



Department for Culture, Media and Sport

The Operation of the Ecclesiastical Exemption and related planning matters for places of worship in England

Draft Guidance

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Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

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Introduction

1. Church buildings¹ make a significant contribution to the heritage and life of the nation, demonstrating the finest design, workmanship and decoration of their generation while representing the most recognisable features of our rural landscape and urban areas. We recognise that, in order to survive and to continue to serve their local communities, listed churches might need to adapt to meet changing liturgical preferences, and to meet the needs of today's worshippers and other users. The Government is committed to working closely with the exempt denominations to make sure that they are able to make the right decisions about changes to their church buildings, accessing the best advice, and taking into account the legitimate views of the wider heritage world, without adding excessive new burdens.
2. The legal framework for protecting the historic environment is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act"). The Act provides for buildings of special historic or architectural interest to be listed and managed through a formal consent system, administered by local planning authorities and, in the exercise of planning functions by local authorities, for special attention to be paid to the desirability of preserving or enhancing the character and appearance of conservation areas.
3. Many listed buildings are in use as places of worship, and the Act makes separate provision for their protection and management needs through the 'Ecclesiastical Exemption'. The Ecclesiastical Exemption provides a mechanism for certain denominations to be exempted from local authority Listed Building and Conservation Area Consent systems when undertaking works or making repairs to those listed or Conservation Area buildings under their control². Full details are set out in the Act and in the Ecclesiastical Exemption Order.
4. The Order has now been revoked and replaced :

¹ The term 'church buildings' is used generically and includes chapels and other places of worship. The definition of 'building' is that enshrined in the Town and Country Planning Act 1990 and modified for these purposes (' "building" includes any structure or erection, and any part of a building, as so defined')

² While the exemption is not an exemption from the need to obtain Scheduled Monument Consent, where applicable, Section 61 (8) of the Ancient Monuments and Archaeological Areas Act 1979 specifies that ecclesiastical buildings for the time being used for ecclesiastical purposes cannot be scheduled as a monument, thereby exempting church buildings from scheduling.

- to ensure that, apart from a small number of special cases, all buildings subject to the exemption are covered by the control mechanisms of the relevant exempt denomination; and
- to reduce instances of 'dual control', where both denominational and local authority controls apply, by extending the exemption to cover separately listed buildings fixed to or in the curtilage of exempt church buildings, where they themselves constitute ecclesiastical buildings for the time being in use for ecclesiastical purposes.

This guidance reflects the changes made by the new Order (The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 2010), which superseded the previous order (SI 1994/1771) as of [date to be inserted].

5. The revised Order, and this guidance, now covers England only, rather than England and Wales as the previous Order and guidance did. In Wales, the Welsh Assembly Government (Cadw) will be responsible for repealing the 1994 Order in respect of Wales, and for issuing guidance that applies to Wales. Until the Welsh Assembly Government (Cadw) repeals the 1994 Order in respect of Wales, it will continue to apply. We acknowledge and regret that this might cause some difficulty where denominational management arrangements and districts might cross the border between England and Wales, but we do not expect that Exemption provisions will differ between England and Wales in the long term.
6. The Ecclesiastical Exemption reduces burdens on the planning system while maintaining equivalence of protection and reflecting the particular need of listed buildings in use as places of worship to be able to adapt to changing needs over time to ensure their survival in their intended use. It is widely acknowledged that keeping a building in use is more likely to result in the preservation, proper maintenance and sustainability of that building.
7. This guidance explains the operation of the Ecclesiastical Exemption. It should be used by those denominations which are already exempt³, any denominations or faith groups which may seek coverage by the exemption, local planning authorities, heritage protection professionals, and members of the public. It should be read alongside the Act, the Ecclesiastical Exemption Order, and the Code of Practice for Places of Worship (at Annex A). English Heritage may, from time to time, also publish separate guidance on works to heritage assets.

³ We expect that those responsible for the consents mechanisms under the Exemption within the exempt denominations will be active in bringing the contents of this guidance to the attention of anyone within the denomination who might need to be aware of it.

Who is exempt?

8. The Ecclesiastical Exemption Order limits the exemption to buildings within the care of certain specified denominations which operate acceptable internal procedures for dealing with proposed works to listed ecclesiastical buildings and unlisted buildings in conservation areas. In order to be exempted by the Order from local authority controls, exempt denominations' internal procedures must provide equally stringent procedures for the authorisation of works to the secular heritage protection system. Equivalence of protection is a key principle underpinning the exemption and will be kept under review by the Department for Culture, Media and Sport, in order to ensure that those denominations which benefit from the exemption maintain the required standards of protection.
9. Denominational systems of control need to be open and transparent. They should provide similar levels of consultation and engagement with local communities, planning authorities and with the national amenity societies as is required in relation to the secular control system. They must also comply with the provisions of the Code of Practice for Places of Worship (Annex A to this document).
10. The Order provides that the Ecclesiastical Exemption applies to listed ecclesiastical buildings which are 'for the time being used for ecclesiastical purposes', belonging to⁴ the following denominations in England : the Church of England; the Roman Catholic Church; the Methodist Church; the Baptist Union of Great Britain ; and the United Reformed Church.
11. Each of these denominations has documented procedures for managing changes to listed ecclesiastical buildings. Copies of the documentation are available from each denomination and may be available on denominational websites.
12. No other faiths or denominations currently hold the exemption. For all other denominations and faiths, applications for work to listed ecclesiastical buildings require Listed Building Consent from the local planning authority in the same way as similar works to secular listed buildings. Conservation Area Consent for the demolition of unlisted buildings in Conservation Areas will also be required from the local planning authority. Conservation area controls also extend to memorials, monuments and tombstones.

⁴ It is acknowledged that different models of 'ownership' of buildings exist within different denominations, and the term 'belonging to' is used generally to reflect the different models.

13. The Secretary of State retains the power to bring within normal listed building or conservation area controls, by means of a further Order, any individual ecclesiastical building where it seems likely that potentially damaging works will be carried out without the necessary authorisation having been obtained under an exempt denomination's procedures.
14. Church of England buildings which are no longer in regular ecclesiastical use are fully subject to the normal listed building and conservation area controls once a declaration of redundancy under the Pastoral Measure comes into operation. For other denominations, exemption ceases and local authority controls apply from when a building ceases to be in use for worship, i.e. following a final service. Secular controls also cover buildings vested in the Churches Conservation Trust, in most of which church services are still held on an occasional basis.
15. Local Authority controls may therefore apply should a Church of England diocesan board of finance consider it necessary to remove fixtures for safe keeping under section 49(2) of the Pastoral Measure during the waiting period between a declaration of redundancy under the Pastoral Measure and the coming into operation of a redundancy scheme, or where fixtures or fittings are being removed from any other church building, where this work would affect the character of the building. It would be up to the local authority to agree what the listing of the building covers.
16. It should be noted that, when exemption ends, a local authority's powers under section 54 of the Act, to execute any works which appear to them to be urgently necessary for the preservation of a listed building, will apply to church buildings of the exempt denominations. The local authority can then seek repayment of the cost of such repairs under section 55 of the Act, although the owners of a building have the right of appeal to the Secretary of State against repaying some or all of the costs. Under section 47 of the Act, the Secretary of State can authorise the compulsory purchase by a local authority of a listed building, where it appears that proper steps are not being taken to properly preserve that building.

Applying for coverage by the Exemption

17. Any denomination or faith group not currently covered by the exemption, but which thinks it should qualify to be exempt is free to apply. Any such group will need to demonstrate that it has established or will establish sufficiently robust and transparent heritage protection procedures and is strongly advised to contact the Department for Culture, Media and Sport, at an early stage in order to ensure that such internal systems will meet the necessary requirements. In considering whether the exemption should be extended to any further denominations or faith groups in England, the Department will consult English Heritage and the National Amenity Societies.

What is exempt?

18. The Act provides an exemption for ecclesiastical listed buildings in current use for ecclesiastical purposes. Under the Act, buildings which are used mainly as a minister's residence cannot be exempt. The Order restricts the operation of the exemption in terms of the structures covered – listed buildings whose primary use is as a place of worship, and other separately listed structures attached to or within the curtilage of a listed church building which themselves constitute ecclesiastical buildings for the time being in use for ecclesiastical purposes. Such purposes are not defined in the 1990 Act, but we would consider it reasonable that the definition could cover, and thereby allow the exemption to cover such structures as campaniles, table tombs, parish halls or rooms, school rooms, chancel houses, lychgates or boundary walls. This list is not exhaustive, and congregations may need to agree with Local Authorities whether the exemption applies to any given structure, but it would be for a court to decide in the event of a dispute. The exemption applies to the full extent of buildings, as defined by their listing description and the relevant provisions of the Act.
19. In the case of Church of England Cathedrals, the exemption will apply to those buildings within a 'red line', inscribed on a map and agreed between the Department and each Cathedral, any further listed church building within the Cathedral's precinct, any separately listed structures attached to or in the curtilage of precinct churches and any further listed buildings in the precinct where they constitute ecclesiastical buildings in ecclesiastical use. 'Red line' plans were agreed in 1994 and are not currently changing. They are available to view at local authorities, DCMS, or at the Cathedral and Church Buildings Division of the Church of England.
20. The exemption only applies where works are covered by the internal control procedures of a denomination. Where works are not covered by the internal procedures of a denomination, they are not subject to the exemption and will require Listed Building Consent from the local authority. Other than those under the Church of England's Faculty or Care of Cathedrals procedures, works will only be exempt when they are carried out on behalf of the denomination or, where the structure forms part of a university, college, school, hospital or public or charitable institution, where the works are carried out on behalf of the governing body or the trustees of that institution (but see paragraphs 18-21 regarding the position of institutional chapels under the exemption).
21. Under article 6 of the previous version of the Order (SI 1994/1771), a range of buildings ('Peculiars and Special cases') were granted exemption while also not being covered by denominational systems of

control. These buildings were: buildings within a peculiar of the Church of England; chapels used according to the rites of an exempt denomination situated at one of a range of public institutions such as schools, colleges, universities, hospitals or prisons; the buildings of religious communities; churches subject to sharing agreements under the Sharing of Church Buildings Act 1969 and used by one or more of the exempt denominations; and churches in England belonging to one of three Scottish denominations.

22. Under the revised order (SI xxxx/2010), the exemption is removed from the majority of buildings that are not subject to a denominational system of control. Buildings that will remain exempt while outside denominational controls are: buildings in England belonging to the Church of Scotland, whose continued exemption is required under the terms of the Church of Scotland Act 1921, but which buildings are in any case covered by equivalent procedures of the Church of Scotland; Westminster Abbey and St George's Chapel, Windsor, whose Fabric Commission and Fabric Advisory Committee respectively are considered to exercise equally stringent control to secular controls ; and, on an interim basis, Christ Church Cathedral, Oxford, which will be brought under the jurisdiction of the Cathedrals Fabric Commission for England (CFCE) when a legislative opportunity arises to amend the Care of Cathedrals Measure 1990. Christ Church Cathedral will, in the meantime, establish a Fabric Advisory Committee according to the provisions of the Code of Practice, and will informally consult CFCE over works.
23. **Upon the coming into force of the revised Order, any other building currently exempt by virtue of article 6 of the previous Order (SI 1994/1771) will no longer be covered by the exemption unless it becomes subject to the controls of the relevant exempt denomination.**
24. Under the Church of England's Care of Places of Worship Measure 1999, it is possible for certain buildings to be opted into the Church of England's faculty jurisdiction voluntarily. The policy intention is that any buildings which have been opted into the faculty jurisdiction will be subject to the Exemption. However, where the coverage of any specific building is in dispute, it is for a court to decide whether the exemption applies. The buildings that can be opted into the faculty jurisdiction are:
- (a) buildings subject to any peculiar jurisdiction used for worship according to the rites and ceremonies of the Church of England;
 - (b) chapels forming part of an episcopal house of residence;
 - (c) chapels or other places of worship owned or leased by or held in trust for a religious community;
 - (d) buildings which are part of a university, college, school, hospital, Inn of Court, almshouse or other public or charitable institution where the primary use is for worship according to the rites and ceremonies of the Church of England or for joint worship by members of the Church of England and other Churches;
 - (e) buildings subject to a sharing agreement made on behalf of the Church of England in pursuance of the Sharing of Church Buildings Act 1969 [1969 c. 38.] and which is used for worship.

25. Listed church buildings belonging to Roman Catholic religious orders in England also fall within the scope of the exemption and are subject to the relevant Diocesan (or multi-Diocesan) Historic Churches Committee unless that order has specifically informed the Patrimony Committee of the Catholic Bishops' Conference of England and Wales that it accepts that secular control procedures administered by the local planning authority in whose area the building is located apply. For the avoidance of doubt, in the event of a religious order not being prepared to accept the jurisdiction of a Diocesan Historic Churches Committee over its building, it will, de facto, be subject to the secular procedures.

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How does it work? Planning, Conservation Area and Listed Building Consents

26. Under the Act, buildings may be listed as being of special architectural or historic interest. Listing descriptions may be accessed online at the Heritage Gateway (www.heritagegateway.org.uk). To qualify for the Ecclesiastical Exemption, the structure in question must be included in the statutory list, or situated within a conservation area.
27. Conservation Areas are normally designated or extended by local planning authorities. In Greater London, they may also be designated by English Heritage. Details of Conservation Areas for any particular local authority area may be inspected at the offices of the local authority concerned. The Ecclesiastical Exemption is an exemption also from the requirement to obtain Conservation Area Consent. Exempt denominations are required to seek Conservation Area Consent for demolition of unlisted buildings in Conservation Areas.
28. The Ecclesiastical Exemption does not confer exemption from the need to obtain planning permission for development which affects the exterior of a listed place of worship or of an unlisted place of worship in a conservation area. Planning authorities and the Secretary of State are required to have special regard to the desirability of preserving the structure or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for any development which affects a listed building or its setting, including listed buildings subject to the Ecclesiastical Exemption. They also need to have regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
29. Under the Act, the local planning authority's consent is normally needed for the following works ('relevant works') to buildings not covered by the Ecclesiastical Exemption:

Any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest⁵.

30. In considering whether to grant Listed Building Consent for works to secular buildings under the Act, local planning authorities and the Secretary of State must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
31. Generally the Ecclesiastical Exemption applies to all types of works which would otherwise require Listed Building Consent, as set out above. However, this principle does not apply to total demolition of an asset as, where total demolition is taking place, it has been held that the asset cannot be considered as being in ecclesiastical use⁶.
32. For redundant church buildings of the Church of England, total demolition in pursuance of a pastoral or redundancy scheme within the meaning of the Pastoral Measure 1983 will benefit from the exemption, however, the Church of England has agreed to invite the Secretary of State⁷ to hold a non-statutory public inquiry in the event of reasoned objections to such a demolition from the local planning authority, English Heritage or national amenity societies, and abide by the findings of the inquiry. This is known as the 'Skelmersdale Agreement'.

⁵ s7, Planning (Listed Buildings and Conservation Areas) Act 1990

⁶ AG ex rel Bedfordshire CC v Howard URC [1976] AC 363

⁷ That is the Secretary of State for Communities and Local Government

Denominational consent procedures

33. The requirements for internal denomination consent procedures are set out in the Code of Practice at Annex A to this document. The essential requirement of such procedures is equivalence with secular listed building consent in terms of due process, rigour, consultation, openness, transparency and accountability. To remain within the Exemption, denominations will have to demonstrate that they are complying with the Code of Practice.

Essential Practice for Conservation and Archaeology

34. In addition to complying with the requirements of the Code of Practice, the following general principles should also be applied when carrying out work to historic ecclesiastical buildings. The principles should also be applied by local planning authorities when considering applications for consent to works to places of worship not covered by the exemption. Proposals for works should:
- be based on a full understanding of, and respect the historic, archaeological, architectural or artistic interest of the building, its contents and setting;
 - be founded on a clearly stated, demonstrable and sustainable, medium to long term need;
 - minimise intervention in or alteration or removal of significant historic fabric, features or furnishings; and
 - achieve high standards of design, craftsmanship and materials.
35. In all cases decisions about proposals and works should be based on a balanced judgement between the need for the works proposed and the significance of the structure or feature which would be altered or lost. Historic buildings are a finite resource and are irreplaceable. Their special interest can be damaged just as much by unsympathetic alteration as by works of demolition. Government policy, as set out, in England, in the consultation paper on a new Planning Policy Statement 15: Planning for the Historic Environment, published by Communities and Local Government in July 2009, lays out that where a development proposal has a negative impact on the significance of a heritage asset, through alteration or destruction, or through development within its setting, the local planning authority should weigh the public benefits of the proposed development against any harm it has on the heritage asset, recognising that the greater the harm to the significance of a heritage asset the greater the justification will be needed for any loss (paragraph HE9.7). It therefore emphasises the need to protect historic assets from unnecessary demolition or unsuitable and insensitive alteration but does not in itself rule out the possibility of change. Indeed, in many cases it is only through continued use, which may necessitate gradual managed change, that the long-term conservation of assets can be best assured. What it does ensure, however, is that when change is contemplated, those responsible for making decisions have special regard to the desirability of preserving the asset, its setting and any special features that it may possess.

36. The principles outlined above about loss of significance to heritage assets also relates to the disturbance of important archaeological remains. When works take place which bring about such disturbance, those responsible for the works must make arrangements for any mitigation and recording required by the controlling authority.
37. In considering proposals for works which would affect archaeology, denominations must therefore take into account any effects on the archaeological importance of the asset or archaeological remains existing within, or likely to exist within it or its surrounding land. It is important that denominations assess the archaeological implications of development proposals before applications are determined, and that appropriate arrangements are made for recording remains that would be lost in the course of works for which permission is being sought. It is also important that when works are being carried out to the fabric of ecclesiastical buildings, which might reveal features of archaeological interest or shed light on the history and development of the building, appropriate provision is made for archaeological recording of that part of the building. Further advice on archaeological aspects is given in the guidance to the Planning Policy Statement: *Planning for the Historic Environment* and successor documents.
38. The buildings of all denominations, when no longer required for worship, may nevertheless have a continuing and valuable contribution to make to the community in terms of architecture, art, social and local or national history. They often occupy central and convenient positions in villages and towns and can, therefore, offer suitable venues for a variety of social and community purposes, such as meetings, concerts, exhibitions, indoor sports and evening classes. Even where the building itself is not worthy of individual listing as of architectural or historic interest, it may nevertheless be a familiar and important feature of an urban or rural landscape - while a surrounding churchyard may possess considerable ecological interest. It is important that once a church becomes redundant no unnecessary delay should occur in finding an alternative use for it. Conversion to another use which preserves the most interesting elements, internal and external, is to be preferred to demolition.

Pre-application discussion

39. Pre-application discussion is one of the best ways of managing the development of a site to ensure that heritage protection issues are properly addressed, without unduly hindering development. Exempt denominations should therefore build such consultation into their processes. Consultation with external stakeholders at as early a point as is reasonably possible should provide congregations and church authorities with greater certainty in their plans for works of any sort. Early consultation minimises the likelihood of frustrating delays at the point of formal application for approval by ensuring that plans are developed on the basis of considered advice.

Heritage Partnership Agreements

40. Heritage Partnership Agreements (HPAs), involving owners, local planning authorities, and English Heritage working together, can assist in the management of complex sites or groups of sites. HPAs are voluntary management agreements which will facilitate partnerships and dialogue between stakeholders, can speed up negotiations and reduce administration, and can help owners and managers to clarify their plans for the longer-term management of sites. An HPA can set out, amongst other things, shared understanding of the significance of the heritage asset or assets and can therefore particularly help by establishing at the outset what is not of special interest in listed buildings (i.e. those parts that can be altered without detriment to the significance). They may therefore reduce the number of occasions when consent is required. Reaching an agreed, and fuller, understanding of significance will reduce areas of doubt or confusion and therefore increase the prospect of success for a consent application where it is still required.
41. Studies have shown that there is scope among the exempt denominations for such HPAs, and that they may allow greater flexibility for individual congregations in the management of ecclesiastical sites. While church buildings and the separately listed structures adjoined to them or in their curtilage (where these constitute ecclesiastical buildings in ecclesiastical use) are exempt from secular listed building controls, HPAs can make the management of any non-exempt structures easier by securing the views of English Heritage and the Local Authority, as statutory consultees, in advance of works and establish parameters which could enhance mutual understanding of the consent process.

Historic Environment Records

42. Historic Environment Records (HERs) are a computer-based information service which provides access to resources relating to the historic environment of a particular locality for public and professional benefit and use. They play a central role in informing the management of the wider historic environment, both within the planning system and in other management systems, and should be an important resource for denominations operating systems under the Exemption. They are also an important public and educational resource. It is therefore vital that the exempt denominations build up links with Historic Environment Records. These are at various levels within local government, though in England they tend to be at the highest level available (for instance, at county or metropolitan borough level) and contact details for all HERs in England can be found on the Heritage Gateway (www.heritagegateway.org.uk).
43. *Planning for the Historic Environment* (para HE8.1) makes it clear that local planning authorities should consult Historic Environment Records when determining applications affecting heritage assets. It is important that the systems run by the denominations take account of the need to seek information from the local HER as soon as possible after receiving an application for works or development. It is preferable that this consultation is undertaken by the applicants themselves at the pre-application stage in order to help shape their proposals; this will highlight previous investigations of the site, other structures (including non-designated structures) which may be affected by the works and any other considerations
44. Following works, copies of any reports produced by historical or archaeological investigations of the site should be deposited with the local HER, including investigations undertaken as a condition of any consents, both internal to the denominations or external. This will help to disseminate knowledge of the site and will inform anyone undertaking work on the site in the future.

Additional Guidance

45. Further guidance on works to churches and churchyards can be found in English Heritage's publication *New Works to Historic Places of Worship* and in *Guidance for best practice for treatment of human remains excavated from Christian burial grounds in England*, published by English Heritage and the Church of England. This guidance is commended to all.
46. English Heritage has published also *Conservation Principles, Policies and Guidance* which sets out the fundamental propositions that serve as the foundation for the way it engages with every aspect of the historic environment. The Principles are intended primarily for use by English Heritage, in guiding both the management of its own estate and its advice to others. It is hoped, however, that they will also be used by all those concerned with managing the historic environment, such as conservation and planning officers and the councillors of local planning authorities, and those proposing and influencing change, such as developers and their professional agents and the amenity societies
47. Each exempt denomination publishes its own guidance relating to the care of buildings and the navigation of its internal systems of control on its website.
48. Further guidance on the management of the historic environment may be found in PPG15 *Planning for the Historic Environment* or equivalent future guidance.

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Annex A: Code of Practice

This guidance replaces that issued by the then Department for National Heritage and Cadw in 1994.

A denomination's internal system of control over works to its listed buildings should embody the following principles:

1. All proposals for internal and external works to a listed church, churchyard and/or churchyard structure, which would affect their character as a building of special historic, archaeological, architectural or artistic interest should be submitted for approval to a body which is independent of the local congregation or community proposing the works in question. So too should proposals for the demolition of an unlisted church in a conservation area.
2. The decision-making body, when considering proposals for works, should be under a specific duty to take into account, along with other factors, the desirability of preserving ecclesiastical listed buildings, and the importance of protecting features of special historic, archaeological, architectural or artistic interest.
3. The decision-making body should either include, or have arrangements for obtaining advice from, persons with professional conservation, archaeological and planning expertise in relation to the protection of ecclesiastical listed buildings and archaeological sites and the working of the secular planning system.
4. The decision-making process should make provision for:
 - (i) a system of pre-application consultation to ensure that the main issues in any application for consent for major works are understood and any problems identified prior to applications for consent being made;
 - (ii) the formal notification of proposals to the local planning authority, English Heritage⁸ and the national amenity societies after a complete application has been made to the denomination, together with supporting information, at as early a point in the consent process as possible; allowing them (except in cases of emergency) 28 days in which to comment on the proposed works. Any representations made by these bodies or any other person in relation to such proposals should be taken into account before the decision on works is made. Supporting information should include a plan to identify the building in question and such other plans and drawings as are necessary to describe the works proposed. For all but the simplest work, this will normally mean measured drawings of all floor plans and external or internal elevations affected by the work proposed. There should be two sets of drawings showing the structure before work

⁸ In line with its policy concerning other buildings, English Heritage has indicated that it only wishes to be consulted over works to churches listed at Grade II in cases which involve demolition of all or a substantial part of the structure.

and the altered structure or new development to replace it after the proposed work. The inclusion of photographs is particularly helpful- of all elevations in demolition cases or of the part of the buildings affected (interior or exterior) in alteration or extension cases. A copy of the Listing entry should also be supplied. The application should also be accompanied by a statement showing how the significance of the site would be affected by the proposal(s).

- (iii) except in the case of works to the interior of a Grade II listed building, a notice describing the proposed works, and inviting comment from any interested person, to be published in a local newspaper, indicating where a copy of the application, plans and other documents can be inspected for 21 days, beginning with the date of publication of the notice. A notice with the same particulars should be displayed on or near the building for not less than 7 days. A decision on the application should not be made until 21 days from the date of the newspaper notice and 21 days from the date a notice was placed on or near the building have elapsed⁹;
 - (iv) taking into account any representations made (including any received following the notifications given at (ii) and (iii) above) and, along with other factors, the desirability of preserving listed places of worship and the importance of protecting features of architectural merit and historic interest (including fixtures and fittings);
 - (v) granting conditional consents, with a mechanism for checking the implementation of those consents and discharging the conditions;
 - (vi) keeping a record of how a denomination's procedures were implemented in the case of each proposal, from whom representations were received, and what the decision was, with this record being available for public inspection during reasonable hours;
 - (vii) where consulted, and a response has been received, notifying the decision to English Heritage, the local authority and the national amenity societies, within a reasonable time-scale;
 - (viii) where appropriate, submitting information on the listed building to the local Historic Environment Record (HER) to ensure that the HER represents as complete a record as possible of local heritage interest. Submissions should cover information on all heritage assets, as appropriate, including information on all archaeological and historic investigations on such assets.
5. The denomination will publish the details of the procedures used to agree works in relation to the provisions of this Code of Practice including details of any works which can be undertaken without application for consent. To permit effective monitoring, the church body should make arrangements for recording in the case of each proposal for works how the procedures were implemented and the nature of the decision taken.
6. There should a clear and fair procedure for settling all disputes between the local congregation or community and the decision-making body as to whether proposals shall proceed.
7. The procedures of the church body should include arrangements for dealing with any breach of the control system, including provision for reinstatement of works to listed buildings carried out without consent. Enforcement and penalty procedures will be

⁹ These requirements mirror those that apply to secular buildings as enshrined in Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519)

published, with copies of the procedures provided to local planning authorities, English Heritage, and the national amenity societies.

8. In cases of emergency (i.e. in the interests of safety or health or the preservation of the structure) advance notification is expected wherever practicable as at 4 (ii) and (iii) above but on an appropriate shorter timescale.
9. It is desirable that denominations ensure, for the benefit of buildings and congregations, that arrangements exist to ensure the proper maintenance of historic places of worship and associated assets, including provision for regular inspections;
10. It is desirable that exempt denominations have procedures providing for the redundancy of churches, making clear how and when the ecclesiastical listed buildings pass out of the exemption, including informing the local planning authority when a structure ceases to be used or available for worship, or ceases to be covered by a denomination's procedures.