

APPLYING FOR A FACULTY

The procedure for applying for a Faculty in the Diocese of Liverpool is as follows:

The applicants should send full details of their proposals (including plans, specifications and estimates) to the Diocesan Advisory Committee (“DAC”). The address to write to is:

The DAC Secretary
Church House
1 Hanover Street
Liverpool
L1 3DW

(Tel: 0151 709 9722)

The DAC is a statutory body, whose principal purpose it to advise the Chancellor of the Diocese in respect of each application for a Faculty.

After the DAC has considered a particular set of proposals, it will send to the church all the necessary Faculty paperwork and will at the same time return any plans, specification and estimates previously sent to it. This paperwork will include:

- (1) A Certificate (known as a Form 1) setting out the DAC’s advice to the Chancellor.
- (2) A Faculty Petition (Form 2). This application form must be filled in and sent to the Diocesan Registrar, together with the Form 1, copies of all the plans, specifications and estimates which were submitted to the DAC and a certified copy of the resolution of the Parochial Church Council approving the proposals. The Chancellor will normally expect the Minister and Churchwardens to be the applicants named in the Petition.
- (3) Two copies of a Public Notice (Form 3). This notice must be put on display at the church for 28 days. One copy should be displayed inside the church and the other outside the church. When the period for display has elapsed, the churchwardens should complete the certificate on the back of the forms to confirm that the Public Notices have been displayed for 28 days. There is no need to wait until the Public Notices have been displayed for 28 days before sending the completed Faculty Petition to the Diocesan Registry, since the Registrar can submit the Petition to the Chancellor whilst the notices are being published. The purpose of the Public Notices is to give notice of the proposals to parishioners and other interested parties, and an opportunity of objecting. In a typical case, the Chancellor will give directions to the Registrar to issue a Faculty subject to there being no notices of objection lodged in the Registry during the period of publication of the notices.

The Registrar normally sends the completed Faculty Petition and the associated papers to the Chancellor, who will give directions as to whether a Faculty may be granted and, if so, whether or not there are to be any conditions attached to the Faculty. However, pursuant to the powers contained in the Rules, the Chancellor has directed that the Archdeacons may determine Faculty Petitions in certain cases. The Registrar accordingly allocates Petitions to the Chancellor or the relevant Archdeacon, according to the subject-matter of the application.

Referrals to English Heritage and Other Bodies

In certain cases it may be necessary to consult with English Heritage (and possibly with others), or obtain approval of the proposed works by English Heritage, or both.

Prior to applying for a Faculty to authorise works to a church building or churchyard, the applicants should consider whether there exists an obligation to consult with English Heritage or any other body, or to obtain approval of the proposed works by English Heritage. The following notes are intended to assist applicants in deciding whether or not they need to consult or obtain approval of works before lodging a Faculty Petition.

If churchwardens, clergy or PCCs are in doubt whether they need to consult English Heritage or any other body, the Diocesan Advisory Committee may be consulted and will give advice. If, when the Petition for Faculty is lodged, the Chancellor directs a referral to English Heritage, because that is legally necessary, there will be a delay of several weeks before the Petition can proceed. This delay can nearly always be avoided, if the parish has consulted with English Heritage (or other body) at an earlier stage.

The requirements set out in these notes relate to churches which are listed buildings (Grade I, Grade II* or Grade II), but an unlisted church may be affected by some of these requirements if it is situated in a conservation area.

Approval of works by English Heritage

1. Approval of works by English Heritage may have to be sought where a church has previously received grant aid from English Heritage. This is because the grant aid contract will have contained a condition that all future works to the church must be approved by English Heritage. English Heritage has now agreed, however, that where English Heritage gave a grant of up to £100,000 for works which were completed more than 10 years ago, or a grant of more than £100,000 for works which were completed more than 15 years ago, it will no longer be necessary to seek English Heritage approval pursuant to the condition in the grant aid contract. Indeed, English Heritage has stated that it will not enforce any of the contract conditions 10 or 15 years (as the case may be) after the completion of the works for which grant aid was given

2. Where, owing to the passage of time, it is not necessary to seek approval from English Heritage, and provided that it is not necessary to consult with English Heritage (see below), it is recommended that parishes nevertheless write a brief letter to English Heritage stating that they propose to carry out specified works to the church, but that as the period of 10 (or 15) years has elapsed since the grant-aided work was completed, the parish is not, pursuant to the directions given in the notes contained in English Heritage's current Pre-Faculty Consultation Form, submitting details and seeking English Heritage's approval of the works.

Consultation with English Heritage

3. Subject to the exceptions set out in 4 below, Rule 3 and Appendix B of the Faculty Jurisdiction Rules 2000 require that, before applying for a Faculty to authorise works to a church, the intending applicants should first consult with English Heritage where the works for which a Faculty is sought:

- (a) involve alteration to or extension of a church which is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 to such an

- extent as it is likely to affect its character as a building of special historic interest, or
- (b) are likely to affect the archaeological importance of the church or archaeological remains existing within the church or its curtilage, or
 - (c) involve demolition affecting the exterior of an unlisted church in a conservation area

Note that even small alterations to the structure of a church can affect the character of the building. These include the introduction of different materials or features, the covering over or removal of parts of the structure, changing the composition of existing elements such as stained glass windows, sub-division or additions to the fabric, as well as removal of elements or piercing through historic fabric.

4. The exceptions to the requirement to consult with English Heritage under Rule 3 and Appendix B are as follows:

(1) Rule 3 always applies to Grade I and Grade II* churches, but in the case of a Grade II listed church, it is not necessary to consult English Heritage unless the proposed works comprise the demolition or removal of all or a substantial part of the structure of the interior of the church. For this purpose the structure of the interior includes principal internal elements such as a staircase, gallery, load-bearing wall, floor structure or roof structure and major internal fixtures such as fixed pews, a rood screen or an organ;

(2) EH does not require consultation for any of the following works:

Repair of Fixtures

- repairs and alterations to an existing heating system, provided the fabric of the building is not affected;
- repairs to and redecoration of fixtures, provided the fabric of the building is not affected;
- repairs to broken or cracked panes in clear glazed windows;
- repairs, rewiring and minor alterations to an existing electrical system, provided the fabric of the building is not affected;
- repairs to lightning conductors;
- repairs to organs or harmoniums;
- repairs using matching materials to bells and replacement of parts not requiring the removal of the bells from their frames;
- repairs and redecoration of clock and clock faces;
- treatment of fixtures against beetle or fungal activity;
- repair of flagpoles;
- repair of existing wire mesh window guards with non-ferrous fittings.

Movables

- introduction or removal of any article for use in the performance of services;
- repairs to movables (using matching materials) except Royal Coats of Arms, unfixed hatchments, heraldic achievements;
- installation of furniture in the church;
- replacement of carpets and curtains;

- introduction, removal or disposal of altar frontals and falls; hassocks; banners; or service books; hassocks;
- introduction of a Book of Remembrance and a stand for it.

Churchyards

- re-surfacing of paths;
- repairs with matching materials to walls, fences, gates and lych gates;
- introduction of a garden seat (including any memorial inscription);
- provision or replacement or repainting in a new colour scheme of a notice board.

Consultation with Other Bodies

5. In addition to consultation with English Heritage, Appendix B requires consultation with any national amenity society (the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, Victorian Society, the Twentieth century Society, or any other body which may subsequently designated as an amenity society under the Rules) likely to have an interest in the proposed works and with the local planning authority. However, the requirement to consult with these bodies only applies in the case of an item of work which falls within the definition of “alteration” contained in paragraph 5 of Appendix B, namely:

- (a) the demolition of a significant part of the structure of the interior, which includes principal internal elements such as a staircase, gallery, floor structure or roof structure;
- (b) the removal of major internal fixtures such as fixed pews, a rood screen or an organ;
- (c) the addition of any significant new element such as the creation of new spaces through subdivision.

Documents to Accompany Consultation

6. Where there is a requirement to consult English Heritage, a Pre-Faculty Consultation Form should be obtained from English Heritage, completed and returned to English Heritage at the same time as advice is being sought from the Diocesan Advisory Committee.

7. There is no special Pre-Faculty Consultation Form for submission to an amenity society or local authority.

8. The documents which the intending applicants for a faculty should submit to each of the bodies being consulted should be:

- (a) designs, plans or other documents (including photographs) giving particulars of the works together with a summary list of the works;
- (b) a Statement of Significance and a Statement of Needs.

9. The particulars given under paragraph 8(a) above should be sufficiently clear for a comparison to be made between the church in its existing state and in its future state if the works are permitted to be carried out, so as to enable an assessment to be made of the likely impact of the works on the listed church.

Period for response to consultation

10. At the same time as submitting the particulars referred to in paragraph 8 above, the intending applicants should write to the body concerned stating that a response to consultation will be taken into account provided that it is received within 28 days from the date of the letter.

Diocesan Advisory Committee

11. Intending applicants should inform the Secretary of the Diocesan Advisory Committee which of the bodies referred to above have been consulted and the date when the 28 day period referred to in paragraph 10 is due to expire. On receipt of a response within the 28 day period from any of the bodies consulted, the intending applicants should provide a copy of the response to the Secretary of the Diocesan Advisory Committee. The Diocesan Advisory Committee is not obliged to await a response which is not received within the 28 day period before reaching a decision and issuing a certificate stating whether or not it recommends the proposed works.

Please note:

1. Projects awarded grants are “approved” by definition and no further English Heritage approval will be required.
2. Any project which is not subject to a grant offer (or is turned down for a grant) will be identified as being an English Heritage case or not on the same basis as all other works.
3. English Heritage grants no longer have a condition for approval, only notification. The fact that a church received grant/s in the past no longer automatically triggers a request for approval for subsequent works. A request for approval need only be made if the work affects the character or setting of the building and therefore is a “case” for English Heritage.