

Re St Mary the Virgin, Ninfield

Judgment

1. By a petition dated 13 May 2003, the rector and churchwardens of the parish of St Mary the Virgin, Ninfield seek a faculty for the removal of three pews from the south west corner of the church and the introduction of a digital organ to be mounted on a platform. Ancillary electrical works are also proposed including the installation of two speakers in the minstrels' gallery. The church is Grade I listed and dates from the thirteenth century.
2. After some prevarication, a formal objection in Form No 4 was withdrawn. Instead I have been asked to take into account letters of objection written by Mrs Thelma P Nance dated, respectively 8 November 2003 and 1 December 2003. I have the benefit of a response from the petitioners dated 27 November 2003 dealing substantively with the points raised. In addition I have read a letter dated 29 November 2003 from Mrs A Fish and bearing four other signatures. It arrived after the time for objections had expired. The petitioners have not been afforded the opportunity of commenting on this letter. I do not deem it necessary as it repeats and reflects the issues ably articulated by Mrs Nance. I have taken all this correspondence into account in reaching my decision.
3. By a certificate dated 8 September 2003, the Diocesan Advisory Committee recommended the works subject to one proviso to which I shall return. It also certified that the proposed works were not likely to affect the character of the church as a building of special architectural or historic interest. I respectfully agree. The parish has consulted with the diocesan organ advisor who supports the petition and whose earlier comments have been taken on board as the parish has framed its proposal over many months.
4. The petition is accompanied by a very helpful Statement of Significance and by diagrams and photographs of where and how the organ is to be positioned. It will be close to the west door and between the font and a clock. In addition, the rector prepared a Statement of Needs, to which was annexed a statement from the organist, Mr Donald Paine, dated 1 August 2001.
5. Mrs Nance takes objection to the positioning of the proposed organ between an antique clock and a historic font (I assume there to be a typographical error in the Statement of Significance where it reads that 'the font dates from the 27th century). However, the majority of churches include features from different eras. The existing layout of font, pews and clock comprise elements each dating from different periods in the church's history. In any event, as the diagram makes clear,

the introduction of the organ will lead to an opening up of this area with people better able to view both the clock and the font. The font was moved to its current position in 1973 and the clock cabinet itself, as is apparent from the photographs, is not particularly remarkable.

6. The pews themselves are of no historic or aesthetic merit. Contrary to Mrs Nance's assertion, they have long since ceased to accommodate baptismal parties which are now encouraged to be brought into the congregation. Mrs Nance's use of the expressions 'vandalised' and 'sacrilege' are highly emotive and strike me as singularly inappropriate in circumstances such as these where the parish has taken the best professional advice and has widely consulted within the worshipping community over a very lengthy period.
7. Mrs Nance also considers that if a new organ is to be installed then it should be in place of the existing organ. However, this argument fails to recognize the continuing use which might be made of the pipe organ nor does it address the benefits which will result from placing the console in such a position to enable the organist better to hear the congregational singing and to enjoy improved sight lines during the liturgy. Modern instruments when properly voiced do not interfere with hearing aids nor cause tinnitus and I am confident that the installation by a reputable supplier will eliminate any possible risk of the type which Mrs Nance envisages.
8. All involved in the faculty jurisdiction are under a duty to have due regard to the role of the church as a local centre of worship and mission. See section 1 of the *Care of Churches and Ecclesiastical Jurisdiction Measure 1991*. I consider that the petitioners have made out a good case for the proposal and I therefore order that a faculty pass the seal.
9. I should add one further comment. It is apparent from the papers that some of the electrical work was undertaken in advance of the submission of the petition. This constitutes an unlawful act and is a contempt of this court. I deprecate what has happened but wish to record that it has in no way influenced the outcome of the case. However, the rector has been gracious enough to offer an unconditional apology for the actions of the parish. As he himself concedes, the motivation which informed their action explains but does not excuse it. I propose to say no more on the subject, confident that there will be no repetition in the future. I now regard the matter as closed.
10. The faculty will be subject to the following conditions:
 - i. that the work be supervised by Mr John Underwood;
 - ii. that the work be completed within six months or by such later date as the court may order;
 - iii. that the existing pipe organ be retained in its current position and continued to be maintained including at least one visit from the organ builder each year;

- iv. that the proceeds of sale of the three pews be applied in partial satisfaction of the costs of the work;
- v. that the petitioners be at liberty to relocate any or all of the three pews in substitution for one or more similar pews elsewhere in the church in order that the best quality be retained and the poorer disposed of.

A. Mark Hill

The Worshipful Mark Hill
Chancellor

21 January 2004