

## **DAC APPLICATIONS: GUIDANCE NOTES**

Application to the DAC for approval is the first part of the application for a faculty. The DAC certificate acts as advice to the Chancellor as to whether or not the faculty should be granted.

If the DAC recommends the proposals for formal approval:

- The Registry will send to the Parish a Certificate and the Petition for Faculty for completion and a Public Notice which has to be completed and displayed for 28 days. The display of the notice is analogous to the secular planning requirements.
- When the Petition has been received, the Registry will refer it to the Chancellor or the Archdeacon to determine, and will then follow any subsequent directions.

Please note that the faculty cannot be issued until authority is received from the Chancellor or Archdeacon and the public notice with the certificate of publication completed has been returned to the Registry. If any objections are received following the display of public notices, the issue of the faculty will be delayed because a statutory procedure has to be followed.

**If the faculty petition is lodged promptly after receipt of the DAC certificate and the public notices are displayed at once and no objections are received then the faculty should issue by the end of the month following receipt of the DAC certificate eg if a certificate is issued in June the faculty should issue by the end of July. Parishes have no authority to undertake works until such time as the faculty is received.**

If the Parish does not agree with the comments made by the DAC it may ask the DAC to reconsider or it can submit an unsupported Petition to the Registry.

### **Procedure to be followed:**

1. Discuss fully any proposal for works with the PCC and have it minuted. In the case of works which are likely to be controversial, eg re-ordering, there should be discussions with the whole parish in accordance with the Care of Churches and Ecclesiastical Jurisdiction Measure Code of Practice but such discussions should be after preliminary informal advice has been obtained from the DAC. If the works are unlikely to receive formal approval in due course there is no point in the discussions taking place.
2. Consult your Archdeacon.
3. Discuss the proposals with your Church Architect/Surveyor (unless your Archdeacon advises this is not necessary).
4. Consider whether Planning Permission or other consents are required: your

Architect/Surveyor may be able to assist you on this point. Please refer to the section headed: Additional Requirements.

5. When details of the proposal have been settled complete the forms sent herewith and return them to the Registry. These forms apply for both preliminary informal advice from the DAC and formal approval by it. Preliminary informal advice is given with regard to outline projects such as re-ordering, commissioning of artworks. Formal approval is given for firm proposals and, if approved, results in the issue of a DAC certificate which should then be submitted with the petition for faculty. **Please ensure that the envelope is weighed and correctly stamped since a fee of £1.06 is payable if the value of stamps is insufficient. Please also note that a large A4 envelope attracts a different rate of postage to a small envelope.**
6. When the application is received, and provided it is properly completed and well documented, it will be placed on the Agenda for the next DAC meeting **NB. The Agenda normally closes on the first Monday of the month of the DAC meeting which is usually the third Wednesday in the month. However to avoid disappointment in missing the closing date for an agenda, please telephone the Registry for confirmation of the date of the next meeting and the date the agenda closes.**
7. A sub-committee of the DAC may wish to make a site visit, especially in connection with applications for preliminary informal advice about alterations to the church and they will then report back to the next full committee meeting.

### **Consultation with English Heritage and Amenity Societies**

**When making proposals for works that affect the character of a church or its setting**, parishes may need to consult English Heritage, their local Planning Authority and relevant Amenity Societies (whose names and addresses are listed below). Such works include extensions, major re-orderings, alterations that entail demolition or other interventions to the historic fabric, the introduction of different constructional materials or features, the covering over or removal of parts of the structure, changing the composition of existing elements and fittings such as stained glass windows and works affecting the archaeological importance of the church or archaeological remains within the church and its curtilage.

At the same time as submitting such proposals to the DAC, parishes are advised to consult informally with their local Planning Authority and relevant Amenity Societies. If the church is listed Grade I or II\*, parishes are also advised to consult English Heritage on all applications that would affect the character of the building (as described above). If the church is Grade II, parishes are advised to consult English Heritage only if the works comprise the demolition or removal of a substantial part of the structure or interior of the structure. For this purpose, the structure of the interior includes principle internal elements such as a staircase, gallery, load bearing wall, floor or roof structure and major internal features such as fixed pews, a rood screen or an

organ. No such discrimination of listed grade is made by the amenity societies and one or other should always be consulted. The church architect should be familiar with which society to contact.

Additionally parishes may need to consult those bodies formally as part of the public notice process and by Part 2 paragraph 2 of the DAC certificate .

The documents which the intending applicant should submit to each of the bodies being consulted should be:

1. Designs, plans or other documents (including photographs) giving particulars of the works together with a summary list of the works:
2. A Statement of Significance and a Statement of Needs ( see below)

The particulars given in paragraph 1 above should be sufficiently clear for a comparison to be made between the church in its existing state and in its future state if the works are permitted to be carried out so as to enable an assessment to be made of the likely impact of the works on the listed church.

The consultation process should start as early as possible. If there is a formal requirement to send Public Notices they should be sent **as soon as they are displayed** in order to give the consultees ( eg English Heritage, the Local Planning Authority and relevant Amenity Societies) time to consider the application and respond within the 28 day period.

### **Additional Requirements**

1. A Faculty does not dispense with the need for **Planning Permission** in circumstances in which permission is necessary. Enquiries should be made of the Local Planning Authority and either permission obtained, or a letter obtained stating permission is not necessary. Neither does a Faculty authorise non-compliance with Building Regulations.
2. Under the Faculty Jurisdiction Rules 2000 it may be necessary to display a notice in a newspaper which must give not only the substance of the faculty petition but also a date by which any objection is to reach the Registrar. In the past parishes have had to pay for 2 newspaper notices – one for the planning application and one in connection with the faculty petition. The Chancellor is troubled by the unwarranted expense and delay of repeated notices in uncontroversial cases and has suggested that where planning permission is necessary, and as part of that application a newspaper notice is required any notice needed under the Faculty Jurisdiction Rules is displayed adjacent to it in the same edition of the newspaper. Please contact the Registry for further advice if this is appropriate.
3. **National Amenity Societies** are:  
The Ancient Monuments Society  
The Council for British Archaeology

The Georgian Group  
The Society for the Protection of Ancient Buildings (SPAB)  
The Victorian Society  
The Twentieth Century Society

4. If the proposed works affect a grave or memorial maintained by the **Commonwealth War Graves Commission**, the agreement of the Commission should be sought.
5. For matters of **historic or artistic interest**, the Chancellor may direct that full details are served upon the Church Buildings Council (previously the Council for the Care of Churches).
6. If there is the possibility that **bats** will be disturbed, advice of English Nature should be obtained before Petitioning for a Faculty, and the letter of advice submitted with the Faculty Petition.
7. A Faculty will not generally be granted for the erection of a **memorial tablet** in the Church save in exceptional circumstances. The Petitioner must state fully the exceptional circumstances relied upon.
8. There are now separate forms of petition for faculty for works in connection with trees and these should be completed and sent with the application for formal approval by the DAC. Please ask for the forms to be sent to you if required.
9. Please note that if you are applying for advice in connection with telecommunications aerials the DAC will require additional information. There is a separate information sheet in connection with such applications: please ask the Registry for that form so that you can provide that information at the outset and help to ensure that advice is not delayed.

## **Enclosures**

1. Full details of the proposed works must be submitted with an application for formal approval including, where applicable, an architect's specification or drawings, or his report on the proposal. Photographs of the church or churchyard /windows/ statues should be provided. When applying for repair works following a QI it would be helpful to give the date of the QI or attach the relevant extract from the QI report. When applying for preliminary informal advice sketch drawings are sufficient - a specification is not required.
2. The comments of the Church Architect/ Surveyor, even when he is not directly involved, on the proposed works, are usually required; and often essential.
3. Please note the quinquennial survey report is not a specification.
4. The DAC members and the Chancellor do not individually know all the Churches in the Diocese and so additional information is always helpful.
5. Whenever the introduction of a new item is involved (for example, furniture,

communion plate, light fittings, etc.) an illustration or preferably a photograph should be sent together with details of dimensions and proposed location (including photograph) if not self evident. In cases of carpets and fabrics, a sample of the same colour should be sent.

6. In the case of memorial tablets the following requirements will always apply:-
  - Provision of a full size drawing giving details of lettering and wording, a photograph of the site chosen (with position marked in), and rubbing or photograph of similar work by the craftsmen chosen and details of the materials chosen (plus a sample where the material is unusual).
  - Confirmation that the Church Architect/ Surveyor has been consulted, and approved the proposal.
7. In all cases involving electrical works the DAC will require written confirmation that the work will be carried out in accordance with the recommendations laid back down by the Church Buildings Council in its publication entitled "Wiring of Churches" (1997 Edition) and in accordance with the current regulations of the Institution of Electrical Engineers. Additionally, you must inform your Insurers of the proposals and obtain their approval. A letter of their approval should accompany your application.
8. When submitting applications where the works include trenches in churchyards the following information will be required:-
  - The depth and width of the trench
  - The position of the trench in relation to the church building, crosses, other structures, paths, boundary walls etc.
  - The position of the trench in relation to marked graves
  - The position of unmarked graves and buried slabs which can be affected by the trench. Note that the presumption should be to preserve items **in situ** and the contractor should modify the cable run or pipe by depth or position if burials or structures are encountered.
  - If trenches are in a "sensitive area" (to be assessed) or more than 0.5m deep an archaeological watching brief condition will probably be required.
9. A short explanation of the reasons why the parish want to undertake the proposed works and an appraisal of how they will fit into the existing fabric. These are known as **Statements of Need and of Significance**. These statements should not be seen as an imposition but more as an opportunity for the parish to speak out and put its own case in its own words. They give the parish the opportunity to direct the agenda by setting forward a well-reasoned and clearly defined programme to which any prospective opponents must then try and reply.

The following notes are designed to help parishes and in no way do they replace the "Guidance for Parishes" issued by Church Buildings Council in October 2002 which should be used by churches proposing really major works (copies are available from the Registry on request). The Church Buildings Council notes give useful examples of good practice.

Statements of Significance and Need are required by the Faculty Jurisdiction Rules 2000 for work involving any significant change (extension or re-ordering, but not repairs) to a listed church building. They will help a parish to assess the importance of their church building and so enable them to enhance the building and the good management of it. They will also greatly assist the assessment of any Faculty or Grant application. The two documents are separate but related to each other.

#### **a. Statement of Significance**

A side of A4 should suffice and it should include a simple plan and a photograph or two. It should be part of the Quinquennial Inspection Report and include the following:

- Name, dedication and listing of the church
- Brief description of setting and role in the community
- Brief description of the exterior and interior
- Explanation of how the building has developed over the years
- Description of special features (what is unique, precious or vulnerable) eg tower, architecture, archaeology, roof, screen, glass, bells, organ and so on.

Sources:

- Local history or historian
- Church architect / surveyor
- Pevsner
- County Record Office
- Victoria County History
- Sites and Monuments Record
- Diocesan Record Office
- NADFAS records

#### **b. Statement of Need**

A short document relating to the Statement of Significance. It should explain:

- Why the proposed works are necessary for the church's future management, eg ministry and worship, health, safety and Disability Discrimination Act requirements
- How the proposed work will affect the church building and its significance and how it will, ideally, enhance the area concerned.
- How much local consultation and support the proposals have
- Why the parish has arrived at its preferred option after considering other available options

## **Construction (Design & Management) Regulations 2007**

These new regulations came into effect on 6th April 2007 and replaced the CDM Regulations 1994. The purpose of CDM is to ensure safe design and working procedures in all building operations. The new regulations put increased and significant statutory responsibilities on the client/employer that cannot be delegated to the professionals so it is important that proper information and advice is sought at the start of the planning of any relevant building (or repair) project. (i.e. any project that may exceed 500 person hours builder's work (on or off site) or 30 days site work). Such projects will require the appointment of a CDM Co-ordinator (formerly Planning Supervisor) at the outset in order to cover the preparatory stages. Seek advice from your church architect/surveyor in the first instance and up to date information and free leaflets can be obtained from the HSE infoline 0845 345 0055 or the HSE website [www.hse.gov.uk](http://www.hse.gov.uk) (enter CDM in the search box).

### **Useful addresses**

**English Heritage SW:** 29 Queen Square, Bristol BS1 4ND

**The Ancient Monuments Society:** St Anne's Vestry Hall, 2 Church Entry, London EC4V 5HB

**The Council for British Archaeology:** Bowes Morrell House, 111 Walmgate, York, YO1 9WA

**The Georgian Group:** 6 Fitzroy Square, London W1P 6DX

**The Society for the Protection of Ancient Buildings ( SPAB):** 37 Spital Square, London, E1 6DY (for the attention of Catherine Cullis)

**The Victorian Society :** 1 Priory Gardens, Bedford Park, London W4 1TT (for the attention of David Garrard )

**The Twentieth Century Society :** 77 Cowcross Street, London EC1M 6BP

**The Church Buildings Council :** Church House Great Smith Street London SW1P 3AZ

### **PLEASE NOTE**

It is not the normal practice of the Registry to acknowledge receipt of completed applications. If you have any enquiries regarding the progress of your application please telephone Mrs Sarah Davis at the Registry: 01749 674747 or fax on 01749 834060 or email to [sarah.davis@harris-harris.co.uk](mailto:sarah.davis@harris-harris.co.uk).

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