

In the matter of St Peter, Henfield

Judgment

1. In this matter the petitioners comprise the Reverend Christopher Collison, vicar of Henfield, and the two churchwardens, Mr Anthony Strudwick and Mr Roger Stevens. The petition was submitted to me in September of last year and I issued a Memorandum and Directions on 21 September 2004. The reason for this was the volume of correspondence which had been elicited following public notice, some of which regrettably being directed to me in my chambers in London rather than to the registry as required in the notice. None of the correspondents elected to become a formal objector within these proceedings and accordingly I take their letters into consideration in reaching my decision. I do not differentiate between those letters sent to the registry and those sent directly to me, and treat both alike. The petitioners have been given the opportunity to comment upon all the correspondence, irrespective of its provenance, and they have done so. I do not propose to personalise this judgment by referring to individual correspondents by name (although they are each identified in the Memorandum and Directions) as I shall deal with the objections thematically. A four page petition was received in the registry on 29 July 2004. I propose to take this into account in reaching my decision.
2. The petitioners consented to the petition being determined on written representations. I made a private visit to the church on the morning of 5 November 2004. When considering the papers after that visit, it became apparent that there was insufficient documentation available for me to determine the petition. Therefore on 8 November 2004 I issued a Memorandum and Request for Information From Petitioners. It has taken a considerable time for this information to be sourced and supplied, hence the considerable passage of time before these papers were re-submitted to me for final determination. For the sake of completeness, both Memoranda are annexed to this judgment as appendices.

The objection of Mr and Mrs Kersey

3. I need, however, to make specific reference to an exchange of correspondence between the registry and Mr and Mrs Kersey. They wrote to the registry on 21 July 2004 voicing their objection to the proposed works, although at this stage no petition had been lodged. On 20 August 2004 they, in common with all the others who had written to the registry in response to the public notice, were sent a standard explanatory letter enclosing blank copies of Form 4. They were asked to elect whether they wished to complete the Form 4 and thus become an objector or whether they merely wished their letter to be taken into consideration by me in reaching my decision. The registrar's letter included with it a guide as to the principles which apply to costs in the Consistory Court, and concluded 'if you are in any doubt as to the procedure or as to your position, you should contact an independent legal adviser experienced in ecclesiastical law'.

4. On 24 August 2004, Mrs Kersey contacted the registry enquiring what she should do if the petitioners refuse to let her have information. She was advised that should such a circumstance arise she should contact the registry and, if her request is reasonable, an order could be made for the information to be supplied. She has not been in touch with the registry seeking such an order.
5. On 7 September 2004, Mr and Mrs Kersey wrote to me at my chambers in London. Attached to their letter was a letter from Mr and Mrs Peter Hedgecock. It was these letters, amongst others, to which I made reference in my Memorandum and Directions of 21 September 2004. Mr Kersey subsequently contacted me by telephone. His call was directed to me on my mobile phone by my clerk. Mr Kersey was eliciting confirmation that his earlier letters had been received.
6. Mr and Mrs Kersey, together with all the other correspondents, were sent a copy of my Memorandum and Directions under cover of a letter dated 23 September 2004. Their reply of 30 September 2004 made plain that they had misconstrued the registrar's letter of 20 August 2004. They apologised for this.
7. However, on 6 January 2005, Mr Kersey again wrote to the registrar, purportedly on behalf of the ten objectors to the petition whose letters had been forwarded to me. The letter contained a request for the appeal procedure should it be necessary to appeal the decision. It also stated that they would appreciate being informed of the results of soundings being taken from amenity societies. This arose from a comment in the January 2005 issue of the Parish Magazine. The registrar replied on 13 January 2005. He referred Mr and Mrs Kersey to his letter of 20 August 2004 dealing with procedure. Indicating that non-parties do not have a right to appeal, he invited Mr and Mrs Kersey to consider becoming parties and making an application to do so out of time. Mr and Mrs Kersey replied to the effect that they were exploring the procedure for applying to the European Court of Human Rights. They sent a chasing letter on 27 February 2005. The registrar wrote to Mr and Mrs Kersey on 4 March 2005, and again on 31 May 2005.
8. Mr and Mrs Kersey, to speak colloquially, wish to have their cake and eat it. When given the option under rule 16 of the Faculty Jurisdiction Rules 2000, they chose not to become a party to these proceedings. They were informed of their right to seek an extension of time to do so, in the event that they had changed their mind, in my Memorandum and Directions dated 21 September 2004, and again in the registrar's letter of 13 January 2005. They have also been advised to take independent legal advice. I do not know whether they have done so. The two-tier objection system was introduced in the Faculty Jurisdiction Rules 2000 after careful consultation to ensure fairness to all concerned. Either one stands by one's letter or one becomes a party. If the latter there is a theoretical liability to an order for costs, although there must usually be some element of unreasonableness before an objector will be ordered to make a contribution to the costs of the petition which are generally paid by the petitioner. However, once the rule 16 election has taken place, a correspondent cannot demand sight of other papers in the case nor the right to make further comment or representations. Likewise, in common with secular legislation, a non-party has no right of appeal. Mindful of the application of Article 6 of the European

Convention on Human Rights to the proceedings of this court under the Human Rights Act 1998, I have considered which, if any, Convention Articles are likely to be engaged in relation to Mr and Mrs Kersey. I confess I cannot see engagement at all, but they are at liberty to take whatever course they deem appropriate.

The petition

9. I now turn to the petition itself. The parish church of St Peter, Henfield is listed, grade II*. The present building dates from 1250, although only the chancel arch remains, albeit transposed to the clergy vestry. It was substantially rebuilt in the fourteenth century, and a further chapel (now styled the Parham chapel) together with the tower was added in the fifteenth century. Galleries were added in the eighteenth century and box pews introduced.
10. In common with many churches, a major restoration took place in about 1870. The galleries and a low ceiling were removed, wide aisles and transepts were built to the north and south, and a further chapel was added to the south of the chancel. New pews were built and choir stalls added in an extended chancel. The pulpit and lectern were provided and the clergy vestry and organ were placed within the Parham chapel. A new organ was built in the south chapel in 1919. The interior of the church, whose exterior is dignified and whose setting is extremely attractive, is disappointing in that it has been subjected to a variety of alterations and accommodations not all of which have been successful, and the combined effect of which is disjointed and lacking in harmony.
11. In the mid 1990s, part of a pew platform in the nave collapsed and it became apparent that much of the timber was rotten and required replacing. Since that date a number of proposals have been raised for the re-ordering of the church. The PCC has come to the opinion that a major re-ordering is required in order to get the best use out of the church in terms of worship and mission. It has particular concern for the eucharistic ministry, not least the parish communion, which custom was pioneered in the church in the 1950s. The PCC and the vicar are to be congratulated for the degree of public consultation in which they have engaged over a very lengthy period. It is unsurprising that it has been unable to produce unanimity amongst the community. Anglicanism thrives on differences of opinion honestly and earnestly held, and my function, within the faculty jurisdiction, is to determine those differences of opinion in the name of, and with the authority of, the diocesan bishop. In this instance there are many dissentient voices and for that reason I am required to examine the proposals with particular care.

The long term scheme

12. The petition before me is for a scheme of work which is divided into several phases. Each phase must be considered independently but cannot be divorced from the underlying thinking which lies behind this self-confessed radical scheme. Central to the scheme is provision for enabling the eucharist to be centrally celebrated within the body of the church, and not remotely at the east end. This is intended to increase the feeling of involvement of all those at the service, not least young people. The following features are considered to be of importance, as appears from the admirable statement of significance dated July 2003.

- i. the removal of rotting pew platforms and the creation of a uniform and level floor;
- ii. the removal of an old and inefficient heating system and its replacement with more modern underfloor heating;
- iii. the removal of the pews introduced in or about 1870 and their replacement with more flexible seating;
- iv. the creation of a nave altar dais;
- v. the opening out of the baptistery area;
- vi. the adaptation of the south aisle and transept to create an enhanced area of hospitality;
- vii. the use of the north transept for children, a prayer board, and candle stand;
- viii. the opening up of the chancel as a separate sacred space for both formal and informal worship.

The nature of the objections

13. The parish has held a number of public meetings which have been well attended and opinions have been freely expressed. The plans for the proposed reordering were visible in the church when I visited, as was a scale model of the interior. The letters of objection expressed themselves in different ways and with differing emphases but there was an underlying theme, which resonated with the 'Save our Pews' campaign which had been initiated when these proposals were first mooted. Likewise the petition to which a number of people had signed up. The correspondents maintain:
 - i. that the damage to the pew platforms is not as extensive as the petitioners suggest;
 - ii. that the Victorian pews are objects of beauty, crafted with skill and as an expression of Christian service, in good condition, and serviceable for at least another century, and may be accommodated off site during the currency of the works thanks to a generous offer of free storage;
 - iii. that the introduction of a kitchen into a sacred building is inappropriate;
 - iv. that the introduction of a disabled toilet is unnecessary as well as inappropriate;
 - v. that there are a sufficient number of alternative halls or meeting places within Henfield;
 - vi. that the interior of a consecrated building should not be adapted for entertainment purposes;
 - vii. that these changes - or indeed any changes - amount to the breaking of faith with those who have served the church over the years, through music, through Sunday school, and through the continuing use of the sacraments of communion, baptism, confirmation, marriage and funeral rites.
14. My task is to assess the evidence, and the force of these objections, mindful that the onus of proof rests on the petitioners who advocate a departure from the status quo.
15. I am satisfied that the work needs to be done on the pew platforms. This is borne out by the quinquennial reports and reinforced by my site visit. There may be argument as to precisely the extent of the work which is required but it is certainly extensive. The question, therefore, is whether the parish should merely carry out a repair or whether it is right to reflect and then act upon a discerned vision for the

future use of the church. I make no criticism of the parish for pausing to take stock of the manner in which the fabric, appearance and layout of this sacred building serves to enhance the image of God and to further, within the community in which it is set, the worship and mission of the whole church.

16. I am further satisfied that the laying of a new floor is an appropriate response in this instance. It will make level the entire interior of the church thereby facilitating access to all parts by those who are less agile and discharging the legal duties which have been placed upon parishes since under the Disability Discrimination Act. It also serves to allow the introduction of underfloor heating and permits the removal from the church of unsightly central heating pipework and radiators. Save for one or two slightly extreme comments within the correspondence, this aspect of the proposal seems to have at least the tacit support of those who have written. It is obvious even to the casual observer, that the introduction of uniform and level flooring can only be an improvement on the interior of a building which, to be blunt, has been hacked around over the last century in a piecemeal way. The incidental reduction in heating bills will prove a welcome benefit.

Removal of pews

17. On the basis that, thus far, there is a broad consensus for the proposals, I must now address the aspect of the scheme which has proved most controversial. It concerns the pews. It is the wish of the petitioners, when the works to the floor have been completed, not to replace the pews precisely as they are now but, instead, to adopt an alternative form of seating and to erect a nave platform protruding from the chancel. It is this specific proposal which has drawn greatest adverse comment from correspondents. They say that that there is nothing wrong with the present pews; they have adorned the church for 130 years and are capable of doing so for a further 130 years; they are attractive and say something of the character of the building in which many of the correspondents have worshipped and served the Lord, several for many years.
18. I deprecate some of the emotive language used in the correspondence. The expressions 'sacrilege' and 'desecration' are quite inappropriate and unnecessarily offensive. The proposals have been brought forward in good faith, after prayer and respectful consideration, and only after extensive consultation within the congregation and more widely in the community. The proposed changes have been successfully accomplished in other ancient listed churches throughout the country and cannot be rejected out of hand simply on the basis of the hyperbolic insinuation of a vocal minority. They must be assessed on their merit.
19. In this instance I must have regard to the Council for the Care of Churches, part of the Cathedral and Church Buildings Division of the Archbishops' Council of the Church of England, with extensive knowledge and expertise in the fabric of church buildings. The CCC's experts who visited the church and discussed the proposals at one of their meetings in London concluded that 'the existing pews date from the nineteenth-century restoration of the church and are not of any significant quality'. The Society for the Protection of Ancient Buildings stated by e-mail of 7 November 2003 that it did not wish to make any further comment on the proposals over and

above its e-mail of 10 July 2003. It counselled caution with regard to the removal of all the pews in terms of flexibility, but did not express a view on the intrinsic merit of the pews themselves. The inspecting architect replies to these observations by letter dated 11 August 2003.

20. Correspondence with English Heritage in 2003 elicited a number of practical suggestions, including an expression of regret at the loss of the pews, introduced in 1871 as part of the rebuilding of the church by Slater and Carpenter.
21. Since the plans have evolved with time, I was concerned to ensure that each and all of the relevant amenity societies had the opportunity of considering the revised proposals. On 18 November 2004, letters were sent by the registry to English Heritage, the Victorian Society and the CCC. None has sought to supplement or amend the advice and comment previously given, save the Victorian Society which in a letter of 21 January 2005 indicated that it did not wish to enter a formal objection to the petition, stating, (amongst other things) 'whilst we would regret the loss of the pews for the reasons outlined in our previous letter we would not wish to object to their removal'.
22. The Diocesan Advisory Committee, which had been more closely involved than the national bodies with the evolving nature of these proposals submitted a certificate of recommendation on 9 July 2004.

The law

23. In approaching this case, I have to be guided by the broad principles enunciated by the Court of Arches in *Re St Luke the Evangelist Maidstone* [1995] Fam 1, which relate to re-orderings, mindful of the heavy burden which lies on the petitioners who propose the change. I also have regard to the decision of Mynors Ch sitting in Worcester Consistory Court in the case of *Re Holy Cross, Pershore* [2002] Fam 1, [2001] 3 WLR 1521. I am required to address what are now styled the *Bishopgate* questions, named after the case of *Re St Helen's Bishopgate* in which they were first laid articulated:
 - i. Have the petitioners proved a necessity for some or all of the proposed works, either because they are necessary for the pastoral well being [of the parish] or for some other compelling reason?
 - ii. Will some or all of the works adversely affect the character of the church as a building of special architectural and historic interest?
 - iii. If the answer to 2 is yes, then is the necessity proved by the petitioners such that in the exercise of the court's discretion a faculty should be granted for some or all of the work?

The application of the law to this petition

24. Applying this test to the matters in dispute, I am satisfied that the petitioners have made out a case for re-ordering. Indeed I consider that a re-ordering of this church is long overdue. Providing a uniform level to the floor and removing the damaged pew platforms will enhance this church considerably, as will the other changes proposed, particularly the nave altar dais for which a powerful liturgical argument is made.

These changes are informed by the promotion of the mission and worship of the Church of England.

25. As to the second question, there will inevitably be an effect on the interior of this listed building, but, in relation to the flooring, such effect will be beneficial rather than adverse. The other adaptations, including the kitchen and servery, may be seen as adverse as may (in some eyes at least) the replacement of the pews with chairs.
26. That then leaves the balancing exercise prescribed by the third question. Feelings run high and there are legitimate, though opposing, views held. Balancing all of the material that has been placed before me, I am of the opinion that in this particular instance the factors militate in favour of the granting of the petition. I take particularly into account the fact that the CCC regards the pews themselves as not being of any significant value, an opinion not resisted by the Victorian Society.
27. However, although in principle I am agreeable to the issuing of a faculty in this instance, there are a number of practical issues which need to be looked at and which, of themselves, may result in some (at least) of the pews remaining.

Costing

28. After a considerable delay, the inspecting architect has costed Phase I of these works as £179,700, in addition to which there will be VAT and professional fees which will take the actual cost to a sum well in excess of £200,000, even allowing for a partial rebate on the VAT. The incumbent, in his letter of 16 March 2005 indicates that a sum in excess of £250,000 will be required. In addition the cost of the proposed chairs is estimated at some £25,000, and this sum may be more in the event that I require a different manufacturer to be retained. The costs for the entire works (including contingencies) needs to be established.
29. I also need to know from the petitioners in much greater detail what funds they have immediately available and what plans are in existence to meet the shortfall. I am not prepared to authorise any part of the works to proceed until the entire project has been fully costed.

Phasing

30. I need to know more about the proposed Phasing of these works. It is not entirely clear from the papers what is included within Phase I. The Specification and Schedule of Works (in its November 2003 revision) is not divided into phases, although there are two distinct sections. I note from the vicar's letters of 21 July 2004 and 14 September 2004 that there is reference to Phase 1 of the works. This, it would appear encompasses (i) reflooring, (ii) underfloor heating, (iii) new seating, and (iv) the nave altar. Omitted from this are the church office, disabled toilet, clergy vestry and kitchen, new screens and new inner west door.
31. My preliminary opinion is that the works are of an 'all or nothing' character. I have already indicated that a reordering is well overdue, partly because this parish has suffered from piecemeal tinkering in the twentieth century. I am not prepared to sanction further 'tinkering'. I am, however, open to persuasion on this matter. If I

can be convinced that this work can be sensibly phased and that the parish has a realistic prospect of funding the entire project over time then I am prepared to look again at the matter. I need full details of the phasing with proper costings for each stage. I am not, however, persuaded on the information currently before me which has all the sophistication of the back of an envelope.

Pulpit, font and choir stalls

32. These are to remain in place. I note the observations of the Victorian Society in this regard. The incumbent's concession in his letter of 27 January 2005 relates merely to the pulpit and font. For the avoidance of doubt, I require the choir stalls to be retained as well, and not merely the rear bench.

Organ pipes

33. Regrettably the specification and plans made no mention of the removal of a bank of organ pipes although it was obvious to me when I visited that there would be no place for them were the reordering to be carried through. Correspondence now suggests that these 'dummy' pipes are indeed to be removed to a church in West Grinstead. Despite my earlier direction, the written opinion of the diocesan organs adviser has not been obtained, and there is doubt as to whether he has even been consulted. The inspecting architect appears to have taken the decision to countermand my request, deeming it otiose. The diocesan organ adviser must be .. consulted. There may well be a very good reason why this display of pipes was not removed at the same time as the rest of the organ and it would be remiss of me not to make proper enquiries. In any event, a faculty will be required before the pipes may be introduced in West Grinstead and I am not prepared to authorise removal from Henfield before first obtaining Mr Thurlow's advice in writing.

Replacement chairs

34. I am yet to be convinced that the proposed solid ash chairs from Irish Contract Seating are suitable. I simply have insufficient information before me. The chairs need to be sturdy, durable, well crafted and befitting of the sacred space into which they are to be introduced. The proposed manufacturer is unknown to me, and I am aware that the CCC generally prefers bespoke fabrication. I require the written opinion of the DAC and the CCC on the proposed chairs. I am not prepared to authorise any works to proceed until I have given my ruling on the replacement chairs. I am also of the opinion that there is merit in retaining some of the existing pews either affixed in a certain part of the church, or shortened and adapted so as to be moveable. I require a written submission from the petitioners and the inspecting architect considering how, if at all, certain of the existing pews can be retained. Again, no works can proceed until I have given my approval to the type of chairs to be introduced.

Architect

35. This petition has been poorly presented, the works have not been adequately costed, and the question of phasing has arisen at a very late stage. In Memoranda issued within these proceedings I have made remarks critical of the inspecting architect, although I have noted the responses of the architect and of the petitioners. The petitioners consider that I may have judged the architect harshly; that may be so.

However, I remain troubled that despite my previous remarks, the presentation of the technical aspects of this petition have not improved. I remain concerned that this parish is not being well served by its architect, and I am very concerned as to her capacity adequately to supervise the works proposed. Rarely have I had to deal with a matter which, even at its conclusion, is so open ended. Timely professional presentation could have avoided this unsatisfactory end result and produced a greater sense of finality. Before any faculty is issued, I need to be persuaded that there are good reasons why I should not make it a condition of any faculty that the works are carried out under the direction of another architect.

36. This project has limped to its present stage. If the presentation of the petition is symptomatic of the professional standard to be anticipated in the supervision of the works (both Phase 1 and beyond), it does not augur well for the parish. I have to take this matter into consideration and the parish must consider their duties as charitable trustees in respect of the funds used for professional fees when set against the service they are receiving. Once again, works may not proceed until this issue has been addressed to my satisfaction.

Conclusion

37. It follows that I am prepared, in principle, to authorise a faculty to pass the seal in relation to the works proposed. However no faculty may issue and no works may be commenced until each and all of the above matters have been resolved to my satisfaction. By ‘works commenced’ I mean the placing of contracts or the entering into any contractual relationship with any supplier, contractor or artisan, save and excepting the ongoing professional fees of the inspecting architect or such substitute as the parish deems appropriate. Any work undertaken prior to the issue of a faculty will be unlawful. The matters to be resolved to my satisfaction before any faculty may issue comprise:

- i. phasing;
- ii. costing;
- iii. replacement chairs and/or partial retention of pews;
- iv. removal of organ pipes;

There will be a condition attached to any faculty that a proper photographic record will be taken with one set to be lodged with the parish archives and the other with papers retained by the DAC.

38. The costs of this petition must be borne by the petitioners. Such costs will be significantly higher than with most petitions because the unsatisfactory manner in which the documentation has been placed before me has necessitated several sets of Directions and a considerable amount of additional correspondence, much of which could have been avoided had the parish received better professional advice. There will inevitably be further costs involved in relation to the matters reserved for further consideration as summarised in the preceding paragraph.

APPENDIX I

In the Consistory Court of the Diocese of Chichester

CH 107/04

In the matter of St Peter, Henfield

Memorandum and Directions

I am concerned with a relatively straightforward petition for a faculty for proposed new floor and associated re-ordering. I cannot comment upon the substance of the proposals since I have seen none of the relevant paperwork. The reason for this is the highly irregular turn of events which followed the statutory period of public notice.

A number of individuals wrote to the Registry, as the notice provides, voicing their objection. On 20 August 2004 they were each sent a standard explanatory letter enclosing blank copies of Form 4. They were asked to elect whether they wished to complete the Form 4 and thus become an objector or whether they merely wished their letter to be taken into consideration by me in reaching my decision. They comprised:

Mrs P T Brooke	“Rosemullion”, 3 Batts Drive, Henfield, BN5 9TX
Mr A Brookes	Honeysuckle Cottage, Broadmere Common, Henfield, BN5 9SG
Mrs E Cort	Honeysuckle Cottage, Broadmere Common, Henfield, BN5 9SG
Mr A H Fryer	13 Benson Road, Henfield, BN5 9HY
Mrs J Greenfield	24 Hewitts, Henfield, BN5 9DT
Mr & Mrs R Kersey	13 Hewitts, Henfield, BN5 9DT
Mrs K White	Holedean House, Henfield, BN5 9RS
Mr J H White	Holedean House, Henfield, BN5 9RS
Mr T J White	Holedean House, Henfield, BN5 9RS

None of these persons has completed a Form 4 although Mr J H White wrote to the Registry on 24 August stating that he intended to complete and submit one; nothing further has been heard in the Registry from him. Mrs Kersey telephoned the Registry on 24 August and asked what she could do if the Petitioners refused to let her have any information she asked for. She was told to let the Registry know what she had sought and, if her request was reasonable, then it would be sought from the Petitioners. Nothing further has been heard in the Registry from Mrs Kersey since that call.

For reasons which remain unexplained, a number of letters have been sent to my Chambers in London and one individual has telephoned me. This is highly irregular. The process for resolving faculty applications is clearly set out in the Faculty Jurisdiction Rules and is administered by and through the Registry. It ensures openness and transparency and the equal treatment of petitioner and objector. These processes should not be circumvented. Letters from the following were received at my Chambers, all of which have been forwarded, unread, to the Registry:

Mr A Brookes
Mrs E Cort

Mrs J Greenfield
Mr & Mrs Kersey
Mrs K White
Mr John White
Mrs E N Charman

Some of the matters raised are repetitive of what was contained in earlier letters to the Registry. Other matters are new. In fairness to all concerned I am prepared to read and take into consideration all of the above correspondence, whether sent to the Registry or directly to my Chambers. However, fairness also demands that the Petitioners have the opportunity of considering the new material and commenting on it. I therefore direct that copies of all the documentation irregularly sent to me be made available to the Petitioners and invite them to respond within 14 days, by way of a supplemental response to that which I understand has already been drafted.

I consider this to be a matter suitable for determination on written representations. Since no-one has elected to lodge a Form 4 and become an objector (and there is no application for an extension of time within which to do so) the only party from whom consent is required is the Petitioners and I invite them to give their consent to such a course being adopted.

The Worshipful Mark Hill
Chancellor

21 September 2004

APPENDIX II

In the Consistory Court of the Diocese of Chichester

CH 107/04

In the matter of St Peter, Henfield

Memorandum and Request for Information from Petitioners

I made a private visit to this church on the morning of Friday 5 November 2004 and feel better able to determine the petition having seen for myself the current state of the interior and to visualise precisely what is proposed. There are a number of questions which I should like answered by the petitioners before I prepare my judgment.

Delay

1. What is the reason for the delay in submitting this petition? It is dated 26 June 2003 but was not submitted until over a year later. The DAC certificate is dated 9 July 2004.

Consultation

2. There does not appear to be any reply from English Heritage to Mr Mercer's letter to Mr David Brock dated 11 August 2003. As matters stand, all that is before me from English Heritage is an email dated 10 July 2003 from Hilary Roome which is rather negative about the proposals, albeit some of these points are addressed in Mr Mercer's letter to Mrs Roome of 11 August 2003.

Equally there does not appear to be any response from the Victorian Society to Mr Mercer's letter to Mr Charles Smith of 25 June 2003 which deals with objections made in Mr Smith's letter to Mr Mercer dated 23 May 2003.

Also, Mr Goodchild of the CCC stated in his letter to Mr Mercer of 28 July 2003 that he 'would welcome the opportunity of a further meeting at the church with you and the DAC once you have progressed further in your planning'. Was this offer taken up, and if not why not?

I was under the impression that this petition was supported by the amenity societies but this does not seem to be the case. If the oversight is mine, I apologise, but I am duty bound to elicit the views of the societies and it would not be fair to them or the parish if I proceeded on the basis of comments made over a year ago in respect of a scheme which seems to have changed since that time.

I therefore require sight of all exchanges of correspondence with the amenity societies, including the Society for the Preservation of Ancient Buildings, together with their views on the current proposals. If there has not been any further contact since the letters mentioned above, then they will need to be specifically cited by the registrar. I note that the DAC certificate dated 9 July 2004 recommended consultation with the CCC, SPAB, and English Heritage if they had not already been

consulted. I would be surprised to learn that they had not been consulted since July in the light of the evolution in the proposals since the initial letters.

Costings

3. The proposals do not appear to have been costed nor is there a clear indication of what will be comprised in each of the phases of the work. It is put forward on an unsatisfactory 'let's wait and see' basis. Most importantly, no decision has been made as to alternative seating which would be introduced if the faculty were to be granted. In the event that I were to accede to what I now understand to be phase 1 of the proposal, I would not permit works to commence or contracts to be placed for those works until such times as the alternative seating has been approved and the parish had demonstrated that it had available sufficient funds to purchase that seating. It would be a tragedy if the building works exhausted the parishes resources such that budgetary constraints did not permit the acquisition of seating appropriate for this building.

These questions are not to be interpreted as indicating that the petition will not be granted nor that my provisional view is disfavourable. I retain an open mind and am anxious to determine the matter as soon as possible. The funding issue and choice of seating need not hold up the determination since I can impose a condition on the faculty but the sooner it is resolved the better as no contract can be signed until they have been resolved. However, the issue of consultation with the amenity societies is more troubling and I would appreciate an answer, albeit provisional, by Friday 12 November 2004 since without this information I cannot proceed to write my judgment. It would be helpful to know from the petitioners:

- i. what is proposed in relation to the organ? Where is the console to be placed and what of the bank of pipes currently in the south aisle. These do not appear on the plans.
- ii. who do they intend to appoint to supervise the first and subsequent phases of the works?

I regret the delay that these additional enquiries will cause, but when a major reordering is in contemplation, it is important that these things are got right at the outset.

The Worshipful Mark Hill
Chancellor

8 November 2004