

Draft

Pastoral (Church Buildings Disposal) Scheme

This Scheme is made by the Church Commissioners (“the Commissioners”) this day of 20.... under the Mission and Pastoral Measure 2011.

Background

By a Scheme of the Commissioners made under the Pastoral Measure 1983 and confirmed by Her Majesty in Council on the 25th day of July 1986 (“the 1986 Scheme”) the Canterbury Diocesan Board of Finance (“the Board”) was empowered to lease the closed church building (“the building”) of St Margaret, Canterbury in the Diocese of Canterbury for use as an archaeological and historical interpretation centre and for purposes ancillary thereto and the land annexed or belonging to the building was appropriated to like uses and for community purposes.

It is now desired to make new provision for the future of part of the land annexed or belonging to the building.

NOW, it is provided as follows:-

Future of part of the annexed land

1. The provisions of the 1986 Scheme so far as they relate to the aforesaid use of that part of the land annexed or belonging to the said building as is shown hatched on the annexed plan (“the hatched land”) are hereby revoked.
2. The hatched land shall be appropriated to use as a public open space and for cultural and community purposes and for purposes ancillary thereto together with the rights granted by Schedule 1 and subject to and with the benefit of the Existing Matters specified in Schedule 2.

Disposal

3. The Board is hereby empowered to sell the hatched land for any or all of the said uses together with the benefit of the rights granted by Schedule 1 and subject to and with the benefit of the Existing Matters specified in Schedule 2.

Coming into operation of this Scheme

4. This Scheme shall not come into operation until such date or dates 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 or any part thereof into operation.

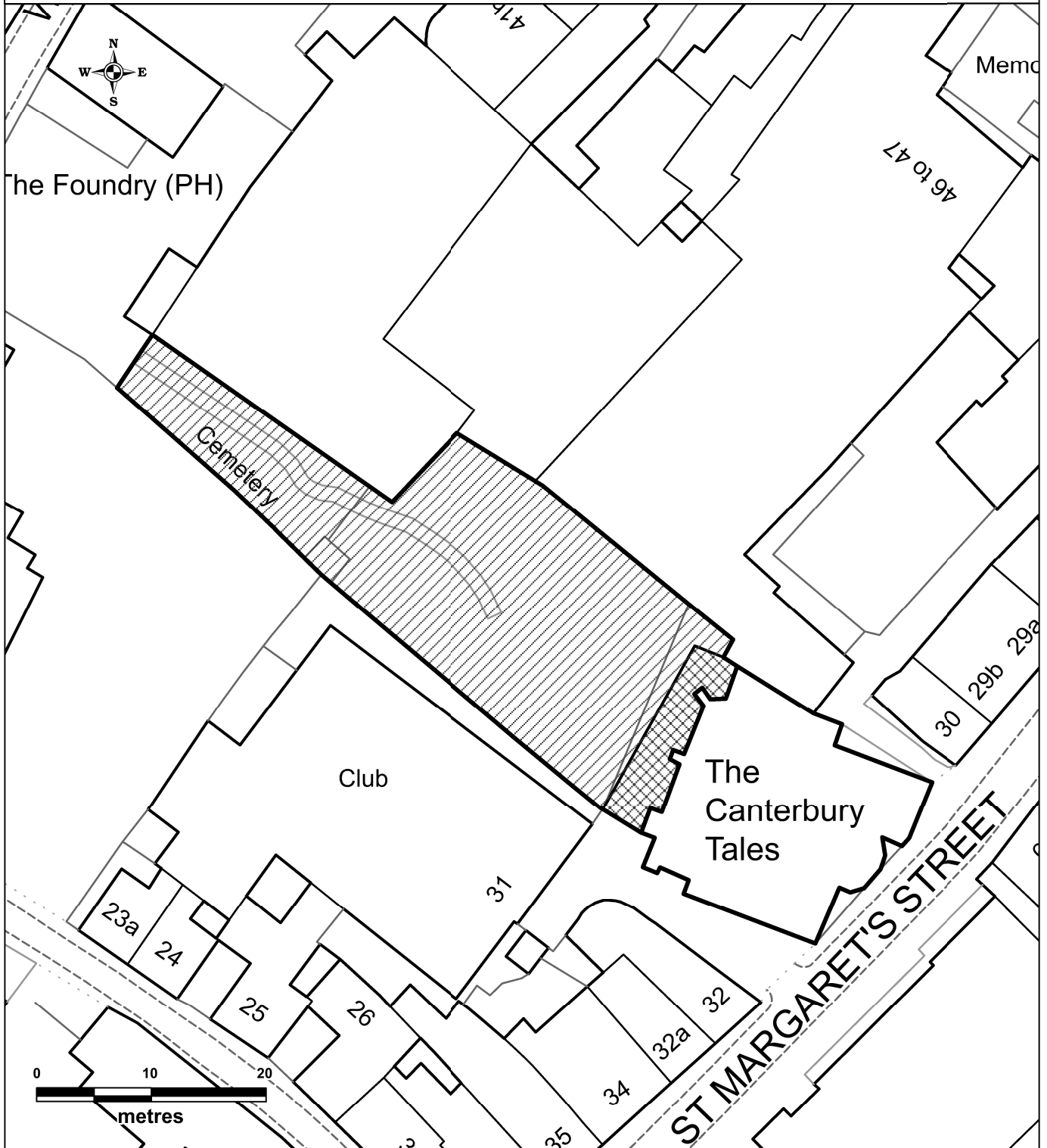
In witness of which this Scheme has been duly executed as a deed by the Church Commissioners.

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

Signature of Authorised Signatory

Signature of Authorised Signatory

LAND AT FORMER CHURCH OF CANTERBURY ST MARGARET



Drawn by
godonnell

Scale
1:500

Date
03/04/2020

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Schedule 1: Grant of Rights of Way

To enable the hatched land to be used for the purposes specified in the Scheme, the following rights shall vest in the Board for the benefit of the hatched land:-

- (i) a right of way with or without vehicles over and along the remaining part of the churchyard annexed or belonging to the building shown cross-hatched on the attached plan ("the cross-hatched land") subject to the Board's successors in title paying a fair and proper portion of the cost of keeping the same in good and substantial repair to the reasonable satisfaction of the body or person in whom the cross-hatched land is for the time being vested; and
- (ii) the right to the passage of water, soil, gas, electricity and telecommunication services (if any) through any drains, sewers, pipes, wires, cables and other conducting media ("the services") now laid or to be laid under, upon or above cross-hatched land; and
- (iii) the right (upon reasonable prior notice in writing to the body or person in whom the cross-hatched land is for the time being vested) to enter with or without vehicles, equipment and apparatus upon such parts of the cross-hatched land as may be necessary for the purpose of inspecting, repairing and maintaining the building and for the purpose of laying, connecting into, inspecting, repairing, maintaining or renewing the services subject to the person exercising such right causing as little damage as possible to the said cross-hatched land or any graves, tombstones, monuments and memorials therein, and subject to the Board's successors in title making good any damage so caused to the reasonable satisfaction of the body or person in whom the cross-hatched land is for the time being vested.

Schedule 2: Existing Matters

The rights, reservations covenants and stipulations contained or referred to in a Deed made under the Open Spaces Act 1906 dated the 24th day of March 1960 between the Reverend George William Loughborough of the first part and the Mayor Aldermen and Citizens of the City of Canterbury of the second part in so far as the same are still subsisting and are capable of taking effect.



EXPLANATORY NOTE

MISSION AND PASTORAL MEASURE 2011 DRAFT PASTORAL (CHURCH BUILDINGS DISPOSAL) SCHEME LAND AT CANTERBURY ST MARGARET DIOCESE OF CANTERBURY

This note accompanies a draft scheme under the Mission and Pastoral Measure 2011 which makes provision for the future of a closed church building and/or its churchyard land. 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 merits of the draft scheme and, if they see fit, a reasoned expression of support or objection to it.

The Current Proposals

The Commissioners have agreed to publish a draft Pastoral (Church Buildings Disposal) Scheme providing for the sale of most of the former churchyard attached to the closed church of Canterbury St Margaret to be used as a public open space and for cultural and community purposes.

The former church building of St Margaret's is not included within these proposals.

Background

In 1957 the church of St Margaret, Canterbury was closed and appropriated, with its churchyard, to use as an institute for the spiritual, recreational and social welfare of the deaf and the Diocese of Canterbury was empowered to hold the property for these purposes. By 1986, the use was no longer operating and by a Redundancy Scheme confirmed by Order in Council on 25 July 1986, the Diocese were empowered to lease the former church and annexed land for use as an archaeological and historical interpretation centre and, with regards to the annexed land, additionally for community purposes. Following an approach from the developers of the adjacent former Nasons department store (Setha Group), the Diocese has leased most of the annexed land (shown hatched on the plan attached to the Scheme) principally as open space. It is now proposed to sell this part of the land to Setha Group for the uses permitted by the planning application referred to below. This requires an amending Scheme to regularise the proposed use and to permit freehold sale.

The Building

The church is located in the historic and retail centre of Canterbury. It is listed Grade II*. It was founded in the 12th century, though much of the present structure dates from the 15th century when it was developed as a perpendicular style three-aisle church with a stone and flint exterior. In 1791 the chancel and eastern end of the aisles were truncated to allow horse drawn coaches to swing into the gate of hotel opposite. Around 1850 the interior was refurbished in the Victorian style and the chancel developed into the polygonal form that can be seen today by Sir Gilbert Scott. It became redundant in 1942. The church has since been leased and operated by Canterbury Tales as a museum/tourist attraction.

Planning and Access

Setha Group have obtained planning permission for the redevelopment of the former Nason's department store into a mixed use development comprising residential, commercial and retail uses. This was granted on 4 November 2022 (ref: CA/20/01679). The approved plans show the former churchyard as public space.

Burials and the Churchyard

By an agreement made between the then Rector and Canterbury City Council on 24 May 1960 the responsibility for maintaining the churchyard (but not its ownership) was passed to the Council. This Agreement remains in place. The proposed use of the churchyard will not involve the disturbance of human remains and this will be prohibited by restrictive covenants. Some relocation of already displaced tombstones elsewhere in the churchyard is proposed.

The area of land shown cross-hatched on the plan attached to the draft Scheme is excluded from this proposal and retained for use with the former church building.

Correspondence

Further information about the proposals may be obtained from the Case Officer, Adrian Browning by e-mail at adrian.browning@churchofengland.org or telephone at 01722 438664.

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:

**Rex Andrew
Pastoral and Closed Churches, Church Commissioners
Church House
Great Smith Street
London SW1P 3AZ**

Or by e-mail to: rex.andrew@churchofengland.org

Any communication received after Monday 12 June 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' web-site at www.ccpastoral.org where there are also links to download copies of these notes and the draft scheme.

A M G Browning
9 May 2023