

Church Commissioners

Mission, Pastoral and Church Property Committee

Mission and Pastoral Measure 2011

Church of Saint Mary, Stoke Edith

(Diocese of Hereford)

Note by Matthew Crowe

Summary

- (i) The draft Pastoral Church Buildings Scheme providing for the closure for regular public worship of the church of Saint Mary, Stoke Edith, and for the building and annexed land to be appropriated to use as a private chapel, for community and cultural purposes, and for occasional public worship and, to enable the said uses, for the building to be sold to the Stoke Edith Church Trust, received **one representation against, one in favour, and two letters of comment.**
- (ii) The representor against sees no reason why the money to be donated to the Trust should not be applied directly to repair the building. He is concerned about the involvement of the Foley family in the Trust and whether they would allow sufficient public access to the building and the churchyard. The letters of comment echo the latter concern especially regarding bellringing and the visiting of graves. One was also concerned that none of the Trustees would represent the parishioners and that neither they nor the Commissioners had had a say in their appointment.
- (iii) The Bishop expresses confidence that appropriation to the Trust represents the best way of preserving the building and considers that suitable arrangements for access are proposed and that rights of access would be protected by covenants.

The sifting groups' decision

- (iv) The case has been examined by the Committee's case sifting representatives who recommended that the matter should not be afforded a public hearing as the issues were clear from the correspondence and they did not think the Committee would gain additional information or that a hearing was necessary for reasons of fairness.

Issues for the Committee

- (v) Is Stoke Edith St Mary required for regular public worship?
- (vi) Was there adequate consultation about the proposed closure and appropriation of the church building?
- (vii) Is vesting in the Stoke Edith Church Trust a suitable way to preserve this building?

- (viii) Will there be sufficient public access to both the building and the churchyard if the property is vested in the Trust?
- (ix) Does the Committee share the concerns expressed about the identity of the Trustees?
- (x) Would the draft scheme further the mission of the Church of England and make better provision for the cure of souls in the diocese?

Recommendation

- (xi) The Committee is invited to consider the representations and the issues set out in this report and whether the draft Scheme should proceed.

Background

1. The church of Saint Mary, Stoke Edith is a Grade I listed building, in a poor state of repair, which was formerly the estate church of the Foley family. There are neither the human nor financial resources in the parish to organize repairs or facilitate mission from the building, and in 2015, the PCC passed a resolution seeking closure of the church.
2. Given the location, condition and limited scope for change to the building, several years of work have led the Bishop to authorise a Scheme closing the church, and he has recommended to the Commissioners that the Scheme also provide for the building to be sold to the Stoke Edith Church Trust, established by the Foley family, for the purposes of preserving the building as a private chapel, while also maintaining occasional acts of worship and cultural and community uses.
3. Attached are:
 - Annex A: A copy of the draft Pastoral Church Buildings Scheme and its accompanying Explanatory Notes and Plan;
 - Annex B: A copy of the letter referring the representations to the Bishop of Hereford together with his response including attachments;
 - Annex R: Copies of the representations;
 - Annex S: Supplementary comments received from the representors; and the Bishop's further response
4. The representor against expresses concerns about the Foley family in general due to past experiences with them, and the consultation process generally, and does not see why, if the charity were truly charitable it does not simply donate the money to the church.
5. The representor in favour of the Scheme is pleased to see the building will be preserved but says it is very important that access to the churchyard be maintained.

Summary of representations against the draft scheme

6. Robert Hodges, who lives in the neighbouring parish of Tarrington believes the consultation process in this case has been rushed and inadequate.
7. While agreeing with the importance of the building and the necessity of its suitable repair and preservation, Mr Hodges does not believe the proposed Scheme will have that result and does not see how selling the building to a charitable trust is likely to ensure its maintenance. He believes that if the money in the trust is truly charitable it could just be donated to the church now for the repairs to be undertaken.
8. Mr Hodges has concern about the involvement of the Foley family and worries that they may have little regard for the maintenance of the church but also for maintaining the access to it, and, especially, to the churchyard, which he says is already denied to vehicles.

Summary of the representations in favour

9. The representation in favour of the draft Scheme comes from Mrs. Sandra Gulley. She has relations who are buried in the churchyard, and many of her family had connections there. She is pleased to hear that there is an intention to preserve this important building but stresses the importance of continued access to the churchyard for anyone who has relatives buried in it.

Letters of Comment

10. Jannette Ward asks whether the bells in Saint Mary's will still be accessible for ringing, describing them as wonderful and well used. She also asks whether the building and churchyard will be open for visitors and pilgrims.
11. Another person, who wishes to remain anonymous, is in principle in favour of the preservation of the church and is keen to see that it does not face another winter of damage. This person has contacted me a number of times setting out issues around the current (deteriorating) condition of the building and various issues around access to it at the moment.
12. The person is concerned that neither the Diocese nor the Commissioners have a role in selecting the trustees of the Stoke Edith Church Trust and expresses similar concerns about the Foley family's "unfortunate baggage" in relations with local people as the objector does. This person is also very keen for assurance that should the Scheme go ahead that, at least during daylight hours. public access to the building is maintained, and it should not be permanently locked.

The Bishop's response

13. Following normal practice, copies of the representations were sent to the Bishop to seek his view on the objections. He is content that the interests of parishioners and those with relatives buried in the churchyard will be protected by the Stoke Edith Church Trust. He says it's Objects seem unobjectionable and are what the diocese would look for in such a body. He believes the directors of the Trustee company (Mr

Foley, and two solicitors) will abide by the terms of the disposal scheme, including allowing continuing access to the church and churchyard.

14. The Bishop is not aware that any consideration was given to including any “church” or parishioner voices among the trustees.
15. Regarding the comments that vehicular access, in particular, is currently curtailed, the Bishop says Mr Foley has security concerns about the building being unlocked, and so keeps the key available in the nearby estate office, and further, that access cannot necessarily be maintained when building works are underway. The Bishop also attaches a plan to his response showing the vehicular access, which he says has always been limited.
16. On the continuing deterioration of the building, the Bishop says it is not unreasonable for the Trust to not expend money on the building before they have ownership.

Supplementary views

17. The anonymous commenter says there are a couple of issues with the Bishop’s response. To the best of their knowledge, there was certainly no discussion of a parochial, or Church voice among the trustees – which has been a major grievance locally.
18. The person also challenges the idea that having the key kept in the Estate Office is suitable. It is the only key (not even the incumbent having one), and the office is not adjacent to the church, but several hundred yards away across a busy A road. The building adjacent to the church is in fact the private Foley family home – which they suspect would potentially not welcome people coming seven days a week to ask for the key.
19. *(Note for the Committee: **Annex S** includes Google Maps and Streetview images which would seem to confirm the commenter’s views. We have asked the Bishop for comment on this.)*
20. The Diocesan Office has advised that access during normal daylight hours would be essential to access grant funding. They say there will be significant local opposition to the idea that the Foley family would still have absolute control over access to the building – regardless of the conditions of the Scheme.

Supplementary response from the Bishop

21. Responding to points raised in the further submissions, the Bishop says the diocese have now further discussed possible options for access to the building with Mr Foley. The difficulty with the key is that there is only one, and it is a very large, old-fashioned type which is expensive to copy. The Bishop says that other churches in the diocese have successfully implemented technical access solutions such as time-locks, and the Bishop would be content with such a solution, which the Trust has said it wishes to explore.

22. Beyond that the Bishop says the broader picture remains unchanged and these proposals seem to him the only practical solution, and the draft Scheme continues to enjoy his support.

Information for the Committee on consultations

23. The form submitted by the DMPC confirms that the statutory local consultations under s.6 of the Measure were carried out and we have received evidence that the church door notices were duly displayed, and announcement made regarding the draft Scheme published by the Commissioners. Notice also appeared on the Commissioners website and in a local newspaper as required by s.9.

Issues for the Committee

- 24.
- (i) Is Stoke Edith St Mary required for regular public worship?
 - (ii) Was there adequate consultation about the proposed closure and appropriation of the church building?
 - (iii) Is vesting in the Stoke Edith Church Trust a suitable way to preserve this building?
 - (iv) Will there be sufficient public access to both the building and the churchyard if the property is vested in the Trust?
 - (v) Does the Committee share the concerns expressed about the identity of the Trustees?
 - (vi) Would the draft scheme further the mission of the Church of England and make better provision for the cure of souls in the diocese?

Recommendation

The Committee is invited to consider the representations and the issues set out in this report and whether the draft Scheme should proceed.

Matthew Crowe

Church House
Great Smith Street
London SW1P 3AZ

18 July 2023



EXPLANATORY NOTE

MISSION AND PASTORAL MEASURE 2011 DRAFT PASTORAL CHURCH BUILDINGS SCHEME STOKE EDITH, ST MARY DIOCESE OF HEREFORD

This note accompanies a draft scheme under the Mission and Pastoral Measure 2011 which makes provision for the future of a church building. The Church Commissioners provide this information so that 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 Proposal

The Bishop of Hereford has approved proposals for the closure of St Mary for regular public worship and recommended to the Church Commissioners that the ownership of the church building and annexed churchyard be transferred to a specially formed charitable trust for use as a private chapel, for community and cultural purposes, and/or occasional public Christian worship in accordance with the rites and customs of the Church of England and for purposes ancillary thereto.

The Church Commissioners, having considered the proposals for the future of the church property now deem it appropriate to proceed to the next stage which is to consult on the draft Pastoral Church Buildings Scheme.

Background and Diocesan Rationale

Stoke Edith St Mary, in the Hop churches benefice west of Ledbury, is a Grade I listed building in a poor state of repair on the Historic England at Risk Register. It is a former estate church for the Foley family of Stoke Edith Park with a tiny community and small congregation.

With no human or financial resources to organise repairs and run wider mission and community activities the Parochial Church Council passed a resolution in February 2015 to seek the formal closure of the church. Given its overall historic significance, location, and limited scope for change finding a suitable future for this building has taken several years but now the Bishop has authorised the publication of a draft Scheme under the Mission and Pastoral Measure 2011 providing for the church to be formally closed for regular public worship and recommended to the Church Commissioners that the Scheme also provides for the disposal of the property to a specially formed charitable trust, called the Stoke Edith Church Trust, set up for the specific purpose of preserving the building. It is intended that the trust will take ownership of the property and be responsible for its repair, ongoing maintenance, and authorised uses.

The patron and founder of the Stoke Edith Church Trust is a member of the Foley family (who rebuilt the church in 1740) and who has family members buried at the property. They own Stoke Edith House (formerly the Rectory) adjacent to the church and the land over which access is gained to the church property.

The Building

St Mary is a Grade I listed building situated between the ruins of Stoke Edith Park and the former rectory, now Stoke Edith House. There is no village, just a few dwellings scattered along the lane leading from the A438 to the church. It is a relatively large parish church partly re-built by the Foleys of Stoke Edith Park in 1740 in the Palladian Style to designs by Henry Flitcroft with the C14 tower and slightly truncated spire retained. It is constructed from sandstone rubble (tower) and ashlar (spire), render on brick (nave and chancel) with lead roof to the tower and plain clay tile roof to the nave and chancel. It is in poor condition and on the Historic England at Risk Register. Various monuments are separately listed Grade II.

There is no parking and access to the property is across land owned by the adjoining Stoke Edith House.

The Views of the Statutory Advisory Committee

The Commissioners statutory advisors, The Statutory Advisory Committee (SAC) of the Church Buildings Council have indicated that the building to be of high significance overall. They have advised that the building is of sufficient quality to be preserved in the interests of the nation and the Church of England and that the church, its contents and the old churchyard merit vesting in the Churches Conservation Trust or a suitable alternative trust which can undertake the required repairs.

Planning and Access

The use as a private chapel will not require planning permission. However, it has been agreed that the building should remain under the faculty jurisdiction to assist with the implementation of urgent repairs.

Access to the property is over land belonging to the owners of Stoke Edith House (formerly the Rectory) which is in the area of the former Stoke Edith Park.

Burials and the Churchyard

The draft Scheme provides for the ownership of 'old' churchyard that surrounds the church building to be transferred with the church building to the trust. Public access to visit graves will be maintained.

Burials since 1910 have been in the 'new' churchyard which is detached from the property. Neither the 'new' churchyard or burial ground reserved for the Foley family's exclusive use (under the provisions of the Consecration of Churchyards Act 1867) to the east of the 'old' churchyard form part of this Scheme.

There is evidence of a Foley family vault beneath the chancel and a number of ledger stones which suggest in-situ burials across the footprint of the church which appears broadly to correspond to that of the pre-existing building.

Correspondence

Further information on the proposed closure and future use of the church property can be obtained from the Closed Churches Case Officer, Jacinta Fisher by e-mail at jacinta.fisher@churchofengland.org or by telephone at 020 7898 1871.

Representations against or in support of the draft Scheme

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

Representations must be made in writing or by e-mail and should be sent to:

**Matthew Crowe
Pastoral Division, Church Commissioners
Church House
Great Smith Street
London SW1P 3AZ**

or by e-mail to: **matthew.crowe@churchofengland.org**

Any communication received after **Monday 3rd April 2023** will not 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 and all the other consents to achieve the new place of worship are in place, the Commissioners shall make the Scheme and bring it into effect as provided for in the scheme.

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.

Legal Effects of Consecration

5. The legal effects of consecration and, in particular, the jurisdiction of any court or person with respect to the granting of faculties shall continue to apply to the property.

PART III

Coming into operation of this Scheme

6. (1) Parts I and II of 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 parts I and II of this Scheme or any clauses thereof into operation until such time as they are satisfied that the condition specified in Schedule 2 have been complied with but may do so if they so determine.

(2) Part III of this Scheme shall come into operation upon the date on which it is made by the Commissioners.

Schedules

Schedule 1: Grant of Rights of Way

To enable the property to be used for the purposes specified in the Scheme all rights and easements over land appertaining or reputed to appertain to the property shall vest in the Commissioners in common with all others entitled to the like rights.

Schedule 2: Condition

That legal provision has been made between the owners of Stoke Edith House and Stoke Edith Church Trust for continued access to the property along the existing track for the benefit of the property and those wishing to visit burials in the graveyard.

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

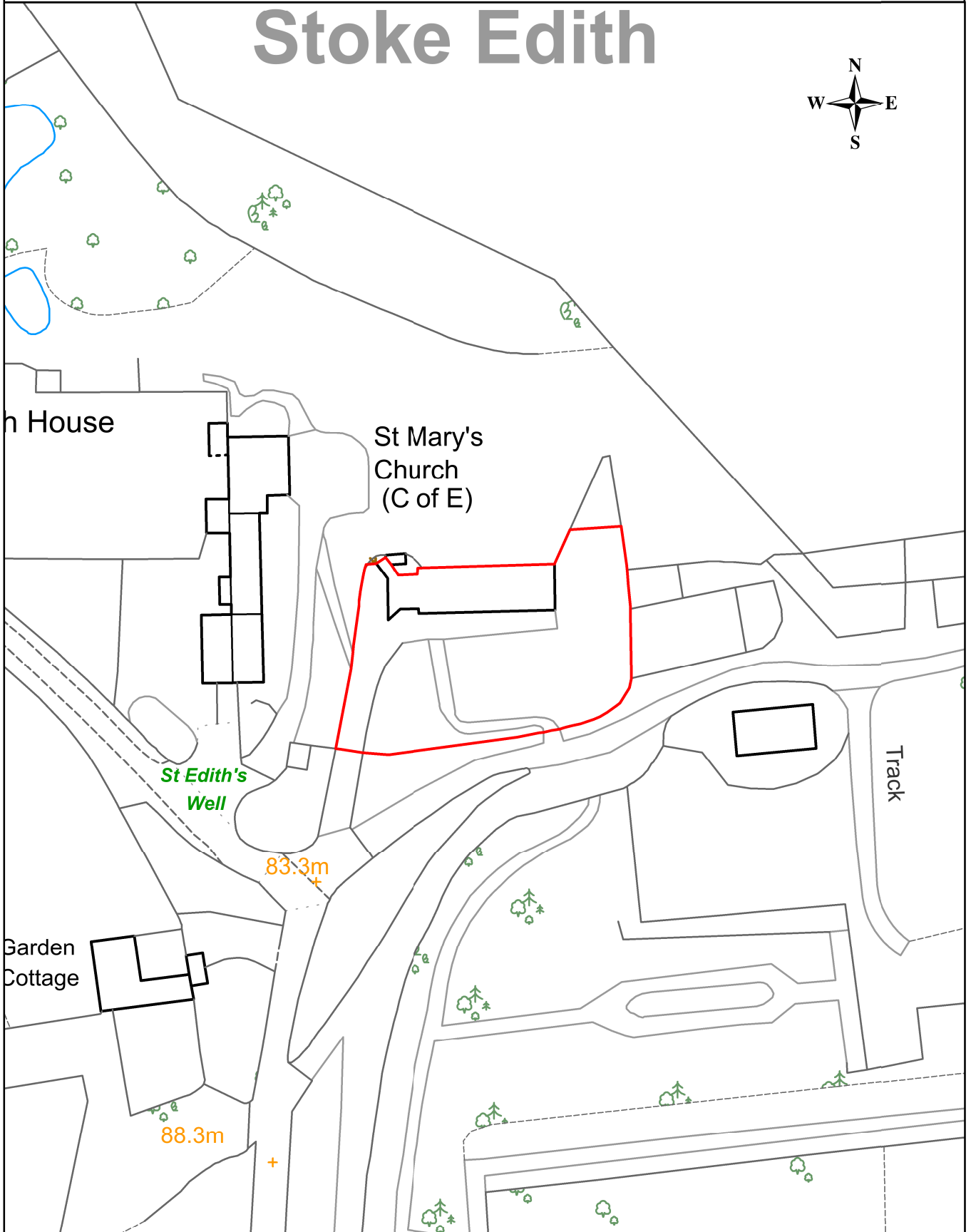
SIGNED by the)
)
 Right Reverend Richard,)
)
 Bishop of Hereford)

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

 Signature of Authorised Signatory

 Signature of Authorised Signatory

Stoke Edith



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**THE CHURCH
OF ENGLAND**

**CHURCH
COMMISSIONERS**

The Rt Revd the Bishop of Hereford
By email only

Matthew Crowe
 Senior Case and Policy Advisor
Pastoral & Closed Churches

Our ref: 18/135B

Dear Bishop

7th June 2023

**Mission and Pastoral Measure 2011
 Church of Saint Mary, Stoke Edith
 Proposed Pastoral Church Buildings Scheme**

Following the publication of the draft scheme providing for the closure for regular public worship of the church of Saint Mary, Stoke Edith, and for the building and annexed land to be appropriated to use as a public chapel, for community and cultural purposes, and for occasional Christian worship, and to enable those uses, for the building to be sold to the Stoke Edith Church Trust, we received **one representation against, one in favour, and two letters of comment** in respect of the Scheme. I attach a copy of the correspondence received, along with a copy of the draft Scheme with its accompanying Explanatory Note.

The representation against the draft Scheme is concerned with the manner of the consultation which was carried out, the suitability of the Foley family in charge of the Stoke Edith Church Trust, and the rationale behind the Scheme generally.

Summary of the representations against

Robert Hodges, who lives in the neighbouring parish of Tarrington believes the consultation process in this case has been rushed and inadequate.

While agreeing with the importance of the building and the necessity of its suitable repair and preservation, Mr Hodges does not believe the proposed Scheme will have that result, and does not see how selling the building to a charitable trust is likely to ensure its maintenance. He believes that if the money in the trust is truly charitable it could just be donated to the church now for the repairs to be undertaken.

Mr Hodges has concern about the involvement of the Foley family, and worries that they may have little regard for the maintenance of the church but also for maintaining the access to it, and also especially to the churchyard, which he says is already denied to vehicles.

Church House, Great Smith Street, London SW1P 3AZ
 Direct Line +44(0)20 7898 1743 Switchboard: +44(0)20 7898 1000
 Email: matthew.crowe@churchofengland.org

Website: www.ccpastoral.org

The Church Commissioners are a registered charity (number 1140097)

Summary of the representation in support

The representation in favour of the draft Scheme comes from Mrs Sandra Gulley. She has relations who are buried in the churchyard, and many of her family had connections there. She is pleased to hear that there is an intention to preserve this important building, but stresses the importance of continued access to the churchyard for anyone who has relatives buried in it.

Comments

Jannette Ward asks whether the bells in Saint Mary's will still be accessible for ringing, describing them as wonderful and well used. She also asks whether the building and churchyard will be open for visitors and pilgrims.

Another person, who wishes to remain anonymous, is in principle in favour of the preservation of the church, and is keen to see that it does not face another winter of damage. They have contacted me a number of times setting out issues around the current (deteriorating) condition of the building and various issues around access to it at the moment.

They have concerns that neither the diocese nor the Commissioners have a role in selecting the trustees of the Stoke Edith Church Trust and expresses similar concerns about the Foley family's "unfortunate baggage" in relations with local people as the objector does. They are also very keen for assurance that should the Scheme go ahead that at least during daylight hours public access to the building is maintained, and it should not be permanently locked.

It will be necessary for our Mission, Pastoral and Church Property Committee to consider this matter and I should be grateful for your comments on the representations in general and on the following, more specific points:

1. Please set out the background to the proposed closure of the church. Is there anything you wish to add to the "Background and Diocesan Rationale" part of the Explanatory Note which accompanies the draft Scheme?
2. Are you content that the continuing interest of parishioners and those with relatives buried in the churchyard will be sufficiently protected by the Stoke Edith Church Trust ([charity no. 1189826](#))? I note from the Charity Commission Register that the Trust only has one Trustee – "Stoke Edith Church Trustee Limited". Can you elaborate on the identity of the Trustee?
3. Was there any discussion of including "Church" or parishioner voices among the trustees?
4. Noting the provisions of Schedule 2 to the draft Scheme, please comment on the concerns about continuing access not only to the church building, but also to the churchyard. Please comment in particular on Mr Hodges'

assertion that vehicular access which was previously enjoyed is now being prevented.

5. Is there an intention that public access be regularly maintained to the building? Are specified opening hours intended?
6. Are there any other factors which the Commissioners should be aware of in their consideration of these representations?

The next meeting of the Mission, Pastoral and Church Property Committee at which this case could be considered is due to be held on **26th July 2023**. If the matter is to be considered at this meeting it would be helpful to receive your response by **Friday 23rd June**. This is to allow time for this letter and your reply to be sent to the representors, for them to make any further comments and, if necessary, for you to respond.

The Commissioners are required to consider the representations under the quasi-judicial process laid down by the Measure. A legal challenge may arise from the Commissioners' decision if, among other matters, it is based materially on incorrect information. Of necessity the Commissioners rely on others to provide information to assist their deliberations, and to this end I should be grateful for your help.

The Commissioners will decide on the basis of the written representations whether oral representations will be heard, or the case considered on the papers alone. The decision on whether to hold a hearing is one which will be taken by the Commissioners in the light of the particular circumstances of the case. We will confirm that decision in due course.

I am sending a copy of this letter to Sarah Girling in the diocesan office for information.

Yours sincerely



A handwritten signature in blue ink, appearing to read 'Matthew Crowe', with a horizontal line drawn underneath it.

Matthew Crowe



The Bishop of Hereford
The Right Reverend Richard Jackson
 The Bishop's House • The Palace • Hereford • HR4 9BN
 t: **01432 373326**
 e: **bishop.hereford@hereford.anglican.org**
www.hereford.anglican.org

Matthew Crowe
 Senior Case and Policy Advisor Pastoral & Closed Churches
 Church Commissioners

22nd June 2023

Your Ref: 18/135B

Dear Matthew,

Re: Mission and Pastoral measure 2011 Church of Saint Mary, Stoke Edith Proposed Pastoral Church Buildings Scheme

In reply to your letter of the 7th June.

- 1. Please set out the background to the proposed closure of the church. Is there anything you wish to add to the "Background and Diocesan Rationale" part of the Explanatory Note which accompanies the draft Scheme?**

Only as set out in this reply.

- 2. Are you content that the continuing interest of parishioners and those with relatives buried in the churchyard will be sufficiently protected by the Stoke Edith Church Trust (charity no. 1189826)?**

Yes, I am content that the interest of parishioners and those with relatives buried in the churchyard will be sufficiently protected. The purposes of the Trust seem unobjectionable and indeed are what we would look for in such a body. (A copy of the constitution is attached.)

As far as the churchyard is concerned, I attach a location plan showing the old and new churchyards. The public highways are shown highlighted in yellow, and the new and old churchyards and church building are shown highlighted in green. The "new" churchyard (consecrated in 1910), nearer the main road, remains vested in the incumbent and in the care of the PCC. There is conflicting evidence as to whether the old churchyard, adjoining the church, has formally been closed; the diocese does not hold a copy of a closure order but the CBC report

says that it is closed. In any event I understand that the new churchyard was opened in 1910 because the old one was full, and that all burials since 1910 have been in the new churchyard. (A private family burial plot for the Foley family, adjoining the church, was also consecrated in 1910, and I do not include that in references to the old churchyard.)

Schedule 2 to the draft scheme ensures that access must be provided to people visiting the old churchyard, and it is the express intention of the trustees that the church should be used for occasional services along the lines of a festival church (see attached letter from the trustees dated 21st December 2020). I am happy in principle to consent to those occasional services being held, subject to consent also being obtained from the incumbent.

I note from the Charity Commission Register that the Trust only has one Trustee – “Stoke Edith Church Trustee Limited”. Can you elaborate on the identity of the Trustee?

As far as the identity of the Trustee is concerned, publicly available documents from Companies House show that the three directors of the Trustee company are Mr Foley and two solicitors. I attach a copy of the list of directors dating from late 2020; the details held by Companies House show that as at 14th June 2023 there has been no change. I am content that Mr Foley and the other directors who are also solicitors will abide by the terms of the disposal scheme, including as to allowing access to the church and churchyard.

3. Was there any discussion of including “Church” or parishioner voices among the trustees?

Not as far as I am aware.

4. Noting the provisions of Schedule 2 to the draft Scheme, please comment on the concerns about continuing access not only to the church building, but also to the churchyard. Please comment in particular on Mr Hodges’ assertion that vehicular access which was previously enjoyed is now being prevented.

As stated above, I am content that the trustees will abide by the terms of the disposal scheme, including providing access to the building and churchyard. There have been previous communications with Mr Foley as to how precisely this will be achieved. He clearly has security concerns about leaving the building unlocked, and has offered to keep the key available to visitors in the estate office which is adjacent to the church. He has also noted that the repairs required are extensive and of course access cannot be guaranteed while building works are under way, for safety reasons.

Vehicular access to the building has always been limited to one or two cars; there has never been a parking area for more. I attach a copy of the scheme plan marked up. The yellow lane is public highway. The pink area is just outside the access to the church, and remains accessible to cars, but it also serves another driveway and so could never have been used for parking more than one car without blocking that other driveway. It is theoretically possible to drive a car closer to the church (eg a hearse) up the grass drive marked in green, but there is no room for general parking next to the church. The drive is not wide enough for cars to pass each other.

There is currently some Heras fencing at the top of the drive to the church where the pink and green areas meet. It does not go across the entire driveway so pedestrian access past it to the churchyard is still possible. The notice on the fencing explains that it will be closed at dusk. I

understand from Mr Foley that there has been some local difficulty with vandalism and so this was the measure adopted to protect the church while also allowing access to bona fide visitors. I attach some photographs of the area.

It is possible to park a small number of cars on the verge of the lane outside the new churchyard. It is not possible or safe to park on the main road, which is a fast A road without pavements.

5. Is there an intention that public access be regularly maintained to the building? Are specified opening hours intended?

Please see the answer to question 5 above. I understand that the estate office is open during normal working hours.

6. Are there any other factors which the Commissioners should be aware of in their consideration of these representations?

It is correct to say that the building has been deteriorating for some time, but it is not, in my view, reasonable to expect the Trust to spend money on repairing it until it is in their ownership. It is unfortunate that the scheme has taken so long to be published, as this has led to further deterioration, both in the fabric of the building and in parishioners' trust in the proposals. Following the first round of consultation the DMPC made its recommendation to the Commissioners in March 2021 and the draft scheme was not published until February 2023. It is my sincere hope that this delay can be avoided in other cases.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Richard Jackson', with a stylized flourish at the end.

The Right Reverend Richard Jackson

Bishop of Hereford

Companies House

Companies House does not verify the accuracy of the information filed
<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>

STOKE EDITH CHURCH TRUSTEE LIMITED

Company number 12372126

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/12372126/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/12372126/persons-with-significant-control)

Filter officers

Current officers

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LEY, Rupert

Correspondence address **Stoke Edith Estate Office, Stoke Edith, Herefordshire, United Kingdom, HR1 4HG**

Role Active **Director**

Date of birth **April 1971**

Appointed on **19 December 2019**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Company Director**

PARKER, Michael Edward

Correspondence address **Alexandra House, St Johns Street, Salisbury, Wiltshire, United Kingdom, SP1 2SB**

Role Active **Director**

 Date of birth **December 1966**

Appointed on **19 December 2019**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Solicitor**

WILTSHIRE, Andrew Paul

Correspondence address **Burrswood, Broadchalke, Salisbury, Wiltshire, England, SP5 5HP**

Role Active **Director**

Date of birth **November 1952**

Appointed on **19 December 2019**

Nationality **British**

Country of residence **England**

Occupation **Solicitor**

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STOKE EDITH CHURCH TRUST

The Estate Office, Stoke Edith

Herefordshire, HR1 4HG

Tel: 01432 890269

Email: edith@estateoffice.org

21st December 2020

Our ref: E6225A/3C

Mrs Sarah Girling
Pastoral Secretary
The Diocesan Board of Finance
The Palace
Hereford
HR4 9BL

Dear Sarah,

Stoke Edith Church, Herefordshire

Thank you for providing the summary of main provisions for the future of St Mary's Church in Stoke Edith.

I confirm on behalf of the charitable trust which proposes to acquire the church from the Diocese and the Church Commissioners that the amended Clause 2 is agreed: the building shall be used for occasional public Christian worship in accordance with the rights and customs of the Church of England.

The trustees support the summary main provisions set out in the consultation letter of 25th November 2020, as amended.

We have discussed the contents of the building. Since it is intended for the Church to remain open for occasional public worship, along the lines of the festival church concept, the contents of the building should remain in-situ, including the communion plate. I confirm there are no contents of the building belonging to other parishes, or donated by a family other than the Foley family.

The memorials will of course stay in place, and some will be part of the restoration once work has been done to the roof.

With kind regards,

Yours sincerely,



Rupert Foley

Enc

Photographs of access to St Mary's church, Stoke Edith



Figure 1 access to church from lane



Figure 2 access to church



Figure 3 church end of drive



Figure 4 security fencing



Figure 5 entrance to new churchyard



Figure 6 lane verge outside new churchyard

BETA

MapSearch Snapshot

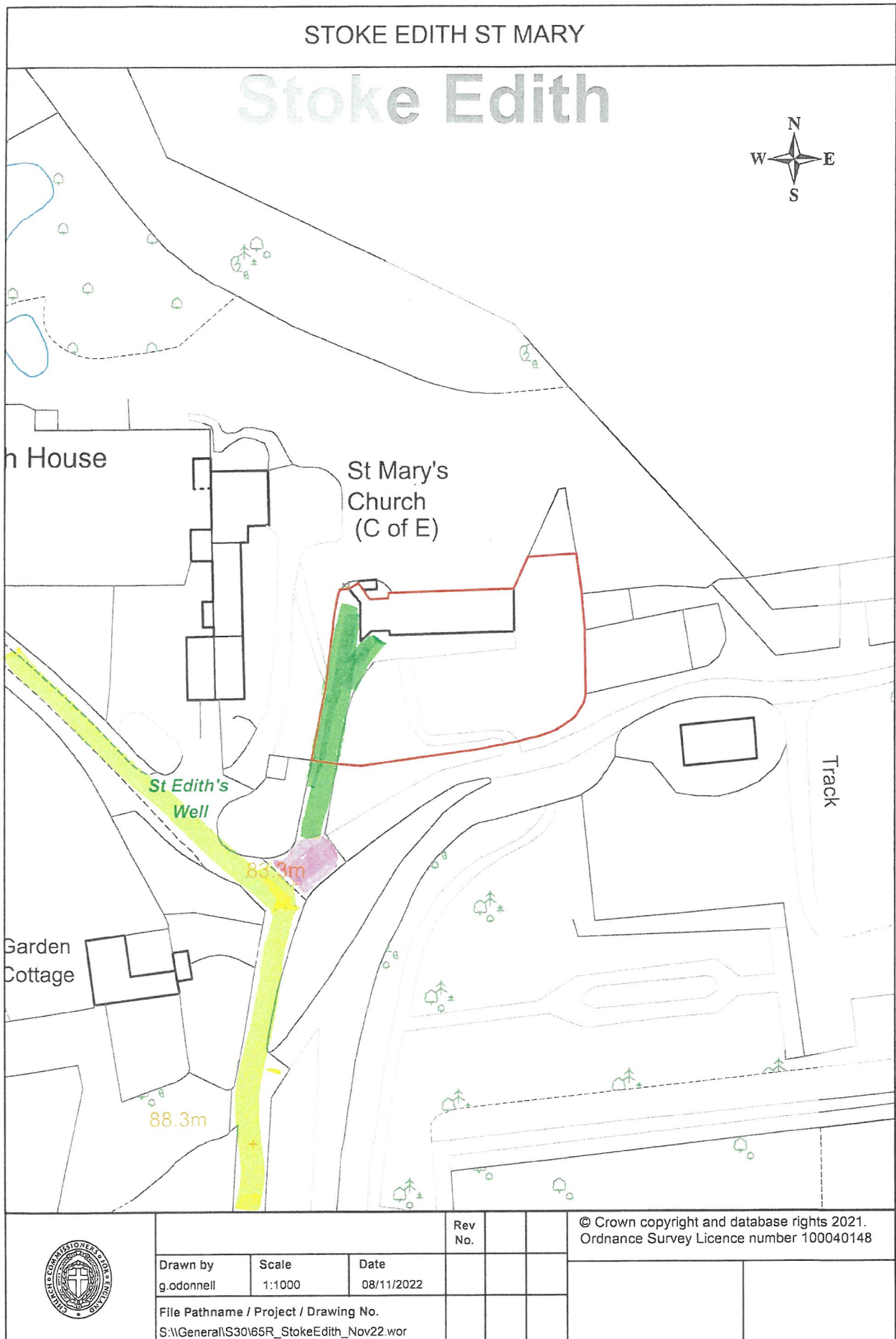


0 10 20 30 40 50 60 70 80 100m

Map scale 1:2500

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Date: *10 January 2020*

Trust Deed
establishing a charity known as
STOKE EDITH CHURCH TRUST

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THIS TRUST DEED is made the 10th day of January 2020

BETWEEN

- (1) RUPERT FOLEY of Stoke Edith House, Stoke Edith, Herefordshire, HR1 4HG (the "Founder"); and
- (2) STOKE EDITH CHURCH TRUSTEE LIMITED, a company registered in England and Wales (company number 12372126) whose registered office is Stoke Edith Estate Office, Stoke Edith, Herefordshire, HR1 4HG (the "Trustee").

BACKGROUND

The Founder has given the sum of £5,000 to the Trustee to hold on the terms set out in the Trust Deed. It is intended that further property, particularly but not exclusively St Mary's Church, situated in Stoke Edith, Herefordshire, will be given to the Trustee by the Founder in his lifetime and by others to be held upon the same terms.

OPERATIVE PROVISIONS

1 Interpretation

In this deed:

- 1.1 the definitions in Part 1 of Schedule 1; and
- 1.2 the rules of interpretation in Part 2 of Schedule 1 shall apply.

2 Name of Charity

The name of the Charity shall be "Stoke Edith Church Trust" or such other name as the Trustees may from time to time decide.

3 Trustees

- 3.1 The Trustee shall be the trustee of the Charity.
- 3.2 New or additional trustees of the Charity, which may include the Founder during his lifetime, may be appointed by the Founder and, following the death of the Founder, by such person or persons as the Founder may have nominated in his will nominate for that purpose.

4 Trust Fund and Income

- 4.1 The Trustee shall hold the Trust Fund upon trust and, subject to clause 4.3, apply the income towards the Objects.
- 4.2 The Trustee may at its discretion apply all or part of the Trust Fund as if it were income.
- 4.3 During the Accumulation Period the Trustee may accumulate the income of the Trust Fund and shall hold any accumulation as an accretion to the Trust Fund, but the Trustee may in any later year during the Accumulation Period apply the accumulations as if they were income arising in the then current year.

5 Objects of the Charity

The Objects of the Charity are, for the public benefit to:

- 5.1 advance the Christian religion in accordance with the tenets of the Church of England;

- 5.2 conserve, maintain, repair and preserve St Mary's Church, Stoke Edith and the land annexed or belonging thereto;
- 5.3 maintain the Church as a place of worship and religious ceremony; and
- 5.4 provide or assist in the provision of facilities for education and recreation or other leisure time occupation in the interests of social welfare with the object of improving the conditions of life, particularly but not exclusively among residents of Stoke Edith in the county of Herefordshire and the surrounding areas.

6 Powers of Trustee

In furtherance of the Objects, the Trustee may exercise the powers in Schedule 2.

7 Investment

The Trust Fund and any income which is not for the time being required for application shall be invested in any type of property (including Land) as if the Trustee were absolutely entitled to the Trust Fund, whether the investment produces income or not.

8 Reimbursement of Trustee

The Trustee may reimburse itself out of the Trust Fund or the income in respect of any amount required:

- 8.1 to maintain such indemnity and other insurance policies as may be reasonable in order to protect the Charity, the Trustee or the Governing Body provided that no such policy may protect any person from personal liability in respect of any act or omission which amounts to a breach of trust or breach of duty to the extent that such person knew or ought to have known that such act or omission was such a breach; and/or
- 8.2 to discharge expenses properly incurred by the Trustee or members of the Governing Body when acting on behalf of the Charity.

9 Trustee Liability

The Trustee shall not be liable for any loss to the Trust Fund arising by reason of:

- 9.1 any improper investment made or retained in good faith; or
- 9.2 the negligence or fraud of any employee or agent appointed to act on behalf of the Trustee, even if the employment of such agent was not strictly necessary or expedient (provided reasonable supervision shall have been exercised); or
- 9.3 any mistake or omission in good faith caused to be made by the Trustee; or
- 9.4 any other matter except wilful or individual fraud or dishonesty or wrongful omission on the part of the person who is sought to be made liable.

10 Benefits to members of the Governing Body

- 10.1 A member of the Governing Body or any Connected Person may receive a benefit from the Charity in the capacity of a beneficiary of the Charity.
- 10.2 No member of the Governing Body may acquire any interest in property forming part of the Trust Fund or the income of the Charity.

- 10.3 No member of the Governing Body or any Connected Person shall receive remuneration or other financial benefit from the Charity or any trading company of the Charity or be interested in any contract entered into by the Trustee at the expense of the Charity except in accordance with the Trust Deed or pursuant to any authority contained in the Act.
- 10.4 A member of the Governing Body engaged in a profession or business may charge and be paid all the usual charges for business done or goods supplied by such member of the Governing Body or his company or firm when instructed by the Trustee to act on behalf of the Trustee but only if a majority of the members of the Governing Body at the time of such instructions are not benefiting from this provision and the member of the Governing Body who benefits is not present at any meeting of the Governing Body while the proposals are being discussed or reviewed and the decision made.
- 10.5 A member of the Governing Body need not account for any benefit received (whether as a director, shareholder or in any other capacity) from any business or company in which any part of the Trust Fund is invested provided that:
- 10.5.1 the member of the Governing Body concerned did not take part in the exercise of any voting rights that the Trustee may have in relation to such business or company in order to secure any such benefit; and
- 10.5.2 a majority of the members of the Governing Body do not benefit under this provision.

11 Administration of Charity

The Trustee shall comply with the provisions of Schedule 3 in relation to the administration of the Charity.

12 Amendment of Trust Deed

- 12.1 Subject to the provisions of this clause, the Trustee may by deed amend the provisions of the Trust Deed.
- 12.2 No amendment is valid if it would:
- 12.2.1 make a fundamental change to the Objects;
- 12.2.2 cause the Charity to cease to be a charity at law; or
- 12.2.3 vary this clause.
- 12.3 The Trustee may vary clause 8 (Reimbursement of Trustee) with the consent of the Charity Commission.
- 12.4 The Trustee must keep any deed of amendment with the Trust Deed.

13 Dissolution

- 13.1 The Trustee may dissolve the Charity if the members of the Governing Body unanimously decide that it is expedient to do so.
- 13.2 In the event of dissolution, any part of the Trust Fund remaining after the satisfaction of the Charity's debts and liabilities shall not be paid to the Trustee or distributed among the members of the Governing Body but shall be applied for Charitable Purposes.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

SCHEDULE 1

Part 1: Definitions

In this Trust Deed the following words have the following meanings:

"Accumulation Period"	the period of twenty-one years beginning on the date of the Trust Deed;
"Act"	the Charities Act 2011;
"Charitable Purposes"	purposes which are charitable in accordance with the law of England and Wales;
"Charity"	Stoke Edith Church Trust, being the charity constituted by the Trust Deed;
"Charity Commission"	the Charity Commission for England and Wales;
"Connected Person"	<p>(a) a child, parent, grandchild, grandparent, brother or sister of a member of the Governing Body;</p> <p>(b) the spouse or civil partner of a member of the Governing Body or of any person falling within (a);</p> <p>(c) a person carrying on a business in a partnership with a member of the Governing Body or with any person falling within (a) or (b);</p> <p>(d) an institution which is controlled:</p> <p style="padding-left: 20px;">(i) by a member of the Governing Body or any Connected Person falling within (a), (b) or (c); or</p> <p style="padding-left: 20px;">(ii) by two or more persons falling within (d)(i), when taken together; or</p> <p>(e) a body corporate in which:</p> <p style="padding-left: 20px;">(i) a member of the Governing Body or any Connected Person falling within (a) to (c) has a substantial interest;</p> <p style="padding-left: 20px;">(ii) two or more persons falling within (e)(i) who, when taken together, have a substantial interest,</p> <p>and section 118 of the Act applies for the purpose of interpreting the terms used in this definition;</p>
"Corporate Trustee"	a company which has the power to act as a trustee of the Charity or a Trust Corporation;
"Employee"	any employee of, seconded to, or other individual who shall provide services under a contract of personal service to, the

	Trustee;
"Gift"	the sum of £5,000 given to the Trustee by the Founder in accordance with the terms of this Trust Deed;
"Governing Body"	the board of directors of the Trustee;
"Land"	land in any part of the world;
"Objects"	the objects of the Charity set out in clause 5;
"person"	an individual or body whether corporate or unincorporated;
"Rights"	intellectual property rights including copyright, design rights, patents and know how;
"Trust Corporation"	a trust corporation within the meaning of the statutes referred to in paragraph 3 of schedule 7 of the Act as interpreted in that paragraph;
"Trust Deed"	this deed including the schedules; and
"Trust Fund"	(a) the Gift; (b) any additional property given to and accepted by the Trustee to be held on the terms of the Trust Deed; (c) property held by the Trustee from time to time representing the above; and (d) accretions in value to the above.

Part 2: Interpretation

In this Trust Deed any reference to:

- 1 a statute or statutory provision includes a reference to the statute or statutory provision as modified or re-enacted or both from time to time, and to any subordinate legislation made under it;
- 2 a notice to any person means notice in writing by post, fax transmission or e-mail;
- 3 the singular includes the plural and vice versa and the masculine includes the feminine and the neuter genders and vice versa; and
- 4 "writing" means writing in any form and includes a fax transmission, e-mail and similar means of communication.

SCHEDULE 2

Powers of the Trustee

- 1 To pay out of the Trust Fund and the income all costs connected with the establishment of the Charity.
- 2 To make grants and give other forms of assistance (including loans) and to make, and alter from time to time, regulations (which must be consistent with this Trust Deed) as to the criteria to be applied in making such grants, their value and frequency, the methods of ascertainment and selection of candidates in each case and such other matters whether or not related to the making of grants as the Trustees shall consider necessary.
- 3 To set aside income as a reserve against future expenditure.
- 4 To accept donations and gifts free from or subject to special trusts or conditions including the grant of any security over the Trust Fund.
- 5 To promote, arrange, organise or conduct (either alone or with others) seminars, conferences, lectures, courses and meetings relating to any activity within or of relevance to the Objects.
- 6 To enter into and carry into effect deeds and written agreements.
- 7 To acquire, retain or protect ownership of any Rights belonging to the Charity; to grant licences and other rights of access to and use of any Rights; and to assign or otherwise dispose of any Rights.
- 8 To acquire, dispose of, deal in or exploit any research (whether or not research funded out of the income or capital of the Trust Fund), or the results of any other activity undertaken in pursuing the Objects, or any Rights arising from such research or other activity.
- 9 Subject always to any restrictive covenants which may apply, to purchase, lease, hire or otherwise acquire Land or any interest in Land; to develop Land, construct any buildings or refurbish any existing buildings; to sell, lease or otherwise dispose of Land or any interest in Land of any tenure by way of donation or otherwise subject to the restrictions (if any) imposed by the Act.
- 10 To purchase, lease, hire or otherwise acquire, and to sell, lease, lend or otherwise dispose of, equipment, goods and other items of personal property, in each case upon such terms as the Trustees shall determine.
- 11 To carry out research in furtherance of the Objects.
- 12 Subject to the restrictions imposed by the Act, to borrow money and grant any security over the Trust Fund.
- 13 To give undertakings, guarantees (whether gratuitous or not), warranties and indemnities.
- 14 To provide advice on such terms as the Trustee considers appropriate.
- 15 To employ such Employees as the Trustee shall consider desirable; to pay and provide benefits to such Employees as the Trustee may consider necessary; to enter into service agreements with such Employees on such terms as it may consider

desirable, including power to terminate any such employment upon such terms as the Trustee may decide; and to enter into and defray the cost or any part of the cost of any pension or superannuation scheme as the Trustee shall think proper for the benefit of such Employees.

- 16 To insure the property of the Charity against such risks as the Trustee shall consider prudent and to take out such other insurance policies from time to time as the Trustee shall consider necessary or desirable to protect the Trust Fund and the income.
- 17 To raise funds for the Charity in such manner as may be expedient.
- 18 To carry out any trade insofar as the trade is temporary and ancillary to the pursuit of the Objects.
- 19 To procure, publish and distribute material in any form that may be deemed desirable for the promotion of the Objects or for informing the public about the work of the Charity.
- 20 To operate bank accounts in the name of the Charity;
- 21 To co-operate with other charities, persons or statutory authorities and to exchange information and advice with them.
- 22 To apply the income of the Trust Fund towards any purposes which:
 - 22.1 promote the interests and protect the reputation of the Charity;
 - 22.2 are for the benefit of the Charity; and/or
 - 22.3 further, or are reasonably incidental to the furtherance of, the Objects.

SCHEDULE 3**Administration of Charity**

- 1 The Charity shall be administered by the Governing Body in accordance with the articles of association of the Trustee in relation to the calling of meetings, the quorum and other provisions relating to the proper conduct of meetings of the Governing Body and the Governing Body shall keep written records of their decisions in relation to the Charity.
- 2 Any bank account in which any part of the Trust Fund or its income is held or deposited shall be held in the name of the Charity. The Trustee may make such arrangements as it things fit for the operation of such accounts, including but not limited to arrangements as to the number of authorised signatories (not being less than two) who shall be required to sign cheques drawn on the accounts and as to any maximum sum which may be withdrawn at any one time on such signatures. For the avoidance of doubt the Trust Fund shall, for so long as it remains unexpended, be maintained in a bank account which is separate from any other property which is administered by the Trustee.

Executed as a deed by
Rupert Foley

}

Rupert Foley

in the presence of:

Witness signature

A Taylor

Witness name

AMANDA TAYLOR

Address

THE ESTATE OFFICE

STOKE EDITH

Occupation

HEREFORD

Executed as a deed by
Stoke Edith Church Trustee Limited
acting by Rupert Foley, a director

}

Rupert Foley

in the presence of:

Witness signature

A Taylor

Witness name

AMANDA TAYLOR

Address

THE ESTATE OFFICE

STOKE EDITH

Occupation

HEREFORD

Representations against the draft Scheme

From Robert Hodges

I live in Tarrington, one of the neighbouring parishes within the Hop Churches Benefice and I object to the proposed scheme.

My understanding is that an exercise of consultation is expected to take place in all of the eight parishes that make up the Hop Churches benefice. I believe that this process of consultation has been inadequate and rushed.

To the best of my knowledge notice of the scheme was placed on a noticeboard in Tarrington church porch on 5th March. No details of the scheme were placed inside the church. I believe that there might have been mention of the scheme at Tarrington church on that day when the attendance was very small, perhaps as few as five people. I doubt that more than this and possibly much less has happened in the other seven parishes.

In circumstances where churches are poorly attended, I think it would be prudent to do more than the basic minimum but rather to follow the guidance about the use of parish and village magazines. The magazine that covers Tarrington and Stoke Edith, ('The Tarrington Tatler') was published on 1st April. It is delivered by volunteers and often takes a few days to delivered. The Rev'd Mandy Williams published an article about the plan in this April 1st edition although it made no mention of the present 'consultative' exercise or the time limits involved. The other magazine that covers all eight parishes, ('Hop Parishes News') also has an April edition but this makes no mention of the proposal at all.

The consultation that seems to have taken place so far seems to be a mere token of what would have been prudent and not a serious exercise.

I agree with the necessity of the repair and preservation of Stoke Edith Church in the interests of the nation and the Church of England. The church is of importance locally but I cannot help feeling that under the proposed scheme the church will be allowed to decay further or become inaccessible to all but a few people.

The scheme does not make it clear what part the Foley family in general and Rupert Foley, (the current church warden at Stoke Edith), in particular, will play in the operation of the Trust. I am concerned that Rupert Foley might have little regard for the maintenance of the church and to the access to it. In matters of land and property, as a parish councillor I have had first-hand experience of how difficult Rupert Foley can be, simply for the sake it, even when it relates to public access to our parish church in Tarrington.

It is not clear to me how the church building will be repaired and maintained by selling it to a charitable trust. Surely if there is finance available from the Foley family or others the charitable thing to do would be to simply carry out the necessary repairs.

Access to the churchyard is almost certain to become problematic when it is sold. For many decades the clergy, bell ringers, organist, cleaners etc. have had unrestricted pedestrian & vehicular access to the church and car

parking. The access and parking should be retained for those visiting the churchyard. It might be best to not sell the churchyard. Already the access is denied to vehicles, even before the scheme has been approved.

I believe that these matters need further thought, clarification and proper public consultation.

Yours sincerely,
Robert Hodges

Representation in favour of the draft Scheme

From Mrs Sandra Gulley

Dear Mr Crowe

I would like to make a representation about the draft Scheme that the Rev Mandy Williams has kindly forwarded to me after I was concerned to read recently of the church's closure and poor state of repair, also filling me in on the current situation.

I moved to Herefordshire in the autumn of 2021, having visited Stoke Edith church in the spring of that year as I have a partial copy of a maternal family tree of the Firkins family with a still legible gravestone in the old churchyard from the mid 1800's. Many of the family were either born at Stoke Edith, lived there, married or died there. In spring of 2021 I noticed the church was closed but hoped to reopen when intended to investigate further my family tree and inspect the marriage register so I was sorry to understand that this now does not seem possible. It is important that all those with family buried there have access. I am pleased to hear that the Stoke Edith Church Trust plan to save this historically important Georgian church, one of only a few examples in the country and look forward to being able to see the interior in the future, finding out more about the Firkins family.

Please keep me informed of future developments as an interested party.

Regards

Sandra Gulley (Mrs)

Letter of comment

From a parishioner who wishes to remain anonymous

Email of 21st March 2023

Local opinion is fully behind efforts to restore St. Mary's Church. However, there are 3 main points of concern:

1. Who are the trustees? So far no names have been mentioned, except that of the patron, Rupert Foley, whose past family history carries a lot of unfortunate baggage as regards relations with local people. One other name has been mentioned in a different context. Apparently all trustees have to be carefully 'vetted'; is this correct? However, unless it is

made clear who the trustees are, local people feel unsure that their views & concerns will be taken into account, especially if the trustees have no knowledge of, or interest in, the parish.

2. Access to the church. The paperwork & plan seem to say that access will be partly across Foley estate land. Surely this cannot be correct, for 2 main reasons: a. If the P.C.C. retains responsibility for the old churchyard, which borders the church access fully on 1 side, surely they should also have responsibility for the sole public approach to the church & old churchyard. In theory, a falling-out between trustees & P.C.C. at some time in the future could mean access to both being withdrawn.

b. The original church predated the 1740-42 rebuilding by many centuries, long before the present owners purchased the estate. As far as is known, the footprint of the mediaeval building was almost identical. This surely indicates that the sole public access belongs, with the church & its original churchyard, as the responsibility of the P.C.C.?

3. Public access into the church itself. The Diocesan Office stated before the original submission that public access, at least during normal daylight hours, would be an essential requirement in order to obtain grant funding. Trying to persuade local people that this will be the case, & that the church isn't going to remain closed for ever, is impossible.

I do hope that you are able to clarify these points satisfactorily, as at present there is no means of backing up what we all hope is the eventual goal; St. Mary's restored & fully accessible 'for community & cultural purposes, and/or occasional public Christian worship.'

(Further email of 24 March)

Thankyou for your prompt reply about St. Mary the Virgin, Stoke Edith. It is surprising that, from what you say, neither the Diocese nor the Church Commissioners have input into the choice of trustees. Presumably the Charities Commission will 'vet' them when the trust is officially set up? It's just unfortunate that, so far, the trust members remain a mystery; it might reassure people to have actual names in order to be sure that local views are fully represented.

It was a revelation to learn that the church access from the public road as far as the church gates was owned by the estate; it would be interesting to know when this became the case. The adjacent Holy Well, now within the grounds of Stoke Edith House (formerly the rectory) has existed for centuries & may pre-date Christianity on the site. It seems reasonable to assume that the well was at one time part of the church lands, as there was free access to it until Victorian times. It now lies firmly in the estate, having been railed off to prevent its use.

While agreeing with your view that it would be against the trust's interests to block access to the churchyard - it was a purely hypothetical question - the issue is certainly of concern, both to local residents & those with family buried in the old churchyard. The Team Rector has already been contacted by worried relatives anxious about access to graves, & has written a statement for the local (secular) parish magazine to reassure people & clarify what will happen. Unfortunately, there are recent precedents in the area involving the estate, where residents' rights of access to properties has been denied.

Most people refuse to believe that anything will be done to save St.Mary's until they see it happening; the aim is solely to try & expedite the process so that the building doesn't have to face yet another winter with no apparent progress.

(Email of 2nd May)

Has there been any progress regarding Stoke Edith since the objection was raised?

Last week there was a meeting of the local secular 'Parish Meeting' (the area is too small to merit a normal Parish Council.)

Concern was raised about the builders' shuttering which has effectively closed off access to the church & graveyard for some time. Pedestrian access is just about possible, but hazardous because of the narrow gap between the wire panels & hedge, & large protruding feet which support the panels.

The reason given for use of this unsightly barrier has little to do with protection of the church, as initially claimed. It is apparently a means to stop trespassers gaining access to estate land with dangerous ruins, via the churchyard! The palings which separate estate land from the churchyard have rotted away in places; wire netting has now been used to close the gaps.

Local people still feel very strongly that it is all part of a ploy to remove all public access to the church & graveyard completely, despite the references to public access in the draft scheme. Realisation that part of the approach to the church lies across estate land has only strengthened this feeling. A simple solution put forward privately was that the tiny amount of land involved between the public road & the churchyard gates should be gifted as part of the scheme. This is a brilliant idea, but no-one would dare to suggest it openly; after all, retaining access via the estate also retains the right of control.

The Annual Parochial Church Meeting is on 15th May, when the whole issue will be raised. It will be held in the church so that the interior condition can be checked; there have already been another 2 large falls of plaster over the winter. It was suggested by the patron that the debris should be left where it landed 'because the next people who come in will be the builders' & it would help them to see where it came from - as if the huge ugly holes aren't enough! It would have been so much simpler, safer & probably quicker if St. Mary's had been passed to the Churches Conservation Trust, as people suggested, but he wouldn't contemplate that because he said the Trust couldn't guarantee it in perpetuity! Can his trust guarantee that - can anyone? Certainly the C.C.T.'s track record seems pretty good so far, & local opinion does not regard him as a trustworthy person to take on the responsibility. What guarantees are there to ensure that, once funding has been obtained & restoration carried out, spurious excuses will not be raised to stop public access to the church again? Will the faculty jurisdiction of the Diocese & the access clauses of the Scheme be sufficient to maintain it? At present there is barely room for pedestrians to enter the churchyard because of the builders' shuttering erected to prevent vehicles from driving in. This must make visiting the churchyard extremely difficult for elderly or disabled people, apart from looking very unsightly. It also fuels local opinion that the church will remain closed for ever.

Many apologies for dumping all of this onto you. Have the Church Commissioners actually been to Stoke Edith? It would be so much easier to understand what we are up against if someone visited, rather than looking at plans & exchanging emails.

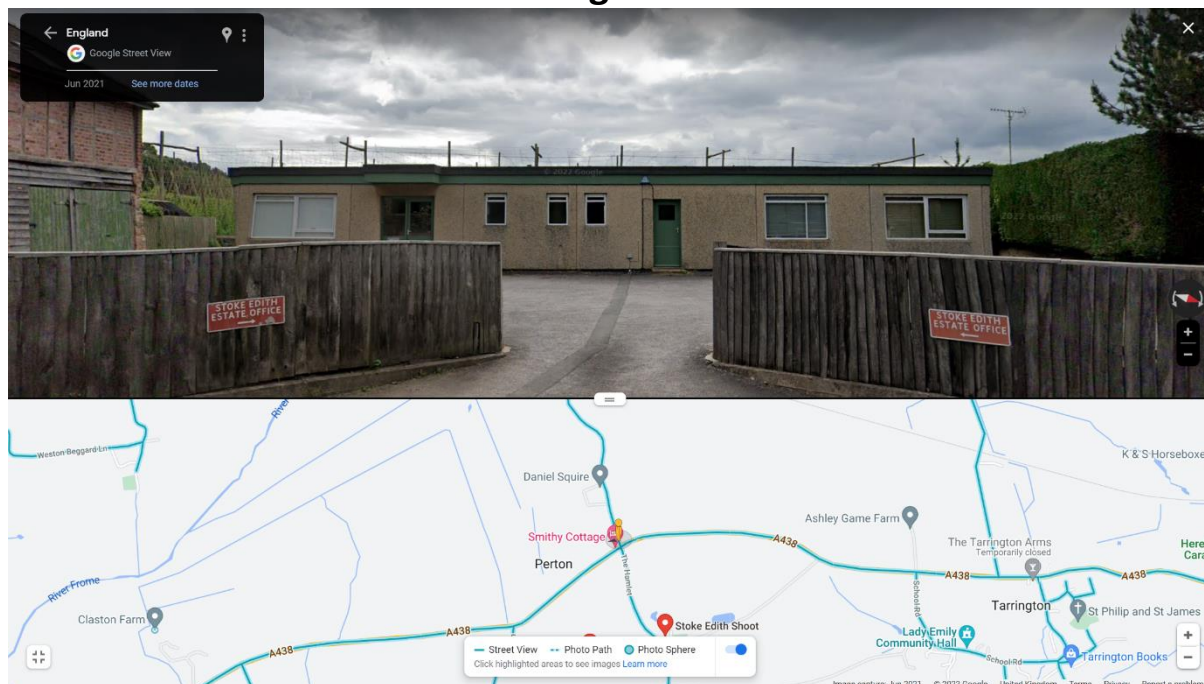
From a parishioner who wishes to remain anonymous

Dear Matthew,

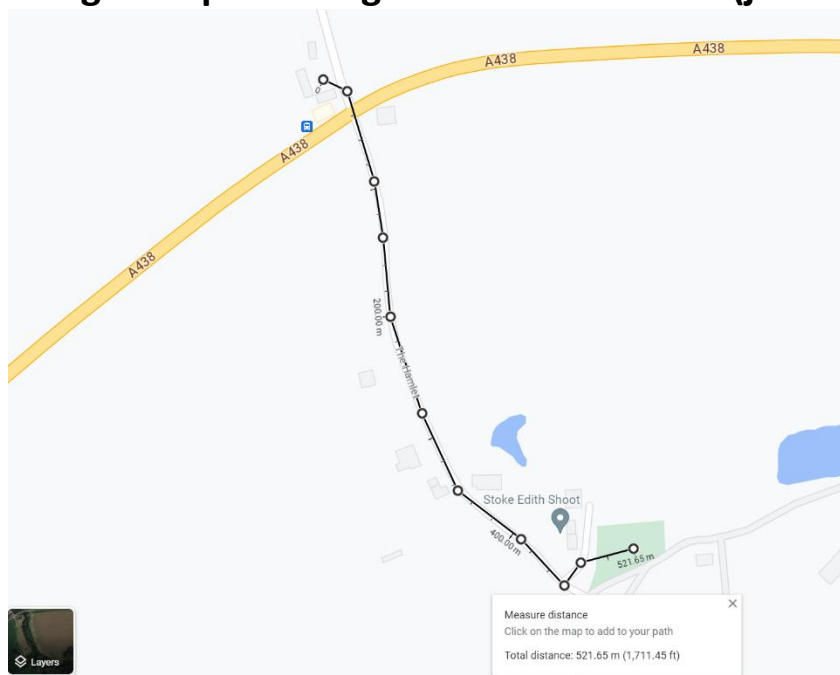
Thank you for your email & attachments. There are a couple of issues concerning points in the Bishop's letter to you:

1. To the best of my knowledge, there was never any discussion about including 'Church' or parishioner voices among the trustees; this has been a major grievance.
2. To continue the situation where the key is only available from the estate office after restoration would be useless. It is the sole key - even the incumbent doesn't have one - & normally the office is just open between roughly 8.30 - 1.30 Mon.-Fri. as far as I am aware. It is *not* adjacent to the church, but several hundred yards away beyond the new churchyard & across the busy A road. The Diocesan Office has said that access during normal daylight hours is vital to ensure grant funding, & time- operated locks were mentioned. There will be huge local opposition at the idea that Mr. Foley would still control access to the church; that is the greatest fear, regardless of the conditions laid down in the draft scheme. The building adjacent to the church is the Foley family home; perhaps he intends that visitors should call there to obtain the church key during normal daylight hours 7 days a week? I suspect not!

Are you able to pass these issues on to the Bishop, please? They are of great importance.

*Screenshots from Google Maps and Streetview relating to the location of the Estate Office***Location and Street View showing Stoke Edith Estate Office**

Google Map showing distance to Church (just over 500m)



Further response from the Bishop of Hereford in response to the supplementary comments

July 12th, 2023

Dear Matt,

Thank you very much for your email.

We have had further conversations with Mr Foley to explore possible options for access to the church building following closure and repairs.

I gather that one of the current difficulties with access is that the parish only has one key to the church door, and it is one of the very large old types of key which is expensive to duplicate and important not to lose. The Trust wishes to explore alternative options for access in the event that it becomes the owner of the church building, including time-locks and/or locks operated by a code. That sort of change would be part of proposals for repairs to the building, which would need listed building consent, and so it remains to be seen what exactly would be the most practical solution in terms of the technical specification of the locks. However, it would clearly be helpful to estate staff as well as to visitors if the church could be accessed without the need for a visit to the estate office. Other (open) churches in the diocese have successfully adopted technical access solutions such as time locks, and so this seems to me a sensible proposal and one that I would be content with.

The broader picture remains unchanged, in that this is a building which is no longer needed for public worship and for which this proposal seems to be the only practical solution. It continues to have my support.

With best wishes

Yours faithfully.

A handwritten signature in black ink, appearing to read '+ Richard', with a cross symbol at the beginning.

The Right Reverend Richard Jackson
Bishop of Hereford