be submitted to the DAC. A cross is the supreme Christian symbol and if a permanent memorial in this form is required, it should not be unduly repeated and should be individually designed.
 4. If the incumbent objects to the proposed wording, he should advise the applicant he/she must apply for a Faculty.

PART III

MANAGEMENT REGULATIONS

5. Under the Parochial Church Councils (Powers) Measure 1956 the duty to care for and maintain the churchyard is laid upon the Parochial Church Council which has all powers necessary for that purpose.

The Chancellor and the Diocesan Advisory Committee recommend that every Parochial Church Council shall make rules for the proper exercise of those powers and duties and to assist them the Chancellor has laid down the following guidelines which in the absence of specific rules being passed by a PCC shall be deemed to apply to the churchyard:-

- i. The surface of the churchyard shall be kept, as far as possible, level and free of grave mounds. The Parochial Church Council may level any mound at its discretion at any time more than twelve months after the latest interment in the grave.
- ii. Bulbs and small annual plants may be planted in the soil of a grave being within the area previously excavated. Plants or flowers may be placed in a removable sunken container (preferably of unpolished aluminium); but unless they are kept tidy the Parochial Church Council may treat the grave as part of the turf and mow over it.
- iii. Wreaths or cut flowers may be laid direct on any grave or in any vase authorised by these regulations. Where a vase incorporated into the headstone has ceased to be used, the Parochial Church Council may insert a matching core.
- iv. No artificial flowers (other than "silk" flowers ie having a mixture of polyester/cotton) may be placed in the churchyard and if they are so placed the Parochial Church Council may remove them.
- v. The Parochial Church Council may remove flowers of whatever kind and wreaths at their discretion having regard to their state.
- vi. Any power exercisable by the Parochial Church Council under these regulations may be delegated by the Council to a person or persons deputed to care for the day to day upkeep and maintenance of the churchyard.

Any query on the interpretation of these Rules should be referred to:-

Diocesan Registrar
20/32 Museum Street
Ipswich IP1 1HZ
01473 232300

DIOCESE OF ST. EDMUNDSBURY AND IPSWICH

**APPLICATION TO INCUMBENT FOR PERMISSION TO
INTRODUCE MEMORIAL INTO A CHURCHYARD**

The Chancellor of the Diocese has delegated to the Incumbents the power to authorised without Faculty:-

1. Simple headstones of natural stone (including slate and grey granite) but not black or red or Scottish granite, or marble. The stone, including the lettering surface, shall not be mirror polished.
2. The headstone shall not be more than 1200mm (4 ft) high 900mm (3 ft) wide and 150mm (6ins) thick and not less than 762mm (2ft 6ins) high, 450mm (1ft 6ins) wide and 75mm (3ins) thick.

(Full details of the extent of the authority granted are contained in the Churchyard Rules obtainable from the Diocesan Registrar. Reference should be made to the rules for further guidance.)

Name of Churchyard

Name of Applicant

Address

Name of Monumental Mason

Headstone or Cross

Size of Memorial

Type of stone to be used

Surface Finish

Description of any Carving or Decoration

.....

.....
Wording of Inscription

.....
.....
Type of Lettering

Colour of Lettering

Size of Lettering

Particulars of any Vase incorporated in the Memorial.....
.....
.....
.....

Full Sketch of Memorial showing ground level

1. I have read the current edition of the Notice relating to the Churchyards issue by the Chancellor of the Diocese and agree to abide by its terms.
2. I claim that under the terms of such Notice the Incumbent has power to permit the introduction into his churchyard of the monument described herein.
3. On behalf of the Applicant I apply to the Incumbent to grant permission accordingly.
4. I undertake that if permission is granted by the Incumbent the monument will be erected in exact conformity with its description in this application. I will, if requested in the future, provide a suitable core for an unused vase incorporated into the headstone.
5. I further undertake to indemnify the Incumbent against all costs and expenses to which he may be put in respect of any deviation from the undertaking I have given.
6. I will notify the Incumbent beforehand when the memorial is to be installed.
7. I enclose the prescribed fee.

Dated Signed
 (Stonemason)

I authorise the stonemason to make the above application on my behalf and I undertake to abide by the terms on which consent is given.

Dated Signed
 (Applicant)

For use by the Incumbent

If the Incumbent is able and willing to authorise the introduction into the Churchyard of the monument described herein the Incumbent should sign the form, returning one copy to the stonemason and retaining the other.

The fee payable of £ has been paid.

Dated Signed
 (Incumbent)

Further copies of this form can be obtained from Diocesan Office, St Nicholas Centre, 4 Cutler Street, Ipswich, IP1 1UQ (01473 298533).

APPENDIX 3

NOTES ON ORDERS REQUIRING THE DISCONTINUANCE OF BURIALS IN CHURCH OF ENGLAND CHURCHYARDS

Orders

1. These notes concern Orders made by Her Majesty in Council, under Section 1 of the Burial Act 1853, in response to representations by the Secretary of State for the Home Department. An Order may require the discontinuance of burials in a particular churchyard, either entirely or with exceptions - e.g. to allow further burials in particular vaults or graves (see paragraph 4 below). In the view of the Home Office, an Order does not, however, prohibit the interment of cremated remains provided that this can be done without disturbing human remains.

Applications

2. An application for an Order should be made by letter to Home Office, 50 Queen Anne's Gate, London, SW1H 9AT (tel: 0207 035 5531). It is usually made by the incumbent or by the secretary of the Parochial Church Council, and should set out in full the grounds on which an Order is sought. The Home Office is not normally prepared to consider applications relating to parts only of churchyards.

Grounds for consideration

3. The Home Office will wish to be satisfied that an Order can be sought on at least one of the following grounds:-
 - (a) further burials would constitute a health risk;
 - (b) further burials would be contrary to decency;
 - (c) discontinuance of burials would prevent or mitigate nuisance;
 - (d) there is no proper room for new graves.

A wish to transfer responsibility for maintenance to the local authority is not a ground for seeking an Order.

Exceptions

4. If the Home Office considers there is a prima facie case for making an Order it will ask applicants whether they want the Order to provide for further burials to take place:-
 - (a) in existing walled graves or vaults which have room for further interments, provided each coffin is adequately enclosed by brickwork or stonework; or
 - (b) in existing family earthen graves which have sufficient space for further interments, provided the top of every coffin is at least one metre below the level of the ground adjoining the grave; or
 - (c) in any unused earthen grave space which has been reserved, provided the top of every coffin is at least one metre below the level of the ground adjoining the grave.

Consultation with Local Authorities

5. The Home Office will ask the council of the district or London borough and, if there is one, the parish council of the area, for observations on the grounds supporting the application.

Publicity

6. After the Home Office has considered any observations from the local authorities, it will ask applicants to publish, in a local newspaper, notice of the Secretary of State's intention to apply for an Order in accordance with Section 1 of the Burial Act 1853.

Consideration of Objections

7. The Home Office may send copies of objections received to interested parties; it can often meet individual objections by proposing exceptions, or further exceptions, to the proposed Order where these are acceptable to the applicants and local authorities.

Notice of intention to apply for an Order

8. If there are no objections, or if after consideration of any objections the Home Office is satisfied that an Order would be justified, it will give the incumbent and churchwardens ten days' notice of the Secretary of State's intention to apply for an Order in accordance with Section 1 of the Burial Act 1953.

Consideration by the Privy Council

9. After the Privy Council has received the Secretary of State's application it will publish in the London Gazette notice of the date on which Her Majesty in Council has ordered the application to be considered, and will send copies of the notice to the church and local authorities concerned. The church authorities will be required to post the notice on church or chapel doors, or in other conspicuous places in the parish, for at least one month before the date for consideration. If the Privy Council approves the application it will in due course advise Her Majesty to make an Order. Copies of the Order will subsequently be sent to the church and the local authorities.

APPENDIX 4

Archdeacons

The Venerable Judy Hunt
Glebe House
The Street
Ashfield-cum-Thorpe
Stowmarket IP14 6LX

Tel: 01728 685497
Fax 01728 6895969

archdeacon.judy@stedmundsbury.anglican.org

Vacant (**Archdeacon of Sudbury**)

Sudbury Lodge
Stanningfield Road
Great Whelnetham
Bury St Edmunds
IP30 0TL
Tel: 01284 386942
@stedmundsbury.anglican.org

DAC Secretary

Mr James Halsall
Diocesan Office
St Nicholas Centre
4 Cutler Street
Ipswich IP1 1UQ

Tel: 01473 298533
Fax: 01473 298501

james@stedmundsbury.anglican.org

English Heritage

Brooklands
24 Brooklands Avenue
Cambridge CB2 2BU

Tel: 01223 582700

Council for the Care of Churches

and
(The Cathedrals Fabric Commission for
England), Church House
Great Smith Street
London SW1P 3NZ

Tel: 020 7898 1000

Fax: 020 7898 1881

Ancient Monument Society

St Anne's Vestry Hall
2 Church Entry
London EC4V 5HB

The Council for British Archaeology

Bowes Morell House
111 Walmgate
York YO1 2UA

The Georgian Group

6 Fitzroy Square
London
W1P 6DX

Registrar

Mr James Hall
20-32 Museum Street
Ipswich IP1 1HZ
Deputy Registrar:
The Hon Charles Boscawen
Assistant: Mrs Angela Long

Tel: 01473 232300
Fax: 01473 230524

The Society for the Protection of
Ancient Buildings

37 Spital Square
London
E1 6DY

Natural England

110 Northgate Street
BURY ST. EDMUNDS IP33 1HP

Bat Conservation Trust

c/o Conservation Fund
1 Kensington Gore
London SW1 2AR

Victorian Society

1 Priory Gardens
Bedford Park
London W4 1TT

The Twentieth Century Society

70 Cowcross Street
London
EC1M 6BT

APPENDIX 5

CHANCELLOR'S GUIDANCE TO ALL PAROCHIAL CHURCH COUNCILS IN THE DIOCESE

TREES IN CHURCHYARDS

1. INTRODUCTION

- 1.1 Important changes in the law relating to trees in churchyards were made by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991.
- 1.2 The Parochial Church Council (PCC) now has the same powers, duties and liabilities with respect to the care and maintenance of trees as it has in respect of the churchyard generally, and this includes the planting of new trees.
- 1.3 This responsibility of the PCC applies to a churchyard which the council is liable to maintain whether the churchyard is open or closed.
- 1.4 The PCC is entitled to sell and receive the net proceeds of sale of timber when a tree in a churchyard maintainable by the PCC is felled, lopped or topped. The money has to be applied for the maintenance of any church or churchyard maintainable by the PCC.
- 1.5 Section 6(3) of the Measure requires the Chancellor to give guidance to all PCCs in the Diocese as to the planting, felling, lopping and topping of trees in the churchyard.
- 1.6 Attention is drawn to the need to also comply with Town and Country Planning Legislation covering felling which is subject to a Tree Preservation Order and/or is in a Conservation Area. There is now legislation that requires permission to be obtained before a hedgerow is removed. The District Councils are the responsible authorities for administering and enforcing this legislation.
- 1.7 This guidance has been prepared after consultation with and taking account of points made by the Diocesan Advisory Committee. In carrying out their responsibilities in relation to trees all PCC's should follow this Guidance.

2. GENERAL

- 2.1 Trees are a traditional feature of churchyards and are to be valued for their aesthetic and environmental advantages. Some modern uses of churchyards can inadvertently cause damage to established trees, for example, a parking area close to trees can damage roots near the surface of the ground, as can spillage from a heating fuel tank. Conversely, ill-advised tree planting can give rise to damage from roots spreading to a wall of the church, tombstones, a churchyard path or the nearby highway.
- 2.2 Advice on this subject is contained in a Paper issued by the Diocesan Advisory Committee. This is set out following this note and the advice in it should be followed by PCC's.

3. EXPERT ADVICE

- 3.1 Every PCC is under a legal duty to ensure that trees in the churchyard are well maintained, as it will be liable if any person or property is damaged as the result of its failure to identify or to take action in respect of an unsound or badly positioned tree. PCCs will therefore need to seek and follow expert advice from time to time.
- 3.2 The PCC should appoint one of its members as their Trees Officer but the legal responsibility remains with it, and the Trees Officer can only be asked to carry out tasks, eg inspection of trees or preparation of a planting plan, with a view to reporting to the PCC. Expert advice may, in addition, be required in relation to any proposed planting, felling, lopping or topping.

3.3 There are various people from whom advice may be sought:-

- (a) Most Parish Councils have a Tree Warden who can be consulted.
- (b) An Arboriculturalist is a person with special experience in the management and assessment of trees who is able to give advice as to what work is required to be undertaken. There will normally be a charge for such advice. It may be possible to obtain advice from the Local Authority's Arboriculturalist. Alternatively, names of suitably qualified persons can be obtained from The Arboricultural Association, Ampfield House, Ampfield, Near Romsey, Hampshire, SO51 9PA
- (c) All local authorities have an approved list of contractors (often known as tree surgeons). An experienced contractor should be able to advise upon routine work but any special problems would necessitate advice from an Arboriculturalist.
- (d) In any case of difficulty guidance should always be sought from the Diocesan Advisory Committee.

3.4 Just as the PCC has to seek appropriate expert advice and employ competent contractors for work on the church building in order to satisfy the requirements of the church's insurance company, so it will be necessary for a PCC to demonstrate that it has acted in a prudent manner in relation to its duties in respect of trees by seeking advice, and by employing competent contractors.

4. INSPECTION OF TREES

2.1 Trees need regular inspection to ensure that they are in sound condition, not only because of the legal liability placed on a PCC but also to help to maintain their health. A practice of inspection is therefore to be introduced as follows:-

- (a) Every churchyard, maintained by a PCC, is to be inspected within twelve months from the date of issue of this Guidance and a report presented to it. This inspection should be carried out by the PCC's Trees Officer, who must have an interest in trees and be knowledgeable to the level of most amateur gardeners.
- (b) On receiving the inspection report the PCC must consider whether professional arboricultural advice is needed and, if they decide that it is, advice should be obtained from an expert.
- (c) Within six months after receipt of the inspection report the PCC is to send a report to the Secretary of the Diocesan Advisory Committee following the form set out in Appendix B.
- (d) Routine annual inspection is thereafter to be carried out by the PCC's Trees Officer, who must submit a report annually to it. In the light of that report the PCC must then decide whether expert advice is needed and, if such advice is obtained, what action needs to be taken upon it.

Note: THE FACULTY JURISDICTION SYSTEM APPLIES TO THE PLANTING OF ALL NEW TREES/HEDGES AND TO ALL WORKS IN THE CHURCHYARD (EXCEPT FOR ROUTINE MAINTENANCE)

ADVICE OF THE DIOCESAN ADVISORY COMMITTEE

THE CHURCHYARD AND ITS TREES

1. INTRODUCTION

(a) This paper aims to address some of the issues relating to the management of existing trees and the planting of new trees in churchyards. Trees give churchyards a special atmosphere and often make them particularly distinctive within their setting, both from a visual and ecological view point. Everyone associates churchyards with trees, particularly with native species and more particularly with yews and limes. However, some churchyards are naturally more open, with the church more visible from the distance. Here it may be preferable to retain their openness.

(b) Traditionally churchyards were maintained as meadows, the sward was either cut for hay or grazed, trees were planted or self sown and had practical and religious significance. References to trees growing in churchyards date back to the 17th Century when trees such as ash, small-leaved lime, holly and oak were brought in as saplings from the surrounding woodlands.

(c) In the 18th and 19th Centuries new species of exotic trees were planted in churchyards as well as in the parks and gardens of the same villages. Such introductions included cedar, wellingtonia, monkey puzzle, pine and fastigate yew. These species can often be found in churchyards and in adjacent vicarage gardens.

(d) It should be noted that all quinquennial reports must contain an account of the churchyard and its trees.

2. EXISTING TREES

(a) In determining whether new trees should be planted the existing tree stock in the churchyard should be considered. It may be that there are already significant mature and semi-mature trees and that new plantings will create an over population of trees in the future.

(b) Existing mature trees may need some remedial tree surgery to render them safe and prolong their life span. Before such work or the felling of trees takes place it is important to check whether there is a Tree Preservation Order or Conservation Area Designation in place by consulting the Local Planning Authority. In addition the following points should be followed:

(i) all trees are capable of shedding dead wood and can consequently be hazardous to persons using the churchyard. Standard remedial work such as the removal of split and hanging limbs and dead wood (more than 50mm in diameter) may be carried out as authorised by the Archdeacon on evidence of advice from an expert

(ii) formative pruning during the first ten years following planting, and crown lifting for access along paths, the removal of split and hanging limbs and dead wood under 50mm in diameter is a normal part of churchyard maintenance and does not require approval

(iii) other works of tree surgery, for example, cable bracing, crown reduction and removal of major limbs, must be recommended in a written report by an expert as identified in paragraph 3.3(b) of the Chancellor's Guidance. The report must be submitted to the Archdeacon of the Archdeaconry in question, who may authorise the work or part of it, but in any case of doubt or difficulty the Archdeacon should refer the matter to the Diocesan Advisory Committee and the Chancellor.

(c) Old and ancient trees may provide valuable habitats for the nesting, roosting and feeding of birds and bats. Some may harbour ivy and mistletoe which provide a food source and nesting site for many creatures. Hedges and overgrown corners may also provide important wildlife refuges.

(d) Trees which have reached the end of their useful life span and which do not provide a unique wildlife habitat may (subject to a Faculty being obtained) be removed to create space for new planting.

(e) Where the Parochial Church Council (PCC) is advised by an expert, as identified in paragraph 3.3(b) of the Chancellor's Guidance paragraph 2 above, that a tree or trees should be felled for safety reasons, relating to either buildings or people, a copy of the written report of such expert must be supplied to the Archdeacon, who may authorise the felling if he is satisfied that the tree is dangerous. A photograph of the churchyard with the tree or trees concerned should be taken and retained, together with the expert's advice, with the parish records.

(f) If the PCC wishes to fell a tree which is diseased (but not dangerous), or for any other reason, then it must seek the advice of the Diocesan Advisory Committee and a Faculty from the Chancellor

(g) The PCC should consult the Diocesan Advisory Committee before grubbing out of hedges. A Faculty will be necessary. In June 1997 new legislation was introduced which requires that normally the consent of the Local Planning Authority must be obtained for the removal of hedgerows. District Councils should be contacted.

3. NEW TREES

(a) In determining which types of trees should be planted it is important to consider the objective of the planting. In most cases the need to respect the existing historic character and atmosphere of the churchyard and its surround will be paramount. Other factors such as soil type and local climate are important in determining which species will thrive.

(b) It is likely to be inappropriate to introduce ornamental species in an old churchyard which is currently inhabited by native species. Where traditional native species such as lime, holly and yew predominate but need replacing, then these species should be used for new planting. Where an avenue or line of trees needs to be strengthened then the same species, often lime or horse chestnut, should also be used.

(c) It may be desirable to specifically plant species to encourage wildlife into the churchyard and to achieve this an emphasis on the use of native species would be appropriate. Trees such as oak, holly, yew and rowan are particularly valuable in this respect.

(d) If the traditional planting extended beyond the churchyard boundary in the form of a hedgerow or line of trees, this should perhaps be maintained in order to perpetuate both the visual effect and the benefits to wildlife using the planting as a corridor into the churchyard. Such corridors may reflect the original field boundaries surrounding the churchyard.

(e) Where evergreen exotic trees create a unique atmosphere within the churchyard then consideration may need to be given to the planting of similar species in order to perpetuate this. Evergreen species and conifers may be important for giving winter shelter and providing a winter refuge for birds. Holm oak is evergreen and is often found in churchyards in coastal areas.

(f) There are many species of tree, for example, birch, ornamental cherry, maple, acacia, plane and fruit which are not commonly associated with churchyards. Their introduction should be considered with care. Such trees may provide added interest in the form of

flower, berries and foliage at certain times of the year and may have a place, particularly in more modern or urban churchyards.

(g) The planting of trees in churchyards has to be authorised by a Faculty.

4. FORM AND MANAGEMENT

The form and eventual size of the tree should be considered in relation to retaining or framing important views of the church. The light inside the building can also be affected by trees around the church. Some tree species, for example, beech, yew and horse chestnut, will cast a denser shade and may, for this reason, be less desirable than those which cast dappled shade, for example, oak, field maple, pine and birch.

The long-term management of the tree may also be a determinant. Some trees lend themselves well to coppicing, pollarding and pruning, for example, lime, oak, yew and sweet chestnut. Such trees can be planted and managed to achieve a particular size and form. Unless pollarded at a young age, beech is a tree which is best left to attain its mature spread which, in open situations, can be extremely broad.

5. OTHER CONSIDERATIONS

Before planting trees in new locations in the churchyard it is advisable to ascertain whether any archaeological sites or unmarked burials may be affected. In locating new trees consideration should also be given to the possible long-term effect of tree roots on structures such as tombs, memorials, walls and railings. These effects will be determined by the tree and soil type and should be balanced against the benefits that trees have in enhancing our environment.

Many churchyards may contain rare or unusual species of flora and may be designated Sites of Special Scientific Interest or County Wildlife Sites. The planting of trees which may directly or indirectly affect important flora should be avoided.

6. TECHNIQUES

When planning the techniques of new planting the following factors should be considered:

(a) Removing old tree stumps can be costly but may prevent the risk of decay fungi affecting young or mature trees.

(b) Using small whips or feathered trees will involve minimal digging and ground disturbance.

(c) Larger trees may look more impressive when planted but they will be more costly and require more ground preparation.

(d) Correct planting, protection, nurturing and management of trees is essential to ensure their long term survival.

(e) The planting of new trees should be kept away from the church building - at least 15.3 metres (50ft) if forest trees are being planted.

7. CONCLUSION

Churchyards are normally enhanced by the presence of trees which, by their nature, require management and eventual replacement. In planning for the latter it is important that the historic character of the churchyard is respected as that other practical aspects which have been referred to are taken into account.

8. Sources of Advice on Trees are set out below.

Diocesan Advisory Committee
St Edmundsbury and Ipswich

OTHER SOURCES OF ADVICE

The District or Borough Council's Arboricultural Officer

These people are usually extremely helpful and should be approached whenever the situation needs professional input.

The Arboricultural Association

Ampfield House, Romsey, Hampshire, SO51 9PA (Tel: 01794 368717)

www.trees.org.uk

Publishes a free directory of consultants and contractors as well as useful leaflets.

The Forestry Commission

Great Eastern House, Tenison Road, Cambridge, CB1 2DU.(Tel: 01223 314546)

www.forestry.gov.uk Arboricultural Advisory and Information Service)

Many useful publications and advice.

The Tree Council

51 Catherine Place, London, SW1E 6DY (Tel: 020 7828 9928)

www.treecouncil.org.uk Promotes trees, good free magazine "Tree News".

REPORT TO DIOCESAN ADVISORY COMMITTEE

Report on the trees and hedges in the churchyard of:

.....

Church

Parish

In the Deanery of

In the Diocese of St Edmundsbury and Ipswich

The report was written on behalf of the PCC by:

Name

Address

.....

.....

The inspection was conducted on
(copy of the inspection report is attached)

The report was written and concluded on

The report was debated by the PCC on

Is part or all of the churchyard covered by a Conservation Area under the Town and Country Planning Act? **Part** **All**
(please tick)

Are all or any trees subject to a Tree Preservation Order? **Yes** **No**
(please tick)

Does the report recommend that professional advice be obtained? **Yes** **No**
(please tick)

If so, what progress has been made towards obtaining that advice?

Please enclose a copy of that advice if available.

/u/wp/jdm/MCCC&APPs

