

Guidance on permissions for temporary works in churches and cathedrals

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Introduction

From 15th June we will be able to start welcoming the public into church and cathedral buildings again, initially for supervised individual private prayer. It will be necessary to implement measures to protect public health as advised in government regulations in force at the time to prevent the spread of COVID-19. Additionally the church will publish its own guidance to support churches reopening while protecting public health.

While for some churches implementing these measures may be a straightforward matter, for others it will be necessary to make some changes to their buildings. What is required will be different for each building taking into account its layout and how busy it is.

This guidance summarises the options for gaining permission for temporary changes needed to reopen church and cathedral buildings. We appreciate that ‘temporary’ is a difficult concept at the moment, as nobody knows how long the current circumstances will prevail. However we believe that most necessary changes can be most quickly processes as temporary changes, with the potential to apply for an extension if this is needed beyond 12 months.

Envisaged scope of temporary works

1. No temporary works should include anything likely to cause permanent harm to historic fabric or archaeology. Where fixing is required it will be into mortar joints, not stonework. The works should therefore be fully reversible. Although the main focus of the list is on works to enable access to the building, they might include arrangement to support the live streaming of worship.
2. ‘Temporary’ means up to 12 months in duration with the potential to apply for an extension based on need.
3. In general, works should not penetrate the ground (beyond the need for fixing mechanisms) or risk disturbing or destroying archaeology or human remains. Disturbance of articulated human remains is not likely to be acceptable under these measures.
4. Public health is a reasonable justification for temporary works. Social distancing and good personal hygiene are the most effective forms of preventing the spread of the virus and therefore of protecting individuals. These measures are focused on temporary works which are specifically designed to allow social distancing and promote public health. This could include (but is not limited to):
 - a. Temporary structures e.g. sanitation stations
 - b. Accessibility works to allow distancing/one-way systems
 - c. Expanding existing buildings such as cafes and shops if done in a way that does not affect fabric
 - d. Additional toilet and washing facilities
 - e. Installation of new video/broadcasting equipment

5. The measures are targeted at sites that are accessed by the public, not private areas of churches or cathedrals, or private dwellings attached to them. However they do include changes that might be needed to ensure the safety of staff and volunteers, wherever in the cathedral or church building these are needed.
6. All works under these measures should have environmental sustainability in mind e.g. materials choices, methods of construction, minimal disturbance of the natural environment.
7. All works under these measures should have accessibility in mind and ensure that, so far as is possible, the building can be accessed by everyone.

Temporary permissions under faculty

It is our opinion that most temporary changes, if abiding by the principle laid out above, can be carried out under existing faculty processes. The Dean of the Arches and Auditor, the Rt Worshipful Charles George QC, has circulated the following statement to all Chancellors and Registrars:

The requirements of individual parishes in order to protect those attending church services are likely to differ, and, so far as works affecting church buildings and churchyards, are likely to consist of:

- (a) Temporary signing and cordoning which can properly be regarded as de minimis and outside the faculty jurisdiction.
- (b) Works falling within Lists A or B.
- (c) Temporary minor internal re-ordering, which can be dealt with under rule 8.2 of the Faculty Jurisdiction Rules 2015, as amended. It is to be hoped that the requirement on archdeacons under rule 8.2(3) to “seek the advice of the Diocesan Advisory Committee or such of its members or officers as the archdeacon thinks fit” will not unduly slow the giving of licences.
- (d) Other temporary works for which there will not be time to follow normal faculty procedures, but which can be dealt with by application to chancellors for specific interim faculties under rule 15. Under rule 15.2(3) an application may be made “in any manner the court allows”. It is suggested that such interim faculties should be for a limited time only, and should expressly disapply the normal requirement under 15.3(3) to give an undertaking to petition for a faculty within a specific period of time (as is permitted by the phrase “unless the chancellor orders otherwise” in rule 15.3(3)). Chancellors will be very mindful of the importance of avoiding adverse effects on the character or interest of listed churches (which ought not normally to pose a problem with the likely temporary works).

Some chancellors may consider it appropriate to make one or more Additional Matters Orders to cope with the temporary situation. Whilst normally the advice of the DAC has to be sought before making such orders, there is provision in s.78(4) of the EJ&CC Measure 2018 not to do so if the chancellor “is satisfied that the matter is sufficiently urgent to justify making an order without obtaining the committee’s advice”.

Temporary permissions in cathedrals: guidance from the Secretary of the Cathedrals Fabric Commission for England (CFCE)

Section 2(2) of the Care of Cathedrals Measure allows temporary additions to be made to a cathedral without requiring an application to the CFCE or a Fabric Advisory Committee (FAC) provided that they are in furtherance of the cathedral’s mission (which works to protect public health certainly would be) and that they will have no material effect on the building fabric, any item on the cathedral inventory,

or any archaeological or human remains. This could allow safeguards such as Perspex screens around ticketing/information desks, the availability of hand sanitiser at fixed stations, and signage which outlines the safety measures in place for staff and visitors, for example, to be installed on a temporary basis without formal approval.

'Temporary' is interpreted to mean a period of no longer than 12 months. It is unfortunately possible that these measures may need to be in place for longer than that, but it would nonetheless be acceptable to put these safeguards in place now, without an application, and to make an application in a year's time to keep them if they are still needed. (Such an application would be retrospective and would therefore need to be made to the Commission, not an FAC.)

We always recommend that you seek the advice of your FAC on any addition to the cathedral, even if an application isn't required.

Matters that require planning permission

Some temporary would normally require planning permission in addition to a faculty of permission under the Care of Cathedrals Measure. The government has put in place fixed term amendments to the planning system to support the protection of public health as places come back into use with the easing of lockdown.

We are currently working with Historic England on guidance in this area and will update this document as soon as this is available.

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