

The future of the so-called 'Ecclesiastical Exemption'

Joseph Elders

The recent government paper on the future of the 'Ecclesiastical Exemption' in England accepted its advantages and that it ought to continue. This article examines what the exemption is, how it works and how the state and the exempt denominations might work together to improve it, from the Church of England's point of view.

I hate the name "Ecclesiastical Exemption"; as if we were getting away with something.

This quote from the Bishop of London summarises a feeling which is widespread within the exempt denominations. The 'exemption' is seen by many as a burden, not a gift, but one which is worth carrying. The Church of England maintains 13,000 listed churches, including half of England's Grade I listed buildings, easily the largest estate of such in the country, eclipsing the National Trust and English Heritage combined. It is hard to identify the cost of maintaining this extraordinary heritage, but it is not less than £100 million a year, plus an unquantifiable voluntary resource from churchgoers and other volunteers. The financial consequences for the state of shouldering this inheritance, with the consequent diminution of commitment on the part of the voluntary bodies mentioned above, would be significant.

The 'Ecclesiastical Exemption' is not a free-for-all or blanket exemption from all control, but an independent statutory system with sharply defined boundaries. There is no exemption from planning permission, which means that significant external alterations to the church building or buildings, the churchyard, monuments, the boundary walls and other features will require planning permission from the local authority. It does exempt church buildings from Listed Building control and Scheduled Ancient Monument consent, although the latter applies to churchyards, and if significant changes to Grade II* and Grade I listed churches and their churchyards are planned, English Heritage and the relevant Amenity Societies must be consulted (English Heritage 2003; WS 1). It is pertinent to note that the Council for British Archaeology has recently announced it intends to withdraw from giving specific case advice on churches, as it feels there is a sound curatorial system in place with archaeological advisers in each diocese (which the CBA was instrumental in setting up). They wish to concentrate now on secular buildings archaeology, where they perceive a real skills gap.

The care of church buildings is indeed a specialised matter, requiring skills and insights represented within the Diocesan Advisory Committees and similar bodies, which

are not always available to secular planning officers and their committees. Acquiring these abilities and responsibilities, often shouldered on a voluntary basis within the Exemption, and discharging them adequately would require significant extra resources for services already clearly shown to be chronically under-funded. It is also worth noting that while the Church of England's faculty jurisdiction provides a much greater degree of control than secular planning legislation, for example the protection of interior 'loose' fittings and furnishings, its removal would not confer those extra controls on the state.

The Department for Culture, Media and Sport (DCMS) in England has accepted these principles, and proposes amended arrangements for the ecclesiastical exemption. The value and principle of the exemption is therefore not in question - indeed their recent consultation document (DCMS 2004) asks if it ought to be extended to other denominations and faith groups, justified in terms of the special nature of the use combined with a critical mass of affected buildings and land capable of supporting adequate arrangements for management and regulation.

In line with this approach, 'The Ecclesiastical Exemption - The Way Forward' (DCMS July 2005) encourages the adoption of site-specific management agreements, tentatively called Heritage Partnership Agreements. These voluntary agreements could be reached with English Heritage and local authorities with the aim of 'wrapping' the myriad of often overlapping control mechanisms and giving seamless advice, and there are already pilot projects in progress to explore these possibilities. These developments, part of the Heritage Protection Review currently underway, are very promising, and have been warmly welcomed by the Church of England. The DCMS paper also suggests that a new, more suitable name may be found for the 'Exemption', so the Bishop may soon be able to relax.

Regarding archaeology within the exemption, in recent years the Church of England has been able to point to considerable progress within its systems, as has been accepted by the DCMS in the aforementioned 2005 report. Chief among these have been:

The appointment of an Archaeology Officer to the staff of the Council for the Care of Churches to co-ordinate

national policy, who among other things has published archaeological advice for parishes (Elders 2004) Diocesan Archaeological Advisers on all DACs The adoption of archaeological policies by DACs The foundation of the Association of Diocesan and Cathedral Archaeologists, which has fostered a network of professional archaeologists and worked to raise standards. It has also produced a guidance document on archaeological requirements (ADCA 2004; WS 2) The production, together with English Heritage, of a guidance document on human remains (2005; WS 3), and the subsequent foundation of a National Advisory Panel on Christian Burials with EH and the Home Office Guidelines on Statements of Significance and Need emphasising the need for archaeology, pre-dating the current EH drive in this direction (Council for the Care of Churches 2002; WS 4).

These are no mean achievements, and have significantly bolstered the status of archaeology and archaeologists within the Church's systems. In general, and while acknowledging the need for constant improvement (where is this not the case?), the systems operating under the Ecclesiastical Exemption appear to be in the rudest of health. Furthermore, the existence of the exemption has led to the development of skills and interest in church archaeology which arguably cannot be found in other countries where the state looks after churches and picks up the bill; the Society for Church Archaeology, and this its journal, are a manifestation of this. Try finding anything similar in any other country.

Joseph Elders is currently Archaeology Officer for the Council for the Care of Churches, Cathedral and Church Buildings Division, Church of England

Bibliography

- Association of Diocesan and Cathedral Archaeologists, 2004, Guidance Note 1, *Archaeological requirements for work on churches and churchyards*
 Church of England and English Heritage, 2005, *Guidance for best practice for treatment of human remains excavated from Christian burial grounds in England*
 Council for the Care of Churches, 2002, *Statements of Significance and Need – Guidance for Parishes*
 English Heritage, 2003, *New Work in Historic Places of Worship*
 DCMS, 2004, *Ecclesiastical Exemption Consultation Paper*
 DCMS, 2005, *The Ecclesiastical Exemption - The Way Forward*
 Elders, J, 2004, *Revealing the past, informing the future – a guide to archaeology for parishes*
 The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994 HMSO
 The Ecclesiastical Exemption: what it is and how it works. 1994 DNH and CADW.

Enquiries about Church of England or English Heritage publications should be directed respectively to publishing@c-of-e.org.uk and customers@english.heritage.org.uk

Websites

- WS 1 English Heritage 2003, downloadable at www.english-heritage.org.uk/upload/pdf/PLACES_OF_WORSHIP_WEB.pdf
 WS 2 Association of Diocesan and Cathedral Archaeologists 2004, downloadable at www.britarch.ac.uk/adca/projects-issues.html
 WS 3 Church of England and English Heritage 2005, downloadable at www.cofe.anglican.org/about/cathandchurchbuild/humanremains.html
 WS 4 Council for the Care of Churches 2002, downloadable at www.churchcare.co.uk/atoz_statements.php and www.churchcare.co.uk/atoz_statements.pdf