

Draft Pastoral (Church Buildings Disposal) Scheme

This Scheme is made by the Church Commissioners ("the Commissioners") this day of 20..... in pursuance of the Mission and Pastoral Measure 2011.

Whereas:-

By a Scheme of the Commissioners made pursuant to the Pastoral Measure 1983 and having effect under the Mission and Pastoral Measure 2011 and confirmed by Her Majesty in Council with the advice of Her Privy Council on the 16th day of December 2004 the parish church of St Mary Magdalene in the parish of Guyhirn with Rings End ("the building") in the Diocese of Ely was declared closed for regular public worship.

By a further Scheme of the Commissioners made pursuant to the Mission and Pastoral Measure 2011 on the 9th day of February 2012 the building and part of the land annexed or belonging thereto was appropriated to residential use and empowered the Commissioners to sell the property for such use.

A suitable use has not been found for the building and it does not appear to the Commissioners, after consultation with the then Advisory Board for Redundant Churches, that the building is of such historic and archaeological interest or architectural quality that it ought to be preserved in the interests of the nation and the Church of England.

Now, therefore, it is hereby provided as follows:-

Demolition

1. The Ely Diocesan Board of Finance ("the Board") shall demolish the building and shall dispose of the materials arising from the demolition.

Disposal

2. The Board is hereby empowered to sell or lease the site of the building and the land annexed or belonging thereto ("the property") shown hatched on the plan annexed hereto.

3. Any net proceeds arising from such sale or the net premiums arising from such lease or leases of the property shall be dealt with in accordance with the provisions of Section 63(5) and Section 64 of the said 2011 Measure.

Contents

4. The contents of the building shall be disposed of as the Bishop shall direct subject, so far as it is required, to listed building consent being granted.

Coming Into Operation of this Scheme

5. This Scheme shall not come into operation until such date as the Commissioners shall determine following the making of this Scheme and different provisions of the Scheme may be brought into operation on different dates and the Commissioners shall not be obliged to bring the Scheme into operation but may do so if they so determine.

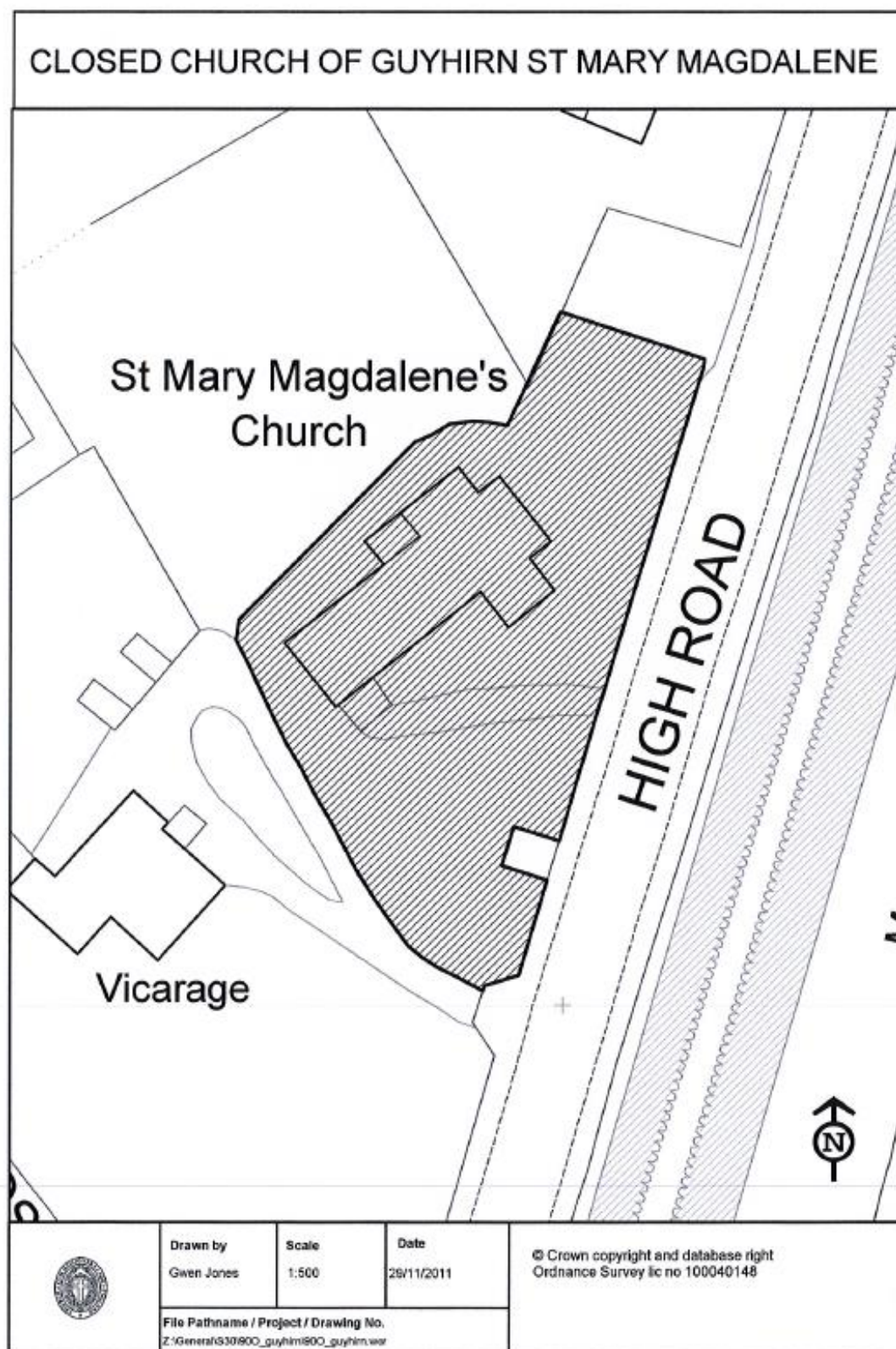
In witness of which this Scheme has been duly executed as a deed by the Church Commissioners.

Executed as a Deed by the Church Commissioners for England
acting by two authorised signatories:

Signature of Authorised Signatory

Signature of Authorised Signatory

Plan





EXPLANATORY NOTE

MISSION AND PASTORAL MEASURE 2011 DRAFT PASTORAL (CHURCH BUILDINGS DISPOSAL) SCHEME GUYHIRN ST MARY MAGDALENE DIOCESE OF ELY

This note accompanies a draft scheme under the Mission and Pastoral Measure 2011 which makes provision for the future of a closed church building. The Church Commissioners provide this information so that individuals and interested parties can understand the background to the proposals, make a reasoned judgement on the draft scheme and, if they see fit, a reasoned expression of support or objection to it.

The Current Proposals

With no suitable, financially viable and sustainable future identified for the Grade II listed church of St Mary Magdalene since it was formally closed for worship use in 2005, the Church Commissioners have agreed to publish for consultation a draft Pastoral (Church Buildings Disposal) Scheme providing for the diocese of Ely to demolish the building and dispose of the cleared site for appropriate development. The future of any contents of significance that remain in the building will be dealt with as the Bishop shall direct following consultation with his Diocesan Advisory Committee subject, as far as it is required, to listed building consent being required.

Background

Proposals for the closure of the church for regular public worship were received by the Church Commissioners in December 2003. With the building no longer meeting the needs of the congregation due to its poor condition and lack of facilities, and the congregation able to continue with Church of England worship at the nearby Grade II* listed Wisbech St Mary, the church of St Mary Magdalene was formally closed for regular public worship on 1st January 2005.

Since closure, the diocese has made all reasonable efforts to find a suitable use for the building, but no suitable and financially viable solution has been identified.

The Building

Situated in the Fenland village of Guyhirn about 6 miles southwest of Wisbech, St Mary's Magdalene is a Grade II listed church built in 1878 in Early English Gothic style to the designs of Sir George Gilbert Scott. It comprises of a nave, chancel, transepts, vestry and porch, and is constructed of brick with some stone dressings and clay tiled roofs.

The last quinquennial inspection of July 2002 confirmed that the church was in a seriously poor condition with the entire building affected by damp and subsidence. In 2002 the cost of essential works to the building's walls, roofs, rainwater goods, drainage, electrical wiring and heating, and structural stabilisation due to subsidence was estimated at £400,000.

The Churchyard

The unburied churchyard is enclosed by iron fencing on its southern boundary and mostly laid to grass with some planting and a few mature trees. The other boundaries are open borders with the outlook to the north overlooking an area of glebe land and open fields beyond.

A separately listed Grade II World War I War Memorial of polished granite on the edge of the churchyard fronting High Road has been separated from the churchyard and will remain in the ownership of the Incumbent and PCC.

The Views of the Commissioners' Statutory Advisors

In its 'early-advice' of 7th October 2004 the Church Commissioners statutory advisors, the Advisory Board for Redundant Churches (ABRC) which later became the Statutory Advisory Committee (SAC) of the Church Buildings Council, considered St Mary's to be a modest very late example of Scott's work with little townscape value and unexceptional furnishings and recommended that a suitable alternative use be found for the building. The ABRC advised that the exterior view from the south and east should be retained without change and had no objection to sub-division of the interior, the addition of roof lights, or relocation of the contents and stained glass.

In January 2018, the SAC advised that it considered plans commissioned by the Diocese to assist marketing for a residential conversion to three dwellings to be of a suitable intensity of use for the building. They also suggested that Building Preservation Trusts be investigated as an alternative solution to demolition should no commercially viable use be identified.

In the light of no viable and suitable alternative use having come forward, the "final" advice of the SAC under section 63(1)(b) of the Mission and Pastoral Measure 2011 was sought in May 2020. In that advice the SAC recommended that the potential for a 'not for profit' heritage-led residential development or a social housing development be explored further before demolition is taken forward but acknowledged that such a project would probably need to include the neighbouring glebe land to make it viable.

Use Seeking

At the time of closure in 2005 the diocese was engaged with Fenland District Council, the local planning authority (LPA) about proposals for a small residential development on neighbouring glebe land. Vehicular access to that development would also need to serve the adjoining church property. Outline planning permission was granted for a terrace of 5 dwellings on the glebe land in October 2009.

Open marketing commenced in 2010. Given the considerable conservation deficit the Diocese agreed to market the church property with the adjoining glebe land to make it a more attractive and financially viable proposition to potential purchasers. This generated an offer for both sites in September 2011 which was provisionally accepted, and the Church Commissioners published a draft Scheme providing for the sale of the church property for residential use. That Scheme was 'made' in February 2012, but the purchaser withdrew.

Marketing continued and a further offer for residential use was provisionally accepted in 2013. Conditional contracts were exchanged but by April 2014 the contract was terminated because the prospective purchasers had failed to submit validated planning and listed building consent applications to the LPA and were trying to 'sell-on' the property at auction prior to securing ownership. It should be noted that the Church Commissioners will only transfer a church property which is subject to the Mission and Pastoral Measure when planning permission and, if relevant, listed building consent has been granted for the agreed use.

The LPA had accepted the principle of conversion of the church building to two dwellings. However, as there were no offers for any suitable alternative use, in March 2017, the LPA conceded there was an urgent need to look at a more intensive development of the building and in January 2018, the LPA's formal pre-application advice supported the Diocese's proposals for conversion of the church building to three residential units.

Marketing of both the church property and glebe land had continued on a low-key basis (while negotiations were ongoing with the LPA) and full marketing commenced again in June 2018 with the

benefit of the LPA's in principle approval of the conversion of the closed church to three residential units. In October 2018 an offer was received for both properties which included an offer of just £1 for the church property but by July 2019 the prospective purchaser had withdrawn their interest on viability grounds. Other parties who had expressed an interest were approached but did not wish to pursue their initial interest.

Although it had been accepted by interested parties that a residential conversion was the only use that may generate enough value to cover the conservation deficit, there was some doubt that even a residential use would be financially viable given property values in the area, so in 2017, consultants were asked to provide approximate costs for conversion of the church building to three dwellings. That exercise concluded that a relatively modest conversion with the additional cost of structural stabilisation due to subsidence would be financially unviable.

The Diocese also explored the potential for a 'not for profit' heritage-led residential development or a social housing development including the glebe land as suggested by the SAC in 2018. Three Building Preservation Trusts (BPT) were approached together with the national body for BPTs who circulated details to local members but only the East of England Building Preservation Trust felt able to explore the opportunity further.

In May 2020 the Diocesan Mission and Pastoral Committee reported that it had been unable to find a viable and sustainable new use for the church building and recommended to the Church Commissioners that a draft Scheme be published providing for demolition.

At its meeting in July 2020 the Church Commissioners Mission, Pastoral and Church Buildings Committee, having considered the diocese's recommendation and their efforts to secure a future for the building authorised publication of such a draft Scheme, but only after the East of England Building Preservation Trust had confirmed that the restoration and re-use of this closed church was not a viable project for them, which they subsequently did after making a site visit.

Legislation

Church of England church buildings which are closed for regular public worship and which are the subject of a Pastoral (Church Buildings Disposal) Scheme providing for demolition in pursuance of the Mission and Pastoral Measure 2011 are exempt from listed building control by virtue of section 60(7) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and from Conservation Area Control over demolition by section 75(2) of the same Act.

However, the Church Commissioners have agreed to ask the Secretary of State for Levelling Up, Housing and Communities whether he wishes to hold a non-statutory public hearing or inquiry into any proposal for demolition where any of the statutory consultees have lodged reasoned objections to their draft Scheme. The Commissioners have agreed to accept the Secretary of State's decision following such an inquiry.

In considering what recommendation to make, the Secretary of State will take into account the financial implications to the diocese of retaining a church building (as opposed to demolishing it) as well as the architectural and historic interest of the building, and other planning and social factors, and will consult accordingly. These arrangements are known as the 'Skelmersdale Agreement'.

Drop-In Session

There will be a drop-in session on 9th January 2023 between 3.30pm and 6.30pm at Guyhirn primary school, High Road, Guyhirn, Wisbech, Cambridgeshire PE13 4ED. Representatives of the Commissioners and the Diocese will be at the drop-in session to answer any questions anyone has about the proposals for the demolition of this closed church and the processes under the Mission and Pastoral Measure 2011.

Correspondence

Further information about the proposals may be obtained from the Case Officer, Karen Abaka-Wood by e-mail at karen.abaka-wood@churchofengland.org or by telephone at 07825 854 938 .

Representations against or in support of the draft Scheme

Anyone may make a representation for or against any provision of the draft Scheme.

Representations should be sent to:

**Representations
Closed Churches Division, Church Commissioners
Church House
Great Smith Street
London SW1P 3AZ**

Or by e-mail to: closedchurches.reps@churchofengland.org

Any communication received after 31st January 2023 cannot be treated as a representation.

If we receive representations against the draft Scheme, we will send all representations, both for and against, to the Bishop, whose view will be sought. Individual representors will then receive copies of our correspondence with the Bishop (including copies of all the representations) and they may comment further in writing to us in light of the diocesan response if they so wish.

If no representations against the Scheme are received the Commissioners shall make the Scheme and bring it into effect as provided for in the scheme and explained above.

Information on the Mission and pastoral Measure 2011 and its procedures can be found on the Church Commissioners' website at www.ccpastoral.org where there are also links to download copies of these notes and the draft scheme.

Karen Abaka-Wood
December 2022

MISSION AND PASTORAL MEASURE 2011

Closed church building of Guyhirn St Mary Magdalene Diocese of Ely

How representations concerning a draft scheme are considered by the Church Commissioners

Anyone may make comments, known as representations, either in support or against a draft scheme to the Commissioners in writing or by email. A petition will be given proper consideration, but for administrative purposes it will be classed as a single representation and we will only correspond with the sender of the petition, if known, or otherwise the first signatory.

If we do not receive any representations against the draft scheme the Commissioners will make the scheme, subject to any necessary consents being granted.

If we do receive any representations against the draft scheme, we will seek the views of the Bishop about these, and those in favour. If you make a representation we will also share this with other representors and the Commissioners' Mission, Pastoral and Church Property Committee. We will send you a copy of our correspondence with the Bishop and you will be able to comment further if you wish on any points relating to your original representation.

Once all the relevant information has been collated the Mission, Pastoral and Church Property Committee will meet to consider all representations in relation to the draft scheme. In making a representation you should indicate whether you also request the opportunity to speak to the Committee about your representation. Otherwise, if a hearing is not held, the case will be considered in private, and you will be informed accordingly. If the Commissioners' decide to hold a public hearing into the case, you may attend the Committee meeting and you may have an opportunity to speak to your representation. When we acknowledge your representation we will let you know the dates of the Committee's next couple of meetings. We will confirm the actual date, and if a hearing is to be held, nearer the time.

The Mission, Pastoral and Church Property Committee will decide whether the draft scheme should proceed. A full statement of reasons for the Commissioners' decision will be issued to all representors about 10 days after the meeting of the Committee. If they decide that the scheme should proceed, the Commissioners will make the Scheme, subject to the necessary consents being granted, if appropriate.

The scheme would be brought into effect at the appropriate time as it provides.

Please note that the procedures for considering representations only apply where there is at least one objection to the draft scheme. The Committee will not have to consider the case where there are only representations in support of the draft scheme and no outstanding objections. If you write in support of the scheme, we will let you know as soon as possible whether we have also received representations against its provisions that will require consideration by the Committee.