



 THE CHURCH
OF ENGLAND

CHURCH
COMMISSIONERS

Rex Andrew
Pastoral

Our ref: 15/13d

30 September 2024

**Mission and Pastoral Measure 2011
Diocese of Exeter
Parishes of Highampton; and Black Torrington
and also affecting the parish church of Holy Cross, Highampton**

The Bishop of Exeter has asked us to prepare a draft Pastoral Church Buildings Scheme in respect of pastoral proposals affecting the above parishes and also Holy Cross church, Highampton, in the benefice of Ashwater, Halwill, Beaworthy, Clawton, Tetcott with Luffincott, Black Torrington and Highampton.

I attach a copy of the draft Scheme and a glossary of terms used together with the Notice. I am sending a copy to all the statutory interested parties, as the Mission and Pastoral Measure requires, and any others with an interest in the proposals.

Anyone may make representations **for** or **against** all or any part or parts of the draft Scheme (please include the reasons for your views) by post or, preferably, by email to reach me no later than midnight on **Monday 18 November 2024**. If we have not acknowledged receipt of your representation before this date, please ring or e-mail me to ensure it has been received. For administrative purposes, a petition 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 for whom we can identify an address – “the primary petitioner”.

If we do not receive representations against the draft Scheme, we will make the Scheme and it will come into effect as it provides. A copy of the completed Scheme will be sent to you together with a note of its effective date.

If we receive any representations against the draft Scheme, we will send them, and any representations supporting the draft Scheme, to the Bishop whose views will be sought. Individual representors and the primary petitioner will then receive copies of our correspondence with the Bishop (including copies of all the representations). They and individual petitioners may comment further. Copies of all of the representations received and associated correspondence will normally be published on the Commissioners’ website if the matter needs to be considered by us.

Those making representations should indicate whether they would like an opportunity to speak to the Commissioners regarding their representations in the event the Commissioners

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decide a hearing should be held. Meetings are normally held at Church House, Westminster. If a hearing is held, we will let you know the arrangements for attending (in person or virtually) and details will also appear on our website. Otherwise, if a hearing is not to be held, the case will be considered in private and you will be informed accordingly.

When we acknowledge representations we will let individual representors (and the primary petitioner) know the next few dates of our Committee's meetings. We will confirm the actual date of any hearing nearer the time. The Commissioners will decide if the draft Scheme should proceed when they consider all the representations on the basis of a paper prepared by their staff and any points raised at the meeting. If the Commissioners do so decide, any representor or petitioner against the draft Scheme may seek leave from the Privy Council to appeal against the decision.

You will be informed of the Commissioners' decision and the reasons for it.

Please see www.churchofengland.org/consultation for further information about the procedure.

PCC Secretaries, incumbents/priests-in-charge/rural deans, persons taking services during the Notice Period and local planning authorities should refer to the relevant notes below for important additional information concerning them.

Rex Andrew

Notes

1. PCC Secretaries

The draft Scheme is sent to you as PCC Secretary. Please ensure that it is drawn to the attention of the other members so the PCC as a body is able to make any comments on the draft if it wishes.

You are required as soon as possible to:

- i) print and display the Notice(s) (***please display single-sided where possible***) at or near the main door of **every** parish church, chapel of ease or licensed place of worship in your parish; (if you are unable to print the Notice(s) please get in touch with me and I will make arrangements for copies to be sent to you for display);
- ii) make arrangements for the Announcement (see 2. below) to be made at as many services as possible at every parish church, chapel of ease or licensed place of worship in your parish where a service is held during the notice period (including any that are 'streamed').

Please e-mail or telephone me confirmation as soon as you have displayed the Notice(s) and made arrangements for the announcements to be made. Do not wait until the end of the notice period before confirming this.

Although the following are not legal requirements, to ensure that as many of those who habitually attend public worship, as is practicable, are aware of the contents of the Notice and draft Scheme, you are also encouraged to take (or make arrangements for), where possible, such of the following steps as is appropriate in your parish:

- i) arrange for copies of the Notice and draft Scheme to be posted to members of the worshipping community who are shielding or self-isolating (in accordance with the general advice to parishes this should be by the postal service and not hand delivered);

- ii) insert the Notice in the parish magazine or newsletter;
- iii) display the draft Scheme with the Notice at every parish church, chapel of ease or licensed place of worship in your parish;
- iv) use Facebook/social media posts;
- v) send emails; and
- vi) spread by word of mouth, including pastoral telephone calls.

Please make a note of what you have been able to do regarding steps i) to vi) above in case the consultation process is queried.

If you are no longer the PCC Secretary, please pass this communication to the current Secretary and let me have a note of his or her name and email/postal address.

Further action required as there is a proposed church closure

In addition to the above, a copy of the draft Scheme must be made available for inspection in the locality – the arrangements for this will already have been made with the parish(es) concerned.

If you are the person doing this, will you please let me know that you have taken this additional step.

2. The Announcement

Anybody taking services (including those that are ‘streamed’) during the Notice Period should ensure that the following announcement is made.

“A Notice giving the objects of proposed pastoral reorganisation affecting this parish has or will be displayed near the main door and on the Church of England website. The Notice includes the last date by which representations regarding the proposed reorganisation may be made to the Church Commissioners.”

PCC Secretaries – please note that it is essential that:

- i) Notices are displayed; and
- ii) arrangements are made for Announcements.

3. Incumbents/priests-in-charge/rural deans

Please ensure that the required Notices are displayed and Announcements made.

If a PCC Secretary is not able to carry out these requirements, please could you arrange for these matters to be dealt with as soon as possible. Please also let me know if there has been a recent change of Secretary in any of the parishes.

4. Local planning authorities and parish councils

We serve notice on the local planning authority and parish council of the parish in which the affected church building is situated as interested parties under the Mission and Pastoral Measure. Although County and Town Councils are not defined as interested parties under this Measure, please copy this correspondence to either of these parties if you feel this would be helpful. Ward Councillors for the affected parish(es) have been sent a copy of the draft Scheme.

SUMMARY OF MAIN PROVISIONS OF DRAFT SCHEME (NOT PART OF THE DRAFT SCHEME)

This draft Scheme provides for:

- (i) the dissolution of the parish of Highampton, being one of the seven parishes comprising the area of the benefice of Ashwater, Halwill, Beaworthy, Clawton, Tetcott with Luffincott, Black Torrington and Highampton, and the transfer of its area to the parish of Black Torrington (the name of which shall be altered to “The Parish of Black Torrington with Highampton”); and*
- (ii) for the church of Holy Cross, being the parish church of the parish of Highampton, to be declared closed for regular public worship in the diocese of Exeter.*

DRAFT

PASTORAL CHURCH BUILDINGS SCHEME

This Scheme is made by the Church Commissioners (“the Commissioners”) this day of 20 in pursuance of the Mission and Pastoral Measure 2011, the Right Reverend Michael, Bishop of Exeter, having consented thereto.

Part I

Dissolution of parish, transfer of its area and alteration of parish name

1. The parish of Highampton, being one of the seven parishes comprising the area of the benefice of Ashwater, Halwill, Beaworthy, Clawton, Tetcott with Luffincott, Black Torrington and Highampton in the diocese of Exeter, shall be dissolved and its area transferred to the parish of Black Torrington (the name of which shall be altered to “The Parish of Black Torrington with Highampton”) in the same benefice.

Assistant curates: consequential provision

2. If immediately before this Scheme comes into operation any person holds an office of assistant curate (however described) in the parish of Highampton he, she or they shall as consequence of the dissolution of that parish effected by the Scheme hold such office or offices subject to the same terms of service in the parish enlarged and renamed Black Torrington with Highampton pursuant to clause 1 hereof.

Part II

Declaration of closure for regular public worship

3. (1) The church of Holy Cross, being the parish church of the parish of Highampton, shall be declared closed for regular public worship by this Scheme.

(2) Subject to any provisions of the Parochial Registers and Records Measure 1978 which apply thereto and any directions thereunder, any register books and records of that church which remain in parochial custody shall be dealt with as the Bishop shall direct.

Part III

Coming into operation of this Scheme

4. (1) Parts I and II of this Scheme shall come into operation upon such date or dates as the Commissioners, after consultation with the Bishop, shall determine.

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

Clause 3

This Scheme, if implemented, would have the effect of closing Holy Cross church, Highampton for public worship and vesting it in the Exeter Diocesan Board of Finance for care and maintenance pending a decision on its future. Any such decision would be the subject of a second Scheme, called a Pastoral (Church Buildings Disposal) Scheme, which would be prepared and published by the Church Commissioners, and with regard to which an opportunity would be given for representations to be made. In terms of implementing this Pastoral Church Buildings Scheme subject to the consideration of any representations, the Commissioners will need to be satisfied that all aspects of title relating to the church, including access and any rights of way, are in order before they make the Scheme. Banns of marriage may not be called nor marriages solemnized in the church from the date of closure.

Further contextual information provided by the diocese

Holy Cross church has a faithful congregation of three people. However, there are no churchwardens and its PCC has fallen inoperative. It is considered that there is little likelihood of finding sufficient eligible and willing people within the parish to take on the roles of churchwarden and to join the PCC, taking on responsibility for all aspects of day-to-day parish life. At present, the Acting Bishop has put Directions in place under the Mission and Pastoral Measure 2011 and the Church Representation Rules to enable the Rector to exercise essential PCC functions (such as insuring the building) to 31st August 2024. It is expected that these will be renewed for a short period to enable discussions and consultation to reach their conclusion.

Relationships have been growing between the parishioners of Highampton and the congregation of St Mary's Church, Black Torrington; and Black Torrington PCC has indicated a willingness and a gladness to welcome the parishioners of Highampton into its church family. However, while the members of Black Torrington PCC would be willing to take on responsibility for the governance of the geographical area of Highampton parish, they would not wish to become responsible for Holy Cross church, given the condition of the building and the responsibility of caring for their own parish church of St Mary's.

When the current Rector took office in June 2023, he was immediately concerned by the condition of the grade II* listed Holy Cross building, which it is understood has deteriorated over many years. He drew on the parish Restoration Fund to commission an emergency architectural review, building on the Quinquennial Inspection (QI) undertaken in May 2022. The architect's report found multiple issues, including with the building's floor, ceiling, roof and the bell tower. In the 2022 QI report, the estimated cost of repairing the building and making it safe was in excess of £500,000; this figure will now be higher. At the Rector's request, and on the basis of the findings of the emergency review, the Acting Bishop has put in place a Dispensation under Canon B14A to authorise regular public worship to cease until either 1st November 2024 or until such time as the church is put into such a condition that it is safe for use by members of the public. Consequently, the building is presently considered 'unoccupied' for insurance purposes, and so the insurance premium has increased, putting a heavy burden on limited parish finances.

Over the years, the Highampton PCC has been unsuccessful in attempts to raise grant funding to repair the church building; while local meetings have not resulted in active support. Some have reached the conclusion that it is no longer financially feasible to seek to repair the building; and that – with the parish of Black Torrington willing to welcome the parishioners of Highampton into their church family – it may now be time to close Holy Cross church for regular public worship. This was the consensus reached at an open meeting for parishioners from Highampton and Black Torrington on 18th April 2024.

The effect of closing Holy Cross church and seeking reorganisation of the ecclesiastical parish of Highampton with the ecclesiastical parish of Black Torrington is that St Mary's church, Black Torrington, would become the parish church for the people of Highampton. It is anticipated that, if a Scheme were to be made in pursuance of these proposals, the Church as a body of Christians would remain very much present in the village of Highampton. The churchyard would – subject to access being made safe – remain open for the people of Highampton and, were these proposals to play out, that a subcommittee would be formed under the PCC of Black Torrington with Highampton for the management of the churchyard and the organisation of church-related events in Highampton village.

Following the meeting of 18th April 2024, the PCC of Black Torrington (at a Vestry Meeting of 26th April 2024) and parishioners from Highampton (at a meeting on 28th April 2024) both gave their formal support to the proposals.

The following Resolution was passed by the Rector, the congregation of the parish of Highampton and the PCC of the parish of Black Torrington: 'We [...] request that the Barnstaple Archidiaconal Mission and Pastoral Committee begins consultation on Draft Proposals for the dissolution of the ecclesiastical parish of Highampton, formal closure for regular public worship of Holy Cross church, Highampton, and the transfer of the area of the ecclesiastical parish of Highampton into the ecclesiastical parish of Black Torrington. After multiple advisory visits and assessments, and following professional advice, the building is deemed unstable and unsafe to be used or entered. There is no prospect of the building being repaired due to the extreme cost of restoration. There are no PCC or church officers at Highampton'.

There was a further, well-attended public meeting held in Highampton on 25th July 2024, at which it was clear that there are people in the parish who feel passionately about the church building's heritage significance and place in the community. It is at present uncertain whether this group would wish to seek to revive the PCC and retain the church as a place of worship; or whether they would want to seek to acquire it as a secular community building following closure under the Measure. It is hoped that public consultation on a draft Scheme for closure will help to clarify the next steps.

Glossary of words commonly used in Pastoral Reorganisation

A fuller version is available in the Code of Recommended Practice to the Mission and Pastoral Measure 2011 <https://www.churchofengland.org/more/parish-reorganisation-and-closed-church-buildings/mission-and-pastoral-measure-2011-and-code#na>

Archbishop	Senior bishop with authority over a Province - of Canterbury and of York.
Archdeacon	An office held by a senior clergy person appointed by the bishop with an administrative responsibility over an archdeaconry. Some of his/her duties are laid down by law but in other respects his/her duties vary according to diocesan practice: they include care for church property.
Archdeaconry	Sub-division of the diocese over which an archdeacon has administrative responsibility.
Benefice	An ecclesiastical office carrying certain duties. An incumbent's benefice is therefore not a geographical area (see parish) but the office to which (s)he is appointed and may comprise one or more parishes. A benefice may be a rectory or vicarage from which the incumbent is called rector or vicar.
Bishop	In the Church of England the bishop is the central focus of organisation and ministry within his/her diocese. He/She is the chief pastor and authority and shares the cure of souls with all the incumbents of that diocese. He/She is also, in his/her own person, the chief representative of the diocese in the work of the wider church. He/She may be assisted by suffragan or assistant bishops.
Bishop's Pastoral Order	An amendment made in 2018 to the Mission and Pastoral Measure 2011 to enable fairly minor matters to be dealt with by the Bishop at the local/diocesan level and for which there are no rights of objection. e.g. changing the name of a benefice or parish.
Common Tenure	The basis on which all Church of England offices will eventually be held under the Ecclesiastical Offices (Terms of Service) Measure 2009. Existing holders of freehold offices may decide not to opt-in to Common Tenure but new office holders will be on Common Tenure. (not going to mention here about continuing to retain freehold on e.g. a union, but not when named 1st TR or TV of a new TM – as likely to be unnecessarily confusing for a 'glossary' – which just 'glosses' on certain matters)
Chapel of Ease	A consecrated church that it is not a parish church but is within a parish that (normally) does have a parish church. Originally for the ease of parishioners who could not attend the parish church.
Church Representation Rules	Schedule 3 to the Synodical Government Measure 1969 but updated as a separate booklet. They contain the mechanism for the setting up of representative bodies in the Church of England from parochial church councils to the House of Laity of the General Synod.
Cure of Souls	'Cure' means 'care'. The bishop has the universal cure of souls in a diocese but, subject to this, the incumbent of a benefice (or team rector and team vicar(s) in a team ministry) has the exclusive cure of souls within his or her parish or parishes. The expression should not be confused with the more general phrase 'pastoral care'.
Deanery	A sub-division of an archdeaconry usually comprising between 10 and 20 parishes.
Declaration of closure for regular public worship	The act of closing a church for public worship under the Mission and Pastoral Measure 2011.
Diocesan Board of Finance	A company constituted by the diocesan synod and regulated by the Companies Acts. A board of finance holds property for Church of England purposes, transacts business in that connection and acts as a committee of the diocesan synod. It normally also acts as the diocesan trust.
Diocesan Mission and Pastoral Committee	Statutory Committee established by the Mission and Pastoral Measure 2011. Its duty is to review the arrangement for pastoral supervision in the diocese and, as appropriate, to make recommendations to the bishop.
Diocese	One of 41 main territorial units of the Church of England over which a bishop has responsibility. Divided into archdeaconries, deaneries and parishes.
District Church Council	If a parish comprises two or more places of worship or churches then individual councils can be set up for the districts in which each place of worship or church is situated to exercise such functions as may be delegated by the parochial church council.
Glebe	Land or buildings vested in the Diocesan Board of Finance that either provides a rental income to augment the Diocesan Stipends Fund or provides housing for those involved in the cure of souls.
Group Ministry	An arrangement, authorised by the Mission and Pastoral Measure 2011, whereby the clergy of two or more separate benefices can assist each other to make the best possible provision for the cure of souls in the area as a whole.
Incumbent	Holder of a benefice (which can be either a freehold or a Common Tenure office) – and can be either a rector or a vicar - with responsibility for the cure of souls. May be assisted by curate, deacon, licensed lay worker, retired priest etc.
Joint Council	A provision brought about by the Church Representation and Ministers Measure 2019, which may only

be established under the Church Representation Rules, and deals with matters that may be delegated to it by the PCCs concerned. Please note that it is now no longer possible for any new group councils, team councils or joint PCCs to be established under the CRRs (or for a time-limited permissive option under the Mission and Pastoral Measure 2011 process).

Leave to Appeal	Any person who makes a representation to the Commissioners against a pastoral scheme has a right to apply for leave to appeal to the Judicial Committee of the Privy Council against a decision of the Commissioners to proceed notwithstanding that representation.
Members ('Other') of a Team Ministry	May be clerical or lay (see s.34 of Mission and Pastoral Measure 2011). They share the pastoral care of the area with the team rector and team vicars, but NOT the cure of souls.
Mission and Pastoral Measure 2011	The Measure of the General Synod which authorises changes in pastoral reorganisation. Designed to "make better provision for the cure of souls". Part of the law of the land and equivalent to an Act of Parliament.
Mission, Pastoral and Church Property Committee	A Committee of the Commissioners' Board of Governors which makes decisions on representations on pastoral, church buildings, houses and glebe matters. It is chaired by the Third Church Estates Commissioner.
Parish Centre of Worship	An unconsecrated Place of Worship designated by the bishop under s.43 of the Mission and Pastoral Measure 2011 whereupon for most purposes (other than marriage) it is regarded as a parish church.
Parish Church	A consecrated building in a parish in which, subject to canon law, the statutory services must be held unless there are other churches in the benefice where this can happen and/or certain other dispensations have been provided for under the Canons. Parishioners have a right to be married, baptised etc. in the parish church. S.41(2) of the Mission and Pastoral Measure 2011 requires that any new church or existing building which is to become a parish church must be approved by the bishop, subject to the bishop having consulted both the Diocesan Pastoral Committee and the Diocesan Advisory Committee.
Parochial Church Council	Representative body of parishioners elected from those on the electoral roll in accordance with the Church Representation Rules. Usually chaired by incumbent.
Parsonage House	The official place of residence of an incumbent of a benefice. The house belongs to the incumbent in right of his or her office.
Pastoral Order	A document which effects changes in pastoral reorganisation made under the Mission and Pastoral Measure 2011. Differs from a pastoral scheme mainly in that it deals with lesser matters.
Pastoral Scheme	A document which effects more complex changes in pastoral reorganisation made under the Mission and Pastoral Measure 2011. A Pastoral Church Buildings Scheme is required where a closure of church building is being proposed – or a Pastoral (Church Buildings Disposal) Scheme if it deals with an already closed (former) church building
Patron	The person or body owning an advowson (i.e. right to present a priest to a benefice) who may be a private individual or a corporation (ecclesiastical or lay).
Plurality	The holding of two or more separate benefices by one incumbent. This can only be authorised by a scheme or order or Bishop's Pastoral Order under the Mission and Pastoral Measure 2011.
Priest in Charge	A priest given charge of a suspended benefice by licence of the bishop. (S)he has not been presented and is not the incumbent but holds office under common tenure.
Representations	The Mission and Pastoral Measure 2011 requires that any draft scheme or order be published and made available to the public. Any person can make written representations to the Commissioners either for or against what is proposed.
Restriction/Suspension of presentation	Where a patron's right of presentation is restricted (where consultation about pastoral reorganisation has begun or the bishop has asked the DMPC to consider it) or suspended (where pastoral reorganisation or replacement of parsonage house may be considered).
Team Ministry	A special form of ministry whereby a team of clergy and possibly lay people share the pastoral care of the area of a benefice. Can only be established by a pastoral scheme.
Team Rector	The priest in a team ministry who heads the team and owns the property of the benefice. (S)he shares the cure of souls with the team vicars.
Team Vicar	A priest of incumbent status in a team ministry, other than the team rector. (S)he shares the cure of souls with the team rector and other team vicars.

Notice
Mission and Pastoral Measure 2011
Draft Pastoral Church Buildings Scheme

30 September 2024

The Church Commissioners have prepared a draft Scheme in respect of proposals sent to them by the Bishop of Exeter providing for: (i) the dissolution of the parish of Highampton, being one of the seven parishes comprising the area of the benefice of Ashwater, Halwill, Beaworthy, Clawton, Tetcott with Luffincott, Black Torrington and Highampton, and the transfer of its area to the parish of Black Torrington (the name of which shall be altered to “The Parish of Black Torrington with Highampton”); and (ii) for the church of Holy Cross, being the parish church of the parish of Highampton, to be declared closed for regular public worship.

A copy of the draft Scheme may be inspected at the churches of: (i) Holy Cross, Highampton; and (ii) St Mary, Black Torrington; and also at: (iii) Highampton Village Hall.

The draft Scheme is on our website www.churchofengland.org/consultation or you may obtain a copy from me. **Large print and/or audio copies are available on request.** Anyone may make representations **for or against** all or any part of the draft Scheme (please include the reasons for your views) by post or, preferably, by email to reach me **no later than midnight on Monday 18 November 2024**. If I have not acknowledged its receipt, please ring or e-mail me. For administrative purposes, a petition 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 for whom we can identify an address – “the primary petitioner”.

- When making a representation, please indicate the nature of your interest in the proposals (e.g. parishioner, member of parochial church council, etc) and whether you would like an opportunity to speak to the Commissioners regarding your representation if they decide a hearing should be held regarding the case. Please ensure we have contact information so that we can be in touch with you regarding later stages of the process.
- If we receive representations against the draft Scheme, we will send them, and any representations supporting the draft Scheme, to the Bishop whose views will be sought. Individual representors and the primary petitioner will then receive copies of the correspondence with the Bishop (including copies of all the representations) and will be told whether a hearing is to be held. They and individual petitioners may comment further to the Commissioners. Copies of all of the representations received (which will include your name but not your contact details) and associated correspondence will be published on the Commissioners’ website if the matter needs to be considered by the Commissioners.
- If a hearing is held, anyone may attend the meeting of the Commissioners’ Committee that considers the case and representors may have an opportunity to speak to it. Otherwise, if a hearing is not to be held, the case will be considered in private and you will be informed accordingly.
- When we acknowledge representations we will let individual representors (and the primary petitioner) know the next few dates of our Committee’s meetings. We will confirm the actual date if a hearing is to be held nearer the time.
- The Committee will decide if the draft Scheme should proceed when it considers all the representations on the basis of a paper prepared by the Commissioners’ staff and any points raised at the meeting. The Commissioners will notify all representors of their decision and give a statement of the reasons for it.
- Please see www.churchofengland.org/consultation for further information about the procedure.

Rex Andrew

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