

Cream Paper G

Carlisle Diocesan Synod, 12 October 2019

The Role and Constitution of the Diocesan Advisory Committee (DAC)

1.0 Purpose of Report

The purpose of this Report is to invite Synod to adopt an updated, revised Constitution for the Diocesan Advisory Committee, more familiarly referred to as the DAC. Before putting such a motion to Synod it is only right to explain the legal background to Diocesan Advisory Committees and their functions with particular reference to Carlisle Diocese. Eagle-eyed readers of the Constitution may have noticed a reference to the DAC making reports to the Diocesan Synod. This report therefore also takes the opportunity to make such a report on the current and proposed workings of our DAC.

2.0 All you ever wanted to know about DACs but were too afraid to ask

2.1 What are DACs and what are their purposes? Contrary to popular belief they are not intended as forms of modern penance or systems of torture. Such a Committee is not unique to this diocese but found in all dioceses. They are not optional extras which can be set aside but a legal requirement. DACs are in fact the key components in a very British fusion of two separate systems

2.2 Legal Framework within the Church

Our individual congregations and PCCs do not own their churches as autonomous fiefdoms. We are all part of this diocese and of the wider Church of England. Moreover, we are also merely custodians in time handing on to our successors what has been entrusted to us from previous generations. Individual parish freedom to alter, add to or re-order its church has always been restricted by higher church authorities and this developed into the current system where permission for such changes is sought by the local church submitting to the diocese an application for consent or a faculty, as it is called. Every diocese has to appoint a DAC to advise on the grant of such faculties; to more generally give advice on the architecture, archaeology, art and the history of places of worship; to advise on the use and care of the contents of churches; and, the use and care of churchyards. In the case of applications for faculties the advice is tendered to the Chancellor of the diocese, who is a senior legal appointment. The Chancellor takes the decision having weighed the advice, the submission details and any consultation responses.

2.3 Government Legal Framework

The DAC and Faculty system is old. More modern is the civil system of control for the protection of historic buildings, ancient monuments and historic landscapes. This system grew through the twentieth century, most notably after the Second World War. It is founded on the belief that the country's heritage of buildings and monuments are a national asset rather than purely a matter for private owners. National legislation now restricts the owners' rights to put up new buildings, extend or demolish them without planning permission. The Government also prepares Lists of Buildings of Special Architectural and Historic Character and it is an offence to alter these buildings without Listed Building Consent. Often the most historic and architecturally important buildings in an area are its churches and thus churches and chapels feature prominently on these Lists. However, at the time of setting up this consent system for listed buildings, the Church of England had long been operating its own Faculty system which incorporated a considerable pool of specialist knowledge

and experience which was not then available in the secular context. An exemption was therefore built into the legislation, known as the ecclesiastical exemption, whereby listed building consent was not required for works to Church of England listed churches. By the 1990's this exemption was extended to other main Christian churches which had similar internal consent and control processes applying to listed buildings

2.4 Thus, the Church of England is only allowed to alter its listed churches without applications to the Local Planning Authority by Act of Parliament. This is on the basis that it operates an equivalent system in terms of expertise and knowledge and that it fulfils the obligation of the protection of our communal, built heritage. The whole principle of the ecclesiastical exemption has been attacked by others. Some see such "self-policing" or "marking one's own work" as an antiquated relic of unwarranted privilege. Others have suggested that the system is too lax to adequately safeguard the ecclesiastical portion of the national heritage. The exemption could be removed by the Government if it was seen as failing to protect heritage. This would be extremely serious as not only would our deep knowledge of churches cease to be the basis of decisions but our commitment to the use of our buildings for living worship and mission would no longer be fundamental to the decision process. Sadly, there is less knowledge these days in the civil system and secular world of churches, their use and the beliefs which underpin them. Our aims are broader than merely protecting architecture and history but in the living use of churches.

2.5 This combination of two systems, the ecclesiastical and civil, means that we work within two frameworks of legislation and advice. The national Government produces the Lists of Buildings of special Architectural and Historic Interest. These Lists grade the importance of the buildings. Only about 4% of listed buildings nationally are Grade I and Grade II* being of the greatest architectural and historic interest. The remaining 96% are Grade II. Because of their antiquity and interest a significant number of churches within our diocese are Grade I and Grade II* and therefore merit the greatest degree of protection. Sometimes the only listed building within a parish is the church. It is likely to be connected with much of the history of the area and for centuries will have received the best work of masons, joiners and other craftsmen and because of this will be greatly valued locally.

2.6 Government Guidance

The Government also frames the national guidance that underpins the ecclesiastical and secular systems. This advice has become stricter over time as knowledge and conservation techniques have increased. There were significant changes in advice in the 1990's when the Government put the onus on the applicant, wishing to change a building, to make the case in favour of the change rather than the onus being on the decision makers to make the case against the change. The Government presumption favours the preservation/conservation of historic buildings and features. Its official Guidance requires the case for change to be more rigorously prepared and detailed in words as well as in scale plans. It is this Guidance, which has been carried over into the church system, that specified the submission of a Statement of Need describing why the change is considered necessary and what is unsatisfactory with the current situation. It also required the preparation of a Statement of Significance which details what is special in architectural and historic terms about the particular listed building and its features. It would consider how old, how rare, how important the building and features are and what is known of their designers, makers and donors. It needs to be more than a general statement but consider the elements affected by the proposals. If the need

relates to a church organ or bells then the Statement of Significance needs to consider the organ or bells. The next stage is to consider the historic impact on significant features of different ways of meeting the identified need. A Local Planning Authority would not deal with a Listed Building Application without these Statements and the same is expected in the ecclesiastical sphere. This explains our fixation on getting such Statements for Faculty Applications. While the terminology may seem strange the aim is merely to explain as clearly as possible to decision makers the case for change and the constraints on choice.

2.7 Church Guidance

Our own Church of England process of decision is detailed in church legislation with the snappy title of the Ecclesiastical Jurisdiction and Care of Churches Measure and its subsidiary Faculty Jurisdiction Rules. The Church also issues its own guidance. We cannot in Carlisle Diocese set up our own, different decision system or operate under our own criteria. The changes to these Faculty Jurisdiction Rules have been very significant in recent years. In order to free some minor works and standard maintenance and repairs from the need for Faculties in 2015 changes were made introducing two classes of exemption. List A consists of minor works which can be undertaken without a faculty or Archdeacon's Approval and List B more significant work which can be carried out without a faculty but with Archdeacon's approval. This has notably reduced the number of faculties required. General Synod this summer made modifications to these exemptions in the light of operating experience. The Rules specify the need for submissions relating to listed churches and structures to be accompanied by Statements of Need and Significance. There is a particular requirement when the proposals are likely to result in significant harm (change) to a listed building to set out the basis on which it is said that the proposal would result in public benefit outweighing the harm. They make more explicit the need to consult in the case of significant alterations to listed churches with Historic England, the National Amenity Societies (Society for the Protection of Ancient Buildings, Council for British Archaeology, Georgian Group, Victorian Society etc), the Local Planning Authority and our own Church Buildings Council. These mirror requirements for consultation in the secular regime. The consultees will not respond (or only respond negatively) if there is not the fully explanatory documentation including the Statements. From April 2020 applicants will need to carry out these required consultations at the beginning of the process of consideration so that the responses can be taken into account as soon as possible and the scheme potentially adapted

3.0 The Membership and Operation of Carlisle DAC.

3.1 Membership of the DAC

3.1.1 You will see in the DAC Constitution, which mirrors the general model, the breadth of background and pools of expertise and professional knowledge required for members. It combines church expertise and, especially with the nominations by other bodies, general conservation expertise. This reflects the linking of the ecclesiastical and civil systems in the process and brings the broadest knowledge to the committee table.

3.1.2 The Archdeacons are members by virtue of their offices. Traditionally they have always had responsibility for buildings as well as mission and pastoral responsibilities. They bring a wealth of knowledge about the individual parishes and churches. The rest of us are all volunteers. Before I retired and became Chair of DAC some of you will have known me as a planning officer in South

Lakeland dealing with listed building applications and conservation matters for everything from castles, halls, houses to milestones and pillar boxes. Indeed, I dealt with formal consultations on church/chapel alterations from other denominations. Sadly, my own CoE did not treat the consultation process so seriously and I was only consulted informally by the local architects who valued my input. In recent years we have broadened the membership. We currently benefit hugely on the DAC from the membership of 5 conservation architects with particular experience of churches. We have added two eminent archaeologists with a depth of local experience. There are two retired conservation officers from the civil system. We are fortunate to number among us Sir Martin with his scientific background. We have a retired National Trust senior manager of conservation properties. We have two engineers one of whom, Bruce Mumford many of you will have met advising on heating, lighting and sound systems and flood protection. Others of you will have met our member Jayne Potts who also serves as the Churches Trust for Cumbria Officer and has qualifications in Art History and Building Conservation. David Dickinson you will know as a representative of this synod and may be aware of his background in general management and transport. We were also very pleased to welcome for the first time to our July meeting another member of this synod the Rev'd Andrew Norman.

3.1.3 In addition to their main professional qualifications all members have considerable knowledge of other subjects and involvement with other Cumbrian groups and societies. All reside in Cumbria with one exception who I think has sneaked over the border into Lancashire. While the constitution requires knowledge of the CoE it does not actually require Christian belief or membership of the CoE but the majority do come within these categories. We also try to achieve a good geographic spread of members with detailed knowledge of the different parts of the diocese and their churches. We try to retain a balance of lay people and clergy but it is particularly difficult to find clergy or retired clergy who are not already fully committed to other duties. In the last six years we have improved the gender balance on the committee but it is difficult to achieve an age balance. Younger people tend to be fully committed juggling the heavy demands of work and family life. There is therefore a preponderance of those of us who have recently retired or, in the case of the architects, those who are mature enough to run their own practices and adjust or sacrifice their working hours.

3.1.4 The breadth of heritage and special expertise is tremendous and gives rise to very full discussions in the meetings when members are able to give both expert views and their experience as church members. The meetings are lively and harmonious. I am hugely grateful for all that the members give to the DAC which includes not only contributing at meetings but also many hours studying application and agenda papers and undertaking site visits. Attending site visits and meetings and preparing reports are also our specialist advisers. Those most frequently called upon are the advisers on church organs, church bells and stained glass.

3.2 Operation of the DAC

3.2.1 Meetings

When I joined the DAC nearly seven years ago there were six meetings in a year. We increased this to 10 meetings a year to increase both the amount of time in committee consideration and also the speed with which applications were considered. However, we found that the time between the meetings was too short to get back responses to queries. We therefore changed to dates giving better gaps between meetings. There are now 8 meetings in a year. There is generally not a

meeting in December because of the focus on Advent and Christmas activities in the churches. August is too much of a holiday month to make a meeting viable and we tend to avoid meetings early in January because of bad travelling conditions and the fact that the building industry, its supporting professions and private people are still rushing to catch up after the Christmas and New-Year break. Between the eight meetings there are site visits in each of the three archdeaconries.

3.2.2 Full agenda go out to all members well in advance and these include the application plans and their supporting documentation, consultation responses, our own reports of site visits and reports from our advisers. We also have a slot for papers on specific subject topics such as Martin's Environmental Report. In the past this would mean the postal delivery of a wad of papers an inch or two inches deep. We are now able to use electronic means to send all this information and to display plans, photographs, documents and specifications at the meetings but there are still times when we revert to looking at the paper plans to capture the whole detail of a scheme and compare plan layouts with the corresponding elevations and details.

3.2.3 Basis of Decisions

In the case of a civil listed building application the decision is based upon whether the proposals would have a detrimental effect on the special architectural and historic character of the building. If there is such an effect then there need to be clear and convincing reasons of public benefit to override the detriment. The more detrimental the effects the weightier the reasons would have to be.

Within the Faculty System we have additional criteria. The Measure gives us a primary "duty to have regard to church's purpose" that the role of a church is as "a local centre of worship and mission". This encompasses accommodating both activities of worship and mission and theological appropriateness. It is the latter that would preclude churchyard headstones or internal furnishings with pagan or non-Christian references. The impact on archaeology is also a criterion in itself rather than being merely subsumed as an historical impact. This reflects that many of our churches are not only ancient foundations but also on sites of great antiquity and interest over the millennia. We are also enjoined to take into account aesthetics which allow considerations such as "Will it look wonderful or terrible? Will it uplift our spirits, promote prayer and meditation?". We are also able to take into account considerations of art not only in terms of architecture and the fabric of the building but also in broader terms such as relating to fixtures and fittings such as stained glass, fittings and décor.

It will be realized that there can be many complex issues to balance in coming to a decision. A key principle, shared with the civil system, is that permanent detriment to the special character of a building would need to be warranted by strong and clear justification or public benefit. The greater the detriment: the greater needs to be the justification. In relation to such benefits it can be useful to remember that a building is likely to survive longer and remain in better condition when it has an active use and that there tends to be less damaging change when a building continues to be used for its designed purpose. Think how much alteration would be involved in the conversion to residential use. Works to more effectively act as a focus for the whole community can also be seen as a public benefit.

3.2.4 There is no denying that the civil and ecclesiastical frameworks and advice create a lot of work for the applicant churches just as they do for listed building applicants in the secular system. I would

recommend two things to ease the process; the submission of preliminary inquiries before a major faculty application and the appointment of appropriate professionals to develop your scheme. There is not a fee to submit a request for preliminary advice but it allows us at the beginning of the process rather than at the end of the process to visit your church and hear what you are trying to achieve, discuss your various options and their impacts and then send you a report containing advice on the proposals and their implications. Churches tend to be complex buildings of traditional forms and materials that may have been much altered over the centuries and they do not behave or react in the ways of a modern house or commercial building.

The advice of a conservation architect and other specialist can be invaluable in avoiding costly mistakes; inappropriate techniques that may damage a building; failure to recognize the significance of important features or a failure in vision. I would also plead that you really use the Statements of Need and Significance and consideration of Options to explain and make the case for your scheme. It is very easy when one is very close to a scheme that one's church may have been thinking about for years to forget that we and the consultees do not have this background. Surprisingly often we cannot tell from the submission what the purpose of a proposal is. We do not know all the activities that take place in your church, what happens in your services, the numbers of people involved and their different requirements. We do not carry in our memories every architectural detail of your church. Sometimes we find out options have been disregarded on the basis "they'll never agree to that" without inquiring. You may know your church like the back of your hand but you cannot assume that we and the consultees are going to know everything if you do not tell us. Conversely, something we have known all our lives might seem uninteresting only to find that the references you consult consider it a rare and fascinating survival.

4.0 The Decisions

4.1 Numbers of Applications

It is very difficult to produce meaningful statistics for decisions. Some applications relate to single proposals. Others contain several different proposals which may be linked or separate and some of which we may be asked to hold in abeyance until the later submission of details. These multi-facet schemes are often for major and complex proposals: At the September meeting there were 4 major applications, 7 more routine or straight forward applications and 2 preliminary inquiries. In the period January-July this year 36 approvals were made. Recommendations of refusal are very, very rare. Since 2018 only one refusal has been made and that related to a proposal submitted by Eden District Council to replace the Storm Desmond-damaged railings separating Appleby Churchyard from the River Eden with modern metal railings set in concrete. After discussions and in partnership with the Appleby Heritage Action Zone initiative these railings have now been restored in their original form and look wonderful. We much prefer to negotiate amendments to achieve an acceptable scheme rather than have recourse to refusal recommendations.

4.2 Types of Application

The majority of applications fall within a few groupings. Many relate to dealing with problems identified in Quinquennial Inspections of which the most common are dealing with water ingress and damp often caused by renders, pointing and plaster containing cement. Removal of the cement products and replacement with traditional lime, the goretex of the historic building world, is most

effective. There is a strong trend to install simple kitchen facilities, often within a screening cupboard(s) and associated social space by the removal of a limited number of pews. Improvements of disabled access and wc facilities tend to be part of such schemes. There is a desire to achieve more flexible space for worship, church activities and to host community uses. There are many applications relating to replacement and improvement of heating, lighting and sound systems. Schemes for flood resilience are also notable.

5.0 Future Improvements to our Working

We are actively seeking ways to improve our working.

5.1 Lists A and B

We will encourage the use of Lists A and B to avoid the submission of faculties for the simplest proposals reducing the burden for Parishes and freeing more DAC time for major applications.

5.2 Delegation

It has recently become possible to delegate some elements of the process and we shall utilize this to speed the applications where possible.

5.3 Working Groups

We are also proposing using working groups/sub-committees to work more closely with parishes in developing major schemes and on such proposals inviting some presentations from Parish and its Architect directly to committee. Where we issue Reports or Letters of Advice we will aim to offer clear next steps for Parish to follow

5.4 Training and Advice

We hope to ensure more advice/training to churches by means of Churchwardens' Training Days and through Churches Trust for Cumbria courses and events. As part of the revision of the Diocesan Website we shall improve the guidance on offer.

6.0 Revised Constitution

The Constitution we are putting before you follows the national model and was prepared with the advice of the Chancellor and Registrar. It varies little from that approved by this Synod in 1993 until the procedural section beginning at paragraph 16 on page 3. The 1993 Constitution did not have a procedural section but this revised constitution codifies the standard practise at meetings in relation to chairing the meeting, the quorum and what happens if during the meeting the quorum falls, declarations of interest, appointment of sub-committees and working groups, shortened procedure, voting and attendance of advisors at meetings. The additions give a proper basis for the detailed conduct of meetings.

Lily Hopkins (DAC Chair), September 2019

