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Our ref: RAnd/PCCSecretaries

DAC PCC Circular Number 1

Dear PCC Secretary

May I please ask you to draw the matters contained in this letter to the attention of the PCC and Churchwardens?

1. Churches with oil-fired heating

Does your church have an oil fired heating system? If so, you need to be aware of new regulations under the Control of Pollution Regulations 2001.

All non-domestic properties – including churches – need to take precautions against the leakage of oil into drains and watercourses. This means that the oil storage tank has to be “bunded” so that any spillage is contained within the “bund”. The bund needs to be able to contain at least 110% of the capacity of the oil tank. New tanks must already comply with this requirement. **As from September 2005 the regulation will also apply to existing tanks.**

If you have an unbunded tank at present, then you will have to do something about it by September 2005. **This will require a faculty.**

Many churches have steel oil tanks, often mounted on brick piers. It may be possible to provide a brick wall around the tank, but it must be provided with a leak-proof base. However, many of the old steel tanks are nearing the end of their useful life and it may be preferable to replace rather than adapt.

Modern plastic tanks are available with built-in bund. In other words, they are double skinned and can contain any leakage between the inner and outer skins. In this case, there is no need for an external bund. In many cases, this may be the most cost-effective solution to the problem.

If your tank is within a building, it could be difficult to get out (there are regulations for cutting up old tanks as well!) and, in any case, a bunded plastic tank will not fit so neatly into a rectangular space without significant loss of capacity. In this case, it may be possible to provide an effective bund within the building itself. The important thing is to eliminate the potential for oil to get out.

Since a new plastic tank will look different from an old one, **you will require a faculty** and you must consult the local planning authority as **you may also need planning permission**.

If you are affected by this legislation – please talk to your oil supplier and church architect as soon as possible.

2. Asbestos in church buildings

The Control of Asbestos at Work Regulations 2002 **now apply** to churches.

The Regulations place a duty on persons having responsibility for non-domestic premises to make a suitable and sufficient assessment as to whether asbestos is or is liable to be present in premises. In making the assessment: -

- Steps that are reasonable in the circumstances shall be taken
- The condition of any asbestos which is, or has been assumed to be, present in the premises shall be considered
- Account must be taken of building plans and of relevant information and the age of the premises
- Parts of the premises which are reasonably accessible shall be inspected
- The assessment must be reviewed if there is reason to suspect that the assessment is no longer valid, or if there has been a significant change in the premises

Where the assessment shows that asbestos is, or is liable to be, in the premises:

- A determination of the risk from that asbestos must be made
- A written action plan identifying the parts of the premises concerned must be prepared
- The measures to be taken for managing the risk must be prepared
- The measures specified in the plan shall be adequate for monitoring condition, ensuring proper maintenance or removal, ensuring that information about the location and condition of asbestos is provided to every person liable to disturb it, and to the emergency services
- The duty holder must record the measures taken to implement the plan; and review it at regular intervals.

Since the vast majority of Church of England churches were either constructed or restored before asbestos was used in construction, the overall risk may not be as high as for other classes of buildings. Nevertheless, some churches contain asbestos; heating systems, pipe lagging, organ blowers, roofing materials etc. A number of churches, perhaps those constructed or restored in the twentieth century, or in an historic building with lagging in the heating system, may contain significant asbestos. It is important, therefore, that the response is proportionate to the risk.

Where action in response to the regulations is taken, those undertaking the assessment should study the published advice, take into account issues such as the overall age of the building, the dates of building programmes, when services were installed, as well as information available from the Quinquennial Inspection report. They should then survey the building with these factors in mind. Some building materials such as glass, bricks and stone do not contain asbestos. However, materials used in the twentieth century may well contain asbestos, and an assumption must be made that materials do contain asbestos unless there is evidence to suggest they do not.

If the PCC has not yet done an assessment, who should undertake it? As a matter of

urgency the PCC should contact the church architect for advice on an appropriate person to undertake the task.

Sources of further advice are: -

Health and Safety Executive:

General information on asbestos: <http://www.hse.gov.uk/campaigns/asbestos/index.htm>

A short guide to managing asbestos in premises, available from <http://www.hse.gov.uk/pubns/indg223.pdf2>

A comprehensive guide to managing asbestos in premises (HSG 227) price £12.50

The management of asbestos in non-domestic premises – Approved Code of Practice and Guidance (L127) price £9.50

The publications are available from HSE Books on 01787 881165

The Regulations are available from <http://www.hms0.gov.uk>

You may also be interested in the enclosed leaflet about David Vosper's Manual.

3. The Disability Discrimination Act

If your PCC has not yet considered the implications for its church building, please do not delay. By **October 2004**, PCCs will have to be able to demonstrate that they have made every reasonable effort to overcome barriers to access both to and within churches.

Some of you, I know, have already made the necessary reasonable adjustments or have the work 'in hand'. This is intended to act as a helpful 'final reminder' to those PCCs who have still as yet to address the issue.

The enclosed Guidance Note, originally produced by Peterborough DAC, usefully addresses the issues.

The enclosed Access questionnaire is designed to help PCCs think about any adjustments which may need to be made to your buildings.

If you would like me to visit your church to offer general advice, for proposed action in your church, or would like advice on the process for obtaining a faculty for the work please let me know.

The Coventry Diocesan Development Team has produced a free action guide called "Accessibility – 5 Stages for Developing Church Property". This introduces a range of help and advice plus numerous contacts for help. You can obtain a copy from the Diocesan website under Action Guide 11 on the Social Responsibility page (http://covdioc.webspace.fish.co.uk/work/soc_res.htm). Incumbents and Churchwardens of each parish have already been sent a copy.

The Leicester Diocese has produced an information pack, which gives wider advice and information on the requirements of the DDA. This pack goes beyond buildings and physical access and considers issues such as attitudes and communication. The pack is generally available for purchase from Pat English (t: 0116 248 7404), Leicester Social Responsibility Secretary, priced £3 (if collected from Church House, Leicester) or £6 (if posted out).

General advice on the requirements of the DDA should be directed to Leicester Diocesan Director of Social Responsibility (Gill Jackson 0116 248 7400) or the Coventry Diocesan Development Team 024 7652 1200).

4. Memorial Plaques in churches

From time to time, PCCs are asked to consider (or themselves suggest) the erection of a plaque inside a church to commemorate an individual.

For the guidance of PCCs, set out below are the principles followed by Diocesan Chancellors: -

- i) Faculties for memorials cannot be freely or extensively granted for, if they were, the walls of a church might soon become so crowded as seriously to detract from the church's appearance.
- ii) A faculty for a memorial should be regarded as a special privilege reserved for very exceptional cases. This involves asking the questions (a) is this case so exceptional that the special privilege of a faculty could properly be granted, and (b), if so, are the circumstances such that a faculty should be granted?
- iii) Factors which may show exceptionality are for example the character of, or outstanding service to church, country or to mankind by the person to be commemorated by the memorial, a desire to record by the memorial some important or significant aspect of local or national history and some family history or tradition of such memorials especially, but not necessarily, if any future application based on the family connection would be impossible.
- iv) The burden of showing that the case is exceptional and that a faculty should be granted is on the petitioner. The Chancellor will need clear evidence and, of necessity, will need to rely greatly on the submissions of the incumbent, the Parochial Church Council and the Diocesan Advisory Committee. Whatever the grounds of exceptionally claimed, in future they should be stated in the petition for the benefit of the Chancellor, and those supporting the petition should also explain why the case is considered exceptional and why it is claimed that the special privilege of a faculty should be granted.
- v) Even when exceptionality to an extent which could justify a faculty is shown, such a faculty will not be granted as a matter of course as petitioners should be warned by incumbents and Registrars. Factors which may persuade a Chancellor not to grant a faculty despite the exceptional nature of the case would include, for example, the character of the church, the number of memorials already in the church, the inappropriate design of the proposed memorial tablet, and any lack of support or, a fortiori, opposition in the parish, the Parochial Church Council, the Diocesan Advisory Committee or other interested bodies.
- vi) It is also normal not to allow such memorials within about 5 years from the person's death, so that his or her life and career may be seen in perspective.

It is happily true in many parishes that each generation sees examples of devoted and meritorious service by churchwardens and others, which clearly deserves to be kept in remembrance. It is suggested that an acceptable mode of commemoration, where the test for a memorial plaque would not be satisfied, may often be the provision of some article or feature, suitably inscribed, which can be dedicated as a permanent addition to the contents or perhaps the structure of the church. Examples include memorial windows, panelling, pews, candlesticks, communion plate, altar frontals and dorsals, font-covers, lecterns and service books.

These sorts of item raise quite different considerations, which are to be considered on the practical and aesthetic merits of the object concerned.

PCCs are generally advised to discourage ideas for memorial plaques and encourage thinking along the alternative lines suggested above.

If an exceptional proposal should arise, the PCC is advised to contact the DAC at the outset for preliminary advice **before** time and money are spent on designing a memorial plaque.

5. Proposals for stained glass windows

From time to time, proposals come forward to the DAC for the introduction of stained glass into a church.

It would help enormously if the DAC could be sent a copy of the PCC's draft brief to the designer **before** it is finalised. The DAC has a Stained Glass Advisor whose input might be useful to the PCC at this preliminary stage before time and money are spent on producing designs.

6. Filling in Faculty Petition Forms

None of us like filling in forms, but frequently faculty petition forms sent in are incomplete.

In order to avoid delay in the process, either in the DAC office or when the petition reaches the Chancellor, may I please ask that the person (usually a Churchwarden) whose name is entered on the form as the contact person checks: -

- The Schedule of Works – page 2 – is listed there (and **not** on an attached sheet)
- Q6 – the name of the architect is given **not** the practice
- Q35 is completed
- The Checklist – page 13 – is filled in
- 2 copies of **all** the papers are submitted

7. 2005 Dates

The dates of the DAC meetings and the latest dates by which items for the DAC agenda must be received are enclosed.

I apologise for the length of this letter. If you have any questions about the contents, please do not hesitate to contact me (email is preferred).

With best wishes

Yours sincerely

A handwritten signature in black ink that reads "Ray Anderton". The signature is written in a cursive style with a horizontal line underneath the name.

Ray Anderton

CC Archdeacons and Diocesan Registrars