

Speech made by Lord Skelmersdale in the debate on the Housing and Planning Bill in the House of Lords on 13th October 1986.

**Lord Skelmersdale:**

After the article in *The Times* this morning it will come as no surprise to the Committee to hear that the Government have been considering the future of the ecclesiastical exemption from listed building control in the light of the responses to the consultation paper issued in January 1984 and subsequent discussions with representatives of the Church of England and the Churches Main Committee. Widely differing views are held on whether churches in use for worship should be exempt from listed building control. Many church bodies consider that the exemption should continue, while the local authority associations and many national and local amenity societies favour amendment or repeal.

As the noble Lord, Lord Kennet, has said, both sides hold their views sincerely and argue forcefully for their point of view. There are over 16,000 listed church buildings in England and Wales which make a most important contribution to our architectural heritage. Most of these are in the care of the Church of England. The control of the appearance of these buildings is a sensitive issue to church and secular authorities, to worshippers and to all those who value their architecture. In our discussions we sought to find ways to foster understanding and co-operation between the parties concerned. The Government concluded that it would not be conducive to that understanding to sweep away all the exemptions conferred on listed buildings by the Redundant Churches and Other Religious Buildings Act 1969 or Section 56(1)(a) of the Town and Country Planning Act 1971.

At the same time we have decided that public concern about the future of church buildings demanded some changes in procedures and some additional controls. I am therefore pleased to announce that representatives of the Church of England and the other churches and religious organisations—the latter through the Churches Main Committee—have agreed to the following proposals.

First, the effect of a judicial decision in the House of Lords is that the present ecclesiastical exemption will not apply to the total demolition of a church. Accordingly, listed building consent will be required for that demolition, except in the case of the Church of England where the demolition in pursuance of a pastoral or redundancy scheme is made under the Pastoral Measure 1983. It has been agreed that proposals that would materially affect the architectural or historical interest of a church not belonging to the Church of England, such as a spire, tower or cupola, should require listed building consent but that the exemption should continue to apply to proposals which would have a lesser effect.

Secondly, in the Church of England, when the demolition is in pursuance of a scheme under the Pastoral Measure 1983 the Church Commissioners have agreed always to ask the Secretary of State for the Environment whether he wishes to hold a non-statutory local public inquiry into any proposal to demolish, wholly or partially, a listed church or a non-listed church in a conservation area in circumstances where the Historic Buildings and Monuments Commission, the Advisory Board for Redundant Churches, the local planning authority or a national amenities society give reasoned objections to that proposal.

What is more, the Church Commissioners have undertaken to accept a recommendation from the Secretary of State following such an inquiry that the church is of sufficient importance to be vested in the Redundant Churches Fund or, in cases where the recommendation was not that the building should go to the fund, to make further efforts to find an alternative use and to engage in further consultation with the Secretary of State before using the pastoral measure powers to demolish. The scope and terms of reference of such inquiries will be broadened in consultation with the Church Commissioners.

Thirdly, the Church Commissioners have been assured that the Government will maintain their commitment to the Redundant Churches Fund and ensure that at each quinquennial review it receives adequate resources to continue its important work. In considering the recommendation which he will make

following a non-statutory inquiry, the Secretary of State for the Environment will take into account the financial implications of retaining a church building as well as the architectural and historic interest of the church and other planning and social factors. Next, it has been agreed that the Historic Buildings and Monuments Commission, the local planning authority and the national amenities societies should be represented in the membership of diocesan advisory committees. It has also been agreed that further discussions will take place over the question of whether work to church halls and other buildings, objects or structures within the curtilage of the church should be subject to listed building control.

Furthermore, external alterations and extensions to all churches already require planning permission, and local planning authorities are required to take into account the effect of the proposed development on a listed building or its setting when considering whether planning permission should be granted. These existing planning controls, combined with the discussions between Church bodies and the Historic Buildings and Monuments Commission for England, render unnecessary any further listed building controls over external alterations and extensions. All the Churches have undertaken to consult the local planning authority, and, in England, the HBMC, before undertaking any significant external works which remain exempt from listed building control.

The exemption from listed building control for buildings in ecclesiastical use will thus generally be retained. In order to implement those limited changes which require statutory authority, I propose to seek at the Report stage of this Bill appropriate powers which would enable the Secretary of State for the Environment or the Secretary of State for Wales to make orders subject to negative resolution. These orders, which will be the subject of further consultation with the Churches, the commission and the local authority associations, would then provide authority for the changes over partial demolition and curtilage buildings to which I have referred.

In Scotland, as in England and Wales, the future of ecclesiastical exemption has been under review. A consultation paper was issued in December 1984 and, following consideration of the responses received, further discussions were held earlier this year with the Scottish Churches. Like ourselves, our Scottish colleagues feel it desirable to respond to public concern for the safeguarding of the Church heritage. They propose therefore to seek a similar order-making power for Scotland. It would be their intention to use this power in a way similar to that which I have already described to place some limited restrictions on the scope of the current exemption. I should emphasise, however, that no use will be made of the new power for Scotland until further detailed discussions have been held with the Scottish Churches and the Convention of Scottish Local Authorities.

These proposals—across the whole country—have not been arrived at without difficulty. The Church Commissioners and the Churches Main Committee are very concerned with the financial implications, while the Historic Buildings and Monuments Commission have expressed some disappointment that the Government chose not to seek to repeal more of the existing exemptions. Clearly, the effectiveness of the proposals will depend in large measure on a great deal of co-operation between planning authorities and Church bodies. The Historic Buildings and Monuments Commission have agreed to continue offering grants to churches in use. I have every hope that with good will on all sides these proposals can bring lasting improvements to the way we protect our church buildings—not, I would suggest, before time.

Published by the General Synod of the Church of England and available from Church House Bookshop, Great Smith Street, London SW1P 3BN

Price 15p