

A USER'S GUIDE TO THE CARE OF CATHEDRALS MEASURE



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CATHEDRALS FABRIC COMMISSION
FOR ENGLAND

2019

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Birmingham Cathedral

Foreword

Cathedrals form the most important collection of historic buildings in England. The largest and most ancient are internationally famous, the smallest are usually among the most significant buildings in their region and even the most recent are architectural masterpieces. Cathedrals and their precincts form archaeological sites of outstanding interest; function as centres of artistic patronage and craft skills; and hold in their collections books and works of art of worldwide importance.

In addition to their beauty and architectural significance, cathedrals generate more than £220 million for the national economy; employ more than 7,000 people, and benefit from the contribution of nearly 15,000 volunteers; and welcome more than 11 million adults (27% of the UK population) and more than 300,000 schoolchildren each year.

And cathedrals do all of this while remaining in use for their original and central purpose: the worship of God. As the seats of their bishops and centres of mission, cathedrals play a key part in the life of the Church, and rising congregation numbers attest to their success in spreading the gospel. Cathedrals remain our natural gathering-places in times of grief and celebration. They shelter us and they define us, locally and nationally.

The care and maintenance required to safeguard the existing fabric and contents of our cathedrals pose complex and ever-changing challenges, and if cathedrals are to reach out to new audiences and serve the needs of each new generation they must also continue to develop.

The processes set out in the Care of Cathedrals Measure provide a framework within which cathedrals can seize the opportunities their buildings offer and take action to meet present and future challenges. These processes, embodied in the work of the Cathedrals Fabric Commission for England and each cathedral's own Fabric Advisory Committee, are designed to interrogate proposals for change to confirm that the benefits claimed for them will be realised, and that any harm to the historic fabric and contents of a cathedral will be minimised. But it is also our purpose to clear a path towards the right proposal. A well-reasoned application should succeed.

This *User's Guide to the Care of Cathedrals Measure* revises, clarifies and consolidates our existing guidance on the processes set out in the Measure. Whether you are a

member of staff at a Cathedral, a member of a cathedral's Fabric Advisory Committee, or a statutory consultee, it will tell you how and when you can engage with the process of advice and consent under the Measure and make your contribution to ensuring that the right changes are made, in the right way. We want to enable all those invested in the history and the daily life of our cathedrals to play their part in equipping them for the future.

It is our firm belief that the needs of 'mission' and 'heritage' are not contradictory, and that a successful proposal under the Measure will succeed in terms of both. Our cathedrals have shone as beacons of faith and hope for over a thousand years: through our shared efforts we can help ensure they will continue to serve their communities as places of beauty and solace for another thousand years and more.

Dame Fiona Reynolds
Chair
Cathedrals Fabric Commission for England





INTRODUCTION

Ia The Care of Cathedrals Measure & the Ecclesiastical Exemption

The continuity in the purpose, life and work of cathedrals from the time of their foundation (in some cases as long ago as the 7th Century) until now is part of their essential character, and informs the conservation, development, adornment and maintenance of their buildings, contents and settings.

The **Care of Cathedrals Measure 2011** ('the Measure') provides a framework for considering changes to cathedral buildings, their contents, settings, and archaeological remains; for understanding and justifying the impacts those changes may have; and for ensuring that any work undertaken is appropriate, sustainable, and in line with best practice. The Measure is an integral part of the overall system providing for the care of England's historic environment. Its aim is not to prevent change, but rather to allow change to be managed to avoid harm to cathedrals' architectural, archaeological, artistic and historic significance. The procedures for the operation of the Measure are set out in the **Care of Cathedrals Rules 2006 as they are to be construed following the enactment of the Care of Cathedrals Measure 2011** ('the Rules').

Two duties underlie the operation of the Measure:

To have due regard to a cathedral's purpose as the seat of the bishop and a centre of worship and mission. (Paragraph 1 of the Measure)

And, without prejudice to the former:

To have due regard to the desirability of preserving the fabric of the cathedral and any features or objects of architectural, archaeological, artistic or historic interest which it contains, together with its immediate setting and any building of interest, or any archaeological or human remains, within its precinct. (Paragraph 22 of the Measure)

These should be regarded as complementary rather than conflicting objectives: successful proposals for change will succeed both in terms of mission *and* heritage.

The primary responsibility for any cathedral rests with its Chapter and it is the Chapter's responsibility to ensure that all relevant provisions of the Measure are complied with. A Chapter should positively and proactively 'own' all the works that are undertaken to their cathedral, its precinct and its contents, ensuring that they align with

the cathedral's core purpose and their own strategic objectives.

The relationships between a cathedral's Chapter, its Fabric Advisory Committee ('FAC') and the Cathedrals Fabric Commission for England ('the Commission') are key to the successful operation of the Measure. Particularly at the advice stage, a Chapter should see the Commission and its own FAC as critical friends, and take full advantage of the pro bono expert advice they are able to offer on all buildings-related matters, whether or not these are likely to require formal approval under the Measure. These relationships are to be valued and nurtured, with each party taking account of its proper role and the roles of the others. The advice and engagement of the Association of English Cathedrals' Projects Support Panel and statutory consultees including Historic England, the local planning authority, and the national amenity societies, should be sought and engaged with in the same spirit.

The aim of this document is to clarify processes under the Measure; to encourage best practice and consistency in decision-making; and thus to offer greater certainty to applicants of the likely outcome of an application. The underlying assumption of this guidance is that a well-reasoned application should succeed.

Any application made under the Measure represents just one moment in the ongoing life of a cathedral. As well as addressing present needs, proposals should therefore look both backwards and forwards, taking account of the heritage of the cathedral and the long-term needs of the building and its users. This long view should be developed through a suite of documents including a **Conservation Management Plan, Liturgical Plan, Visitor Engagement Plan**, and relevant policies, which should be prepared independently of any specific application. Further guidance on supporting documents is available in **Section 3b, below**.

This guidance on the process of making an application under the Measure is complemented by specific guidance on a range of topics such as the loan of objects from cathedrals, the introduction of new art, or access works, which sets out in more detail the specific issues that are likely to be at stake, and the additional supporting documentation that may be required, in relation to such proposals. New and revised separate specific guidance

notes are issued by the Commission on an ad hoc basis and are available on **our website** (www.churchofengland.org).

This guidance document is not a substitute for the Measure or Rules. Any discrepancy between the requirements of the Measure or Rules and this guidance should be brought to the attention of the Commission's secretariat.

Throughout this document, 'must' means that something is a legal requirement under the Measure, and 'should' means that something is good practice.

1a The Care of Cathedrals Measure and the Ecclesiastical Exemption

The Measure provides for the care and conservation of Church of England cathedrals within England other than Christ Church, Oxford. The 2011 Measure is the latest iteration of the *Care of Cathedrals Measure 1990* – the first such legal framework for cathedrals. Like other Church of England legislation, the Measure was passed by the General Synod of the Church of England and approved by parliament, and has equivalent status to an Act of Parliament.

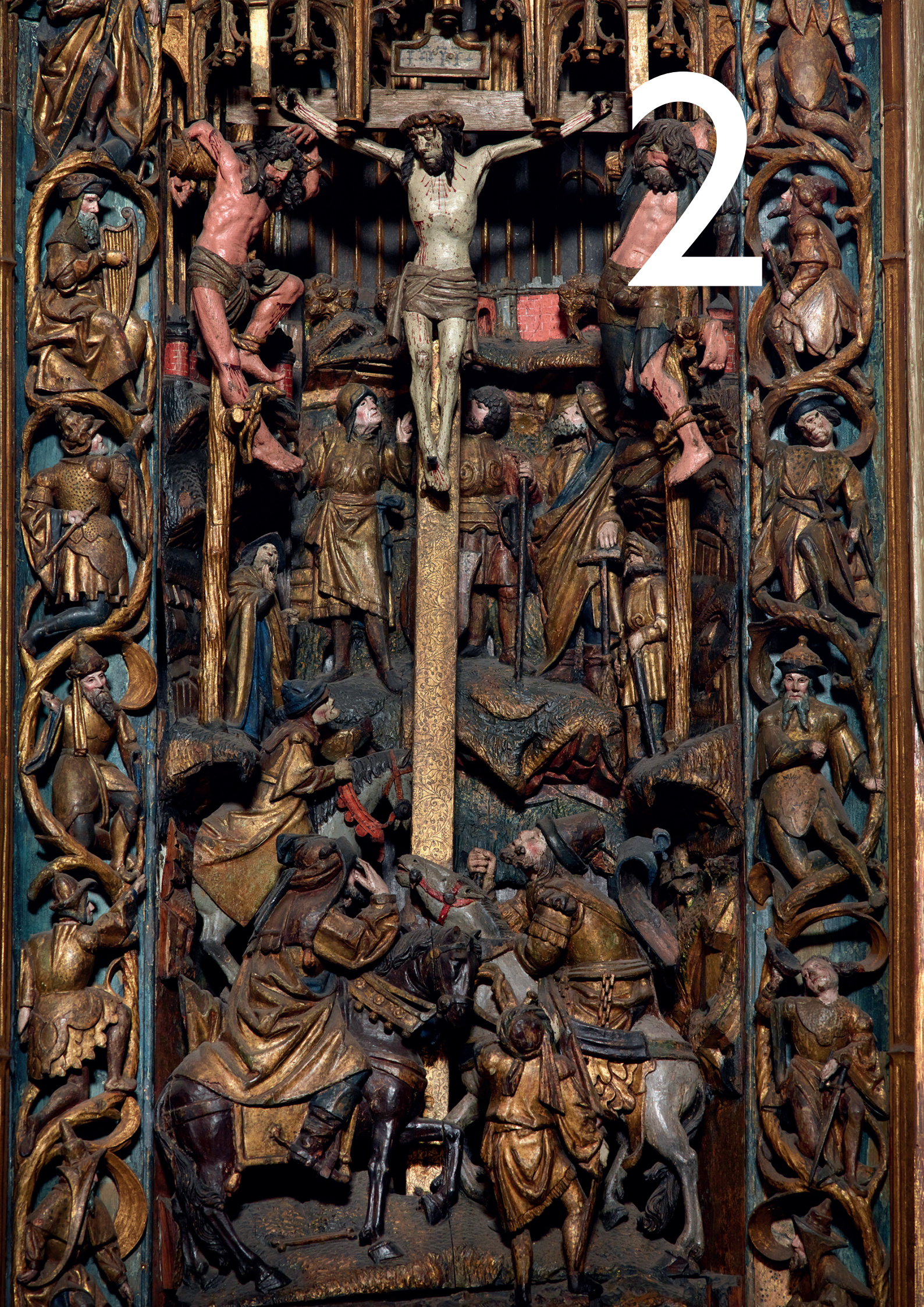
The Rules set out the procedures for operating the Measure. Included in the Rules are templates of the forms that must be used for making applications under the Measure. Links to plain word versions of these forms for completion electronically may be found at [section 7c](#) of this guidance, below.

The cathedrals to which the Measure applies are exempted from certain aspects of secular listed building control and scheduled monument control under the terms of the government's *Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 2010* ('the Exemption'). This does not mean that the buildings are not subject to controls appropriate to their status as an important part of our heritage: it means they are subject to a different group of controls which, no less than their secular equivalents, recognise that heritage assets are an irreplaceable resource that must be conserved in a manner appropriate to their significance. The Exemption applies because the government continues to be satisfied that the Church's own controls provide a parallel system giving equivalent protection to secular controls, and are compatible with a *Code of Practice* issued by the government.

The exemption from listed building control applies to the cathedral church and to other buildings ancillary to it that are for the time being 'in ecclesiastical use', ie in use primarily as places of worship (the exempted area in each case being defined on the Red Line Plan – see [Glossary](#)). In addition, churches in use for worship cannot be scheduled as ancient monuments, so scheduled monument control never applies to the cathedral building itself. However, it is possible for the land around or under a cathedral building to be scheduled as an ancient

monument and, if so, scheduled monument control will apply in respect of that land. Cathedrals are also subject to normal development control procedures such as planning permission, equal access legislation and building regulations.

The Exemption's *Code of Practice* specifically requires that denominations operating their own systems of control must provide for consultation with the local planning authority, Historic England and the national amenity societies, for public advertisement of applications, and for consideration of all representations made. These requirements are embodied in the Measure.



DOES A PROPOSAL REQUIRE APPROVAL UNDER THE MEASURE?

2a From whom should approval under the Measure be sought?

2b Approval from other authorities and managing 'dual control'

The Measure requires that a Chapter must seek approval for the following types of proposal:

- Works (including repairs or maintenance), or the permanent addition of any object, which would materially affect:
- The architectural, archaeological, artistic or historic character of the cathedral or any building in its precinct used for ecclesiastical purposes;
- The immediate setting of the cathedral;
- Any archaeological remains in or under the cathedral or within its precinct; or
- Any human remains in or under the cathedral or within its precinct.
- The sale, loan (even on a short-term basis) or disposal of any object of architectural, archaeological, artistic or historic interest which is in the ownership or custody of the cathedral Chapter, or the carrying out of any work to such an object which would materially affect its architectural, archaeological, artistic or historic character. This also applies to any item of Treasure that is discovered in or under the cathedral or within its precinct.

Points to note

- Whilst permission under the Measure must ordinarily be sought before undertaking any of the works outlined above, there are rare cases where an emergency demands swift action. In such cases (typically involving an issue of security, health and safety or a threat to the cathedral fabric) the cathedral should make every effort to consult their Cathedral Architect and notify the FAC Chair and the Commission secretariat before taking action, and should ensure that any intervention is kept to a minimum and wherever possible is reversible. Retrospective approval must be sought for such emergency works, which can only be granted by the Commission.
- Any object or structure that is permanently situated in or fixed to the cathedral or another building within the precinct is treated as part of the fabric of the cathedral or that other building for the purposes of the Measure.

- Moveable items must be recorded on the cathedral Inventory.
- ‘Archaeological remains’ may not necessarily be below ground or require excavation. The standing fabric of cathedrals and buildings in their precincts may have much to reveal about their history and development, and this archaeological significance may be affected by works including maintenance or repair (even if ‘like-for-like’), which would therefore require permission under the Measure. For more information see The Association of Diocesan & Cathedral Archaeologists’ *Guidance Note 4: Fabric Recording in Churches and Cathedrals*.
- The bodies from which approval must be sought under the Measure are the Commission or a cathedral’s own FAC. Whether approval is required from the Commission or an FAC will depend upon the nature and likely impact of the work proposed (see Section 2a, below). Depending on the nature and location of the works, permissions from secular authorities may also be required.
- Permission is not required under the Measure for works undertaken with respect to the ordering of religious services or otherwise in furtherance of the cathedral’s mission, provided they do not materially affect the fabric of the cathedral and are of a temporary nature. Examples of this might include the erection of a removable dais, or the installation of a temporary exhibition. ‘Temporary’ is interpreted by the Commission to mean a period of no longer than 12 months.
- Whether or not a proposal would have a ‘material effect’ will normally be a matter of common sense. Sometimes, clarity can be obtained by reversing the question: can it be said of the proposal that it would have *no* material effect? A cathedral’s Administrator, Architect and/or Archaeologist should normally be the first to assess whether approval is likely to be required; if doubts remain, advice can also be sought from the Commission’s secretariat. A formal determination as to whether an application for approval under the Measure is required can be made by the FAC.
- The Commission may, if requested to do so by Chapter, declare that approval under the Measure is not required for specific works affecting the immediate setting of the cathedral or archaeological remains within the precinct for which planning permission, listed building consent or scheduled monument consent is also required, provided that certain conditions are met. For further information see section 2b, below.
- The Chapter is responsible for all applications made under the Measure, and for ensuring that the relevant provisions of the Measure are complied with. This is true even of works which are to be carried out by a person or body other than the Chapter, such as a tenant (for instance, a cathedral school) or a utility company: if the works require approval under the Measure the Chapter must obtain such approval, on its own behalf, before giving its consent to the works being carried out. The Commission encourages Chapters to take responsibility for making all applications for Listed Building Consent and Scheduled Monument Consent for works within the cathedral precinct in the same way. Similarly, when a donor offers to fund a building project or work of art at a cathedral for which Chapter will need to seek permission, it is Chapter’s duty to ensure that what is proposed would form an appropriate addition to the building: Chapter should work closely with the donor to help them to express their generosity in the way that will be of maximum benefit to the cathedral church.
- In addition to the main provisions relating to the approval of proposed works, a number of other matters may require consultation with an FAC or the Commission, such as the compilation of a cathedral inventory and the appointment of a Cathedral Architect. The Chapter is encouraged to consult their FAC on all matters affecting the building, even if formal approval is not required. Further details on the function of an FAC and the Commission can be found below, at section 7a and section 7b.

See paragraph 2 of the Measure

2a From whom should approval under the Measure be sought?

Whether approval is required from the Commission or an FAC will depend upon the nature and likely impact of the work proposed. Depending on the nature and location of the works, permissions from secular authorities may also be required.

Approval must be sought from the **Commission** for:

- Works (including repairs or maintenance) which would *permanently alter* the fabric of the cathedral or any building within its precinct used for ecclesiastical purposes;
- The *demolition* of any part of the cathedral or any such other building;
- The *disturbance or destruction of any archaeological or human remains* in or under the cathedral or within its precinct; or
- The sale, loan (even on a short-term basis) or other disposal of, or the carrying out of any work to, any object designated on the cathedral inventory as being of *outstanding* architectural, archaeological, artistic or historic interest. This also applies to any item of Treasure that is discovered in or under the cathedral or within its precinct.

Any proposal requiring approval under the Measure that is not specifically reserved to the Commission must be the subject of an application to an **FAC**, including:

- Works (including repairs or maintenance) that would *materially affect* the character of the cathedral, its setting, or any archaeological or human remains in the cathedral or its precinct;
- The *permanent addition* to the cathedral of any object that would materially affect its character; or,
- The sale, loan, disposal of, or carrying out of works to, objects listed in the inventory *except those classed as outstanding* or as Treasure items.

Points to note

- Applications for minor and ‘like-for-like’ repairs only require approval under the Measure if they will have a material effect on the character or significance of the cathedral, and in such cases an application should generally be made to an FAC. However, proposals that would involve the use of different materials (for instance the replacement of one type of stone with another, or a change in the type of metal used for roofing or rainwater goods), or that would result in a change in the profile of masonry or rooflines, would usually be considered ‘permanent alteration’ to the fabric, requiring an application to the Commission.
- If there is any doubt about the body to whom an application should be made, the Commission’s secretariat can provide informal advice, or if necessary a Chapter or FAC may formally ask the Commission to determine the question.

In certain circumstances, an application which would normally be subject to the approval of an FAC may instead be determined by the Commission, or vice versa:

- The Commission may determine that a proposal gives rise to considerations of such special architectural, archaeological, artistic or historic interest that it should determine an application rather than the FAC. The Commission rarely ‘calls in’ an application in this way; when it does so it will usually be because the case would set an important precedent or touch upon an issue of particular sensitivity to which consideration should be given at a national level.
- At least three members of an FAC present and voting may determine that an application that has properly been made to the FAC gives rise to considerations of such special architectural, archaeological, artistic or historic interest that it should instead be determined by the Commission. The FAC Secretary must then refer the application to the Commission, and notify the Chapter accordingly.
- The Commission may determine that a proposal falling into a category that would ordinarily require an application to be made to it does not give rise to considerations of sufficient importance to require consideration by the Commission, and that the

application for approval should instead be made to an FAC.

- The Commission may determine more generally that any application for a particular class or description of works should be made to an FAC rather than to the Commission, either in respect of all cathedrals or such cathedrals as may be specified. Before making such a determination the Commission must consult with any relevant Chapter and FAC, the national amenity societies, Historic England, and any relevant local planning authority. The Commission also has the power to reverse any such determination.
- Where works requiring approval under the Measure have been undertaken without approval having been obtained, an application for retrospective approval can only be made to and determined by the Commission, even if the works in question fall into a category that would ordinarily require an application to an FAC.
- If it appears that a Chapter has implemented, or intends to implement, a proposal without the required approval under the Measure, the enforcement mechanism is as follows: the bishop of the diocese, as Visitor of the cathedral, will before taking any further action give the Chapter the opportunity of a private interview with him to discuss the matter. If necessary, the next stage of the process is for the bishop to institute a special visitation of the cathedral. The bishop may then give directions with which the Chapter must comply. Failure to comply may lead to the institution of proceedings in the relevant ecclesiastical court to obtain a court injunction or restoration order. Any such order must be made within six years of the unlawful works being undertaken.

See paragraph 6 of the Measure

2b Approval from other authorities and managing 'dual control'

In addition to approval from the Commission or an FAC under the Measure, certain proposals may, depending on the nature and location of the works, also require approval from secular authorities:

Planning permission is likely to be required for new buildings and structures, for change of use of existing buildings, and for changes to the outside appearance of buildings.

Listed building consent is likely to be required for:

- demolition or substantial alteration of buildings or structures that are within the curtilage of a listed cathedral but are outside the exempted area (ie the 'red line'); and,
- demolition or substantial alteration of buildings or structures within the precinct (ie within the 'green line') which are listed in their own right (unless primarily in use as a place of worship), or churchyard or precinct monuments that are listed in their own right ('monument' for this purpose means a tomb, gravestone or other memorial, and any kerb or setting forming a part of it, which lies within land which is or has been used for burial).

Scheduled monument consent is likely to be required for intervention to or disturbance of any Scheduled Ancient Monument within the cathedral precinct (ie within the 'green line').

In such cases of 'dual control', a Chapter can ask the Commission to determine (following consultation with the FAC, local planning authority and Historic England) that approval under the Measure is not required, provided that:

- The works would affect the setting of a cathedral and/or archaeological remains within the precinct but *would not* affect the cathedral church itself, any other building in the precinct in use primarily as a place of worship, or any human remains in the precinct; and, that
- Planning permission, listed building consent or scheduled monument consent would be required to carry out *all* of the works to which the proposal relates, and the body responsible for granting the

permission or consent would adequately take into account any considerations relevant to preserving the immediate setting of the cathedral and/or the archaeological significance of the cathedral or its precinct.

Taking advantage of this provision may help a Chapter to streamline the process of obtaining approval for a project.

The FAC or Commission can still provide a helpful independent view of applications to other authorities even where separate approval under the Measure is not required.

The Commission must be notified of all applications for Listed Building Consent or Scheduled Monument Consent for works within the precinct by the Cathedral Administrator using Form 15, and may send representations within 28 days of receiving such a notification. For more information see section 4d, below.

The Commission recommends that all applications for Listed Building Consent or Scheduled Monument Consent within the cathedral precinct are made by Chapter, even if the works are to be carried out by another person or body (such as a tenant or utility company). This can help to ensure coordinated consultation in cases of 'dual control'.

See paragraphs 6 and 29 of the Measure



Chester Cathedral

3



PREPARING AN APPLICATION

3a Supporting documentation

3b Seeking advice

3c Timescales for advice and determination

3d Flowchart of preparing an application

As much preparatory work as possible should be undertaken by a Chapter before a formal application.

Several of the documents that should inform an application, such as a **Conservation Management Plan, Liturgical Plan**, or **Arts Policy**, should be prepared independently of any specific set of proposals as part of developing a holistic vision for the use and development of the cathedral church.

If a major development project (typically, one involving a bid to the National Lottery Heritage Fund) is envisaged, advice on project planning and development should be sought at the outset from the Association of English Cathedrals' Projects Support Panel. It is important that robust programming and risk assessments are in place from the outset of the project-planning process: this can help to ensure that sufficient time is allowed for the process of consultation and application. The Commission also endorses the advice contained in the 2018 Report of the Cathedrals Working Group concerning the management and governance of major projects, including that before embarking on any major project a skills audit of Chapter and available staff should be undertaken followed by a gap analysis to map the additional resource required.

Having reached a view that an application is likely to be necessary, the Cathedral Administrator should plan, in consultation with the Cathedral Architect and/or Archaeologist and other relevant parties, an appropriate timetable leading up to the formal application. This timetable should take account of:

- Preparing (which may mean commissioning) the documentation that will need to be provided in support of an application;
- Seeking the advice of the FAC, the Commission, and other relevant consultees; and,
- Deadlines for the submission of information to the FAC, the Commission, and any grant-giving body.

Checklist for preparing an application:

- The Cathedral Administrator should discuss the proposals with the Cathedral Architect and/or Archaeologist and obtain their advice concerning the body to which an application should be made, and a timetable for undertaking the works.

- The Chapter should discuss their objectives with the FAC at a preliminary stage (regardless of whether the application for permission will ultimately be made to the FAC or the Commission). The FAC should remain involved in ongoing discussions as the proposals develop.
- If the application is likely to go to the Commission to determine, early consultation with the Commission is encouraged.
- It may also be appropriate to discuss proposals at a pre-application stage with the local planning authority, Historic England, and any relevant national amenity society, and to determine any requirements to obtain planning permission, listed building consent or scheduled monument consent in addition to approval under the Measure.
- Supporting documentation should be prepared including detailed plans, drawings, specifications, and other documents describing the proposals. This should be targeted, relevant and proportionate.

3a Supporting documentation

The development of any proposals should be informed by a suite of documents that take a holistic view of the use and future development of the cathedral church, and which should be prepared independently of any specific scheme. These should include a **Conservation Management Plan, Liturgical Plan, Visitor Engagement Plan**, and relevant policies for managing matters such as collections management and repairs. Reference should be made to these documents, or the relevant sections of them provided, in any application. Proposals should also align with diocesan missional priorities.

The documentation that is provided to an FAC, the Commission, and the statutory consultees in support of an application should enable these bodies to reach a fully-informed view on the proposals in question. It should address the following questions:

- What work, and where?
- What are Chapter's immediate reasons for proposing the works? How will the works relate to any broader issues facing the cathedral?
- By whom would the works be undertaken?
- What impact would the proposed works be likely to have on the architectural, archaeological, artistic and historic character of the building and its contents? How have the proposals been designed to mitigate any such impact?
- What would the resulting benefits be?

Supporting documentation should be proportionate to the proposals for which approval is sought. All supporting documents should be concise and targeted. Repetition or duplication of information between different supporting documents in the same submission should be avoided. Documents should have numbered pages, cross-referenced where appropriate. All plans and drawings should include a linear scale. For ease of circulation, supporting documentation should be provided in electronic form.

Supporting information for an application to the Commission or an FAC must always include:

- A brief **cover statement** setting out the proposals and putting them into context.
- An explanation of the **need** for the works.
- An assessment of the **significance** of the area, fabric and/or contents affected: this could be the relevant section of the cathedral's conservation management plan.
- Statements by the Cathedral Architect and Cathedral Archaeologist on the **impact** of the works and any mitigation proposed (including proposals for recording the fabric before and during the works).
- Good quality **photographs** of the areas of fabric or contents affected by the proposed works.
- Accurate **drawings** and other illustrative material such as visualisations and photomontages.

It should also include, where appropriate:

- The **brief** for any new spaces or facilities.
- A robust **feasibility study** to establish the viability of the proposals and to begin to identify possible options to meet the brief.
- An **options appraisal** detailing alternative solutions that have been examined, and the reasons for rejecting these and selecting the option put forward.
- Where new work is involved, an assessment of the implications that this may have for the **future maintenance and conservation** of the fabric.
- A **liturgical statement** setting the works in their liturgical context: this could be the relevant section of a liturgical plan.
- An indication of how the proposals relate to the cathedral's **conservation management plan**, together with any relevant section of the plan.
- An indication of how the proposals relate to the cathedral's **visitor engagement plan**, together with any relevant section of the plan.
- Relevant technical reports, specifications and other **detailed information**.

- Reference to any relevant **policies** at the cathedral, for instance the cathedral's arts policy, collections and loans policy, stone conservation and repair policy, etc.

Any supporting or additional documentation submitted to the Commission must also be made available to the statutory consultees.

The exact nature of the supporting documentation required will vary according to the type of the proposal and the nature, size and composition of the project. Certain kinds of application will require specific additional documentation: some instances of this are given below. Again, this information should be proportionate to the proposals for which approval is sought, but should provide a full understanding of what is proposed. Further advice can be found in the Commission's thematic guidance notes on specific subjects.

See [The Operation of the Ecclesiastical Exemption and related planning matters for places of worship in England \(DCMS, 2010\)](#)

Major development projects

The first stage of any major development project should include the production of documents such as a conservation management plan, liturgical plan and visitor engagement plan, if these are not already available. The Commission will expect these documents to be prepared ahead of any detailed scheme. Once produced, these documents should be subject to periodic review to ensure that they are kept up-to-date. Similarly, the production of a robust feasibility study and thorough options appraisal is particularly important at the outset of major development project and the Commission will expect to see these before advising on any specific proposals.

The documents prepared in support of an application to the Commission are also likely to be sensible items to include in an application to a grant-giver such as the National Lottery Heritage Fund for a capital project. By the same token, a Chapter might wish to submit documentation to the Commission that has been prepared for a funding application: if so, the most relevant parts of any such document should be clearly referenced and 'signposted' in the cover statements to assist the Commission and other consultees. Before submitting any such document, Chapter should ensure that it addresses the issues to which the Commission must give consideration under the Measure.

Grant-givers also likely to require additional documents which are not required by the Commission, such as an activity plan, a recent condition survey or quinquennial inspection report, a business plan or project viability plan, or a management and maintenance plan: their own guidance should be consulted for more details.

Archaeological remains

The Commission recognises and endorses the Government policy set out in planning guidance establishing a presumption in favour of the physical preservation without disturbance of nationally important archaeological remains.

If an application is submitted for a proposal that may involve the disturbance or destruction of archaeological remains, the Commission will expect the following to be provided to complement the general information outlined above:

- A desk-based assessment by (or in accordance with a brief by) the Cathedral Archaeologist, reviewing the existing archaeological information about the site, and analysing the likely impact upon it of the proposed works.
- A statement of how it is proposed to mitigate the archaeological impact of the proposal, for instance through preservation below the level of the works, through archaeological recording and excavation, or by other means.
- An options appraisal detailing alternative sites and construction methods that have been examined, such as might have further minimised archaeological disturbance, and the reasons for rejecting these options.
- A commitment by Chapter to providing adequate resources to see any archaeological project through from its inception to its appropriate completion, including post-fieldwork analysis and archive deposition, and the dissemination of the results, in accordance with good practice and published professional standards.
- Such other written, drawn and photographic material as is necessary to give a sufficient account of the proposed works.

If the desk-based assessment by the Cathedral Archaeologist referred to above does not provide sufficient archaeological information about the site to analyse the likely impact on it of the proposed works, the Commission may request that further information be obtained through a field evaluation. Such an evaluation may involve geophysical survey, trial excavation, or the opening up of sections of fabric: please note that this may in itself require the Commission's prior approval.

If the application refers to an archaeological research excavation (rather than disturbance occasioned by some other project) the Commission will still have a presumption in favour of the preservation of important archaeological remains. This presumption, however, will not rule out the possibility of a research excavation where the Chapter is able to demonstrate that the proposal is:

- directed towards clearly formulated and convincing academic aims; and

- backed by resources of finance, personnel, technology and time, such as will be fully adequate to see the project through from its inception through to an appropriate conclusion.

In all cases where, on the basis of the above information, the Commission approves an application for carrying out archaeological work, it will require a Written Scheme of Investigation to be submitted and approved before the work is put in hand. This should be drawn up in accordance with a Brief provided by the Cathedral Archaeologist, or drawn up by another competent archaeologist and approved by the Cathedral Archaeologist.

Objects of outstanding architectural, archaeological, artistic or historic interest

Where an application concerns the **loan for temporary exhibition** of an object of outstanding architectural, archaeological, artistic or historic interest, the Commission will expect the information supporting the application to include the following:

- A description of the object in question (a copy of the inventory entry would be appropriate);
- Good-quality photographs of the object in question;
- Details of the location, duration, aims and scope of the exhibition for which the loan is requested, and of how the object in question will relate to these;
- Details of the proposed arrangements for insurance, transport, handling, security and environmental control and monitoring both during the exhibition and in transit;
- Information on the condition of the object and any conservation requirements it may have, together with an assessment of any foreseeable risks to the object that might be incurred if it were to be moved from its context in the cathedral;
- Details of any proposals for the conservation of the object.

Where an application concerns the **sale, long-term loan, or any other disposal** of an object of outstanding architectural, archaeological, artistic or historic interest, the Commission will expect the

information supporting the application to include the following:

- A description of the object in question (a copy of the inventory entry would be appropriate);
- Good-quality photographs of the object in question;
- A more detailed assessment of the object's historic association with the cathedral and its significance within the cathedral's collections as a whole;
- A detailed statement of the reasons for the disposal;
- A statement of whether there are any reasons the Chapter could not continue to look after the object and provide for its proper care and conservation.

If the sale of the object is proposed, a statement covering:

- The proposed method of sale;
- How the money expected from the sale would be used;
- If a particular project is to be funded from the sale, how that project fits strategically into the cathedral's work and mission;
- What the consequences would be if the sale of the object in question did not go ahead.

The Commission may also consult the Church Commissioners on any financial consideration (other than the value of the object).

Where an application concerns the **carrying out of works to** an object of outstanding architectural, archaeological, artistic or historic interest, the Commission will expect the information supporting the application to include the following:

- A description of the object in question including an assessment of its significance (a copy of the inventory entry would be appropriate);
- Good quality photographs of the object in question;
- A detailed statement of the proposed works and the reasons for them;
- Such reports or assessments made by subject or technical experts necessary to support or fully describe the proposed works.

Addressing specific issues

According to the nature of the proposal, different issues will require consideration as part of an FAC's or the Commission's decision-making and will therefore need to be addressed in the supporting documentation. An example is given below; further advice can be found in the Commission's thematic guidance notes on specific subjects.

Installation of a new stained-glass window

- The liturgical / mission case for the change: why a new stained glass window? why now?
- The choice of location for the window, including an options appraisal
- The aesthetic and heritage significance of the existing window glass and any stonework to be replaced
- The effect on light in the cathedral
- The effect on exterior views of the building (including of any window protection proposed)
- The brief for the work
- The process of selecting the artist
- The experience of the artist in working in stained glass: do they have the craft skills and experience necessary to transfer a design on paper successfully to glass?
- The response of the artist to the brief
- The qualities of the design, including its theological symbolism
- The relationship of the proposed window to existing windows
- The longevity of the techniques proposed: are there any novel, untried techniques or materials? Will maintenance be required?

3b Seeking advice

The Commission strongly encourages early consultation as good practice. Early consultation offers Chapter an opportunity to benefit from the free expert advice that is available from their FAC, the Commission, the Association of English Cathedrals' Projects Support Panel, and other consultees such as Historic England, their local planning authority, and the national amenity societies; to identify and negotiate matters of contention at an early stage; and to secure agreement on the underlying principle of a project before time and money is invested in detailed design.

If a major development project is envisaged (typically, one involving a bid to the National Lottery Heritage Fund or other large funder) advice on project planning and development should be sought at the outset from the Association of English Cathedrals' Projects Support Panel.

Where an application is required, the agreement or concurrence of the FAC, Commission or any other body at the advisory stage does not take away the need for a formal process of application, public consultation, consideration of any representations received, and decision by the relevant authority. If this formal process is not followed, the works have no approval under the Measure and are thus unauthorised, leaving the Chapter open to the possibility of enforcement action.

In addition to consultation with the statutory bodies outlined below, the Commission encourages a Chapter to share its aspirations with its congregation and to publicise its plans within its local community at an early stage. Clear and open communication of the details of proposals and the reasons behind them can do much to win people round to plans that might otherwise cause controversy.

Consulting with an FAC or with the Commission

Any matter requiring formal approval, whether the application will ultimately be made to the FAC itself or to the Commission, should be discussed in full with the FAC at a preliminary advice stage. The Commission will expect the advice of the FAC to be included as part of any application for its approval, and will if necessary defer determination until the FAC's views are known. Many FACs begin each meeting with a tour of inspection of their

cathedral so that proposals (as well as works in progress or completed) can be considered on site.

If the application is one that will be made to the Commission, in all but the most straightforward cases provision should also be made for preliminary consultation between the Chapter and the Commission. This may involve inviting a delegation from the Commission to visit and discuss the proposals with members of the Chapter, their professional advisers, and members of the FAC: if such a meeting is arranged, the Cathedral Administrator must notify the FAC Secretary, and FAC representatives will be entitled to attend (it may also be appropriate to invite representatives of Historic England and the national amenity societies to attend such a meeting). The Commission will appoint a delegation of its members for this purpose, who will visit and report back to the full Commission, which will then give its corporate advice in writing. The Commission delegation and members of the FAC will meet privately at the end of the visit for the delegation to consider the report it will make. Views expressed on site by one (or even several) members of the Commission do not constitute the formal advice of the whole Commission.

When giving preliminary advice on a proposal for which its formal approval will be required, the FAC or Commission may seek to make this as broad and helpful as possible. They must ensure, however, that such advice is given without prejudice to their subsequent impartial consideration of the application and of any written representations that may be received in relation to it. Preliminary advice should address any aspects of the proposals that the Commission or FAC considers that it would be unlikely to approve, and may indicate that it is ready to receive an application for the proposed works, but must not indicate prior approval of any proposal.

Detailed technical matters are properly the responsibility of professionals employed by the cathedral and it is not the role of an FAC or the Commission to engage in hands-on redesign. In cases where doubts arise, an FAC or the Commission may advise the Chapter to seek a second professional opinion.

The FAC or Commission can still provide a helpful independent view of applications to other authorities even where separate approval under the Measure is

not required. The Commission is also under a duty to give advice to a Chapter on the development of the landscape and environment in which the cathedral is situated, as well as on the care, conservation, repair and development of buildings and archaeological remains within the designated precinct. The Commission will therefore comment, when invited to do so, on planning applications that materially affect either the setting of the cathedral or its archaeological context, whether the site to which the planning proposal refers is within or outside the designated precinct. The Commission also welcomes requests from the local planning authority for its views, as the expert national body with a remit for cathedrals, on planning applications affecting the setting of the cathedral or its archaeological context. The Commission will generally be willing to appoint a delegation to inspect and discuss such proposals on site.

Consulting with Historic England, the local planning authority, the national amenity societies, and others

The Measure requires that Historic England, the local planning authority, and any relevant national amenity society, should be consulted on applications made to the Commission and applications made to an FAC except those relating to objects. It is often advisable to seek the views of these bodies as a preliminary step prior to making a formal application: experience has shown that this early consultation has proved the most effective way of obtaining constructive input and fostering a deeper understanding of the cathedral's objectives for a project and its wider mission.

Historic England is closely involved with cathedrals through commenting on applications and through its programme of technical research into conservation techniques. This involvement, together with its extensive experience of historic buildings and monuments of all types, gives Historic England a detailed technical knowledge that can be of great benefit to cathedrals. Advice from the relevant Historic England regional team may also be relevant in relation to other matters, particularly in cases where a project requires planning permission, listed building consent or scheduled monument consent in addition to approval under the Measure. All such requests for advice should be addressed

in the first instance to the relevant Historic England regional team.

The Commission seeks to work closely with Historic England over applications requiring both Scheduled Monument Consent and approval under the Measure so that, as far as possible, the two bodies may coordinate their respective requirements in relation to archaeological matters. To this end, we encourage cathedrals to consult both bodies simultaneously and, where necessary and in so far as it is possible, to arrange for representatives of both bodies jointly to discuss the proposals on site.

Similarly, cathedral Chapters and FACs are encouraged to remember that the **national amenity societies** can provide well-researched and expert advice on their respective areas and periods of interest, and should not be thought of as ‘preservationist’ pressure groups.

The Commission encourages **local authorities** to be aware of their role within the Measure procedures and to make due provision for recognising this in their development plans, and for involving themselves through their professional officers.

Cathedral Chapters are encouraged to ensure that their Cathedral Archaeologist maintains appropriate liaison with the relevant local planning authority archaeology and historic buildings officers (at district and county level) over archaeological matters within the designated cathedral precinct.

Where proposals will have a major impact on the setting of the cathedral or the wider townscape, it may also be appropriate to consult at pre-application stage with the **Design Council Commission for Architecture and the Built Environment (DC CABE)**.

Before implementing any proposal for the sale or other disposal (other than a loan) of an object of Treasure which is found in or under the cathedral or within its precinct, the Chapter must afford the **British Museum** (or another registered museum nominated by the British Museum) an opportunity of purchasing the object.

It may also be appropriate for Chapter to consult with **local amenity groups or other bodies** where these may be taken to represent local public interest in proposed works.

3c Timescales for advice and determination by the Commission

The length of time that it will take for the Commission to advise on and determine an application will vary according to the type and complexity of the proposals. It will be governed by the calendar of the Commission’s meetings throughout the year, and may be affected by the length of time required to arrange a visit by a delegation of the Commission to consider the proposals on site. Further time may also be required to prepare additional supporting information requested by the Commission or FAC.

With those caveats, the following may be helpful as a rough guideline:

Applications for relatively minor works

Such as to undertake preliminary archaeological investigations or for the loan of an object:

It may not be necessary to formally seek advice prior to an application, though an informal conversation with the Commission’s secretariat may still be advisable. Likely timescale for determination: at the next meeting of the Commission following the statutory 28-day consultation period.

Most applications to the Commission:

One or two rounds of advice prior to a formal application. The advice may recommend that further information be obtained to support the application or that other options be considered. It may be advisable to seek pre-application advice from other statutory consultees such as the local planning authority, Historic England and the national amenity societies. So the timescale from first seeking advice to final determination may be 6–12 months. Approval may be given with conditions governing the potential discovery of archaeological or human remains, and the approval of final details may be left to an FAC.

A major development project

Typically involving an application to the National Lottery Heritage Fund or other major funder for instance including a new-build element or demolition:

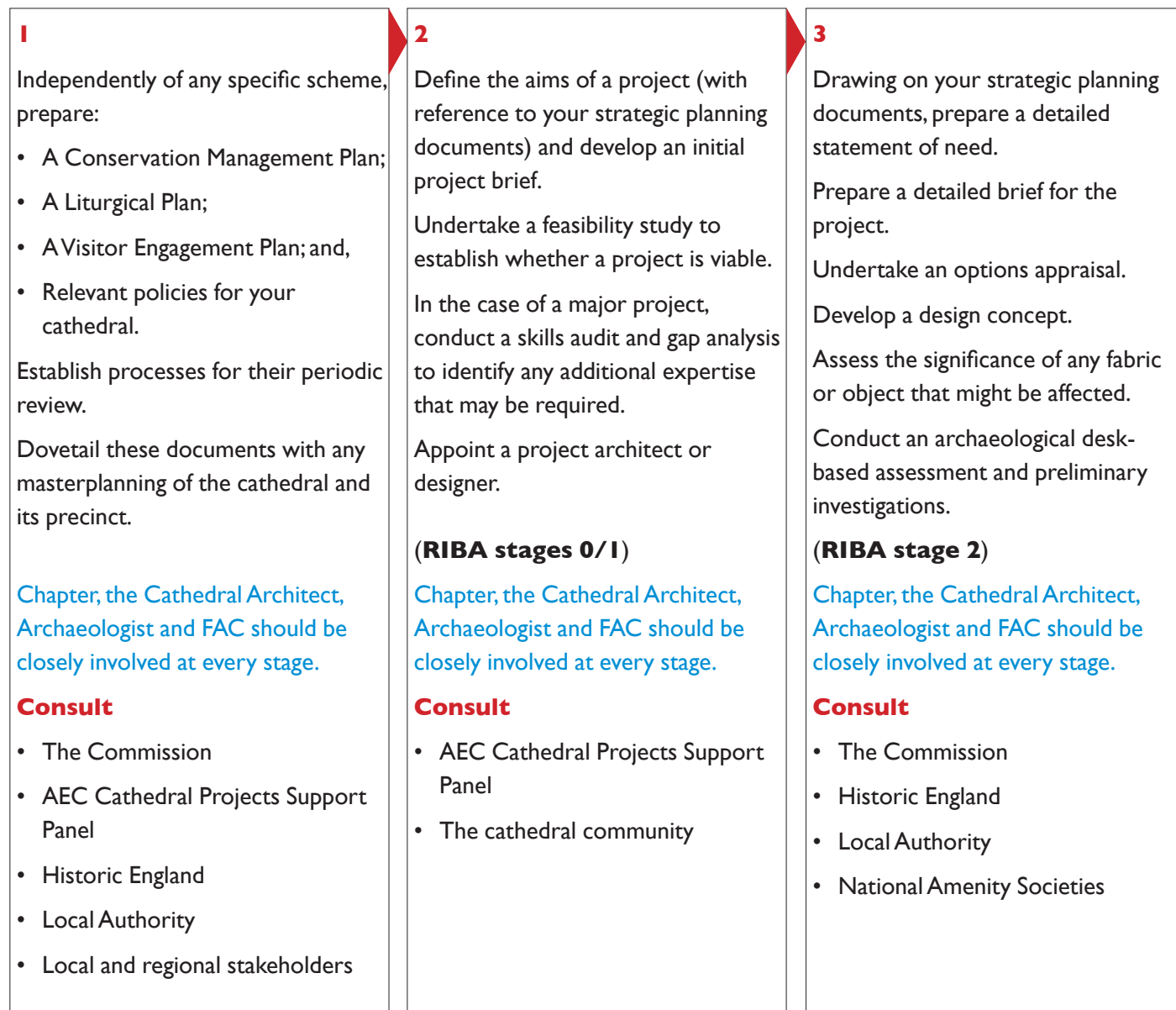
Two or more rounds of advice prior to a formal application. The advice may recommend that further information be obtained to support the application or

that other options be considered. Several rounds of consultation with other statutory consultees, such as the local planning authority, Historic England and the amenity societies, are likely to be required. So the timescale from first seeking advice to final determination may be 18–24 months, or longer. Approval may be given with conditions governing the potential discovery of archaeological or human remains; the determination of final details may be left to an FAC or reserved to the Commission.



Blackburn Cathedral

3d Flowchart of preparing an application



4

Develop detailed design proposals (eg plans and elevations, drawings, a maquette) with details of materials.

(RIBA stage 3)

Chapter, the Cathedral Architect, Archaeologist and FAC should be closely involved at every stage.

Consult

- The Commission
- Historic England
- Local Authority
- National Amenity Societies
- The cathedral community

5

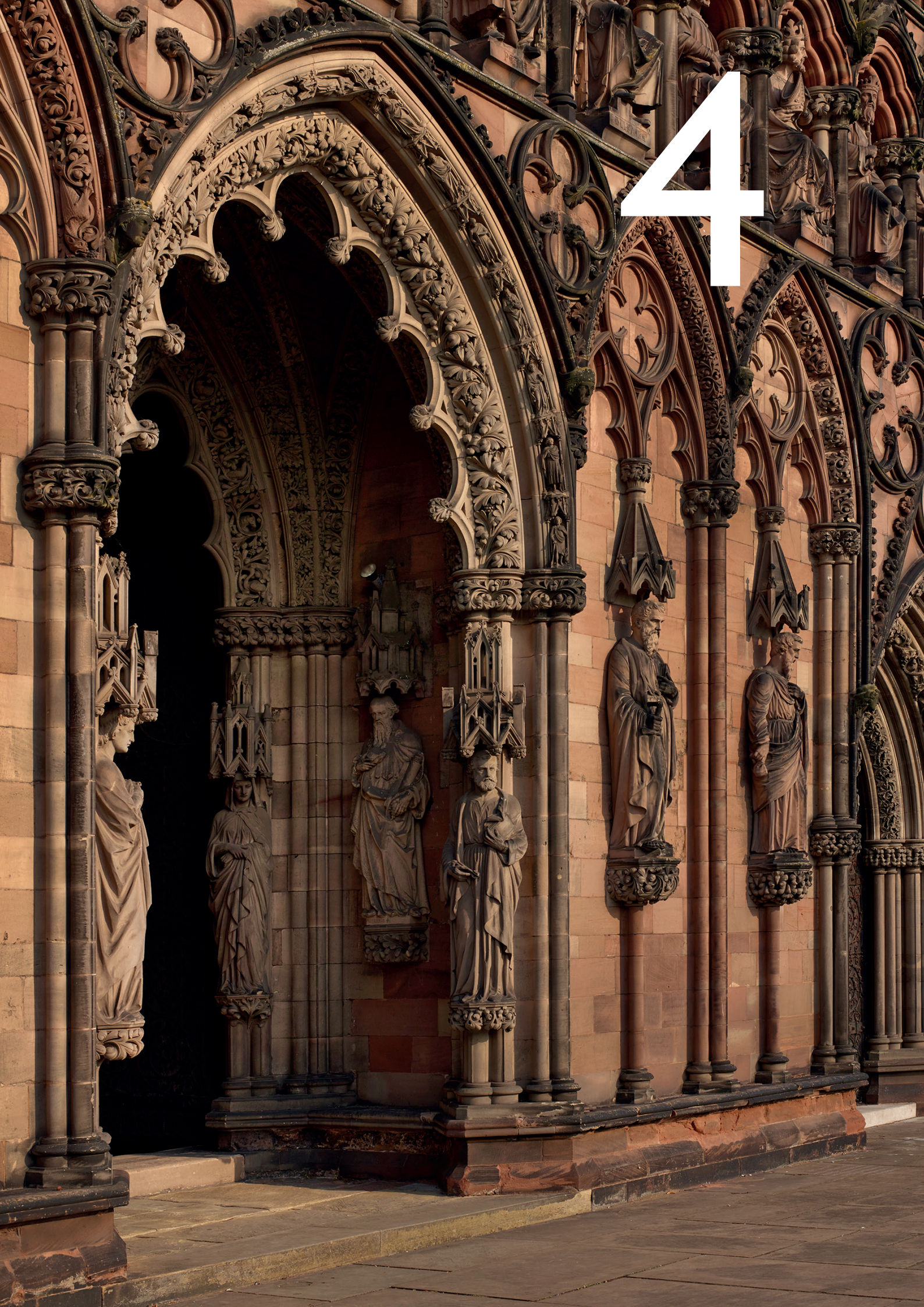
Final / technical designs and full supporting documentation.

(RIBA stage 4)

Chapter, the Cathedral Architect, Archaeologist and FAC should be closely involved at every stage.

Consult

- The Commission
- Historic England
- Local Authority
- National Amenity Societies
- The wider public



4

MAKING AN APPLICATION

4 ... to a Fabric Advisory Committee

4b ... to the Cathedrals Fabric Commission for England

4c ... to a secular authority

4d Flowchart of making an application under the Measure

When it first receives an application, an FAC or the Commission should first consider two matters:

- Whether a visit by a delegation is necessary to discuss the proposals on site (if such a visit has not already occurred); and,
- Whether the application is accompanied by sufficient supporting documentation to allow a full understanding of the proposals.

For all but the simplest proposals, matters of principle should have been raised and discussed with the FAC, the Commission (if appropriate) and any other relevant consultee before a formal application is made. If insufficient information is supplied with an application an FAC or the Commission should defer determination until it is available.

It is the responsibility of the Chapter to see that an application is made in the proper way. This includes using the appropriate forms, templates for which may be found in the Rules and on our website.

Copies of the application must be displayed both inside and outside the cathedral for a minimum of 28 days prior to determination. The Chapter must agree with the FAC on the position of notice boards or other places for affixing notices, inside and outside the cathedral, to be used for the display of public notices in relation to applications for approval under the Measure. Under the Rules, the notices must be placed where they are readily visible to members of the public.

An application will be referred to the next meeting of the Commission following its receipt. The Commission publishes its calendar of meetings (which are held roughly every six weeks), and deadlines for applications for advice on and determination of applications, well in advance: these are circulated to Cathedral Administrators and can be found on [our website](#). These deadlines are designed to allow sufficient time for a visit to be organised and advice to be obtained from other consultees before the Commission meets to consider its advice or determination. FACs regulate their own procedure, including the timetable for their meetings, which must be held at least twice a year.

Notification

Though in most cases there should have been earlier engagement with the required consultees prior to a formal application being made, there is still a requirement to consult formally at the point of application. The purpose of this legal requirement is to ensure that statutory and other bodies, and members of the public, have an opportunity to make a meaningful contribution to the procedures under the Measure: this spirit should inform the operation of those procedures.

A time-limit of 28 days is laid down for making written representations to the Commission or an FAC following receipt or first display of a notice relating to an application. Those intending to submit representations should make every effort to meet this deadline and thereby avoid delays in the procedure. However, there may be very good reasons why in some cases they cannot meet the deadline (for instance, where a relevant committee needs to consider the proposals before representations are made, but the committee is not able to meet within the specified time). In such cases the party wishing to make representations should write to the Commission secretariat or FAC Secretary, as appropriate, explaining why they cannot make representations until a specified date beyond the deadline. The Commission or FAC will then consider whether to defer its determination of the application to allow for these representations to be made and considered. If there are no particular constraints relating to the timetable of the project the Commission will normally allow for such an extension, and encourages FACs to do the same.

The Commission and FAC must each always be formally notified by the Cathedral Administrator when an application is made to the other.

The Commission would usually expect the advice of the FAC to have been sought on all proposals prior to an application being made to the Commission. The views of the FAC on any application to the Commission must be included with the application papers.

An FAC, the local planning authority, Historic England, any relevant statutory amenity society, and members of the public (by posting of a public notice) are standard consultees on all applications made under the Measure.

In addition, the Church Commissioners must be notified, in the same manner as the other statutory consultees, if a proposal requiring approval under the Measure would affect a house wholly or partly occupied by a clerk in Holy Orders holding office in the cathedral.

See paragraphs 8 and 9 of the Measure

4a Making an application to a Fabric Advisory Committee

FAC application checklist

(for action by the **Cathedral Administrator**):

- **Form 3** (application) and **Form 4** (public notice) must be completed and dated.
- Form 3 must be submitted to the **FAC Secretary** with full supporting documentation, for determination after the 28-day statutory period within which representations may be made to the FAC.
- Form 4 must be sent to the **Commission** (via its secretariat), with outline information about what is proposed. The Commission may request further information to enable it to comment.
- Form 4 must be sent to the **local planning authority** (except for proposals relating to objects), **Historic England**, and any relevant **national amenity society**, who may request further information to enable them to comment.)
- 2 copies of Form 4 must be displayed for 28 days on **notice boards** inside and outside the cathedral to which the public has access, indicating places and times where information about the proposals may be viewed and advising on how representations to the FAC can be made.
- At the end of the 28-day period, the **certificate of publication** (from the back of Form 4) must be sent to the FAC Secretary.

Points to note

- All drawings and documents should be submitted electronically. Physical items such as models and material samples may also be submitted to aid the FAC's deliberations.
- If, after the application has been made, the FAC requires any additional information to enable it to determine the application, this should also be copied or made available to all the parties notified of the original application. If it has insufficient information, the FAC may **defer** determination of an application.
- The Secretary of the FAC will receive the application from the Cathedral Administrator on Form 3. If the

Secretary and Cathedral Administrator are the same person, it may be good practice to copy the form to the FAC Chair to confirm that the due process is being followed.

See Rule 5

4b Cathedrals Fabric Commission for England

Commission application checklist

(for action by the **Cathedral Administrator**):

- **Form 8** (application) and **Form 9** (public notice) must be completed and dated.
- Form 8 must be submitted to the **Commission** (via its secretariat) with full supporting documentation, for determination after the 28-day statutory period within which representations may be made to the Commission.
- Form 9 and full supporting documentation must be sent to the **FAC** via its Secretary. The FAC Secretary should respond.
- Form 9 and full supporting documentation must be sent to the **local planning authority** (except for proposals relating to objects), **Historic England**, and any relevant **national amenity society**.
- 2 copies of Form 9 must be displayed for 28 days on **notice boards** inside and outside the cathedral to which the public has access, indicating places and times where information about the proposals may be viewed and advising on how representations to the Commission can be made.
- At the end of the 28-day period, the **certificate of publication** (from the back of Form 9) must be sent to the Commission Secretariat.

Points to note

- All drawings and documents should be submitted electronically. Physical items such as models and material samples may also be submitted to aid the Commission's deliberations.
- If, after the application has been made, the Commission requires any additional information to enable it to determine the application, this should also be copied or made available to all the parties notified of the original application. If it has insufficient information, the Commission may **defer** determination of an application.

See Rule 7



4c Making an application to a secular body

Listed Building Consent and Scheduled Monument Consent

When a Chapter makes an application to the local planning authority for Listed Building Consent, or to Historic England for Scheduled Monument Consent, the **Cathedral Administrator** must notify the **Commission** via its secretariat using **Form 15**, accompanied by full supporting documentation. The Commission has 28 days from the receipt of Form 15 to send any comments to the Cathedral Administrator. If the Commission makes such representations, the Chapter should relay such representations to the local planning authority, which should give them due consideration.

See paragraph 29 of the Measure



Opposite: **Canterbury Cathedral**

Right: **Portsmouth Cathedral**

4d Flowchart of making an application under the Measure

STARTING POINT

Do your proposed works require approval under the Measure?

The FAC and the Commission's secretariat can advise on this.

NO

no further action needed under the Measure, but check requirements for planning permission, scheduled monument consent or listed building consent and building regulations.

Notify the Commission of applications for listed building or scheduled monument consent using **Form I5**.

Your local planning authority can advise on this. It may also be helpful to consult your FAC.

Also check if planning permission, scheduled monument consent or listed building consent is needed, and any building regulation requirements.

YES

discuss impact of work with Cathedral Architect and/or Archaeologist & FAC to decide whether you need to apply to Commission or FAC.

FAC Application

- pre-application consultation with FAC, and local planning authority where relevant
- **Form 3** and supporting information to FAC
- **Form 4** to Commission, local planning authority, Historic England & relevant national amenity societies
- display Form 4

28-day **consultation period** – comments received by FAC from statutory consultees and others, eg members of the public. After the 28 days send **Certificate of Publication** in Form 4 to FAC Secretary.

Appeals against FAC decisions or non-determination may be made to the Commission

FAC Determination

- FAC determines application
- FAC Secretary notifies Cathedral Administrator on **Form 5** within 10 days
- FAC Secretary copies Form 5 to Commission and relevant consultees
- Cathedral Administrator displays Form 5
- Cathedral Administrator ensures any **conditions** are complied with

Commission Application

- pre-application with the FAC, and with the Commission for complex cases
- pre-application consultation with local planning authority, Historic England and relevant national amenity societies
- **Form 8** and supporting information to Commission
- **Form 9** to FAC, Form 9 and supporting information to local planning authority, Historic England and relevant national amenity societies
- display Form 9

28-day **consultation period** – comments received by Commission secretariat from statutory consultees and others, eg members of the public. After the 28 days send **Certificate of Publication** in Form 9 to Commission.

Appeals against Commission decisions or non-determination may be made to a specially constituted Committee of Review

Commission Determination

- Commission determines application
- Commission secretariat notifies Cathedral Administrator on **Form 10** within 10 days
- Commission secretariat copies Form 10 to FAC Chair, Historic England, local planning authority and any relevant national amenity society
- Cathedral Administrator displays Form 10
- Cathedral Administrator ensures any **conditions** are complied with

5



DETERMINATION

5a ... by a Fabric Advisory Committee

5b ... by the Cathedrals Fabric Commission for England

5c ... by a secular authority

When determining an application under the Measure, an FAC or the Commission must have due regard both to a cathedral's purpose as the seat of a bishop and a centre of worship and mission, and to the desirability of preserving the fabric of cathedral buildings, their settings and archaeological significance, and any features and contents of interest that they may possess.

Where the Commission or an FAC has asked for further supporting information, or has asked for details to be reconsidered, before determining an application, copies of the further information or revised details should be sent by the Cathedral Administrator to all those parties who received the notice and supporting documentation concerning the original application. The same will often apply in cases where the Commission or an FAC has approved an application on condition that further documentation be submitted for final approval of details. When any such further information is sent out this is not covered by a further formal 28-day notice period, but sufficient time should nonetheless be allowed for those notified to consider the further information fully and to make any additional written representations.

Any representations made with regards to an application under the Measure, whether by the cathedral's FAC, the local planning authority, Historic England, a national amenity society, or any member of the public, must be given full and fair consideration by an FAC or the Commission before determination.

If any member of an FAC or the Commission has a personal interest in any matter to be discussed at a meeting of that body, he or she must declare it before the item of business is discussed. He or she may be invited by the Chair to be present at the beginning of that item, to provide factual information only, but must then withdraw from the meeting for the whole of the discussion and while a decision is taken.

Having considered an application and its supporting information, and having considered all the representations made to it, the Commission or an FAC will determine the application. It must do this within three months following the expiry of the 28-day statutory period from written representations and the holding of any public hearing. Its decision will be conveyed in the form of a statutory decision notice, which the Cathedral Administrator

must display inside and outside the cathedral where it is clearly visible to members of the public, and must send copies to the local planning authority, Historic England, and any relevant statutory amenity society. Just as the Commission and FAC must be formally notified by the Cathedral Administrator when an application is made to the other, each must be sent the other's decision notice using

Form 10 or **Form 5**, as appropriate, following determination. Following a decision by the Commission or an FAC, the Cathedral Administrator must see to it that copies of the decision notice are displayed both inside and outside the cathedral for at least 28 days.

The Commission or an FAC may approve an application unconditionally; approve an application subject to conditions; or refuse to give approval. As an alternative to refusing a proposal outright, the Commission or an FAC may defer determination to obtain additional information or clarification from Chapter, or it may informally advise Chapter to withdraw its proposal and resubmit it in a revised form.

As soon as possible after the completion of any work for which approval has been given, the Cathedral Administrator is required to notify the Commission or the FAC (as the case may be) of completion.

Any approval given to an application under the Measure by the Commission or an FAC lapses ten years from the date of the decision notice, though the body that gave the original approval may extend this period at its discretion.

Approval with conditions

Conditions should be used sparingly, to avoid dragging out the determination of an application. If the proper process of consultation and preparation of documents has been undertaken before an application is made, the Commission or an FAC should in most cases have all the information it needs to determine an application outright. If sufficient information is not provided, rather than giving 'approval in principle' the Commission or an FAC should defer determination of the application until it is available.

Nonetheless, reasonable conditions may be attached to an approval to meet a range of possible circumstances. Conditions that are regularly imposed provide for:

- The resolution of minor design issues within a scheme that is considered acceptable overall (determination of which the Commission will often delegate to an FAC);
- Issues to be brought back to the FAC or Commission in the light of information that may only become available when work starts, such as the potential for discovery of archaeological or human remains;
- Ensuring that any human remains that are disturbed in the course of excavation are treated with due care and decency and in accordance with the guidelines issued by the Advisory Panel on the Archaeology of Burials in England; or
- Ensuring that any necessary recording work is undertaken by the Cathedral Architect or Archaeologist, if provision for this is not already included in the application itself.

Where the Commission or an FAC refuses an application, or approves it subject to conditions, it must state its reasons clearly. Where the Commission or an FAC gives its approval subject to conditions, it is the Cathedral Administrator's responsibility to draw these to the attention of the relevant person at the cathedral.

A Chapter (or where relevant a tenant of the Chapter) is entitled to appeal against any conditions imposed by an FAC or the Commission.

Refusal

The Commission or an FAC may approve one part of an application but refuse a separate or subsidiary part of it.

A Chapter (or where relevant a tenant of the Chapter) is entitled to appeal against the refusal of an application by the Commission or an FAC.

Non-determination

In the event of non-determination within three months:

... **by an FAC:** the Chapter may, within a further three months, request that the application be dealt with by the Commission, using **Form 6**. A copy of Form 6 must be sent to the FAC, and within seven days of receipt, the FAC Secretary must send to the Commission copies of any written representations concerning the proposal that were made to the FAC. A copy of the Commission's Notice of Decision (**Form 7**) will be sent to the FAC within ten days of the decision being made.

... **by the Commission**: the Chapter may request that the application be dealt with by a specially constituted Commission of Review.

Certificates of Completion

The Commission requests that upon the completion of any works for which it has given approval the Cathedral Administrator should complete a **Certificate of Completion** and return it to the Commission's Secretariat.

See paragraphs 8 and 10–12 of the Measure

5a Determination by an FAC

FAC determination checklist

- After the statutory 28-day consultation period, receiving the Certificate of Publication, and consideration of any comments submitted by consultees or members of the public, the **FAC determines** the application, giving unconditional approval, conditional approval, or refusal (or deferring determination).
- **The FAC Secretary**, within ten days of the determination, sends **Form 5** to the Cathedral Administrator, Commission (via its secretariat), and relevant statutory consultees. If the application has been made by the Chapter on behalf of a tenant, a copy of the Notice should also be sent to that tenant within ten days.
- The Cathedral Administrator displays 2 copies of Form 5 on **notice boards** inside and outside the cathedral in a place to which the public has access.
- If the FAC approves the application subject to **conditions**, the Cathedral Administrator should ensure that these are drawn to the attention of all relevant parties at the cathedral and that the conditions are subsequently met.

Points to note

- The FAC should require, unless in exceptional circumstances, that the FAC Secretary circulates all relevant documentation to all members with the agenda in advance of the meeting. The FAC Secretary must supply the Commission with a copy of the agenda before each meeting of the FAC, and, after the meeting, with a copy of the approved minutes.
- When meeting to determine an application, the FAC should bear in mind that under the terms of the Ecclesiastical Exemption agreed between the Church of England and the government, the FAC is expected to act as a decision-making body independent of the cathedral Chapter or congregation.
- At least three members of an FAC present and voting may determine that an application that has properly been made to the FAC gives rise to considerations of such special architectural, archaeological, artistic or

historic interest that it should instead be determined by the Commission. The FAC Secretary must then refer the application to the Commission, and notify the Chapter accordingly.

- Only members of the FAC can determine an application. Others present and any observers or ‘consultants’ may contribute to discussions but not to any determination or vote.
- When approving a proposal, an FAC should ensure that it is absolutely clear precisely what is being approved. This should have been fully detailed in the documentation submitted with the application or in response to a request from the FAC for further information. Reference to the documentation should in all appropriate cases be referred to on the decision notice so that it is subsequently beyond doubt whether or not the work has been carried out in accordance with what the FAC has approved.

Appealing against a decision of an FAC

If an application to an FAC is refused, or approved subject to conditions, the Chapter may, within no more than three months from the date of the decision, appeal to the Commission. An appeal is lodged by the Cathedral Administrator completing **Form 11** and sending it to the Commission with the information indicated on the form. At the same time, the Administrator must copy Form 11 to the FAC Secretary and, within 7 days of receipt of Form 11, the FAC Secretary must send to the Commission copies of any representations made to the FAC in respect of the application that is the subject of the appeal. The Commission then has 3 months to consider the appeal, and a further 10 days in which to issue its decision notice in **Form 12**.

Where an FAC has refused to give approval to a proposal from a Chapter for the carrying out of works by a tenant, or has given its approval subject to conditions, the Chapter may appeal to the Commission within 28 days of receiving the Notice of Decision (using **Form 13**) or, if the Chapter does not wish to appeal, the tenant may appeal within a further 28 days (also using Form 13). In either case, a copy of the Form 13 must be sent to the FAC and, within seven days of receipt, the FAC Secretary must send to the Commission copies of any written representations concerning the proposal that were made

to the FAC. The Commission will issue its decision in **Form 14** within ten days of the decision being made. (Rule 9)

In the event that, on an appeal to the Commission against a decision of an FAC, the Commission refuses to give its approval or refuses to reverse or vary conditions subject to which approval was given by the FAC, the Chapter or tenant has up to three months from the date of the decision notice in which to decide whether to make a further appeal to a Commission of Review. See below, under ‘*Appealing against a decision of the Commission.*’

Only the Chapter or a tenant on whose behalf approval has been sought have any right of appeal against a determination made by an FAC.

See Rule 5, and Part 5 of the Rules

5b Determination by the Commission

Commission determination checklist

After expiry of the 28-day consultation period, receiving of the Certificate of Publication, and consideration of any representations made by consultees of members of the public, the **Commission determines** the application, giving unconditional approval, approval with conditions, or refusal (or deferring determination).

The **Secretary of the Commission**, within 10 days of the determination, must send **Form 10** to the Cathedral Administrator, FAC Secretary, and relevant statutory consultees. If the application has been made by the Chapter on behalf of a tenant, a copy of the Notice must also be sent to that tenant within ten days.

The **Cathedral Administrator** must display 2 copies of Form 10 on **notice boards** inside and outside the cathedral in a place to which the public has access.

If the Commission approves the application subject to **conditions**, the Cathedral Administrator should ensure that these are drawn to the attention of all relevant parties at the cathedral and that the conditions are subsequently met.

Points to note

- In cases where the Commission is required to determine an application for approval of a proposal in respect of which there has been a divergence of technical opinion, the Commission will take into consideration whether, on the basis of the information presented to it, the technical issues appear to have been fully understood and resolved.
- In some cases the Commission finds it appropriate to invite Chapter representatives and their professional advisers to make a presentation at a full meeting of the Commission, by prior arrangement. Time at these meetings is limited and the Secretariat will, in advance, advise any such representatives of the time-slot allocated to them.
- The Commission has the power to hold a public meeting in connection with any matter to be considered by it for the purpose of receiving oral representations from any member of the public. The Commission may also appoint a panel of not less than

three of its members to hold a public hearing on any matter which the Commission specifies, and to report back to it.

- In addition to the notice of determination including formal conditions, in a covering letter the Commission may draw certain matters deserving further consideration to the attention of the Chapter. Such comments do not affect the validity of any approval given by the formal notice.
- The Commission's secretariat will always be willing to discuss any decision in greater detail with the Dean, Cathedral Administrator, FAC Chair or Secretary, or any other interested party.

Appealing against a decision of the Commission

If an application to the Commission is refused or approved with conditions – or if an appeal to the Commission against the decision of an FAC is rejected – a Chapter (or, where relevant, its tenant) may, within three months of the decision, ask for the decision to be reviewed. Only the Chapter or a tenant on whose behalf approval have been sought have any right of appeal against a determination made by the Commission.

To request a review, a Chapter must usually complete **Form 21** (or **Form 22**, if the application was originally made to the FAC and submitted to the Commission only on appeal) and send this to the Registrar of the province in which the cathedral is situated, accompanied by the information indicated on the form. However, where the decision being appealed concerned works by a tenant, the request for a review should be made using **Form 23** (irrespective of whether this request is made by the Chapter, by the tenant, or by both).

A review will be carried out by a specially constituted Commission of Review. The Commission of Review may reverse, confirm, or vary the original determination or any part of it, and if it determines to give approval, may do so with conditions. The decision of a Commission of Review is final. The Commission of Review will issue its decision in **Form 24**.

See paragraphs 10, 11 and 14 of the Measure, and Part 8 of the Rules



6

I Felt Ya And I Knew Ya Loved me

GLOSSARY

The Association of English Cathedrals' Projects Support Panel

The Projects Support Panel administered by the Association of English Cathedrals is a group of experts from a wide range of professional areas who provide pro bono assistance to cathedrals in the planning of major projects. The Panel was devised to assist in the identification and initiation of projects and in most instances a cathedral's engagement with the Panel will cease before formal engagement with the Commission.

The Care of Cathedrals Measure 2011 ('the Measure') is the legislation covering the care, conservation, repair and development of cathedrals. It applies to all the Church of England's cathedrals in England except Christ Church in Oxford.

The Care of Cathedrals Rules 2006 as they are to be construed following the enactment of the Care of Cathedrals Measure 2011 ('the Rules') set out the procedures for operating the Measure. Included in the Rules are templates of the forms that must be used for making applications under the Measure.

The Cathedral Architect and Cathedral Archaeologist provide expert advice on all aspects of the care and conservation of the historic fabric of a cathedral and are key points of contact between a cathedral and the Commission.

The Chapter must consult the Commission on the appointment of a Cathedral Architect or Archaeologist. The Commission can nominate an independent architectural assessor or archaeologist, who may or may not be a current member of the Commission, to assist with shortlisting and interviews.

The Chapter must arrange for the Cathedral Architect, in consultation with the Cathedral Archaeologist, to draw up a quinquennial report on work that he or she considers will need to be carried out to the cathedral, any ancillary building, and its properties. This report should be based on such inspections of the fabric as the Cathedral Architect considers necessary to enable him or her to fulfil this requirement. The Chapter must ensure that the Commission receives a copy of any such report. Following the appointment of a new Cathedral Architect,

the first such report should be made within two years of the appointment.

The Cathedral Architect must also, in consultation with the Cathedral Archaeologist, make an annual report to the Chapter containing, amongst other things, a summary of any works to the cathedral, any ancillary building, and its properties, carried out in the preceding year, and an account of progress made in the most recent quinquennial report.

The Cathedral Archaeologist is required, after similar consultation, to make an annual report to the Chapter on progress made on the management of matters of archaeological interest relating to the cathedral and its precinct. The Chapter must ensure that the Commission receives a copy of this report.

The annual reports of the Cathedral Architect and Archaeologist must include recommendations as to the cases where a permanent record should be kept of works which have been carried out in the previous year, and the Chapter must have regard to that advice and make and maintain appropriate permanent records of those works.

The Chapter must also send to the Commission a copy of its quinquennial report to the FAC on the permanent records it has made, on the advice of the Cathedral Architect and Archaeologist, in relation to works which have been carried out, and on the arrangements made for maintaining those records.

See paragraphs 23 and 26–28 of the Measure

The Cathedrals Fabric Commission for England ('the Commission') is the central national body responsible for giving advice to cathedrals on matters of care, conservation and development; for generally promoting these matters at a national level; and for determining applications for specified categories of proposals.

The Cathedral Precinct, and Green Line and Red Line Plans

The cathedral precinct is the area surrounding the cathedral within which the controls upon land, buildings and archaeological remains that are embodied in the Measure apply in addition to secular controls such as the requirement for listed building consent.

The extent of the precinct for each cathedral has been designated by the Commission after consultation with the Chapter. The precinct is defined on a plan showing the extent of the land surrounding the cathedral which is in the freehold ownership of the cathedral Chapter. This therefore includes any land let to a tenant of the cathedral, but cannot, by definition, include land not in the ownership of the Chapter even if it lies in close proximity to the cathedral and would ordinarily be considered part of its context or setting. The precinct consists of so much of this land as is deemed necessary to preserve or protect:

- The architectural, artistic, or historic character of the cathedral;
- any buildings of architectural, archaeological, artistic or historic interest associated with the cathedral; and
- any archaeological remains associated with or situated in, under or near to the cathedral or any such other buildings; and
- the setting of the cathedral and any such other buildings and remains.

In designating the precinct, the Commission is also required to have regard to the context in which the cathedral and any such other buildings have developed over time. The area designated will not necessarily coincide with the area of the cathedral's 'close' as it is traditionally understood.

On the plans drawn up by the Commission, the precinct boundary is defined by a green line, and the precinct plan for each cathedral has therefore become customarily known as the 'Green Line Plan'. The Commission may, after consultation with Chapter, make such alterations to the precinct indicated on the Green Line Plan as it considers appropriate, consistent with the aims above.

Within the broader area of the precinct as designated by the Commission, a more restricted area has been designated within which secular listed building control does not apply: this usually encompasses the cathedral with its side chapels, vestries, cloisters and chapter house (if any). This more restricted area was marked with a red line on an official plan prepared for each cathedral by the then Department of National Heritage ('DNH') and has thus become known as the 'Red Line Plan'. The

Department for Digital, Culture, Media & Sport (the successor body to the DNH), the Commission, the Chapter and the local planning authority each retain a copy of this plan. At the time of writing there is no mechanism for altering the ‘red line’.

See paragraph 25 of the Measure

A Conservation Management Plan (‘CMP’) is a document that sets out the significance of a place and how this should be preserved and if possible enhanced in any future alteration, repair or management. ‘Significance’ is the whole set of reasons why people value a cathedral, whether as a place of worship and mission, as an historic building that is part of the national heritage, as a focus for the local community, as a familiar landmark, or for any other reasons. A CMP is therefore not just about a physical place, but also about recognising the human dimension of using and caring for it.

A CMP should help the Chapter and all others concerned with the cathedral to:

- Understand the cathedral, its precinct, and its range of uses, by drawing together information including documents and physical evidence in order to present an overall description of the place through time. This includes a description of the cathedral and its precinct today and how they are used and perceived, and should identify areas where further research is necessary.
- Assess the significance of the cathedral, its contents, any buildings or archaeological remains within its precinct, the landscape and environment in which the cathedral is situated, on a local, national and international level.
- Define potential and constraints by identifying issues affecting the significance of the cathedral and its precinct, or which have the potential to affect them in the future.
- Develop management policies to ensure that the significance of the church and site is retained in any future management, use or alteration. If possible, this significance should be enhanced through implementation of these policies.

The Commission will expect to receive a copy of the CMP as part of any application for approval of any major development project, and the production of a CMP should

form the first stage of such a project if the cathedral does not already have one.

NB A note on terminology: rather than a ‘Conservation Management Plan’ the National Lottery Heritage Fund currently requires the production of a ‘Conservation Plan’ accompanied by a separate ‘Management & Maintenance Plan’. Ordinarily, a Conservation Plan prepared in compliance with the National Lottery Heritage Fund’s guidelines will also satisfy the Commission’s requirement for a Conservation Management Plan: it should not be necessary to produce two different documents.

Dual Control

‘Dual Control’ refers to the need for Chapter to obtain approval from the Commission and/or an FAC under the Measure, and from a local planning authority or Historic England for listed building consent or scheduled monument consent, for the same proposal. This may be the case with regards to works affecting a cathedral’s setting or archaeological remains within the designated precinct.

Examples of this might be the excavation of a trench for the laying of new services running through an area of the precinct containing below-ground remains designated as a scheduled monument, requiring both approval under the Measure and scheduled monument consent; or alterations to the exterior of a listed house in the cathedral precinct, requiring both approval under the Measure and planning permission and listed building consent.

To avoid dual control, a Chapter can, in certain circumstances, ask the Commission to declare that approval under the Measure is not required (see section 2b).

The Ecclesiastical Exemption and Listed Building Consent

The Ecclesiastical Exemption comprises the provisions in the *Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 2010* by which certain listed buildings, objects and structures that are, or form part of, ecclesiastical buildings in worship use are exempted from the need to obtain listed building consent because they are subject to their denomination’s own system of control. For cathedrals of the Church of England, that system of control is the Measure.

Listed building consent is the statutory consent which in all non-exempt cases must be granted by the local planning authority for certain specified types of works to a listed building under section 8 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

In the context of Church of England cathedrals in England (with the exception of Christ Church, Oxford), the Exemption covers the following:

- Buildings used for ecclesiastical purposes (ie primarily for worship) which lie within the red line – this would usually comprise the cathedral, its side chapels, vestries, cloisters and chapter house, if any;
- A building outside the red line, but within the precinct, which is primarily used for worship (for instance a separate chapel); and
- A monument (ie a tomb, gravestone or other memorial), not listed in its own right, which lies outside the Red Line but within the precinct in a churchyard, graveyard or other land which is or has been used for burials.

However, listed building consent may still be required, in addition to approval under the Measure, for works to listed buildings within the cathedral precinct that are not used for worship. The Commission must be notified of all applications for listed building consent within the precinct using Form 15.

The Ecclesiastical Exemption does not remove the requirement for planning permission for new buildings and structures, for change of use of existing buildings, and for changes to the outside appearance of buildings including those within the red line.

Fabric Advisory Committees

Each cathedral must have a Fabric Advisory Committee ('FAC') responsible for advising the Chapter on matters relating to the care, conservation and development of the Cathedral and for determining applications for approval of all categories of proposed works specified in the Measure except those reserved to the Commission. For further information, see appendix 7a, 'The role and function of an FAC'.

Historic England

Historic England (formerly known as English Heritage) is the public body responsible for protecting the historic

environment in England. It is a statutory consultee under the Measure. Historic England is closely involved with cathedrals not only through commenting on applications but also through its programme of technical research into conservation techniques. This involvement, together with its extensive experience of historic buildings and monuments of all types, gives Historic England a detailed technical knowledge that can be of great benefit to cathedrals. Advice from the relevant Historic England regional team may also be relevant in relation to other matters, particularly in cases where a project requires planning permission, listed building consent or scheduled monument consent in addition to approval under the Measure. All such requests for advice should be addressed in the first instance to the relevant **Historic England regional team**.

Cathedral Inventories

The Chapter must compile and maintain an Inventory of all objects in their ownership, custody or possession that the FAC considers to be of architectural, archaeological, artistic or historic interest. Some of these objects will be designated by the FAC, following consultation with the Commission, as being of outstanding interest.

The entries in the inventory compiled and maintained by the Chapter must be in accordance with any general and special directions issued by the Commission, and the Chapter must have regard to any advice from the Commission as to the details of the form of an Inventory.

The compilation of the Inventory will in the first place *identify* all items of architectural, archaeological, artistic or historic interest in the possession of the Chapter and, through the process of designating items of outstanding interest, will *assess* the importance of individual items. The maintenance of the inventory will *record* changes subsequent to the initial compilation, and will identify the interest and assess the importance of items newly acquired by Chapter.

When complete and up to date, the Inventory will provide a key to identifying whether any object in the possession or custody of the Chapter requires an approval from the FAC or Commission in the event of its proposed conservation, sale, loan or other disposal.

The Inventory also provides a record of fundamental importance in assisting the Chapter with regards to the

security of objects, their use, care, conservation, and display.

See paragraph 24 of the Measure.

Liturgical Plans

It is the Commission's experience that successful schemes of work tend to be underpinned by a clear and persuasive liturgical argument. The Commission encourages a cathedral Chapter to prepare a liturgical plan when drawing up major proposals requiring formal approval either by the Commission or the FAC. The liturgical plan will sit alongside other documents such as the cathedral's Conservation Management Plan to provide an information base and policy framework to guide and test new proposals as they develop. The liturgical plan will also feed into the brief set by Chapter for a project, and into supporting liturgical statements when a formal application is made.

A liturgical plan should answer three fundamental questions:

- What do you want your building to say about the nature of the Christian Gospel?
- What does your building say about the liturgy?
- What does the liturgy say about your building?

It is important for the plan to be agreed and 'owned' by the Chapter; the plan should be a standing document reviewed and updated periodically by Chapter. It is also important that all those involved in running the cathedral understand the need for and central purpose of a liturgical plan, and have the opportunity to comment and contribute to it. The plan should be written so as to be intelligible and inspiring to the lay professionals and craftspeople involved with cathedral projects.

The National Amenity Societies

The six national amenity societies that are accorded a specific locus under the Measure, and their areas of interest, are:

The Society for the Protection of Ancient Buildings (SPAB) – buildings, their setting, and contents older than 1715.

The Georgian Group – buildings, their setting, and contents of between 1700 and 1840.

The Victorian Society (Vic Soc) – buildings, their setting, and contents of between 1837 and 1914.

The Twentieth Century Society (C20) – buildings, their setting, and contents since 1914.

The Ancient Monuments Society (AMS) – sizeable extensions to buildings of any date, and proposals affecting features of importance by way of alteration or removal.

The Council for British Archaeology (CBA) – the archaeological significance of the cathedral and/or its precinct.

Scheduled Monument Consent

This is the statutory consent granted by the Secretary of State, advised by Historic England, for certain specified types of work to a scheduled monument under section 2(3)(a) of the *Ancient Monuments and Archaeological Areas Act 1979*.

All proposed applications for scheduled monument consent within the cathedral precinct must be notified to the Commission using Form 15.

See Rule 11

Visitor Engagement Plans

A Visitor Engagement Plan should set out the strategic context, aims and objectives of the cathedral's engagement with its visitors, whether tourists, pilgrims or regular worshippers. The Plan should dovetail with other documents such as the cathedral's Liturgical Plan and Conservation Management Plan. It should be a standing document reviewed and updated periodically by Chapter.



7 APPENDICES

7a The role and function of a Fabric Advisory Committee

7b The role and function of the Cathedrals Fabric Commission for England

7c Forms

7a The role and function of a Fabric Advisory Committee

The duties of an FAC

The duties of an FAC include:

- Giving advice to the Chapter on the care, conservation, repair and development of the cathedral, any buildings or archaeological remains within its precinct, the landscape and environment in which the cathedral is situated, and any objects of interest owned by the Chapter or in its custody or possession;
- Considering and determining any application made to it under the Measure;
- Advising Chapter on the compilation and maintenance of the Cathedral Inventory;
- Receiving, once every five years, a report from the cathedral architect and archaeologist detailing the works undertaken to the cathedral during that five-year period of which a permanent record has been made; and
- To produce a register of applications made to it (using Form 25) which should be held by the Secretary. A copy of the Register should also be kept in the Chapter Office, where it can be consulted by members of the public by prior arrangement. The complete Register, or parts of it, should be supplied to members of the public on request, for a fee determined by the FAC.

A Chapter should agree with its FAC on the position of notice boards or other places for affixing notices, inside and outside the cathedral, to be used for the display of public notices in relation to applications for approval under the Measure. The notices must be placed where they are readily visible to members of the public.

Appointment of an FAC

Half of the members of an FAC are nominated by the Chapter and half by the Commission. There must be an equal number nominated by each body, up to a total membership of six, eight or ten. Nominations made by a Chapter must be approved by the Commission, and vice versa. In practice, a Chapter will often suggest a candidate for the CFCE to nominate, or vice versa; the only stipulation is that members appointed by the Commission should be persons having special knowledge with respect

to the care and maintenance of buildings of outstanding architectural or historic interest, and a particular interest in the cathedral concerned. All members, once appointed, should act corporately as members of the Committee and not as representatives of the Commission or Chapter.

All members are appointed for a term of five years ('the quinquennium') but are eligible for reappointment. Where a member is appointed as a result of a casual vacancy, the appointment is for the remaining part of that quinquennium and the member is then eligible for reappointment.

The quinquennium terms for FAC relate to those of the General Synod. The current quinquennium began on 1 March 2016, the next will begin on 1 March 2021, and so on.

No person who holds any paid office in the Commission's secretariat is eligible for appointment as a member of an FAC.

The FAC appoints a Chair from amongst its members.

It also appoints a Secretary, who may or may not be a member of the FAC. If the Secretary is a member of the Chapter or a person who is employed by or holds paid office in the cathedral, the FAC should have particular regard to the question of whether there is any conflict of interest which would make the appointment inappropriate.

The business of an FAC

The FAC must meet not less than twice a year, and if three or more members send a request for a meeting to the FAC Secretary, a meeting must be held within four weeks of that request.

Subject to the requirements of the Measure, FACs have the power to regulate their own procedure and may make use of any reasonable process that assists their smooth functioning.

The quorum of an FAC is:

- Four, if the membership of the committee is six;
- Five, if the membership is eight;
- Six, if the membership is ten.

Subject to this rule, an FAC may act notwithstanding any vacancy in its membership.

The business of the FAC is decided by a majority of the members present and voting, with the Chair having a second or casting vote if the need arises.

The FAC Secretary is required to place on the agenda for the next meeting any matter requested by a member.

The FAC Secretary is required to send a copy of the agenda to the Chapter and to the Commission before each meeting, and a copy of the minutes after the meeting.

If a member of an FAC has a personal interest in any matter to be discussed at an FAC meeting, he or she must declare it before the FAC commences the relevant item of business concerned. He or she may be invited by the Chair to be present at the beginning of that item, to provide factual information only, but must then withdraw from the meeting for the whole of the discussion and while a decision is taken (including any vote on it).

If the member declaring an interest is the Chair, he or she must withdraw and the FAC must elect another member to act as Chair for that item.

The Dean, Cathedral Administrator and such other members of the Chapter as the FAC deems appropriate shall be entitled to attend and speak at meetings, but shall not be entitled to vote.

It is the duty of the Cathedral Architect and the Cathedral Archaeologist to attend meetings unless the Chair permits or directs otherwise.

The FAC may invite any person to attend a meeting or meetings for particular items, and any such person shall be entitled to speak but not to vote.

Most of the FAC's work in relation to specific proposals involves either giving advice or considering and determining applications. The advisory stage may be preliminary to a formal application being made to the FAC for approval, or may relate to a project for which the application for approval will be made to the Commission.

The FAC must be sent a copy of any quinquennial inspection ('QI') reports produced for buildings within the precinct that are owned and maintained by the Chapter. Though there is no similar requirement under the Measure for the FAC to be sent a copy of the QI report for the cathedral itself, it should be regarded as good practice to make a copy of the QI report available

electronically to the FAC (as well as the Commission) and to send a list of the report's recommendations to the FAC.

Liaison between an FAC and the Commission

The Commission shall consult with FACs, *inter alia*, on its promotion of standards and good practice in relation to:

- The care, conservation, repair and development of cathedrals, their precincts, and objects of interest in the ownership, custody or possession of the Chapter;
- The compilation, maintenance and dissemination of information about cathedrals, buildings and archaeological remains in their precincts, and objects of interest in the ownership, custody or possession of the Chapter;
- The role and duties of Cathedral Architects and Archaeologists; and
- The form and content of records of the works carried out to cathedrals.

The Commission should receive agendas and minutes of FAC meetings for information, and these will be read by the Commission's secretariat. However, copying of minutes should not be considered a substitute for formal consultation: if the FAC wishes to have the Commission's advice on any matter it should approach the Commission directly.

The Commission should receive formal notification of all applications made by Chapter to the FAC. The Commission considers all such notices at its regular meetings and may submit written representations to the FAC in response to them. Such representations are normally required within 28 days: the Commission will try to meet this deadline wherever possible in the context of its meeting cycle.

In certain circumstances, an application which would normally be subject to the approval of an FAC may instead be determined by the Commission, or vice versa.

Referral to the Commission should never bypass the FAC. The Commission expects that all proposals that are referred to it, either for advice or as an application, will previously have been referred to the FAC for its consideration and advice: if the FAC's views on an application are not provided with an application, the

Commission may defer determination until they are available.

When a delegation of the Commission visits a cathedral to discuss proposals for which an application has been made, the Cathedral Administrator should notify the FAC Secretary of that visit. Members of the FAC are entitled to be present at any such visit.

See Section 4 and Schedule 2 of the Measure

7b The role and function of the Cathedrals Fabric Commission for England

The duties of the Commission

The duties of the Commission include:

- Giving advice to the Chapter of a cathedral and to the cathedral's FAC on the care, conservation, repair and development of the cathedral, any buildings or archaeological remains within its precinct, the landscape and environment in which the cathedral is situated, and any objects of interest owned by the Chapter or in its custody or possession;
- Defining, after consultation with the Chapter, the extent of the precinct for each cathedral;
- Advising Chapter on the appointment of a Cathedral Architect or Archaeologist, and promoting good practice in relation to their roles and duties;
- Considering and determining any application made to the Commission under the Measure;
- Promoting cooperation with other organisations concerned with the care and study of buildings of interest in England;
- Assisting cathedral Chapters by participating in educational and research projects that will promote the care, conservation, repair or development of cathedrals and their ancillary buildings;
- Maintaining, jointly with the Church Buildings Council, a library of books, plans, drawings, photographs and other material relating to cathedral and other churches and the objects in them;
- Keeping a register of the applications made to it, which should be available for inspection;
- Appointing half of the members of each FAC in consultation with the Chapter; and,
- Promoting, in consultation with Chapters, FACs and others, good practice in relation to the care, conservation, repair and development of cathedrals, their precincts, and the objects of interest they contain

Bradford Cathedral



The Commission also has statutory powers

- To advise the Church Buildings Council, at the Council's request, on proposed works to a Church of England church which is not a cathedral;
- To give advice on proposed works to a cathedral in Wales, if requested to do so by the Representative Body of the Church in Wales and subject to reimbursement of the Commission's expenses;
- In exceptional circumstances, with the agreement of the Archbishops' Council and the Governing Body of the Church concerned, to give advice on proposed works to a cathedral of a Church other than the Church of England or the Church in Wales (again subject to reimbursement of expenses); and,
- Where another person or body holds moneys for the benefit of cathedrals generally, to exercise functions in relation to those moneys which the person or body concerned has delegated to the Commission.

In order to exercise its other functions under the Measure, the Commission also has power:

- To acquire books, plans, drawings, photographs and other material relating to cathedrals; and,
- To hold conferences for cathedral clergy and staff, cathedral architects and archaeologists, and others concerned with the care, conservation and maintenance of cathedrals.

The Commission maintains links with a range of other bodies in order to promote and assist in the care, conservation and development of cathedrals. These bodies include:

- The Association of English Cathedrals;
- The Archbishops' Council;
- The Department for Digital, Culture, Media & Sport;
- Historic England;
- The National Lottery Heritage Fund;
- The Cathedral Architects' Association;
- The Association of Diocesan and Cathedral Archaeologists;
- The Cathedral Libraries and Archives Association; and

- The national amenity societies (ie The Ancient Monuments Society, the Council for British Archaeology, the Society for the Protection of Ancient Buildings, the Georgian Group, the Victorian Society, and the Twentieth Century Society) and their Joint Committee.

The appointment of the Commission

The Commission has 24 members. The Chair, Vice-Chair and 17 other members are appointed by the Archbishops of Canterbury and York. The other five are elected by the General Synod of the Church of England from amongst its members. The Archbishops make their appointments on the nomination of, or in consultation with, a number of other bodies or officeholders, including the Secretary of State for Digital, Culture, Media & Sport, the Archbishops' Council, the Appointments Committee of the Church of England, the House of Bishops, the Liturgical Commission, the Deans' Conference, the Church Buildings Council, the Royal Institute of British Architects, the Ecclesiastical Architects and Surveyors' Association, the Royal Institution of Chartered Surveyors, the Institution of Structural Engineers, the Institute of Civil Engineers, the Royal Academy of Arts, Historic England, the Council for British Archaeology, the Society of Antiquaries of London, and the Royal School of Church Music.

All members are appointed for a term of five years and may be reappointed for one further such term. This term relates to the quinquennial terms of the General Synod. The current quinquennium began on 1 March 2016, the next will begin on 1 March 2021, and so on.

Casual vacancies are filled as they arise, by the Archbishops or the General Synod as applicable.

The Commission appoints its own Secretary who, along with other members of the Commission's secretariat, is employed by the Archbishops' Council of the Church of England.

The business of the Commission

The quorum of the Commission is eight members.

The Commission may act notwithstanding any vacancy in its membership.

The business of the Commission is decided by the majority of the members present and voting (with the Chair having a second or casting vote if the need arises).

The Commission may hold public hearings in order to receive oral representations from members of the public on any matter the Commission is to consider. The Commission may also appoint a panel of not less than three of its members to hold a public hearing on any matter which the Commission specifies, and to report back to it.

Subject to the above and any other specific legislative requirements or directions by the General Synod, the Commission is empowered to regulate its own procedure.

The Commission normally holds seven meetings a year, roughly six to eight weeks apart. Its calendar is published in advance, together with deadlines for seeking advice and making applications.

The Commission may appoint such committees as it considers expedient, provided that more than half of the members of each committee are Commission members.

When considering an application for approval or a request for advice, the Commission will often appoint a delegation of members to visit the cathedral concerned and discuss the proposals on site with representatives of the Chapter, FAC, and any other interested party. The delegation may make recommendations to the Commission, but the full Commission will be responsible for taking any decision on the application or for the advice to be given.

For complex proposals, the Commission will generally welcome representatives from the Chapter and its professional advisers, by prior arrangement, to make a presentation to a full Commission meeting.

See Section 3 and Schedule I of the Measure



York Minster

7c Forms

Frequently used forms

- 3 An application from a Chapter to an FAC for approval of a proposal**
- 4 Public notice of an application to an FAC**
- 5 Notice of a decision of an FAC**
- 8 Application to the Commission for approval of a proposal**
- 9 Public notice of an application to the Commission**
- 10 Notice of a decision of the Commission**
- 15 Notice of an application for listed building consent or scheduled monument consent**

Certificate of completion

Other forms (available in the Rules)

- 1 A request from a Chapter or FAC to the Commission to determine whether an application for a particular proposal should be made to the FAC or the Commission**
- 2 A request from a Chapter to the Commission to declare that no approval is required under the Measure for a proposal for which planning permission, listed building consent or scheduled monument consent is also required (ie to avoid 'dual control')**
- 6 Request to the Commission to determine an application following non-determination by an FAC**
- 7 Notice of a decision by the Commission on a request to determine an application following non-determination by an FAC**
- 11 Appeal to the Commission against the decision of an FAC**
- 12 Notice of a decision on an appeal to the Commission**
- 13 Appeal by a Chapter or Tenant to the Commission against the decision of an FAC**
- 14 Notice of a decision on an appeal to the Commission by a Chapter or Tenant against the decision of an FAC**
- 16 Application to the Commission for approval of the sale, loan or disposal of treasure**
- 17 Public notice of an application to the Commission in respect of an object of treasure**
- 18 Notice of a decision by the Commission on an application relating to treasure**
- 19 Request for a review of a decision of the Commission following non-determination by an FAC**
- 20 Request to Commission of Review to determine an application or appeal following non-determination by the Commission**
- 21 Request for the review of a decision by the Commission on an application for the approval of a proposal (ie an appeal against a decision of the Commission)**
- 22 Request for the review of a decision by the Commission on an appeal against the decision of an FAC**
- 23 Request to Commission of Review by a Chapter or tenant for the review of a decision made by the Commission**
- 24 Notice of the decision of a Commission of Review**
- 25 Entry in Register of Applications made to an FAC**
- 26 Entry in Register of Applications made to the Commission**

