

THE UNITED REFORMED CHURCH

and

THE PLANNING (LISTED BUILDINGS AND

CONSERVATION AREAS) ACT 1990

PROCEDURE FOR CONTROL OF WORKS TO BUILDINGS

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1. General Principle

Any person or body carrying out functions of care and conservation under this Statement or Procedure or under any other enactment or rule of law relating to Churches shall have due regard to the role of a Local Church as hereinafter defined as a local centre of worship and mission and also to the United Reformed Church Acts as hereinafter defined with regard to the functions and authority of the local church and the Provincial Synod as hereinafter defined with regard to Church Buildings.

2. Definitions

1. "The Order" means the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 (SI 1994 No. 1771)
2. "The Church" means The United Reformed Church referred to in Article 4(g) of the Order
3. "Church Building" means a building (situated in England or Wales) whose primary use is as a place of worship
4. "Listed Building" means a building held upon trusts appertaining to the Church being a listed building as defined by Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and for the purpose of this Statement of Procedure shall include an unlisted building held on such trusts in a Conservation Area as defined by Section 69 of such Act
5. "Works" and "Proposed Works" mean any works and proposed works to which this Statement of Procedure applies
6. "The United Reformed Church Acts" mean the United Reformed Church Acts 1972 and 1981 and any statutory modification variation or re-enactment thereof and any future United Reformed Church Acts which may from time to time be enacted
7. "Local Church" means a local church of the Church
8. "District Council" means the representative body of the District as described in the document entitled "The Structure of the United Reformed Church" for the area in which the Listed Building is situated
9. "Province" means any Province of the Church listed in the Order and not removed by subsequent Order
10. "Synod" means the representative body of the Province as described in the document "The Structure of the United Reformed Church"
11. "Resolution of its Synod" means a resolution of the Plenary Meeting of the Synod of which due notice has been given to the members thereof in accordance with the rules of Synod procedure for the time being in force
12. "Applicants" and "Intending Applicants" mean any Local Church or the Trustees of that Local Church or Other Body of the Church applying or intending to apply for consent to carry out any works on or in a Listed Building
13. "Listed Buildings Advisory Committee (L.B.A.C.)" means in relation to each Province the advisory committee constituted in accordance with the First Schedule for the purpose of advising the P.P.C as to Works and Proposed Works under this Statement of Procedure
14. "Provincial Property Committee (P.P.C.)" means in relation to each Province the Committee which is authorised by the Synod to act as the decision making body for the purposes of Paragraph 7
15. "Consultative Bodies" mean those bodies listed in the Second Schedule hereto
16. "This Statement of Procedure" means the Statement of Procedure for control of works to Listed Buildings comprised in this document (and includes any subsequent variation thereof made in accordance with Paragraph 3)
17. "Form 1", "Form 2", "Form 3", "Form 4", "Form 5" and "Form 6" mean the Model Forms set out in the Third Schedule
18. "Other Body" means any body other than a Local Church being in any particular circumstances the proper party to comply with the procedure laid down in this Statement of Procedure
19. "Unauthorised Works" means any works as defined in Paragraph 2.5 which are carried out in whole or in part without the consent of

the P.P.C. having been granted in accordance with the procedures laid down in this Statement of Procedure

20. "Form 6 Notice" means a Notice endorsed on Form 2 under the procedures contained in Paragraphs 6.1

3. **Application of the Order and Adoption of these Procedures**

In respect of Listed Buildings within the geographical area of each Province, the method of applying the Order to such Buildings and of adopting the Procedures contained in this Statement of Procedure (and in any subsequent variations thereof) and of subsequently withdrawing therefrom shall be by resolution of the Synod of that Province

4. **Scope of these Procedures**

The procedures contained in this Statement of Procedure shall apply to any works in respect of which, but for the exempting provisions of the Order, Listed Building Consent or Conservation Area Consent would be required under the Planning (Listed Buildings and Conservation Areas) Act 1990, being works proposed to be carried out to any of the following buildings, objects and structures :-

1. Any Church Building as defined by Paragraph 2.3
2. Any object or structure contained within or forming part of a Church Building
3. Any object or structure fixed to the exterior of a Church Building unless the object or structure is itself a Listed Building and
4. Any object or structure within the curtilage of a Church Building which, although not fixed to that building, forms part of the land unless the object or structure is itself a Listed Building

5. **Lodging and Processing of the Application**

1. In order to apply for consent for the carrying out of any Works under this Statement of Procedure, the Intending Applicants, having consulted and obtained the endorsement or the URC District Council, shall:
 1. Submit to the Secretary of the P.P.C a completed application form in Form 1 and
 2. At the same time deliver to the Secretary of the L.B.A.C. a copy of the completed application form, together with copies of all necessary designs, photographs, reports and documents giving particulars of the proposed Works and
 3. If so requested, deliver to the Secretary of the L.B.A.C. such further copies of the documents specified in Paragraph 5.1.2 and such supplementary information as L.B.A.C. may require and
 4. Allow full facilities for site inspection and discussion in relation to the Listed Building by the members of the L.B.A.C. or the P.P.C. and others on their instruction or by representatives of any of the Consultative Bodies at their request
2. The L.B.A.C will then (except in the case of emergency) take the following steps :-
 1. Send a copy of Form 1 with accompanying documents to the Consultative Bodies named in Part I of the Second Schedule, allowing them and the Consultative Bodies named in Part II of the Second Schedule twenty eight days in which to comment on the proposed works
 2. Require the Applicants to display for a twenty eight day period outside the Listed Building in a prominent position visible to the general public a Notice describing the Proposed Works indicating where all the relevant designs, photographs, plans, reports and documents relating thereto may be inspected and inviting comments from interested persons
 3. In cases involving Grade I and Grade II* Listed Buildings and Proposed Works to exteriors of Grade II Listed Buildings, cause to be published a similar Notice in a local newspaper circulating in the locality in which the Listed Building is situated
 4. Take account of any views expressed by the District Council
 5. Consider any comments made by the Consultative Bodies and any other person in relation to the Proposed Works
 6. Consult with the Applicants and their professional advisers and all others who in the opinion of the L.B.A.C. may assist them
3. The L.B.A.C. (or representatives thereof) shall normally inspect the Listed Building
4. Having followed the procedure prescribed in Paragraphs 5.2 and 5.3, and always having regard to the General Principle enunciated in Paragraph 1 the L.B.A.C. shall within ten weeks (or such longer period as may be agreed with the Applicants) from the date of receipt of Form 1 from the Applicants supply to the Secretary of the P.P.C. the following documents :-
 1. A completed Certificate in Form 2 setting out the L.B.A.C.'s advice to the P.P.C. on the Proposed Works
 2. Copies of the designs, photographs, plans, reports and documents referred to in Paragraph 5.1, all duly endorsed with the date of the Certificate on Form 2 and the nature of the recommendation of the L.B.A.C.
 3. A statement specifying all the steps taken to comply with the consultative procedures prescribed in Paragraphs 5.2 and 5.3, with copies of all representations, correspondence and other documents relating to such consultation
5. The L.B.A.C. shall also send to the Secretary of the Applicants a copy of the completed Certificate in Form 2
6. The L.B.A.C. shall retain copies of the documents which they deliver to the P.P.C. in accordance with Paragraph 5.4
7. In the event of the L.B.A.C. failing to comply with the provisions of Paragraph 5.4 within the time specified or agreed under that Paragraph, the Applicants shall be entitled to refer the matter to the P.P.C. who shall forthwith investigate the reasons for the delay and take such steps as are appropriate to ensure that the procedures laid down in Paragraphs 5.2 and 5.4 are concluded as quickly as possible
8. Nothing in this Statement of Procedure shall prevent the P.P.C. from giving consideration to any application in pursuance of its general responsibilities, even before the L.B.A.C. shall have supplied the Secretary of the P.P.C. the completed Certificate in Form 2 and accompanying documentation

1. Should the Certificate in Form 2 state that the L.B.A.C. does not support the carrying out of the proposed Works either in whole or in part and/or contain conditions which will entail significant revisions of the plans, specifications, materials and other aspects of the Proposed Works from those shown in the application on Form 1, then the provisions of Paragraph 6 shall apply
2. Should the Certificate in Form 2 contain no such statement or conditions as are envisaged in Paragraph 5.9.1, the provisions of Paragraph 6 shall not apply and the procedure shall move directly to Paragraph 7

6. Procedure where Applicants are given the opportunity to review their Application

1.
 1. Any Certificate in Form 2 given by the L.B.A.C. which falls within Paragraph 5.9.1 shall also include a Notice to the Applicants ("the Form 6 Notice") requiring them within six months (or such longer time as shall have been granted under Paragraph 6.2) to inform the Secretary of the P.P.C. on Form 6 as to whether, in the light of the comments expressed by the L.B.A.C. on Form 2, the Applicants still wish to proceed with the Application and, if so, to lodge with Form 6 the appropriate supporting documentation
 2. Pending such information, the P.P.C. will normally hold matters in abeyance and take no steps to process the Application further, subject to any overriding consideration under Paragraph 5.8
2. If the Applicants do not within six months of receipt by them of the Certificate in Form 2 supply to the Secretary of the P.P.C. a completed Form 6 confirming their intention to proceed, the Application shall automatically lapse unless an extension of time is granted in writing by the Secretary of the P.P.C.
3. On receipt of a completed Form 6 confirming the Applicants' intention to proceed, the Secretary of the P.P.C. shall forthwith :-
 1. Supply to the Consultative Bodies named in Part I of the Second Schedule copies of the Certificate in Form 2 and of Form 6 and all documentation relating to such revisions, allowing them and any of the Consultative Bodies named in Part II of the said Schedule who submitted comments in response to the application on Form 1 and its accompanying documents twenty eight days in which to comment on the Proposed Works in the light of such conditions and any proposed revision
 2. Supply to the L.B.A.C. and the District Council copies of the documentation referred to in Paragraph 6.3.1, allowing the a similar period for their comments

7. Consideration of and decision upon the Application by P.P.C.

1. When the procedures outlined in Paragraph 5 and (if applicable) Paragraph 6 have been concluded, the P.P.C. shall consider the application, the Certificate in Form 2, the Applicants' Form 6 (if applicable) and all accompanying documentation and may also consider any further comments and representations from the Applicants, the District Council and the Consultative Bodies and any further advice from the L.B.A.C. and may consult further as they consider appropriate and may themselves inspect the Listed Building which is the subject of the Application
2. Having duly considered the Application, the P.P.C. shall, as soon as conveniently possible and in any event no later than three months from the date of receipt by the P.P.C. of the completed Form 2 from the L.B.A.C. or, if Form 2 contains a Form 6 Notice, from the date of receipt by the P.P.C. of the completed Form 6 and accompanying documentation from the Applicants (or in either event within such longer period as shall be agreed with the Applicants), reach a decision upon the Application as follows :-
 1. To approve the Application in its entirety or as to part of the Proposed Works only and either conditionally or unconditionally or
 2. To reject the Application
3. In reaching its decision, the P.P.C. shall in particular take the following into account :-
 1. The general principle enunciated in Paragraph 1
 2. Developments in liturgical practice and styles of worship
 3. The desirability of preserving historic church buildings and the importance of protecting features of architectural merit and historic interest
 4. Comments made by the consultative bodies
 5. Views expressed by the District Council
 6. The recommendations and advice of the L.B.A.C.
4. The Decision Notice on Form 3 shall :-
 1. State the maximum period of time which may elapse under any approval so granted before the commencement of the Works, which in any case shall not exceed the period of five years from the date of Form 3
 2. State that under the Church's constitution Applicants have the right of appeal against the decision reached by the P.P.C. as indicated on Form 3, the procedure for which (including time limits) is currently set out in Paragraph 8 on Pages C6 and C7 of the Church's Manual (Fifth Edition 1988)
5. The P.P.C. shall serve notice of its decision upon the Applicants by copies of Form 3 sent to their Minister or other authorised signatory of Form 1
6. Copies of the Notice shall also be sent by the P.P.C. to the L.B.A.C., the District Council, the local Planning Authority and the other Part I Consultative Bodies and, for information only, in the case of demolition or alteration which will entail the loss of significant evidence of structural history or materially affect the special architectural or historic interest of the Listed Building, the Royal

Commission on the Historical Monuments of England (or the Royal Commission on Ancient and Historical Monuments in Wales where relevant)

7. The Applicants shall, on completion of The Works, serve on the Secretary of the P.P.C. a Notice in Form 4, (countersigned where appropriate by the Architect or other professional advisor of the Applicants) confirming that the works have been carried out in accordance with (i) the approved designs, photographs, plans and specifications and (ii) such conditions as shall have been attached to the notice of the P.P.C.'s decision on Form 3

8. Unauthorised Works

1. In the event of the carrying out of any Unauthorised Works on a Listed Building, the P.P.C. shall serve notice in Form 5 upon the Local Church or Other Body
2. So long as the Local Church or Other Body shall on or before receipt of such Notice immediately desist from carrying out the Unauthorised Works and shall not recommence them such Local Church or Other Body shall within seven days of receipt of the Notice in Form 5 instigate the procedure set out in Paragraph 5.1 and the matter shall thereupon proceed in accordance with Paragraphs 5, 6 and 7, save only where these are inconsistent with this present Paragraph 8
3. Provided that the Local Church or Other Body shall comply strictly with the provisions of Paragraph 8.2 the demand for restoration of the Listed Building contained in Form 5 shall remain in abeyance pending the decision of the P.P.C. on the application
4. In the event of failure by the Local Church or Other Body to comply strictly with Paragraph 8.2 or if and when the P.P.C. gives notice to the Local Church or Other Body of refusal of the Application in Form 3 in accordance with Paragraph 7.2.2 the demand for restoration contained in the said Notice shall have immediate effect
5. In the event of failure by the Local Church or Other Body to comply strictly with any of the requirements set out in this present Paragraph 8, the P.P.C. may report such failure to the Secretary of State for Culture Media and Sport (or the Secretary of State for Wales as may be) who may withdraw the Ecclesiastical Exemption in respect of the Listed Building concerned which would in future render the Local Church or Other Body liable to secular control

9. Responsibilities of Synods

1. Synods shall keep records concerning Works and Proposed Works (such records to be available to the public by prior arrangement during reasonable hours) sufficient to show :-
 1. Compliance with the procedures contained in this Statement of Procedure
 2. Whether comments were made by any of the Consultative Bodies
 3. The decision upon each application and what account was taken of any comments made by any of the Consultative Bodies
2. Synods shall make such monitoring arrangements as they consider suitable to ensure that Works are carried out in full accordance with the terms of the P.P.C. Consent on Form 3 and they shall take such action as may be appropriate (if necessary including the service of a Notice in Form 5) to ensure due compliance
3. Synods shall make provision for appropriate professional advice as to Listed Buildings and for inspections thereof on a fixed cycle of not more than five years
4. If the Church Meeting of a Local Church passes a resolution that a Church Building is to cease being used for worship or is to be closed, the date of such cessation or closure shall be the date so specified in the Resolution. In the absence of such Resolution the date of such cessation or closure shall be as declared by Resolution of the P.P.C.
5. Synods shall notify the Local Planning Authority if a Church Building, being also a Listed Building, ceases to be used for worship or is closed for all purposes

THE FIRST SCHEDULE

CONSTITUTION OF THE LISTED BUILDINGS ADVISORY COMMITTEE

The L.B.A.C. shall be appointed by the Synod and shall consist of a Chairman and Secretary appointed from Church members, together with at least four other persons not necessarily members of the Church itself having between them :-

1. Knowledge of history, development and use of Church Buildings
2. Knowledge of the liturgy and worship of the United Reformed Church and of its antecedents and of the role of the Local Church as a local centre of worship and mission
3. Knowledge of church architecture and history
4. Experience of the care of historic church buildings and their contents

One such member shall be appointed after consultation with English Heritage (with CADW in the case of the Synod of Wales), one after consultation with the relevant associations of Local Authorities and one after consultation with the remaining bodies named in the Second Schedule.

THE SECOND SCHEDULE

THE CONSULTATIVE BODIES

PART I

The Local Planning Authority

English Heritage / CADW

The Ancient Monuments Society

The Georgian Group

The Victorian Society

PART II

The Council for British Archaeology

The Society for the Protection of Ancient Buildings

The Twentieth Century Society

ADDENDUM

ADDITIONAL GUIDANCE AND CHANGES SINCE LAST REVISION :-

1. *Paragraphs 2.9 and 2.14* - Following the 2001 union with the Congregational Churches in Scotland, the term "Province" has been superseded by an ambiguous use of "Synod" to mean both the geographical area and the gathered meeting. However, within the legal purposes of Listed Buildings Control, and especially since the relevant Listed Buildings legislation does not apply in Scotland, the terms "Province" and "P.P.C." must continue to be used in the manner that they are enshrined in the Acts of Parliament and Orders in Council
2. *Paragraph 4* - for clarity, Listed Building Consent is not required for day-to-day repairs and maintenance that are carried out on a strictly like-for-like basis. But for everything beyond that, even for a simple substitution of one material for another, or a colour change, Listed Building Consent must be sought.
3. *Paragraph 4.2* - again for clarity, it should be emphasised that "any object or structure contained within" includes all fixtures and fittings within the Church Building. This includes such items as organs, fonts (unless strictly portable), memorials, heating systems and pews, but not hymn books. If in doubt, please ask.
4. *Paragraph 4.4* - an anomaly in the legislation has the effect that any non-attached structure erected within the curtilage since July 6th 1948 (the effective date of the Town and Country Planning Act of that year) is explicitly exempt from Listed Building Controls. This of course applies to any completely new structure that you might wish to erect within your curtilage. You will still require Civil Planning Permission, but not Listed Buildings Consent.
5. *Paragraph 5.1.1* - where Proposed Works include work to the organ in a Listed Place of Worship, a separate Application must be made covering the proposed works to the organ and nothing else, so that it may receive specialist review.
6. *Paragraph 5.1.2* - please remember that the purpose of this "package" is to enable reviewers who may not be familiar with your buildings to understand what you have got, what you are trying to do, and why. And why they should say "Yes!" without feeling the need to quibble or to pay you a visit. Note especially the criteria expressed in *Paragraphs 7.3.1 to 7.3.3*. The package should include a location plan; all drawings, plans and elevations should be shown in both 'current' and 'proposed' versions, prepared to a professional standard, to scale, and should include the imprimatur of the professional advisor who warrants their conformance with all appropriate and relevant regulations and standards; plans should include a compass; photographs should be in colour, and should show not only the specific areas affected by the Proposed Works, but also general views (internal and external) of the Listed Place of Worship and any special features that it contains. Please do not be shy about what you have got; it was Listed for a reason! Show the reviewers that you are proud of the Heritage of which you are trustees, that you are looking after it, and enhancing it!
7. *Paragraph 5.4* - in place of "ten weeks", the time scale is now "twelve weeks", and the clock does not start until the application has been deemed to be of an acceptable standard for external review. This will normally be determined at the first meeting of the L.B.A.C. following receipt of an Application
8. *Paragraph 5.5* - the L.B.A.C. will also send to the Applicants a duplicate set of all the documents as filed with the P.P.C. as confirmation as to exactly what has been approved. Any subsequent variations in the Proposed Works must receive clearance from the L.B.A.C. before being implemented
9. Additional guidance on the application of URC procedures, together with a great deal of very useful information on the care of

buildings, whether listed or not, is included in the *Synod Properties Handbook* available from the Synod Office or from the Synod web site. Everybody who has any responsibility for the care of our church buildings should keep a copy by their bedside!

10. The L.B.A.C. is always glad to receive "enquiries" prior to a formal application. These can range from "would we be allowed to do X?" to fully detailed plans only minus the Application Form 1. Just please remember that the professional members are giving their time to the URC without charge; they are not to be used a source of free consultancy. The regular meetings of the L.B.A.C. are normally held 'on site' at a church with an application in progress; where an 'enquiring' church asks for a visit we would expect the plans to be at a sufficiently advanced stage to enable meaningful discussions to take place.

16 Sept 2004