

DIOCESE OF GUILDFORD

GUIDE TO FACULTY APPLICATIONS: A guide to the DAC process

Introduction

By law, a 'faculty' (approval) is needed for all repairs, maintenance and changes to a church or its contents. There are two exceptions: experimental re-ordering carried out under Archdeacon's licence (valid for up to 15 months), and items on the 'de minimis' list ⁹.

The purpose of this leaflet is to describe how the procedure for obtaining a faculty works in this diocese, so that applications are right first time and can be processed with the minimum of delay for the parish seeking permission. For larger projects there is an additional leaflet that should be read in conjunction with this one.

It is not just the law that makes it desirable that there is control over change. The churches in England represent a unique part of our heritage. We must therefore take great care to conserve them and their contents for future generations, and to bring about necessary change in a professional and sympathetic way.

There is a presumption against unnecessary change to the fabric of historic churches but alteration may be permitted if it can be shown that such change is necessary to enable a church to fulfil its role as a centre of worship and mission. Then the system recognises that a balance has to be struck between the role of the church and the history of the building.

Process

Generally, **applications for a Faculty** are made by the incumbent or churchwardens on behalf of the PCC. Private petitions are also allowed, typically for gravestones or monuments.

The decision to grant a Faculty is made by the Chancellor of the Diocese ¹ (or in some more routine cases by the Archdeacon). The Chancellor is required to seek the advice of the DAC ² so all applications should normally come to the DAC first, via the Secretary ³, except for exhumations or the reservation of grave spaces ¹¹.

The role of the DAC is advisory and it is there to help parishes as much as to help the Chancellor. The Committee is made up of voluntary members (appointed by Bishop's Council) who are sympathetic to the needs of parishes and skilled in the conservation of historic buildings and churches.

The cost of faculty applications is met by the Diocese, with two exceptions. A private petitioner is required to pay (currently about £220), as is a parish that petitions retrospectively (i.e. to seek permission for works already carried out).

In cases of genuine urgency (e.g. storm damage), it is possible for the Chancellor to give temporary permission at short notice. Contact should be made with the DAC Secretary or the Registrar ⁴ in the first instance.

This leaflet is only a guide. Please consult the DAC Secretary ³ or Registrar ⁴ if you are in any doubt. Copies of the Faculty Jurisdiction Rules 2000 are obtainable from Church House Bookshop.

YOU SHOULD NOT ENTER INTO ANY ARRANGEMENTS OR BEGIN ANY WORKS UNTIL YOU RECEIVE THE WRITTEN FACULTY FROM THE REGISTRAR.

FURTHER EXPLANATION

1. The Chancellor of the Diocese, The Worshipful Andrew Jordan, determines all legal matters on behalf of the Bishop. In cases of emergency, he can be contacted through the Diocesan Registrar⁴.
2. The DAC (Diocesan Advisory Committee for Churches and Churchyards) is appointed to advise the Chancellor and applicants for faculties on the proposals submitted. It aims to work with parishes and others to help them to put before the Chancellor proposals which both meet their needs and comply with the law. It has experts in a number of fields related to church practice, buildings and contents, but it is for the Registrar and the Chancellor to interpret the law.
3. The DAC Secretary is Ruth Walker, who is based at Diocesan House (tel: 01483 790313 or fax: 01483 790333; email: ruth.walker@cofeguildford.org.uk). Contact Ruth informally for early advice (before plans are too advanced), for help in preparing submissions and with procedures.
4. The Diocesan Registrar is Peter Beesley, of solicitors Lee, Bolton & Lee tel: 020 7222 5381; fax: 020 7222 7502; email: guildford.registry@1TheSanctuary.com).

The Registrar records all the decisions taken and advises on legal aspects of complex issues. All enquiries should be addressed in the first instance to Stephen Borton (the clerk to the Diocese).

5. Every parish must appoint an Inspecting Architect or Surveyor, approved by the DAC, to inspect its church buildings every 5 years. This person should be consulted about all but minor repairs. The Inspecting Architect may be the architect for major alterations or extensions but there may be good reasons to consider another architect.
6. Planning permission is also likely to be required if there is to be a material change to the external appearance of a building. In addition, there must be consultation with English Heritage, any relevant national amenity society and the local planning authority for:
 - alterations to a listed building which may affect its character as a building of special architectural or historic interest;
 - works involving demolition affecting the exterior of an unlisted building in a conservation area;
 - works likely to affect the archaeological importance of the church or archaeological remains within the church or its curtilage.

This consultation should take place in parallel with consultations with the DAC. These bodies must give a statutory 28 days consultation period. At the end of the period the parish must notify the DAC which bodies have been consulted, state when the statutory period of consultation ended and provide copies of any responses received. The DAC Secretary³ can provide further details and advice.

7. The DAC is not able to recommend a faculty if it feels that the works are likely to have an adverse effect on the fabric or appearance of the church and its surroundings. In practice, the DAC will not initially refuse to recommend a faculty but will explain its concerns to the parish. The parish will then have the opportunity to reconsider and amend its proposals or to provide more information to help the DAC understand its intentions better. The DAC will make a site visit to look at all major proposals with representatives of the parish, including the architect. At the end of this process (which may take several months for major and/or contentious

proposals) the DAC will, recommend, make no objection to, or not recommend a faculty for all or part of the proposals.

8. When submitting detailed proposals to the DAC, the following list of documents should be considered:
 - **A covering letter** explaining the proposals. Note that no special forms are required at this stage; the DAC secretary will issue the formal petition papers when a recommendation is made.
 - **Scaled drawings and full specifications** (with site plans, wiring diagrams and pipe routes as appropriate) showing the current and proposed layouts for all proposals involving re-ordering, extensions, lighting, sound systems, heating systems, plaques, gardens of remembrance, building works, etc.
 - **Drawings or photographs** of new items, e.g. light fittings, speakers, radiators, plaques, chairs & furniture, wrought iron, textile designs, stained glass, etc.
 - **Samples and colours** of new items, including carpets and textiles.
 - **Names of contractors (*if known*) and costs**
 - **Details of disposals** and photographs (including the origin of gifts and efforts to locate surviving relatives of the donors).
 - **Details of consultation** with English Heritage, national amenity societies and local planning authorities (if required), together with the date of expiry of the consultation period and copies of any responses received.
 - **For faculty works to trees**, (see Churchyard regulations) you must submit a special petition form, obtainable from the DAC Secretary ³.
 - For significant changes, the PCC must provide a **Statement of Needs** (why the works are necessary for the continued worship and mission of the church) and a **Statement of Significance** (summarising the historic development and importance of the building).
 - For all new building works the architect must also provide a **Design Statement**.

All of these documents, including photographs, should be provided in duplicate with A3 copies of plans (for scanning) and also, if possible, electronically by e-mail or on a CD.

9. Every parish should have a copy of the Chancellor's Guidance on 'De Minimis' items that do not require a faculty. In summary they are as follows (articles in *italics* require consultation with the archdeacon first):
 - **Most moveable items** including cruets, vases, kneelers (but not a substantial replacement), service books, choir and organ music, altar linen (but not frontals or falls), hymn boards, decorative banners (for display for up to 3 months), *bookcases and display stands*, lawnmowers and churchyard equipment, surplices, cassocks, choir and vergers' robes, registers, furniture and furnishings in vestries, furniture in church halls.
 - **Routine maintenance**, up to a cost of £2,500, of *electrical fittings and minor church fabric*. Maintenance of bells, bell-frames, clocks and pianos, tuning of organs, pianos. Maintenance of paths (not full re-surfacing) and notice boards.
 - **Replacement of carpets and curtains in the same material**.
10. **Churchyard Regulations** for the Diocese deal with memorials and trees in the churchyard and a copy is held by every parish
11. Faculties for **exhumation** or the reservation of grave spaces (which are normally private, rather than PCC petitions) are dealt with directly by the Registrar. Application should be made on forms available from the Registry ⁴.

HOW TO SET ABOUT OBTAINING A FACULTY

Larger Projects: Alterations, Extensions

Initial Appraisal

- Clarify your objectives
- Consult within PCC and parish
- Appoint person to manage project
- Consult your inspecting architect ⁵ and/or appoint project architect
- Prepare statements of significance and needs
- Consult DAC Secretary³
- Arrange DAC site visit if appropriate

Outline Proposals

- Instruct architect to prepare outline proposals and design statement
- Consult secular authorities ⁶
- Submit outline proposals to DAC ^{7,8}
- Consider amendments as advised by DAC
- Obtain encouragement from DAC to proceed

Detailed Proposals

- Continue discussion with PCC and parish and keep informed of progress
- With architect, further consult DAC and secular authorities when necessary
- Instruct architect to prepare detailed proposals
- Submit detailed proposals to DAC and secular authorities
- Consider amendments in response to any DAC and other comments
- Submit for planning permission (if needed ⁶) in parallel

Appraisal and Proposals

- Clarify your objectives
- Consult within PCC and parish
- Appoint person to manage project
- Consult inspecting architect ⁵ if necessary
- Consult DAC Secretary ³
- Prepare detailed proposals ⁸
- Submit proposals to DAC
- Consider amendments in response to any DAC comments

Grant of Faculty

- Obtain recommendation and petition papers from DAC ³
- Submit petition to Registrar ⁴ with DAC recommendation
- Display public notice for 28 days (minimum)
- Faculty granted (or not) with or without conditions

Start of Work

- Only start work when the Faculty has been received from Registrar
- When needed, only start work when written planning permission received and Building Regulations approved
- Comply with any conditions including further submissions to DAC
- Complete works within faculty time limit or seek extension

Minor changes, repairs, maintenance

