

In the matter of St Mary and St Peter, Wilmington

Judgment

I have before me a petition brought by the churchwardens of the parish of St Mary and St Peter, Wilmington, a living which is currently vacant. The church is grade I listed and has its origins in the twelfth century. It sits within Wilmington Conservation Area.

On Sunday 21 July 2002 the church suffered a severe fire as a result of vandalism. The organ was destroyed as was the vestry in the north transept and a bee and butterfly stained glass window. There was extensive heat, smoke and water damage elsewhere in the church. I was alerted to this event by the chairman of the Diocesan Advisory Committee and by the archdeacon of Lewes and Hastings. I gave my approval for emergency works to proceed immediately and since then have been kept fully informed of the progress of the works which have been supervised by Peter Pritchett, an experienced ecclesiastical architect with the firm John D Clarke. I had occasion to visit the church last year which by then was little more than a shell with heavily charred roof timbers and substantial damage to the stone work. I was accompanied by Mr Pritchett, the DAC chairman, the archdeacon, the churchwardens and the acting priest-in-charge.

I have received regular updates on the progress of the works and the discussions which have taken place with the amenity societies, the local authority and the insurers' representatives. I have authorised various works to proceed on the express understanding that a retrospective faculty would be sought. On 25 May 2003, the archdeacon authorised the issue of a faculty to cover items recommended for repair in the quinquennial report. The estimated cost of those works amounted to in excess of £85,700. In fact as the specification makes clear (Edition 3, March 2003) these works are far more extensive than mere running repairs identified during the five yearly cycle of inspection but extend to substantial works of restoration of fire damaged fabric. The archdeacon lacked the jurisdiction which he purported to exercise and the faculty which he issued must be regarded as a nullity. In large measure this is of no consequence since I had given authority for the works to proceed and it is envisaged that these works will be covered by the retrospective faculty to which reference has already been made.

The particular matters which fall to be addressed in the current petition are four in number, namely:

- (1) replacing the Bevington organ;
- (2) re-ordering and upgrading the heating system;
- (3) adapting the boiler house and creating inner vestry and connecting it to the north transept;
- (4) modifying the seating arrangements, including replacing south aisle pews with chairs.

Public Notice was displayed from 19 June to 21 July 2003 and a display of designs, plans, photographs and other documents were available for viewing at Wilmington

House. The last date for lodging objections was 17 July 2003. None was received by that date. By letter dated 21 July 2003, Mr Hugh Aviss asked for his views to be put before the Diocesan Advisory Committee. I believe Mr Aviss intended for his views to be considered by me and, in the light of his illness which prevented him seeing the notice earlier, I stated that I was prepared to extend the time for submitting objections. Under rule 16 of the Faculty Jurisdiction Rules 2000, Mr Aviss elected not to become a party but instead to take his letter into account in reaching my decision. I have therefore considered the following matters:

- i. Mr Aviss' letter of 21 July 2003;
- ii. Mr Aviss' further letter of 26 July 2003;
- iii. the petitioners' letter of 28 July 2003.

There are three substantial objections raised by Mr Aviss and I shall take each in turn:

Re-siting the organ

Mr Aviss asserts that the re-siting is against the wishes of the organists and choir mistress. I do not find this an attractive argument. It was open to the organists and the choir mistress to make their own objections. For whatever reasons they have not done so. It is not for Mr Aviss vicariously to ventilate what may or may not be the opinions of others who have chosen to raise no objection. The petitioners state that both organists have been well aware of the plan and have accepted it. They were members of a small sub-committee formed to consider the Bevington organ replacement, and the senior organist, with the churchwardens, visited Peter Collins, organ builder in Melton Mowbray to inspect and approve a replacement Bevington organ for the planned change of position. I note also that the positioning of the organ has the active support of the diocesan organ advisers and of the DAC. Having visited the church, I am also of the opinion that, both musically and aesthetically, the organ is better sited at the west end of the church. The tragedy of the fire affords this parish a rare opportunity to engage in imaginative thinking for a sensible re-ordering and I am satisfied that the PCC has thought through the matter with care. Nor do I think that Mr Aviss improves his case by reference to attendance figures. The opening up of the archway and vestry will provide for different uses of the space which may well result in the church being better and more appropriately used both liturgically and for other functions.

Replacing pews with chairs

Mr Aviss regards this as inappropriate for a twelfth century church. I note that English Heritage has voiced no objection nor any of the other bodies with whom consultation has taken place whilst the works of restoration have been in train. I am aware of many historic churches whose use has been enhanced by versatile seating. The General Synod in its paper *Faith in the Countryside* encourages churches to adapt to the spiritual as well as secular needs of the communities which they serve and I regard the introduction of chairs as in keeping with this policy.

Lighting


Mr Aviss considers that the design and number of the proposed light fittings are incompatible with an old church. He also indicates there may be a fire risk, and that their position may make them difficult to maintain. The petitioners indicate how the plans have

evolved following consultation and point to the fact that the current scheme has the approval of the PCC, the DAC and the diocesan lighting adviser. None of the consultees has expressed any concerns. Mr Aviss seems to be in a minority of one. I must give weight to the considerable body of evidence which points the other way. I therefore reject this objection.

Finally I should like to pay tribute to the petitioners in this instance for the manner in which they have kept the community informed of plans concerning this church. There have been regular items in the parish magazine and several meetings. This has been particularly burdensome coming in the course of an interregnum. It is rare that unanimity is achieved and the open expression of differing opinions is a healthy expression of community living. Not everyone will be entirely delighted with every aspect of the proposals but I am satisfied that in this instance the petitioners have made out their case.

I therefore permit all of the proposed works to proceed. I decline to issue a faculty at this stage because it would be cheaper for the parish to seek to amend the existing petition to cover all post-fire works in the same faculty together with those which were part of the petition improperly dealt with by the archdeacon. I therefore ask that as soon as possible the petition is resubmitted to include the retrospective element. It should be accompanied by an updated report from the architect.

I regret that the costs of this judgment, occasioned solely by Mr Aviss' letter of objection, have to fall on the parish.



Mark Hill
Chancellor

7 August 2003