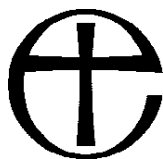


**THE CARE, CONSERVATION AND
DEVELOPMENT OF CATHEDRALS**

Guidance issued by

**THE CATHEDRALS FABRIC COMMISSION FOR
ENGLAND
1999**



THE CATHEDRALS FABRIC COMMISSION FOR ENGLAND

GUIDANCE NOTE 8

THE CARE, CONSERVATION AND DEVELOPMENT OF CATHEDRALS

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THE CARE, CONSERVATION AND DEVELOPMENT OF CATHEDRALS

1. INTRODUCTION

- 1.1. The *Care of Cathedrals Measure (1990)* lays upon the Cathedrals Fabric Commission for England (CFCE) a duty of giving advice to cathedral Administrative Bodies (Chapters as now defined under the *Cathedrals Measure 1999*) and also to Fabric Advisory Committees (FACs), on the care, conservation, repair and development of cathedral churches. It also lays a comparable advisory duty on FACs themselves.
- 1.2. The *Measure* further requires the Commission to consider and determine applications for approval of certain categories of proposals, including proposals for works which would permanently alter the fabric of the cathedral church or of certain other buildings in ecclesiastical use.
- 1.3. Since the *Measure* came into effect, the Commission's experience has shown that there is an intimate linkage between: on the one hand, the reasons which lead a cathedral to propose some permanent alteration to the fabric; and, on the other hand, issues of care, conservation and development.
- 1.4. It is the purpose of this Guidance Note to explore some of these issues in greater depth with two ends in view. The first is to offer advice which will be helpful to cathedrals in achieving a reasonable balance between different factors when drawing up proposals - especially proposals which at a later stage will be the subject of an application to the Commission.
- 1.5. The second is to provide information on the operation of the *Measure*, both for those parties with a statutory interest in the application procedures (as detailed in Section 8 of the *Measure*) and more generally for those with an interest in the Church of England's system of caring for its heritage.
- 1.6. In the following document, Section 2 sets out certain considerations relating to the purpose of cathedrals and how this relates to their care and conservation. Section 3 outlines the system of control established for cathedrals under the *Measure*. Section 4 places this system in the context of the statutory controls that apply to other historic buildings, and discusses the implications of these for cathedrals. Section 5 then offers practical advice on procedures that should help ensure all relevant factors will be considered in formulating proposals for work in cathedrals, so that balanced solutions may be achieved. Section 6 goes on to relate this advice to applications for approval, either to the CFCE or to FACs. Finally, Section 7 discusses certain other statutory controls that apply to cathedrals and how these overlap with controls under the *Measure*.

2. CARE, CONSERVATION AND THE PURPOSE OF CATHEDRALS

2.1. The Purpose of Cathedrals

2.1. Section 1 of the *Care of Cathedrals Measure* establishes a duty to have regard to a cathedral's purpose:-

“Any body on which functions of care and conservation are conferred by this measure shall in exercising those functions have due regard to the fact that the cathedral is the seat of the bishop and a centre of worship and mission.”

It should be noted at the outset that this requirement is a salient point of difference between, on the one hand, ecclesiastical legislation relating to the care and conservation of cathedrals and other churches and, on the other hand, secular legislation relating to listed historic buildings. It points to a particular essence of the Church's legislation in this area.

2.1.2. The *Measure* presupposes that it is fully possible both to have due regard to the purpose of cathedrals, and also to provide for their care and conservation. This pre-supposition is, indeed, based on the very nature of cathedrals themselves.

2.1.3. From the time of the foundation of the first cathedrals of the English Church, in the late 6th and 7th centuries, they have been established to provide a seat for the bishop and a centre for worship and mission throughout his diocese (as witnessed by Bede's letter of 734 to Bishop Egbert). Precisely the same has been true of cathedrals established in the 11th and 16th centuries, or in the 19th and 20th centuries. Equally, these cathedrals have always been served by communities of clergy and lay people who have provided the basis for its work and activities – the historic 'Foundation' and those who support them in their life. The character of these communities has been redefined at periods of reform in the Church,¹ but they have always been central to the actual life of cathedrals.

2.1.4. This continuity in the purpose, life and work of cathedrals gives them a specific character, and it marks them off decisively from many other categories of historic buildings, which have outlived their original purpose to be adapted to new uses, or to become ruined monuments. Accordingly, the particular "historic character" of a cathedral may be seen to lie to a significant degree in its continuing use for its original purpose.

2.1.5. It is the same purpose, understood from different perspectives in different periods, which has given rise to the various architectural and artistic manifestations of cathedrals. Naturally, with so long a history, buildings and their furnishings have been in a state of almost constant change, involving construction and also destruction, embellishment and also iconoclasm. This may again be seen to be part of the character of cathedrals. It does not, however, mean that those responsible for this heritage today are thereby absolved from the duties of thoughtful stewardship: that is, of discerning what of the past is worthy of retaining, and what of the new is worthy of admitting.

¹ Most recently by the reforms instituted under the *Cathedrals Measure 1999*.

2.1.6. The Church always exists in an historic moment between its past and its future. This is more than a plain fact: it is an essential characteristic of the Church as the community of an historical faith. Caring for the outward and visible manifestations of that historical faith is not, therefore, an extraneous activity for cathedrals, to be set against the carrying forward of their mission. Care, conservation and development alike are necessary and integral to the life of a cathedral and are rooted in its purpose.

2.2. Pressures for the Development of Cathedrals

2.2.1. Probably the single most important factor in determining the form and layout of cathedrals at all periods has been the provision of a suitable setting for worship. Yet conceptions of how the liturgy should be celebrated, and of what provision should be made for those participating, have been a constantly changing factor, punctuated periodically by major upheavals such as the Reformation or the Oxford Movement.

2.2.2. Liturgical developments during the second half of the twentieth century, evident in all mainstream Christian traditions, have placed a renewed emphasis on the Christian assembly as a community of faith participating fully in the offering of worship, and on baptism and the eucharist as the community's definitive sacraments. This movement of liturgical renewal gives rise to an increasing pressure to re-order liturgical space to give clear architectural expression to the basic elements of the liturgical action - font, ambo and altar. Cathedrals have a special role in providing for the bishop to preside over this liturgy. Most cathedrals also seek to maintain a vibrant tradition of singing in choir the daily office of the Christian community. The celebration of this divine worship is a special responsibility of the cathedral Foundation.

2.2.3. The freedom of the Church to order its life and worship in accordance with its own spiritual and pastoral insights is an important principle which should never be unnecessarily restricted. Within the Church of England such ordering is directed in the first place by the Bishops and the General Synod; but giving actual expression to the Church's worship and mission is always a local matter. Individual cathedrals rightly, therefore, see it as their responsibility to develop their worship and mission in response to their particular circumstances - though particular circumstances will include the existing architectural and artistic character of the cathedral fabric and its furnishings, which form the starting point for new developments.

2.2.4. Those who attend cathedrals as worshippers or visitors, or who work there as employees, bring with them changing expectations of what should be provided for them in the way of facilities. In recent years there has been an increased emphasis on such matters as equality of access and health and safety, some of what is reflected in new statutory requirements which cathedrals are obliged to meet - though without obviating the need for other statutory approvals where alterations to the fabric are entailed. But looking more widely the Church considers that it has a welcome opportunity to set a good example in the provision it makes for maximising physical, intellectual and spiritual access for all its visitors.

- 2.2.5. Another external change with major implications for cathedrals has been the growth of public interest in them as outstanding monuments of the Nation's history, and a concomitant concern for their conservation and for their interpretation. The great medieval cathedrals were, of course, built as major public monuments in an age where religious and secular society were largely coterminous. If in subsequent centuries there was often a narrower perception of cathedrals as the private property of the Dean and Chapter, from the later 19th century to the present their public dimension has been rediscovered - but in a society where the secular is more autonomous and more ready to articulate its own attitudes to cathedrals. Hence cathedrals have been called into an ongoing dialogue with tourism, with education and with conservation interests, each of which has expected cathedrals to respond to its concerns. This has presented cathedrals with great challenges, but also with great opportunities.
- 2.2.6. Other currents have led to further calls on cathedrals to make themselves available: for major services to mark events in the life of the nation and region; for the provision of social services; for concerts and art festivals and for much else. This is all an integral part of their support for the community.
- 2.2.7. It is probably true that pressures of use on cathedrals are greater now than at almost any time in their previous history. Yet most of these pressures relate, in greater or lesser degree, to developments that are fundamental to the cathedral's purpose, or are a legitimate extension of it. Cathedrals to be true to their own selves must respond constructively to these pressures, meeting and reconciling them in a balanced way.

3. THE STATUTORY SYSTEM FOR THE CARE OF CATHEDRALS

- 3.1. The *Care of Cathedrals Measure (1990)*, together with the *Care of Cathedrals Rules (1990)* and the *Care of Cathedrals (Supplementary Provisions) Measure (1994)*, constitute the statutory basis for the care and conservation of Church of England cathedrals. They therefore provide the practical context within which the issues outlined above must be considered when proposals for work in cathedrals are being formulated.
- 3.2. As already indicated, the first section of the *Measure* imposes a duty on those who have functions of care and conservation to have regard to the purpose of a cathedral.
- 3.3. Section 2 establishes the statutory requirement for the Administrative Body of a cathedral to obtain approval before implementing certain defined categories of proposals (see Appendix).² It also establishes the concept of "the architectural, archaeological, artistic or historic character of the cathedral church". If the character is to be materially affected by proposed work, this constitutes one of the factors which require a proposal to be submitted for approval.

² This Guidance Note concerns itself only with certain aspects of the *Measure*: it does not cover matters relating to archaeology, nor to the moveable contents of cathedrals, both of which are regulated under the provisions of the *Measure*. On archaeological matters see Guidance Note 5, *Cathedrals and Archaeology, a Guide to Good Management* (1994).

- 3.4. Section 20(2) provides clarification that "any object or structure permanently situated in a cathedral church [or other building] shall be treated as part of that cathedral church or building". Such objects or structures accordingly are contributory to the definition of character.
- 3.5. Section 3 establishes the Cathedrals Fabric Commission for England and defines its duties. The first of these is "to give advice to the Administrative Body of a cathedral church, and to the fabric advisory committee, on the care, conservation, repair and development of the cathedral church". The second duty is to consider and determine applications under the *Measure*: other general duties are also defined. Section 4 similarly establishes Fabric Advisory Committees (FACs) and defines their duties.
- 3.6. Section 6 defines whether an application shall be made to the Commission or to the FAC (see Appendix). It requires *inter alia* that an application shall be made to the Commission for "carrying out any works which would permanently alter the fabric of the cathedral church" or of certain other buildings, or for "the demolition of any part of the cathedral church" or such building.
- 3.7. Sections 7 and 8 establish the interest of the Local Planning Authority, of English Heritage, of the national amenity societies, and of members of the public in the process of seeking approval for a proposal. They have rights (as detailed in the *Measure*) of being notified of applications, of submitting written representations within a defined period, and of having those representations duly considered before an application is determined.
- 3.8. The handling of applications for the approval of proposals is considered in more detail at 6 below.

4. THE RELATIONSHIP OF CATHEDRALS TO LISTED BUILDING AND OTHER PLANNING CONTROLS

4.1. The Planning (Listed Buildings and Conservation Areas) Act 1990

- 4.1.1. The 1990 Act is the current statutory basis for controls in respect of buildings and areas of special architectural or historic interest. It consolidates earlier legislation from 1953 onwards.
- 4.1.2. The Act gives the Secretary of State power to compile, approve and publish lists of buildings of special architectural or historic interest, in consultation with English Heritage. Currently all 42 Anglican cathedrals in England are so listed, with either grade I or II* status.
- 4.1.3. The normal consequence of listing is that no works for the demolition of a listed building, or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, may be executed without authorization from the local planning authority or Secretary of State ("Listed Building Consent").

- 4.1.4. Sections 16(2) and 66(1) of the Act require local planning authorities to "have special regard to the desirability of preserving [a listed] building or its setting or any features of special architectural or historic interest which it possesses". This applies equally to the consideration of applications for Listed Building Consent and for Planning Permission for development.
- 4.1.5. Under Section 60, the requirement to obtain Listed Building Consent does not apply to "any ecclesiastical building which is for the time being used for ecclesiastical purposes"; with the proviso that the Secretary of State may by Order restrict this exemption and make alternative provision, as appears to him appropriate, within widely drafted categories.

4.2. *The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994*

- 4.2.1. In pursuance of Section 60 of the 1990 Act, the *Ecclesiastical Exemption Order 1994* defines the current extent of the exemption from listed building controls for ecclesiastical buildings of all denominations.
- 4.2.2. In the case of Church of England cathedrals subject to the *Care of Cathedrals Measure*, the exemption (briefly) includes:
- (a) the cathedral church and such other buildings for the time being in ecclesiastical use as are enclosed within the red line on a plan issued by the Department (and thus with the exception of (c) below, excluding other curtilage structures which may be within the precinct but are outside the red line);
 - (b) any other church building, within the precinct, the primary use of which is as a place of worship (but excluding objects or structures fixed to its exterior or within its curtilage);
 - (c) any monument situated in a graveyard or land used for burial within the precinct (but excluding any such monument which is separately listed).
- 4.2.3. Any other matter covered by the 1990 Act in relation to listed buildings and conservation areas, but not specifically included in the exemption, is subject to the provisions of the Act. The Local Planning Authority will advise on relevant matters.

4.3. *Planning Policy Guidance 15 (PPG 15)*

- 4.3.1. PPG 15, *Planning and the Historic Environment* (1994) explains that the context for the retention of the exemption from listed building controls for Church of England buildings is provided by the relevant ecclesiastical legislation (paragraph 8.2.).

- 4.3.2. PPG 15 further explains that the retention of the exemption for other denominations is conditional upon their conforming with a Code of Practice laid down by the Government (paragraphs 8.3 to 8.5). There is not a stated requirement for the Church of England to comply with the Code of Practice as such, because the Government has accepted that the ecclesiastical legislation meets at least an equivalent standard. Nonetheless, the Code provides a helpful guide to the Government's view of what is a basic acceptable standard for the retention of the ecclesiastical exemption.
- 4.3.3. Note may be taken in particular of article 4 of the Code which stipulates that decision-making bodies (to which the Commission and FACs would be analogous) in considering proposals should be required to take into account, along with other factors, "the desirability of preserving historic church buildings and the importance of protecting features of architectural merit and historic interest, including fixtures". (Compare the requirement laid on planning authorities, at 4.1.4 above.)
- 4.3.4. Paragraph 8.5. extends the scope of relevant factors to be taken into account, to include "any effects on the archaeological importance of the church, or archaeological remains existing within it or its curtilage". It goes on to require decision-making bodies to attach to their approval any necessary conditions for proper recording, either in respect of fabric which is to be repaired or altered, or in respect of archaeological remains.
- 4.3.5. Cathedral Administrative Bodies and (Chapters) and FACs are encouraged to be aware of the Code of Practice, and may also find it helpful to familiarise themselves with the contents of PPG 15 generally. This document constitutes an overall guide to the Government's practical policies for the protection of historic buildings, and will inevitably be used as a standard against which the Church's care of its listed buildings is measured.
- 4.3.6. The Guidance emphasizes the importance of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration, but recognises that consideration of these issues cannot be divorced from the on-going use and economic viability of buildings: a proper balance has to be struck between preservation on the one hand, and alteration or extension on the other.
- 4.3.7. A key feature of the detailed process defined by the Guidance is the requirement that applicants for listed building consent must be able to justify their proposals, showing why works which would affect the character of a listed building are desirable or necessary. This involves providing the planning authority with full information, to enable it to assess the likely impact of proposals on the special architectural or historic interest of the building and on its setting.
- 4.3.8. The preceding requirement refers specifically to listed building control, from which cathedrals are exempted to the extent indicated above. However, the Guidance (paragraphs 2.11 to 2.15) also refers to planning development control, from which cathedrals are not exempt, and in this context the following requirements are set out:

- in relation to development proposals affecting listed buildings, applicants should undertake early consultation with the local planning authority and, in certain cases, with English Heritage and the national amenity societies;
- the Royal Fine Art Commission should be consulted on all planning applications raising conservation issues of more than local importance;³
- planning authorities will expect developers to assess the likely impact of their proposals on the special interest of the site or structure, and to provide such written information or drawings as may be required to understand the significance of a site or structure before an application is determined;
- a planning application for a development affecting a listed building or its historic setting may require an equivalent amount of information to an actual listed building consent application.

In the context of the planning process these requirements will apply to all cathedrals seeking planning permission for developments affecting the cathedral church and its setting or other buildings within the precinct.

4.3.9. No additional statutory controls apply to designated World Heritage Sites (PPG 15, paragraphs 2.22 to 2.23 and 6.35 to 6.37), but planning authorities are required to take World Heritage Site status into account as a key material consideration in determining planning and listed building consent applications. They are also required to formulate specific planning policies in their development plans for protecting these sites and their setting. Significant development proposals affecting World Heritage Sites will generally require formal Environmental Assessment. Currently only the cathedrals of Canterbury and Durham are designated as World Heritage Sites.

4.3.10. PPG 15 draws attention to the publication also of PPG 16, *Archaeology and Planning* (1990). The issues raised by this other document are addressed in the CFCE Guidance Note 5 *Cathedrals and Archaeology: a Guide to Good Management* (1994).

4.4. Implications for Cathedrals of the Present Arrangements

4.4.1. The preceding sub-sections have identified some of the requirements and expectations of Government relevant to the care of cathedrals. It may be helpful to summarize these at this point:

- (i) the expectation that, under the ecclesiastical exemption arrangements, decision making bodies will take into account the desirability of preserving listed buildings and their settings;

³ From 31st July 1999 the Royal Fine Art Commission is replaced by a new body, the Commission for Architecture and the Built Environment.

- (ii) in the context of planning (and listed building consent) applications, the requirement that planning authorities will again take into account the desirability of preserving listed buildings and their settings; and, furthermore, that they will require applicants themselves to assess the impact of their proposals, and to submit full supporting information with their application before it is determined.

4.4.2. The next section will seek to explore how these expectations and requirements can be reconciled in practical ways with the process in which cathedrals engage in their ongoing work of care, conservation and development.

5. FORMULATING WELL-BALANCED PROPOSALS

5.1. General Principles

- 5.1.1. As has been set out at 2.2 above, cathedrals have always existed for the purpose of providing a seat for the bishop and a centre for worship and mission. This purpose has been the motive for their construction and maintenance, and for their development and embellishment throughout their history, and still today. There is not, therefore, an opposition between the purpose of a cathedral and its historic character, and proposals for the development (or for the repair) of a cathedral do not involve a simple antithetical choice between "preservation" and "alteration" of character.
- 5.1.2. Put in practical terms, this means that, when formulating development proposals, consideration of factors relating to worship and mission and to conservation should be considered alongside one another, and not in opposition to one another. Given full consideration of these factors together from the earliest stage of a scheme, it will usually prove possible to achieve a reasonable and well balanced solution - to the great overall benefit of the cathedral.
- 5.1.3. In exceptional cases, even where a reasonable balance has been earnestly sought, it may be difficult to achieve. In particular a decision may have to be reached as to whether in the circumstances of a case more weight should be attached to preservation or to alterations of the existing *fabric* (which is not to be simplistically equated with *character*). Such judgements will always need to be made in the context of deciding what is most true to the cathedral's overall character.
- 5.1.4. Regard should also be had to the concept of sustainable development, which has become a policy priority for government. This has been defined in general terms as development which meets the needs of the present without compromising the ability of future generations to meet their own needs. In the specific context of cathedrals there are two main areas where the concept of sustainable development may be particularly helpful. One is in ensuring that the ongoing life of the cathedrals continues into the long-term future, so that they may continue to meet the spiritual needs of future generations. The second is in ensuring that the non-renewable resource of the historic fabric of cathedrals is handed on to future generations with its integrity undiminished.

5.2. Basing Proposals on Full Information

- 5.2.1. In order that factors relating to worship and mission and to conservation may be adequately considered during the design stages of a project, it is essential that the relevant issues should be fully identified and articulated at the outset. Every project, therefore, should start with a simple *appraisal* of whether what is envisaged will raise significant issues in relation to the worship and mission of the cathedral, and to its architectural, archaeological, artistic and historic character.
- 5.2.2. The scale and the implications of different proposals may vary considerably. In some cases the initial appraisal suggested in the previous paragraph may provide an adequate basis for going forward. In more difficult or larger scale projects, the appraisal may suggest that more, or even a lot more information is needed to guide the further working out of the scheme.

Articulating the Case for Developments

- 5.2.3. With reference to development proposals, it will be the proper and specific role of the Administrative Body (the Chapter) to articulate a clear statement of the underlying vision and the practical needs that they are seeking to address through a project. In the case of small, self-contained projects it may suffice for this to be a concise, stand-alone document. In the case of larger projects, and those intermeshing with other aspects of the life and use of the cathedral, a more detailed analysis is likely to be helpful, setting the project into the context of a comprehensive plan for the development of the cathedral over at least a five-year period (see *Heritage and Renewal*, the Report of the Archbishops' Commission on Cathedrals (1994), chapter 10, paragraph 24).
- 5.2.4. A development statement by the Administrative Body (the Chapter) should, among other matters, seek to define what permanent and sustainable benefit they are hoping to gain for the worship and mission of the cathedral by a project, and to assess the extent to which they see those benefits as desirable and necessary.
- 5.2.5. In cases concerning liturgical matters, proposals affecting one part of the cathedral should be considered in relation to the liturgical use of the cathedral as a whole. The statement should analyse the articulation and progression of liturgical spaces, setting out the rationale behind them.
- 5.2.6. The statement of the Administrative Body's (the Chapter's) need will contribute significantly to formulating the brief for a project, but is not synonymous with the brief. The brief should also include general requirements referring to the relationship of a development to the character of the cathedral and to the need for analysing the impact which developments may have on that character. These general requirements can then be enlarged upon as described below, before design work proceeds.

Understanding the Impact of Proposals

- 5.2.7. Understanding fully the likely impact a proposal may have on the architectural, archaeological, artistic and historic character of the cathedral is of equal importance with articulating clearly the needs that give rise to it. Again, therefore, an initial *appraisal* (by the Cathedral Architect and the Cathedral Archaeological Consultant) may need to be followed up by much more detailed analysis - the FAC, and in some cases the CFCE, will be ready to advise on the scope of this.
- 5.2.8. In all cases where the character of the cathedral or some part of it is likely to be materially affected by a proposal, design work on a scheme should not go forward until that character has been understood, to the extent necessary for this understanding to fully inform the definitive brief and the relevant stages of the design process.
- 5.2.9. If rapid appraisal indicates the need to clarify the architectural, archaeological, artistic or historic implications of a project, the next stage should be that of *assessment*. An assessment will consist in the collation of existing written and graphic information, together with on-site inspection (stopping short of the creation of new on-site analytical records), in order to identify the character, extent, quality and significance of the relevant part of the fabric. The assessment should also indicate whether additional and more systematic study is required to identify these further.
- 5.2.10. All assessments should be carried out in accordance with an agreed brief or specification. They should result in a written report accompanied by relevant drawings and photographs.
- 5.2.11. The brief or specification for an assessment should be prepared by the Cathedral Architect or Cathedral Archaeological Consultant. The assessment itself may be carried out by one of these if it seems appropriate in the particular circumstances: alternatively, a specialist contractor may be appointed (e.g. another archaeologist, or an expert on historic furnishings, or a conservator, or an art historian).
- 5.2.12. Following the receipt of the assessment report, the Cathedral Architect and Cathedral Archaeological Consultant should prepare a statement indicating how in their view the findings have a bearing on the proposed works and the design options.
- 5.2.13. In some cases an assessment on its own may not be adequate to provide an understanding of the likely or possible impact of a proposal on the architectural, archaeological, artistic or historic character of the fabric. In such cases a further stage of evaluation may be necessary. An *evaluation* is a limited programme of on-site work which, like an assessment, aims to identify the character, extent, quality and significance of the relevant part of the fabric. Unlike an assessment, however, it may involve the erection of scaffolding and some limited opening-up of the fabric, with the creation of new records.

5.2.14. What is said above in paragraphs 5.2.10 to 5.2.12 with reference to assessments applies equally to evaluations.

5.3. Conservation Plans

5.3.1. Comparatively recently there has developed the concept of the Conservation Plan as a tool in the management of historic sites and buildings. The potential application of such plans to cathedrals is under continuing review.

5.3.2. A Conservation Plan aims to provide:

- (i) an assessment of the significance of a place which forms part of the heritage;
- (ii) an assessment of how that significance is vulnerable or sensitive to change;
- (iii) policies for retaining that significance in future uses and developments.

5.3.3. A Conservation Plan should not be a document drawn up to justify a particular proposal (it is not a management or development plan). Rather it should be prepared on an impartial basis prior to particular proposals, so that it can inform the latter.

5.3.4. A Conservation Plan should be comprehensive in its analysis of the significance of a place. In the cathedral context this will embrace equally the purpose and life of the cathedral Foundation alongside aspects such as its architecture, archaeology, art and history.

5.3.5. It will be seen that the Conservation Plan approach has much in common with the process advocated in this Guidance Note for achieving balanced proposals based on full understanding. The Commission considers that Conservation Plans will increasingly prove of value to cathedrals.

5.4. Considering the Range of Options

5.4.1. Understanding the potential impact of proposals on the character of a cathedral may, and in many cases should, lead to further consideration of whether initial concepts can be revised so that, while the Administrative Body's (the Chapter's) needs can still be properly met, this can be achieved in a way that will minimise any negative impact on the cathedral's character.

5.4.2. It should always be the aim to devise schemes that are as far as possible consistent with the character of the cathedral having regard to the circumstances. All reasonable options should therefore be considered in the search for the optimum solution: either alternative configurations of the scheme, or its siting in different locations. Evaluation of alternatives should be methodical and consistent.

5.5. Striking the Right Balance

5.5.1. The CFCE commends to cathedral Administrative Bodies (Chapters) the considerations set out here as being calculated to lead to balanced solutions where development proposals are being considered (and in many instances repair programmes as well). To summarize the main points:

- (i) Consideration of all relevant factors should inform a project from the earliest stages.
- (ii) The Administrative Body (Chapter) should articulate clearly the rationale for development proposals in a written statement, covering the immediate scheme and also its wider context in the life and work of the cathedral, showing how the scheme will help in fulfilling the cathedral's purpose.
- (iii) No detailed design work should proceed in advance of establishing a sufficient understanding of the architectural, archaeological, artistic and historic character of that part of the cathedral on which the proposal is likely to have an impact, and of its wider context. Establishing this understanding should proceed through successive stages of appraisal (always), and assessment and evaluation (as necessary).
- (iv) Alternative configurations and locations should be evaluated to identify the most appropriate option for any scheme.

5.5.2. Achieving a balance, however, is not only a question of establishing a clear need and ensuring that the proposed solution as far as possible does not have a negative impact on the existing character of the cathedral. It is also a matter of achieving the highest standards of excellence in new design work and thus continuing the long-established tradition of cathedrals as centres of excellence. New works should thus themselves make a fitting and appropriate contribution to the character of cathedrals.

6. APPLICATIONS FOR THE APPROVAL OF PROPOSALS

6.1. The Cathedrals Fabric Commission for England and Cathedral Fabric Advisory Committees

6.1.1. Both the *Care of Cathedrals Measure*, Section 2, the administrative Body (Chapter) of a cathedral requires approval before implementing works to cathedrals in a range of categories; while under Section 6 responsibility for determining any application is assigned in defined cases to the Cathedrals Fabric Commission, and in other cases to the Fabric Advisory Committee (see Appendix). In considering such applications, which form part of their functions in respect of care and conservation, the CFCE and the FAC are required to have due regard to the purpose of the cathedral as the seat of the bishop and a centre of worship and mission.

- 6.1.2. For the reasons explained above, the Commission does not see an antithesis between the purpose of cathedrals and their architectural, archaeological, artistic and historic character - quite the reverse in fact. Nonetheless, the Commission recognizes that conflict between development and conservation may arise particularly when schemes have been drawn up without an adequate analysis of the real needs behind proposals, or of the implications likely to flow from them. In contrast, a fully informed proposal will, in most cases, find a satisfactory way to bring together development and conservation.
- 6.1.3. The Commission believes that cathedral Administrative Bodies (Chapters) will themselves wish to meet their needs in a balanced way. It is on this basis that we commended the procedures set out earlier in this document.
- 6.1.4. The Commission always remains available to discuss procedures and proposals with Administrative Bodies (Chapters) on an advisory basis before formal applications are submitted: indeed, the Commission considers that early consultation with all relevant parties is a key to carrying proposals forward to a successful completion.
- 6.1.5. Where the procedures recommended here have been followed they will help ensure that at the application stage Administrative Bodies (Chapters) are well placed to submit proposals fully supported with all the relevant information. They will be able to demonstrate that careful thought has been given to achieving the best possible option in the circumstances and this, while not obviating the need for the approving body to exercise its proper independent judgement, will lessen the likelihood of proposals being rejected.
- 6.1.6. Especially where any application proposes a significant alteration to the fabric of a cathedral, the Commission will be looking to applicants to supply the following information in support of it:
- (i) A statement analysing the requirements underlying the proposals and setting them into the context of the cathedral's work and mission (as detailed at 5.2.3 to 5.2.5 above). In particular the Commission will be looking at what the permanent benefits are that will be derived from the proposals, and at whether they are desirable, necessary and sustainable.
 - (ii) Evidence that the architectural, archaeological, artistic and historic character of any parts of the fabric and permanent contents to be altered have been fully assessed and understood, and that this understanding has led the applicants to formulate design proposals that have minimized any negative impact (as detailed at 5.2.7 to 5.2.14 above). Copies of appraisals and of any assessment and evaluation reports should be submitted; also a copy of the cathedral Conservation Plan if this exists.
 - (iii) Details of alternative solutions that have been examined and the reasons for rejecting these.

- (iv) Detailed statements by the Cathedral Architect (or project architect) and the Cathedral Archaeological Consultant about how the works as proposed will alter or otherwise affect the fabric or the permanent contents of the cathedral, together with proposals for mitigating that impact (including proposals for recording).
- (v) Where new work is involved, an assessment by the Cathedral Architect of the implications this may have for the future maintenance and conservation of the fabric.
- (vi) Any other written documentation, and such drawn and photographic material as is necessary to give a sufficient account of the proposed works.

6.1.7. The amount of supporting information submitted should be proportionate to the scope and impact of any particular proposal. The information should also be presented as concisely as is consistent with conveying a fully adequate understanding of what a proposal involves.

6.1.8. In the case of relevant applications to FACs, the Commission commends to them a comparable approach to that just outlined – though still bearing in mind that the documentation submitted with a project should be proportionate.

6.2. Other Parties with a Statutory Interest

6.2.1. Under Section 8 of the *Measure*, when an application to approve a proposal is made to the Commission, a formal notification has to be sent to: the Fabric Advisory Committee, the Local Planning Authority, English Heritage, and the National Amenity Societies (viz. the Society for the Protection of Ancient Buildings, the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Victorian Society and the Twentieth Century Society). These notices must be accompanied by full supporting information. Notices also have to be affixed to two public notice boards at the cathedral, and further information made available for inspection. The notified parties then have not less than 28 days to make written representations.

6.2.2. Under a current agreement with the Amenity Societies, a single notice is posted to the Society for the Protection of Ancient Buildings. The latter may either handle the case directly itself, or it will forward the notification to one of the other societies with a specific field of interest as appropriate. Cathedrals should note that, if they are not to send multiple notifications to all the Amenity Societies, they should allow ample time for the system of a single notification to work and should remember that the 28 days is a only a minimum period.

6.2.3. When an application is made to a Fabric Advisory Committee, formal notification has to be sent to the Commission, and affixed to two public notice boards at the cathedral with further information being made available for inspection. Additionally, except where the proposal relates to the addition or disposal of objects, a notification with full supporting information must be sent to the Local

Planning Authority. The notified parties have not less than 21 days to make written representations.

- 6.2.4. Parties with a right of notification will be helped in making appropriate and judicious representations if notifications are sent to them fully supported in relevant cases by information of the sort detailed in paragraph 6.1.5. In any case, the supporting information accompanying a notification must be the same as that accompanying an application -and this applies equally to any supporting information in further explanation of a proposal, in the period between an application having first been submitted and finally determined.
- 6.2.5. It should be remembered that these parties also have various functions (supported by Government funding) in relation to the operation of Listed Building Control, where there is a presumption in favour of preserving listed buildings and their setting. They will no doubt, therefore, find it particularly helpful in forming their views on the arrangements for cathedrals under the ecclesiastical legislation if applicant cathedrals explain clearly how they have reached a balance between considerations of preservation and development. Again the procedures recommended above should be helpful.
- 6.2.6. The Commission has a duty to consider fairly and impartially all written representations made to it on individual applications, and it always seeks to discharge this duty fully and conscientiously. Without any derogation from this, the Commission invites the relevant parties to take into consideration the concepts and procedures commended in this Note, as providing a relevant background to the formulation of their views.

7. PROPOSALS REQUIRING BOTH APPROVAL UNDER THE MEASURE AND ALSO OTHER STATUTORY CONSENTS

7.1. Planning Permission for Development

- 7.1.1. As indicated at 4.3.8 above, cathedrals are in no way exempted from the requirement under the *Town and Country Planning Act 1990* to obtain Planning Permission for relevant developments, and in such cases Administrative Bodies (Chapters) will have to meet the requirements of local planning authorities regarding the substance, manner and timing of applications.⁴
- 7.1.2. Under Section 55 (1) of the (1990), permission is required for any development involving “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”. There are specific exclusions from this definition, and these exclusions cover, among other operations, “the carrying out for the maintenance, improvement or other alteration of any building of works which affect only the interior of the building, or do not materially affect the external appearance of the building”: but this exclusion does not extend to “works for the

⁴ This 1990 Act also covers Tree Preservation Orders, which are more fully dealt with in the *Town and Country Planning (Trees) Regulations (1990)*.

alteration of a building by providing additional space in it underground” (Section 55 [2]).

- 7.1.3. There will be occasions, accordingly, where the Administrative Body (Chapter) of a cathedral requires Planning Permission in respect of developments in the cathedral or otherwise within the precinct. The requirement for Planning Permission in no way takes away the need also to obtain approval under the *Measure* for proposals which require such approval.
- 7.1.4. Experience has shown the Commission that the need for two separate approvals for a project raises sensitive questions of timing in relation to the handling of the relevant applications. The Commission offered guidance on this in 1992 in its Guidance Note 2, *Proposals Requiring Approval under the Measure and under Planning Legislation*. The earlier guidance is revised and superseded in the present Guidance Note. Reference should also be made to Guidance Note 5, *Cathedrals and Archaeology, a Guide to Good Management*, which is relevant to the handling of the archaeological issues in such cases.
- 7.1.5. The Commission recommends that where a project is likely to require both Planning Permission and approval under the *Measure* the following three stages may prove helpful.

Stage 1

- 7.1.6. The Administrative Body (Chapter) is strongly encouraged to enter into informal discussions with all parties concerned at an early stage. These discussions should always include the CFCE, the cathedral’s own Fabric Advisory Committee and the Local Planning Authority (LPA) together with, in relevant cases, English Heritage and the Commission for Architecture and the Built Environment.⁵ In addition the Administrative Body (Chapter) is encouraged to inform itself of the views of the national Amenity Societies (6.2.1 above) and of any local interests.
- 7.1.7. Such informal discussions should aim to identify the parameters of what is or is not likely to be acceptable to the Commission and the LPA. This will enable the Administrative Body (Chapter) and its professional advisers to frame the definitive version of their proposals in the way most likely to lead to a successful outcome of their formal applications for approval. At the same time it should be noted that while the Commission will give all preliminary advice in good faith, at this stage such advice will remain only provisional. The reason for this is that at a later stage, when a formal application to the Commission is made, there is a formal right for other parties to make written representations on the proposals, which the Commission must consider impartially and fairly: preliminary advice must be without prejudice to this.

⁵ The new Commission for Architecture and the Built Environment will no doubt review and advise on the sort of cases in which it will wish to be consulted.

Stage 2

- 7.1.8. When the Administrative Body (Chapter), following this process of informal consultation, has decided on a definitive version of a proposed scheme, the Commission advises that the next stage should be to submit a formal application for approval to the Commission, in accordance with the relevant procedures. The notice of this application sent to the LPA should indicate in a covering letter that if approval for the proposal is granted under the *Measure*, the Administrative Body will then submit the relevant application for Planning Permission.
- 7.1.8. In considering the application, the Commission will take note of any issues that have been identified by the LPA, in their preliminary advice or in their written representations to the Commission, as requiring further consideration by the Authority. The Commission then, if necessary, will make a conditional determination, allowing for those issues to be resolved subsequently to the mutual agreement of the LPA and the Commission.

Stage 3

- 7.1.10. After obtaining approval from the Commission the Administrative Body (Chapter) should then submit its proposals to the LPA for Planning Permission.
- 7.1.11. By following this order of procedure, the Administrative Body (Chapter) will be able to append to its planning application a copy of the approval (with any conditions attached) already given by the Commission. This may be particularly relevant where the Commission's specific statutory responsibilities have already provided an opportunity for considering the acceptability of a proposal in relation to the character and purpose of the cathedral.
- 7.1.12. If an LPA requires modifications to a proposal before it grants permission, the Commission can handle these either through the mechanism of conditions it has already attached (see 7.1.9 above) or, if this is essential, through an application to vary its earlier approval.
- 7.1.13. In the event of an application for Planning Permission being refused by an LPA after it has been approved by the Commission, the Administrative Body (Chapter) would have the option of seeking the Commission's support in any appeal they decided to make.
- 7.1.14. Where a proposal which requires Planning Permission is the subject of an application to the FAC, rather than the CFCE, the Commission recommends that the committee adopts a similar approach to that outlined above.

7.2. Listed Building Consent

- 7.2.1. As indicated at 4.2 above, the cathedral church and certain buildings ancillary to it are exempted from listed building control under the *Ecclesiastical Exemption & Order (1994)*. Most of these buildings are shown within a red line on a plan

issued by the Secretary of State; but also exempted are other buildings the primary use of which is as a place of worship (such as, for example, a choir school chapel for which the Administrative Body has direct or indirect responsibility); and also exempted are the generality of monuments in a cathedral graveyard.

7.2.2. However, Listed Building Consent is required for relevant works in a number of cases:

- (a) any building which, although within the red line referred to above, ceases to be in ecclesiastical use (for example, if it changes to domestic use);
- (b) any object or structure outside the red line but “within the curtilage”⁶ of the cathedral and which “forms part of the land and has done so since before 1st July 1948” (for example, a boundary wall or gate piers);
- (c) any object or structure attached to any other place of worship within the precinct, or within its curtilage and forming part of the land as defined above;
- (d) any monument in a graveyard outside the red line that is itself separately listed as a listed building;
- (e) every other listed buildings within the precinct and falling outside the red line.

7.2.3. In most cases where work to a building requires Listed Building Consent, it does not also require approval under the *Measure*. What is required under Section 15 of the *Measure*, however, is that when the Administrative Body is intending to make a Listed Building Consent application, it shall notify the Commission in writing of the proposed application and allow a period of not less than 28 days for the Commission to make any written representations.

7.2.4. The exception to the general position is that, in respect of a building within the designated precinct, if the proposed works would either materially affect the immediate setting of the cathedral, or would materially affect any archaeological remains within the precinct, then approval for the works is required under the *Measure*, in addition to Listed Building Consent. The advice of the Cathedral Archaeological Consultant will be helpful in forming a view as to whether proposed works are likely to materially affect archaeological remains forming part of a building or lying beneath it. In cases of doubt the advice of the Commission should be sought as to whether an application is required.

7.3. Scheduled Monument Consent

7.3.1. Under the *Ancient Monuments and Archaeological Areas Act (1979)* (Section 61[8]) “an ecclesiastical building for the time being used for ecclesiastical purposes” may not be scheduled. This provision will apply to the cathedral

⁶ The concept of “curtilage” is a complex legal issue, which cannot be discussed here. In particular cases advice may be sought from the LPA.

church and other buildings within the precinct recognized as being in ecclesiastical use. However, there is no bar to the scheduling of other monuments within the precinct of the cathedral, nor the scheduling of distinct monuments which may underlie buildings in ecclesiastical use. In the latter case there is clearly much scope for legal argument about where the foundations of a building in ecclesiastical use may end and, therefore, where scheduling may be legally possible. The central Church of England authorities are in continuing discussion with the Government about the possibility of clarifying the respective parameters of the ecclesiastical controls and scheduling. Until those discussions have reached an agreed outcome, common sense needs to be applied to individual cases.

- 7.3.2. The requirement to obtain Scheduled Monument Consent from the Secretary of State does not take away any relevant requirement for approval under the *Measure*. Since the *Measure* requires approval to be obtained for any works which would materially affect any archaeological remains within the precinct, and since Scheduling is generally concerned with much the same matters, dual approval in respect of works to scheduled ancient monuments within the precinct will for the time being be the normal requirement.
- 7.3.3. As in the parallel case of Listed Building Consent applications (referred to above), when the Administrative Body is intending to make a Scheduled Monument Consent application, it must under the *Measure* notify the Commission in writing of the proposed application and allow a period of not less than 28 days for the Commission to make any written representations.
- 7.3.4. Administrative Bodies (Chapters) may also wish to note that where a proposal requires both Scheduled Monument Consent and also Planning Permission, a Local Planning Authority will not generally deal with the latter in isolation from the former.
- 7.3.5. The general advice of the Commission in respect of the handling of archaeological issues is fully set out in Guidance Note 5, *Cathedrals and Archaeology, a Guide to Good Management*.

APPENDIX

Extracts from the Care of Cathedrals Measure (1990)

Section 2 (Approval required for alterations to cathedrals)

2. - (1) Subject to subsection (2) below and to section 5 of this Measure, the administrative body of a cathedral church shall not implement any proposal –
- a) for the carrying out of works on, above or below land the fee simple in which is vested in the chapter of the cathedral church, being works which would materially affect-
 - i) the architectural, archaeological, artistic or historic character of the cathedral church or any building within the precinct of the cathedral church which is for the time being used for ecclesiastical purposes, or
 - ii) the immediate setting of the cathedral church, or
 - iii) any archaeological remains within the precinct of the cathedral church, or
 - b) for the sale, loan or other disposal of any object the property in which is vested in the chapter of the cathedral church, being an object of architectural, archaeological, artistic or historic interest, or
 - c) for the permanent addition to the cathedral church of any object which would materially affect the architectural, archaeological, artistic or historic character of the cathedral church,

unless the proposal has been approved under this Measure.

(2) Subsection (1) above shall not apply in relation to anything which-

- a) is done by the administrative body in furtherance of its duties under the constitution and statutes of the cathedral church with respect to the ordering of services or otherwise in furtherance of the mission of the cathedral church,
- b) is of a temporary nature, and
- c) does not materially affect the fabric of the cathedral church.

Section 6 (Applications for Approval)

6. – (1) Any application for approval for a proposal shall be made to the Commission where –

a) the proposal would involve –

- i) the carrying out of works which would permanently alter the fabric of the cathedral church or any building within the precinct of the cathedral church which is for the time being used for ecclesiastical purposes, or
- ii) the demolition of any part of the cathedral church or any such building, or
- iii) the disturbance or destruction of any archaeological remains within the precinct of the cathedral church, or
- iv) the sale, loan or other disposal of any object for the time being designated under section 13(2) of this Measure in relation to the cathedral church as being of outstanding architectural, archaeological, artistic or historic interest, or

b) the Commission declares in writing that the proposal gives rise to considerations of such special architectural, archaeological, artistic or historic interest that the application should be determined by it;

and any application for approval for any other proposal shall be made to the fabric advisory committee.

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(Note: these references are intended to give some idea of the diversity of ideas about Anglican liturgy during the second half of the 20th century; they are not intended to be comprehensive, in what is a vast subject area, nor are they necessarily representative of all the many viewpoints.)

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