

# The Future of the Ecclesiastical Exemption

## A way forward

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**A far-reaching review of the future of this exemption is part of a major reform of the heritage protection system.**

**N**o statutory framework for the protection of England's historic environment could claim to be truly comprehensive unless it embraced our historic places of worship. English Heritage has always supported the Government's decision to review the future of the ecclesiastical exemption – the opt-out from the secular system of heritage controls for certain denominations which have parallel regulatory regimes in place – as part of its wide-ranging reform of the heritage protection system in this country.

This review should be welcomed by supporters and critics of the exemption alike. It is only by seeing the exemption in the wider perspective of managing the historic environment as a whole that we shall be able to judge its true value and performance.

Before looking at the Government's suggestion for the future of the exemption, it is important to understand the scope of reforms to the heritage protection system itself. In June 2004, the Government decided to proceed with reform in stages between now and 2007/8, the earliest likely date that legislation could be passed to implement the new system in full. Because the reforms are so radical, primary legislation will be required to create a unified single Register of Historic Buildings and Sites in England, matched by a single heritage consent regime.

The Register will bring together the current listing, registration and scheduling regimes, while the single consent will integrate scheduled monument consent and listed building consent. Crucially for the future of the exemption, provision will be made for statutory management agreements that can take the place of regulation by individual heritage consents for complex sites.

### Exemption as a model approach

Looked at in this perspective, the way in which the ecclesiastical exemption is used by the exempt denominations to manage their historic sites and buildings has much to offer to the reformed heritage protection system. The protection afforded is generally more comprehensive than that offered by the listed building consent mechanism, embracing fixtures and fittings as well as matters of artistic and aesthetic judgement.

The way in which the Church of England's Faculty Jurisdiction system sees the church and churchyard as a consecrated entity, subject to Faculty control, prefigures the holistic designation of church and churchyard envisaged by the reformed heritage protection system of registration. Also, some of the exempt denominations have long-standing systems of inspection in place that encourage longer-term strategic thinking about the repair and maintenance of their assets.

English Heritage has warmly welcomed the Government's suggestion in its consultation paper, *The Future of the Ecclesiastical Exemption*, that the strengths of the exemption are such that the system deserves to continue and to be helped to be even more effective. English Heritage believes that the exempt denominations should be encouraged to demonstrate that their individual systems are robust and effective enough to deal consistently with all their varied constituencies, especially with reluctant or downright recalcitrant local operations. We believe that the solution must lie in developing more effective partnerships between those denominations which are exempt, local authorities, English Heritage and other interested parties.

## Pilot projects

English Heritage, through our experience of working in partnership with the Government, local authorities and owners in piloting reforms to the heritage protection system, believes that such partnerships are best constructed from the ground up. We are exploring with the exempt denominations the possibility of setting up a small number of local pilot projects to test the feasibility of a management agreement approach that could become common practice under the reformed system throughout the historic environment. We need a range of sites: a group of urban and rural places of worship, a cathedral and its precinct, perhaps a group of Methodist chapels.

For each pilot project, an agreement would be drawn up on the same principles that the new system would apply to all complex historic assets: comprehensive designation of the whole site and its future strategic management seen as an entity. This could include the same freedom from close regulation through listed building

or scheduled monument consent procedures that any other historic site (from a great house to a farmstead) might enjoy under the new system. The agreement – between the exempt denomination, the local authority and English Heritage where appropriate – could be run by the denomination for an initial period of ten years, reviewable and renewable thereafter for further quinquennial periods. It would default to the normal regulatory mechanisms if the agreement were seriously or persistently breached.

There is a huge amount of work to be done. If we can proceed steadily and in partnership, building confidence and trust, learning from our experience of piloting the new heritage protection system in all its many aspects, it is possible to see a way forward in which the so-called ‘exemption’ would actually become the norm, the rule not the exception. That would be the moment to lose this misleading phrase from the language, representing as it would the recognition that the way historic places of worship are managed is indeed mainstream.

Medieval decorated floor tiles in the Chapter House, Westminster Abbey, depicting King Edward the Confessor (d. 1066), one of the founders of the Abbey, giving a ring to St John the Evangelist.



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