

# APPLYING FOR A FACULTY

The procedure for applying for a Faculty in the Diocese of Peterborough is as follows:

## The Diocesan Advisory Committee

The applicants should send full details of their proposals by email if possible (including plans, specifications, estimates including any advice or other material obtained by the intending applicant relating to the environmental implications of the proposals) to the Diocesan Advisory Committee (“DAC”). The address to write to is:

The DAC Secretary  
The DAC Office  
The Palace  
Minster Precincts  
Peterborough  
PE1 1YB  
dac@peterborough-diocese.org.uk

(Tel: 01733-887007)

The DAC is a statutory body, whose principal purpose it to advise the Chancellor of the Diocese in respect of each application for a Faculty. The DAC meets approximately every 6 weeks. The dates of the Peterborough DAC meetings and agenda deadlines can be found the Peterborough Diocesan Registry website at [www.peterboroughdiocesanregistry.co.uk/faculties.html](http://www.peterboroughdiocesanregistry.co.uk/faculties.html).

After the DAC has considered a particular set of proposals, it will send to the church all the necessary Faculty paperwork and will at the same time return any plans, specification and estimates previously sent to it. This paperwork will include:

- (1) A **DAC Certificate** (known as a Form 2) setting out the DAC’s advice to the Chancellor.
- (2) A **Faculty Petition** (Form 3A or 3B as the case may be). This application form must be filled in and sent to the Diocesan Registrar, together with the Form 1A or 1B as the case may be, copies of all the plans, specifications, estimates, environmental advice and relevant correspondence received from Historic England, the local planning authority, the national amenity societies, the CBC or any other body or person which were submitted to the DAC and a certified copy of the resolution of the Parochial Church Council approving the proposals. The Chancellor will normally expect the Minister and Churchwardens to be the applicants named in the Petition.
- (3) Two copies of a **Public Notice** (Form 4A or 4B as the case may be). This notice must be put on display at the church for 28 days. One copy should be displayed inside the church and the other outside the church.

The Rules provide that, not later than the day on which the petition is submitted to the Diocesan Registry (or on a later day if the Chancellor so directs) the petitioner must display public notices at the church. Also, where a petition relates to a Grade I or II\* listed church or the exterior of a Grade II listed church or involve demolition affecting the exterior of an unlisted building in a conservation area, notice of the petition should be published on a diocesan web site, giving the date by which objections must be notified to the Diocesan Registrar. **It is therefore very important that, immediately a public notice is put on display at the church, a copy of the notice, as displayed, is sent to the Registrar together with the petition, so that the Registrar can enter the details on the web site, advising people of the last date for objections.**

When the period for display has elapsed, the churchwardens should complete the certificate on the back of the forms to confirm that the Public Notices have been displayed for 28 days. The purpose of the Public

Notices is to give notice of the proposals to parishioners and other interested parties, and an opportunity of objecting. In a typical case, the Chancellor will give directions to the Registrar to issue a Faculty subject to there being no notices of objection lodged in the Registry during the period of publication of the notices.

The Registrar normally sends the completed Faculty Petition and the associated papers to the Chancellor, who will give directions as to whether a Faculty may be granted and, if so, whether or not there are to be any conditions attached to the Faculty.

### **Consultation with English Heritage, national amenity societies and the local planning authority**

In certain cases it may be necessary to consult with one or more of the following, namely, English Heritage, a national amenity society and the local planning authority.

**Part 4 and Schedule 2** of the **Faculty Jurisdiction Rules 2015** provide as follows:

#### **PART 4**

##### **Seeking advice prior to commencement of proceedings**

###### Seeking the advice of the Diocesan Advisory Committee

###### 4.1

- (1) Before starting proceedings in the Consistory Court, intending applicants should seek the advice of the Diocesan Advisory Committee on the works or other proposals in respect of which a faculty, injunction or restoration order is to be sought unless paragraph (2) applies.
- (2) The advice of the Diocesan Advisory Committee is not required if the proceedings:
  - (a) relate exclusively to:
    - (i) exhumation; or
    - (ii) the reservation of a grave space; or
  - (b) are sufficiently urgent to justify the grant of a faculty, the issue of an injunction or the making of a restoration order without obtaining the Committee's advice

###### Documents etc to be submitted to the Diocesan Advisory Committee

###### 4.2

- (1) Intending applicants must submit the following to the Diocesan Advisory Committee when seeking its advice
  - (a) the standard information in Form IA (where advice is being sought pursuant to a resolution of the parochial church council) or Form IB (where advice is being sought by the relevant person or body) (but see paragraph (2));
  - (b) a summary of the works or other proposals on which advice is being sought;
  - (c) any relevant designs;
  - (d) any relevant plans;
  - (e) any relevant photographs;
  - (f) any advice or other material obtained by the intending applicants relating to the environmental implications of the works or other proposals;

- (g) any other documents giving particulars of the works or other proposals;
  - (h) any relevant correspondence received from the Church Buildings Council; and
  - (i) in the case of works which are subject to a requirement for consultation under Schedule 2, the information and other documents required to be provided to the Committee by paragraph 6 of that Schedule.
- (2) If the intending applicants have previously submitted the standard information required by paragraph (1)(a) to the Diocesan Advisory Committee they need not do so again unless the information that was previously submitted has changed.

#### Proposals involving changes to listed buildings: statements of significance and needs

#### 4.3

- (1) Where proposals involve making changes to a listed church or other listed building intending applicants must provide the Diocesan Advisory Committee with:
- (a) a document which describes:
    - (i) the significance of the church or other building in terms of its special architectural and historic interest (including any contribution made by its setting) and
    - (ii) any significant features of artistic or archaeological interest that the church or other building has

so as to enable the potential impact of the proposals on its significance, and on any such features, to be understood (a “statement of significance”) and
  - (b) a document setting out the justification for the proposals (commonly known as a “statement of needs”).
- (2) If the proposals are likely to result in harm to the significance of the church or other building as a building of special architectural or historic interest, the document setting out the justification for the proposals must set out the basis on which it is said that the proposals would result in public benefit that outweighs that harm.

#### Consultation with Historic England, amenity societies and the local planning authority in certain cases

#### 4.4

- (1) Schedule 2 makes provision for intending applicants to consult the following bodies in certain cases:
- (a) Historic England;
  - (b) any national amenity society which has an interest in the proposals; and
  - (c) the local planning authority.
- (2) Intending applicants should refer to Schedule 2 and follow the steps set out there if proposals:
- (a) involve demolition of a listed building or its alteration or extension to such an extent as would be likely to affect its character as a building of special architectural or historic interest;
  - (b) are likely to affect the archaeological importance of a building or archeological remains within the building or its curtilage; or

- (c) involve demolition affecting the exterior of an unlisted building in a conservation area.

#### Giving of Diocesan Advisory Committee's advice

#### 4.5

- (1) In the case of works or other proposals in respect of which a Faculty is to be sought, the Diocesan Advisory Committee's advice must be given in a notification of advice in Form 2
- (2) The notification of advice must state whether the Diocesan Advisory Committee:
  - (a) recommends the works or proposals for approval by the Court;
  - (b) does not recommend the works or proposals for approval by the Court; or
  - (c) does not object to the works or proposals being approved by the Court.
- (3) If the notification of advice recommends the works or proposals for approval by the Court it must include a statement that the advice does not constitute authority for carrying out the works or other proposals and that a Faculty is required.
- (4) If the notification of advice does not recommend the works or proposals for approval by the Court it must include:
  - (a) the Committee's principal reasons for giving that advice; and
  - (b) a statement that despite the Committee's advice, the intending applicants may, if they wish, petition the Court for a Faculty authority the works or other proposals.
- (5) If the notification of advice does not object to the works or proposals being approved by the Court:
  - (a) the Committee must consider whether to include its principal reasons for giving that advice; and
  - (b) the notification of advice must include a statement that the advice does not constitute authority for carrying out the works or other proposals and that a Faculty is required.
- (6) A notification of advice may include a recommendation that the intending applicants should consult any of the following about all or some of the works or other proposals on which the advice of the Diocesan Advisory Committee has been sought:
  - (a) Historic England;
  - (b) the local planning authority;
  - (c) one or more of the national amenity societies;
  - (d) the Church Buildings Council;
  - (e) any other body or person.
- (7) The Committee must include a recommendation that the intending applicants consult a body mentioned in paragraph (6)(a) to (c) if it appears to the Committee that its advice relates to works in respect of which Schedule 2 provides for that body to be consulted and that the relevant consultation has not already taken place.

- (8) The Committee must include a recommendation that the intending applicants consult the Church Buildings Council if it appears to the Committee that its advice relates to a proposal to which rule 9.6 applies (proposals affecting articles of special historic, architectural, archaeological or artistic interest) and the Council has not already been consulted.
- (9) In the case of works or other proposals in respect of which an injunction or restoration order is to be sought:
  - (a) the Committee's advice must be given in the form of a report or letter; and
  - (b) paragraphs (6) to (8) apply to that report or letter as they apply to a notification of advice given under paragraph (1).

#### Interim faculties and interim injunctions and restoration orders

- 4.6 This part is without prejudice to the court's power at any time to grant an interim faculty under Para 15 or an interim injunction or interim restoration order under rule 16.6

## **SCHEDULE 2**

### **Consultation with Historic England, national amenity societies and the local planning authority**

#### Timing of consultation

1. So far as possible, any consultation provided for in this Schedule should take place before intending applicants seek the advice of the Diocesan Advisory Committee under rule 4.1.

#### Historic England

2. Consultation with Historic England should take place as follows:
  - (1) in the case of a grade I or II\* listed building Historic England should be consulted on any works that involve demolition of a listed building or its alteration or extension to such an extent as would be likely to affect its character as a building of special architectural or historic interest.
  - (2) In the case of a grade II listed building Historic England should be consulted on works which comprise the demolition or removal of all, or a substantial part, of the structure of the interior (including any principal internal elements such as staircases, galleries, load-bearing walls, floor or roof structures and major internal fixtures such as pews, screens and organs).
  - (3) Historic England should be consulted on works that are likely to affect the archaeological importance of any building or archeological remains within the building or its curtilage.

#### National amenity societies

3.
  - (1) Any national amenity society which is likely to have an interest in the works should be consulted where:
    - (a) they involve demolition of a listed building of any grade or its alteration or extension to such an extent as would be likely to affect its character as a building of special architectural or historic interest; or
    - (b) they involve demolition affecting the exterior of an unlisted building in a conservation area.
  - (2) Whether a national amenity society is likely to have an interest in works will depend on the age of the building (or the relevant part of it) and the likely effect on it of the proposed works.

### The local planning authority

4. The local planning authority should be consulted where works:
  - (a) involve demolition of a listed building of any grade or its alteration or extension to such an extent as would be likely to affect its character as a building of special architectural or historic interest;
  - (b) are likely to affect the archaeological importance of a building or archaeological remains within the building or its curtilage; or
  - (c) involve demolition affecting the exterior of an unlisted building in a conservation area.

### Documents to accompany consultation

5. When consulting any body under paragraphs 2 to 4 the intending applicants should provide that body with:
  - (a) a letter stating that they are consulting the body in accordance with this Schedule and that a response to the consultation will be taken into account if it is received within 28 days of the date of the letter;
  - (b) the standard information in Form IA or Form IB;
  - (c) a summary of the works or other proposals on which advice is being sought;
  - (d) any relevant designs;
  - (e) any relevant plans;
  - (f) any relevant photographs;
  - (g) any other documents giving particulars of the works or other proposals; and
  - (h) a statement of significance, and a document setting out the justification for the proposals (commonly known as a “statement of needs”) that meet the requirements of rule 4.3

### Information etc to be provided to Diocesan Advisory Committee

6.
  - (1) When seeking the advice of the Diocesan Advisory Committee under rule 4.1 the intending applicants should inform the Committee of:
    - (a) any consultation that has taken place under paragraphs 2 to 4; and
    - (b) where the body consulted has not yet responded, the date of the expiry of the period of 28 days mentioned in paragraph 5(a).
  - (2) The intending applicants should provide the Diocesan Advisory Committee with a copy of any response it has received from a body consulted under paragraphs 2 to 4 that is received within the period of 28 days mentioned in paragraph 5(a).
  - (3) If the applicants receive a response from a body they have consulted under paragraphs 2 to 4 after the expiry of the period of 28 days mentioned in paragraphs 5(a) they should nevertheless send a copy of the response to the Diocesan Advisory Committee unless the Committee has already given its notification of advice.

- (4) If a body that has been consulted under paragraphs 2 to 4 has not responded within the period of 28 days mentioned in paragraph 5(a) the Diocesan Advisory Committee is not obliged to await a response from that body before giving its notification of advice.