CHAPTER 6

BALANCING THE NEED FOR CHANGE

WITH HERITAGE AND LITURGICAL CONSIDERATIONS
(LEGALITIES AND THE CHURCH PLANNING PROCESS)

TEAM PRAYER

God grant me the serenity to accept the things I cannot change; courage to change the things I can and wisdom to know the difference. Amen
“This country’s historic places of worship should retain their role as living buildings at the heart of their communities. We want to help congregations accommodate changes that are needed to achieve this, in ways which sustain and enhance the special qualities of their buildings. New work in historic places of worship should:

• be based on an understanding of the cultural and heritage significance of the building;
• minimise harm to the special historic, archaeological, architectural and artistic interest of the building, its contents and setting;
• bring with it public benefits, such as securing the long-term use of the building, which outweigh any harm to significance;
• achieve high standards of design, craftsmanship and materials”.

New Work in Historic Places of Worship, Historic England 2012

You cannot undertake any works in your church until you have obtained the relevant permissions, which may involve both church and secular planning authorities. Ensure you check with your relevant building advisers at Diocesan, District, Synod or national level to find out what you will need to do.

Bear in mind that many processes in this Chapter will run concurrently with the activities outlined in Chapter 5 – crucially your options appraisal and feasibility study and writing your Statements of Need and Significance.

Most churches will have undergone some form of change during their history, and some will have been rearranged several times. In some cases, it might have been a minor adaptation, for others a radical re-ordering reflecting a change in liturgical practice, the desire of a local benefactor to show his patronage or the wish of a congregation to provide a community space.
UNDERSTANDING THE ARCHITECTURE AND CONSTRAINTS WHEN MAKING PHYSICAL ALTERATIONS TO YOUR BUILDING

Some new uses and changes to the building may mean only that the heating has to be kept on longer, or a new lighting system installed. Other projects may require physical adaptation of the building, such as the provision of kitchen and toilet facilities, the erection of a screen or the removal of the pews and their replacement with more flexible and moveable seating.

Other new uses may require major intervention into the fabric of the building to create mezzanine floors, galleries, or for example a three-storied structure at the west end of a city church to create space for a café, a shopping mall, and conference centre.

Any works to a church building that involve alteration or extension and would affect its character as a building of special architectural or historical interest, requires listed building consent (LBC) or its equivalent permission. Under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas), England Order 2010, the five main denominations in England and the Church in Wales are exempt from listed building and conservation area consent. (See page 123 for more information on Ecclesiastical Exemption).

Assume that most changes will require that you obtain permission. Even if your building project is about like for like repairs or improvements to maintenance, it is always best to check with your local planning department or your denomination if you are from an exempted denomination.

However, even if your building is listed, it doesn’t mean that you can’t make changes or enhance your building. It just means that you will need to seek consent or permission and show why any impact those changes will have on the building is justified.

Develop a scheme that works with and is sensitive to the particular character of your building i.e. based on an understanding of the cultural and heritage significance of the building and that will minimise the harm to the special historic, architectural, archaeological and artistic merit of the building, its contents and setting.
For a listed building, there are three factors to bear in mind:

- alterations as far as possible should be reversible;
- flexibility is important as your needs may change sooner than you think;
- there is no intrinsic problem with introducing new work; new and old work can complement each other. However new work must be sensitive to the particular character of your building. Good design, materials and workmanship are the other key elements.

So before you start drawing up definitive plans, you need to ensure you thoroughly understand your building and its history and importance. As already covered in Chapter 5, a useful exercise, and a requirement if you need to apply for a Permission/Faculty under the Ecclesiastical Exemption, is to complete a Statement of Significance and a Statement of Need.

ARCHAEOLOGY

Continuity of use has protected and preserved many of our churches and the parish church is almost always the oldest building in a village, town or city, and together with its churchyard often forms an island of ancient remains within a constantly changing environment. When repairs and especially alterations are under consideration the archaeological implications should always be looked at. Applications for permissions/faculty/consents should always include adequate information on any necessary archaeological provision. Many grants in support of works upon historic churches are conditional upon an adequate level of archaeological recording and analysis being incorporated into the programme of work.

Works that might carry archaeological implications include:

- any alterations or repairs (including conservation work) that might disturb the building fabric including floors;
- the removal or alteration of fixtures and fittings;
- structural extensions;
- the excavation of drainage, service or foundation trenches in the church or churchyard;
- works upon monuments and boundary walls and gates.

The potential impact should be explored when you are writing your Statement of Significance. Understanding the history of a church will help a parish to recognise when proposed works of maintenance or development may have archaeological implications. Seek advice at the earliest opportunity from your DAC Secretary or buildings advisory body. You can find a detailed guidance note on archaeology at www.churchcare.co.uk/images/Guidance_Notes/Archaeology.pdf
The Galilee Chapel at the west end of St Illtud’s Church in Llantwit Major, was transformed from a roofless ruin into an award-winning visitor centre in 2014.

The site itself was founded by the Welsh monk, Illtud, around 500AD and as a monastic school is believed to be one of Britain’s earliest centres of learning. Legend has it that St David himself was a pupil here.

The Chapel now provides a well-lit and protected environment in which to exhibit a collection of nationally important Celtic crosses, previously displayed in less than ideal conditions in the nave of St Illtud’s Church. The new space also accommodates restrooms, a meeting/gallery space, a kitchen and an office.

The £850,000 project took seven years to come to fruition through hard work by many people, including the PCC and conservation architects Davies Sutton. It was designed to support the community use of the church in welcoming tourists, schools and local groups, as well as telling the story of the church’s role in developing Christianity across Wales and beyond to the wider Celtic world.

Funds came from the Heritage Lottery Fund, CADW, Vale of Glamorgan Creative Rural Communities (European Social Fund), Church in Wales, Welsh Church Act Fund, All Churches Trust and the James Pantyfedwen Foundation. The Chapel restoration won a 2014 Regional RIBA (Royal Institute of British Architects) Design Award.

“This restoration is magnificent. It is both sensitive to this ancient site in the way it has been restored and yet surprisingly contemporary in its use of light and space. This means it can be a place of pilgrimage and be useable in all kinds of ways by the present church community.”

Barry Morgan, former Archbishop of Wales.
OBTAINING PERMISSION UNDER THE ECCLESIASTICAL EXEMPTION

The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) England Order 2010 gives exemption from listed building and conservation area consent for the five main denominations in England and the Church in Wales.

It recognises the particular function of the buildings as places of worship and ensures that sacred uses are protected, the parishioners are duly consulted and that the wider aesthetic interests of the public are considered. The system balances mission and worship and wider community use with care and conservation.

The Ecclesiastical Exemption reduces burdens on the planning system while maintaining an appropriate level 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. To read guidance on the Operation of the Ecclesiastical Exemption and related planning matters for places of worship in England (July 2010) go to: www.gov.uk/government/uploads/system/uploads/attachment_data/file/77372/OPSEEguidance.pdf

The six denominations are:

- The Church of England
- The Roman Catholic Church
- The Methodist Church
- The Baptist Union of Great Britain
- The United Reformed Church
- Church in Wales

They are exempted from the following parts of planning legislation as follows:

- Listed Building Consent (LBC)
- Conservation Area Consent
- Building Preservation Notices
- Compulsory acquisition of buildings in need of repair
- Urgent Works Notices
In 2010, for England only, exemption was extended to include separately listed structures within the curtilage such as churchyard walls, railings and monuments which no longer need LBC when works are required.

The exemption does not exclude the building from the jurisdiction of planning permission, dangerous structure notices, advertising consents, buildings regulations, or any other secular legislation e.g. Health and Safety regulations. So you will need planning permission for changes that affect the external appearance of a building e.g. a new doorway, the infilling of a porch, changes to roofing materials or an extension.

In return for the Exemption, the six denominations have demonstrated that they operate an equivalent system to manage change to listed ecclesiastical buildings and unlisted buildings in conservation areas. So if your church building belongs to one of the six denominations above and you want to make changes that would normally fall under the exempted parts of the planning legislation, you will need to apply for ‘permission’ from your denomination.

Churches of other denominations that want to carry out building works have to apply to their local planning authority in the same way as any other secular building.

All listed places of worship also have to consult Historic England, Cadw, Historic Scotland, or the Northern Ireland Environmental Agency, the local planning authority and the relevant national amenity societies about works that would otherwise require listed building consent. The proposals, if the changes will substantially affect the character of the building and where external works are proposed also have to be advertised locally by way of a site notice and in an advertisement in a local paper. Your denomination or equivalent advisory body can advise you on all of this.

Each of the six exempt denominations operates its own consent system and each has extensive guidance on their individual websites. Links to the relevant section on their websites explaining their consent processes are listed at the end of this chapter.

The rest of the chapter will concentrate on what happens within the Church of England. The basic process will be the same for all denominations, but you need to check your own denomination’s system. Please find links for information about other denominations at the end of the chapter.
Built in 1875, as the suburbs of Liverpool expanded outwards, St. Matthew & St. James occupies a prime hilltop site. This unfortunately made it something of a target for the Luftwaffe, and on 29th August 1940 the church became the first in the country to take a direct hit during World War II. It was gutted, but the walls and tower survived and the church was restored in the late 1940s. In 1975 an extension was added to provide space for community activities; in recent years this has been home to a very successful day nursery.

After almost forty years, by 2013 the extension was becoming dated and unsuitable for modern usage patterns; in particular it needed to be improved from a safeguarding perspective. There was also a need to provide hospitality within the church for large services and other community events.

The church formed a team to develop what became known as the Vision Project. With a clear missional focus, the remit was to ensure that the Grade II* listed church – including the extension – would support the church’s outworking of the Great Commission in the 21st Century. The architects chosen were Denovo Design of Liverpool, an innovative practice which showed great sensitivity to the liturgical and community needs of the church as well as to its heritage. Plans were drawn up to rebuild the extension, creating a new link between it and the church to incorporate a level-access entrance, and to build free-standing “pods” within the west end of the church itself to house toilets, a kitchen and a state-of-the-art audio visual system. Key to the design of these pods was the imperative to retain the west entrance for ceremonial use (e.g. for weddings) and to keep the unrestricted views of the wonderful Karl Edwards west window. The pews were to be replaced with high-quality chairs.

Consultation with the DAC and with statutory consultees took place early in the process. This proved to be sensible as the City Council had some issues around the rebuilding of the extension and Historic England wasn’t entirely happy with the proposed link between new-build and old. The evolution of final designs is often an iterative process and it is wise to allow time for it to be done properly.

Mindful of the need to accommodate the nursery while the extension was being rebuilt, the team arranged for the work inside the church to be done first so that the nursery could use the church for the duration.

The project was completed in early 2017. The bulk of the cost was funded by the sale of a property owned by the church; much of the rest was fundraised locally. The completed re-ordering of the church has attracted much positive comment and several other churches have already visited looking for inspiration towards their own projects, perhaps the ultimate sign of a successful job!
“It ensures that churches are properly cared for and that whatever is done to them is properly considered beforehand and carried out in the most appropriate way. The system recognises that churches are living buildings, many of which are of great historic significance but all of which exist for the worship of God and the mission of the Church. It acknowledges that a community’s needs change over time”.

www.churchcare.co.uk/churches/guidance-advice/making-changes-to-your-building/permissions/faculty-jurisdiction

The Church of England’s mechanism for regulating changes to its buildings, contents and churchyards is in the form of the Faculty Jurisdiction. Faculty Jurisdiction applies to all Anglican parish churches, listed and unlisted and was in existence long before modern planning systems. A faculty (meaning ‘permission’) is a licence to carry out work.

Nearly all dioceses now administer faculty through the online faculty system.
https://facultyonline.churchofengland.org/churches

If your diocese is one of these all references to papers below can be taken to mean electronic documents submitted online. If you are unsure your DAC Secretary will advise you.

In order to carry out any changes or repairs, whether it’s to the building’s structure, internal decoration or contents, you must have a faculty, authorising the works.
www.churchcare.co.uk/churches/faculty-rules-2015

However, there are two categories of work that since 1st January 2016, when the new simplified Faculty Jurisdiction Rules 2015 came into force, do not require a faculty.

The national ‘A’ List of works includes those which can be carried out on your church without a Faculty. This replaces all Diocesan De Minimis and Minor Works Lists. List A works are nearly all routine maintenance and will not affect fabric or historic material.

The national ‘B List’ of works includes those that can be carried out once the written permission of the Archdeacon has been obtained. The Archdeacon will consult with the DAC Secretary for informed informal advice and may set conditions on the way the works are carried out. As a general guide works are likely to be on List B if they do not amount to a change of character of a listed building, although there are some exceptions – which include most archaeology, work to memorials and works that raise questions of doctrine or ceremonial usage.

You can see the lists of works for both List A and List B here
www.legislation.gov.uk/uksi/2015/1568/schedule/1/made

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However, even in this situation, you must have it in writing that a faculty is not required. To find out more go to www.churchcare.co.uk/churches/faculty-rules-2015 and for further advice contact your DAC Secretary.

The Basic Process

The first stage in obtaining a faculty consists of getting advice from the DAC. DAC members have a range of experience, covering building conservation, liturgy, archaeology etc. This expertise is freely available and as has been stressed in earlier chapters, parishes should contact their DAC at the earliest stage in their thinking so as to allow the Committee’s advice to be included in the project planning.

Further consultation may be required with the Church Buildings Council and other statutory bodies such as Historic England and the National Amenities Society who will be invited to express their opinion on the proposed changes. The DAC can advise on this and on what documents and paperwork you will need to provide and at what stage this should happen. It is helpful to all consultees to have a draft of your Statements of Significance and Needs ready before inviting them to give advice. Even if these documents change as the project evolves, an early indication of your thinking will help all those involved – including you.

It is strongly recommended that all faculty applications are discussed with the DAC Secretary before submission.

Once the DAC has formally considered the proposal, it will issue a Notification of Advice. This will either support the project or not and may include conditions.

This is sent to the parish accompanied by a public notice, which must be displayed for 28 days, giving parishioners and others the opportunity to make representations. Just like local authority planning, this gives the general public and any other interested parties the opportunity to comment on the proposed changes.

Next the parish petitions formally for a faculty, by sending the faculty form provided by the DAC to the Diocesan Registrar together with information about the proposals, such as plans, specifications and the PCC resolution.

The Registrar will present the case to the Diocesan Chancellor to determine. A great many cases are straightforward and a faculty can be issued promptly. However, some proposals will attract comment or even an objection. If these objections are substantial, the chancellor may hold a formal court hearing at the church. There is more information at www.churchcare.co.uk/churches/guidance-advice/making-changes-to-your-building/permissions/faculty-jurisdiction

Remember, if a faculty is granted, it has been granted based upon the information you supplied. If you make any subsequent changes to your plans or project you must notify the Registry before implementing them.
Talk to your DAC

This Chapter can only provide a basic overview of the faculty process. Seek detailed advice from your DAC or equivalent.

You may also have to apply for permissions from other authorities e.g. changes to the exterior means that planning permission is also required from the local authority before works starts, so the expected timescale to obtain this needs to be built into your project timetable. It is usually best to apply for planning permission and faculty in parallel. If either becomes protracted taking one before the other could cause significant delay.

The faculty process need take no longer than the normal local authority planning process, but it does take time. Bear this in mind, because you need this process to fit in with your funding programme too. Applying for funding can take time, and some funders may require work to begin by a specific date. Never start work before you have the appropriate permission.
The DAC and the PCC

The Diocesan Advisory Committee for the Care of Churches (DAC) of each Diocese exists to assist in the process of planning permissions relating to Places of Worship (known as Faculty), and to provide education and training for churchwardens, PCC members, incumbents and architects. DAC members serve on a voluntary basis and are appointed by the Bishop's Council. The committee members include a range of specialists on architecture, liturgy, archaeology, engineering, and representatives from Local Authorities, Amenity Societies and the Archdeacons.

The DAC advises the Diocesan Chancellor (who has the authority to grant Faculties) on the suitability of schemes of repair and alterations. The DAC is happy to advise PCCs on the maintenance and care of the buildings, how to petition for faculty, and where to seek funding. It is also available to advise on the commissioning of new work in churches, for example WC and kitchen facilities. From 1 January 2016, new faculty rules were introduced enabling many routine items of repair and maintenance to be undertaken by consent from an archdeacon rather than a full faculty. This enables important and urgent repairs to be undertaken without delay. Eligible items may be found under list A and list B of the faculty rules.

The DAC secretary (and in some Dioceses, the Church Buildings Support Officer) can put PCCs in touch with other PCCs, contractors and other specialist organisations to help at the feasibility stage of any development. The DAC will usually maintain a list of exemplar sites for PCCs to visit to review works ranging from WC installations to heating and lighting systems. It is good to see real examples to get a feeling for what might be suitable/appropriate in your church; there is no “one size fits all” and what works well in one location may not in another.

Contact between the DAC and Parishes is to be welcomed and encouraged; regular training events enable PCCs to draw upon the knowledge and experience of each DAC. Similarly it is a good opportunity for the DAC to hear of the things that frustrate PCCs; minor changes in processes can often bring about significant improvements in the way we do things. Site visits by DAC members to meet PCCs at the early stages of major project planning are important; usually the DAC will encourage the PCC to think about the “bigger picture” rather than focussing on one single issue – it is good to have a vision for the entire building even if works have to be phased.

The DAC will provide the liaison between the PCC and the statutory consultees e.g. The Church Buildings Council, Historic England, The Victorian Society etc. The DAC secretary will advise at what stage of planning consultation should take place; generally this should be as early as possible to minimise delay and frustration at a later stage.

The DAC secretary is available to support incumbents, churchwardens, and PCC members and should normally be the first point of contact with any query relating to your church building. The secretary is unlikely to know the answer to every question, but is able to draw on advice from DAC Consultants (on such matters as bells, clocks, organs, furniture) and the Diocesan Registrar (on legal matters). The secretary is there to help all; from those unfamiliar with Faculty Jurisdiction to those seeking straightforward advice on basic housekeeping and maintenance. In many Dioceses, a Church Buildings Support Officer will track the progress of projects and offer support to PCCs at “staging points” during the faculty petition.

It is important for PCCs to view the DAC as its support resource; the DAC is there to help PCCs achieve their ambitions for their buildings with a friendly, guiding hand.

Stephen Challenger, Property and DAC Secretary, Hereford Diocese
WORKING WITH THE NATIONAL AMENITY SOCIETIES

Plans for work to churches involving changes to the historic building and its contents are referred to a number of organisations for comment. Consultation with the National Amenity Societies is directed under Circular 01/01 from the Office of the Deputy Prime Minister* on those works which include any form of demolition to a listed building. This might include breaching historic walls with new openings as well as the removal of historic fixtures and fittings. Whatever the change being proposed, early consultation with the appropriate amenity society as well as with Historic England and the Church Buildings Council, is recommended. A good time to do this is when initial plans are produced. This might be arranged via your DAC Secretary or equivalent, so an early discussion with them on process is also strongly recommended.

The National Amenity Societies relevant to work on churches are:

- The Ancient Monuments Society looks at ancient monuments and historic buildings of all periods.
- The Council for British Archaeology looks at historic buildings of all periods, but with a particular concern for archaeological features.
- The Society for the Protection of Ancient Buildings (SPAB) looks primarily at buildings of before 1700, but have an interest in buildings and their historic features from all periods, and will often take an ‘overview’ of buildings with work from a variety of dates.
- The Georgian Group looks at buildings and features of between 1700 to 1837
- The Victorian Society looks at buildings and features of between 1837 and 1915 (Victorian and Edwardian periods)
- The Twentieth Century Society looks at buildings and features of after 1915.

Some work on churches which are complex buildings dating from several historic periods may involve consultation with more than one if not all of these organisations. In general terms amenity societies will appreciate early and wide-ranging consultation to make them aware of forthcoming proposals and invitations to participate in discussions. As many churches were either built or significantly restored in the Victorian and Edwardian periods, it is likely that at least the Victorian Society will need to be consulted. The society has a Churches Conservation Adviser, and its stated aim is ‘to help churches make better decisions about adapting Victorian and Edwardian buildings to the way we live now, while keeping what is special about them.’ With all of the amenity societies early contact and discussion will help to establish what that society considers to be important about the building, and will give an indication of how the society is likely to respond in formal consultation when plans are submitted for approval. It is important to be aware of what these views might be as it may influence how proposals are developed. It is not generally helpful to leave initial consultation with the amenity societies until a later stage, when negotiating changes might add to project costs and cause delays.
Changes to the building will be assessed by the amenity societies with regard to their impact on the character and appearance of the building and its fittings. The impact of such change will be considered with regard to at least the following factors:

- the listed status of the building (Grade I, II* or II) and its relationship to any designated conservation area;
- is the building or its restoration the work of any known architect of national or local importance? Is it the first, last or considered in published sources to be a good example of their work and why?
- is there an historical significance, such as the burial place of a famous person?
- the completeness of the historic material. Does the church have a complete set of pews or chancel ensemble? Or both? Are they in their original form or position?
- the significance of quality, design and craftsmanship. Are the fittings of unusual design? Were they specially commissioned? Are they handmade or individually decorated?

This list is not exhaustive and each proposal will be considered on a case by case basis.

An awareness of the significance of the building and its contents which can be gained through the production of a detailed and accurate Statement of Significance prior to any consultation with the amenity societies will assist greatly in discussions. Possible further questions may arise during consultation. Any changes to important historic fabric will have to be justified through a robust Statement of Need, which the amenity societies will take into account when they comment on proposals.

Tim Bridges
West Midlands Conservation Adviser
The Victorian Society

CHAPTER 6 CHECKLIST

- Have you found out about any archaeological implications?
- Has your DAC issued a certificate, either authorising you to apply for a faculty, or stating that a faculty isn’t required?
- Have you sent your Feasibility Study and Architect’s drawings to the Diocesan Registrar for faculty consent?
- Have you checked whether your project will require local authority planning permissions or listed building consent?

TOP TIPS

- Any work undertaken in a Church without authority is unlawful. You need confirmation in writing that you have consent or that you don’t need consent.
- Make sure the whole Group understands the process of obtaining permission and what information is going to have to be provided.
- Make informal contact with your denomination buildings advisory body at an early stage.
- Check with your DAC or denomination buildings advisory body to find out how long the faculty/permission process is likely to take. There will be other stages of the project that you can continue to develop while waiting for permissions.

FURTHER RESOURCES

Secular Statutory Controls
You can get further information on the secular controls applicable to churches and their immediate surroundings, including below ground, their furnishings, fittings and churchyard from your local planning authority.

There is also a useful section on ChurchCare at
www.churchcare.co.uk/churches/guidance-advice/making-changes-to-your-building/permissions/secular-statutory-controls

Seeking Permission
For the Church of England, help and guidance on Faculty Jurisdiction can be found on the ChurchCare website here
www.churchcare.co.uk/churches/guidance-advice/making-changes-to-your-building/permissions

For the Methodist Church visit here

For the Baptist Union visit here
www.baptist.org.uk/Groups/220867/Listed_Buildings.aspx

For the United Reformed Church visit here
www.urc.org.uk/resources-library.html

For the Quakers visit here
www.quaker.org.uk/our-organisation/support-for-meetings/property-advice-1
For the **Church in Wales** visit here [www.churchinwales.org.uk/structure/representative-body/church-heritage-and-conservation-resources/faculties-permissionss-contracts](http://www.churchinwales.org.uk/structure/representative-body/church-heritage-and-conservation-resources/faculties-permissionss-contracts)

The **Church in Scotland** has advice here [www.churchofscotland.org.uk/resources/subjects/art_and_architecture_resources](http://www.churchofscotland.org.uk/resources/subjects/art_and_architecture_resources)

The **Church of Ireland** has advice here [www.ireland.anglican.org/parish-resources](http://www.ireland.anglican.org/parish-resources)

**Historic England** offers advice and support as well as being part of the regulatory process.  
[www.historicengland.org.uk/advice/caring-for-heritage/places-of-worship](http://www.historicengland.org.uk/advice/caring-for-heritage/places-of-worship)  

Of particular relevance is **New Work in Historic Places of Worship**, (2nd Edition) **Historic England** 2012 which can be downloaded from here:  

It provides guidance on re-ordering and extensions, starting with identifying need and developing a scheme that is sympathetic to your building. It sets out the principles that Historic England applies when considering proposals for the alteration or extension of historic places of worship. There is advice on common issues including heating and lighting, drainage, flooring, doors and porches, security, energy efficiency and access and also explanations about the legal requirements and how to obtain authorisation from the denominations as well as from the secular planning authorities.

**Publications**