

## **GS2934 Mission and Pastoral Measure and GS2935 Mission and Pastoral Measure Regulations**

**Abigail Lloyd, 24<sup>th</sup> January 2025**

**(DCMS-appointed CBC and SAC member, personal observations)**

[GS2934](#) and [GS2935](#) were published for the first time on 23<sup>rd</sup> January 2025.

This is the first time that the Church Buildings Council ('CBC') or Statutory Advisory Committee ('SAC' - a statutory committee of the CBC with DCMS appointees) have seen this measure and its regulations. It is understood that no other consultees have seen this legislation either: DCMS, Historic England, the National Amenity Societies (SPAB, Victorian Society, Ancient Monuments Society/HBAP, Georgian Group, Twentieth Century Society), the Friends of Friendless Churches ('FoF'), the Churches Conservation Trust ('CCT'), Local Planning Authorities ('LPAs'), Diocesan Advisory Committees ('DACs'), Dioceses, Parishes and interested members of the public (whether part of the church or not).

This is legislation that covers more than just internal church processes. It covers national heritage and places that are vital to all.

The legislation and its regulations are to be tabled at Synod on 14<sup>th</sup> February 2025 in three weeks since publication. Given the shortness of time available, and for the sake of brevity, the following table only outlines concerns. The table is not at all exhaustive, given the need to respond in short order.

In 2021, the CBC and SAC responded to initial proposals to revise the law, and there is much in the CBC and SAC papers then which remains critically important when thinking about the value of these places and how they are handled. A few quotes from those papers are included below as CBC (21)126a or SAC(21)38.

The table can be used as a reference point to cross check what the current law is, what the change will be, and what comments are made about that change. Although there will be a revision period after 14<sup>th</sup> February, there will be limits on what can be revised and by whom, and, importantly, who has or does not have representation in that process.

**Overall, compared to the legislation currently in force (Dioceses, Pastoral and Mission Measure 2007 'DPMM 2007' and Mission and Pastoral Measure 2011 'MPM 2011'), CBC and SAC appear to have been considerably written out of the proposed measure and the regulations. This seems to be at odds with the statements in GS2394p (policy paper) that 'there are no fundamental changes of governance or remit in relation to the CBC or SAC in the new MPM' and 'the value of the CBC and SAC is well established' (p. 24). The actual changes made by the proposed legislation appear to suggest the opposite.**

**The CBC and SAC offer independent and expert advice. All the members of both bodies are volunteers giving considerably of their time and expertise, a significant benefit that the Church of England enjoys without cost, in contrast to the advice currently available to owners of non-ecclesiastical listed buildings or non-designated heritage assets. The committees include independent appointees (for instance DCMS-appointees), representing the wider public interest in these places. These are sites which have been of communal significance and value for centuries, if not millennia.**

**The process of closing them, removing public access, harming and losing value and significance needs to have representation from those speaking for the wider public interest, independently of in-house church processes. The CBC and SAC are independent statutory committees bound by the Nolan principles of public life. They act as an important balance to in-house church processes. (This check-and-balance system is at the heart of the ecclesiastical exemption as well so it is very important that the Church of England demonstrates it can honour and support the independence of the CBC and SAC, in order to maintain trust in its administration of this exemption.)**



		<p>stand, the initial CBC report forms the basis of the SAC subsequent report, which builds upon it. The SAC is a statutory committee of specific CBC members, so this is the most efficient way to proceed.</p> <p>Looking to close without the benefit of CBC/SAC advice and then coming to CBC/SAC for advice on disposal after closure has already happened seems to be counter to good decision-making and counter to all the representations CBC/SAC made in 2021.</p> <p><i>CBC (21)126a para. 1.10 "The contribution of the CBC and the SAC is best made before anything is a "done deal"."</i></p> <p>Regulation 43 sets out what the DAC report might cover. It does not cover everything that the CBC report under s.21(7) MPM 2011 has to cover. This is a dilution of informed advice. Important matters may be missed, including an assessment of other churches in the immediate area and advice on the possibilities of change to facilitate ongoing use or after closure. It is very important to know this before closure. Each place and building is unique. In the secular system, specific heritage advice is given on this for each asset. It is not possible for a developer to dispense with this simply because they have developed other places in the past. It would be foolish for the church to cut itself off from that advice at this stage, only finding it out when they are post closure.</p> <p>Moreover, regulation 43 does not say that it would apply to a third party if the MPC decided to ask a third party not a DAC.</p> <p>DACs have not been asked if they have the resource and capacity to write these reports. (The author is also a DAC chair.) DACs are already working at full stretch administering the ecclesiastical exemption. In addition, this is imposing more on the diocesan resource to support DACs.</p>
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		<p><i>advise while keeping in balance the two interests. It brings to bear specialist knowledge and experience and has access to a body of information and precedent on the re-use and conversion of churches nationwide.'</i></p> <p><i>It is important not 'to confuse the role of a consultant employed to advise a developer and that of a statutory adviser with a distinct role to monitor and safeguard certain interests'.</i></p> <p>Regulation 112 is after a closure decision has been made. It is not informing that closure decision.</p>
<p><b>Before</b> there a scheme to demolish any closed church (including part of a building) is made, the SAC is consulted. MPM 2011 ss. 23(2), 58(1), 59(4), 61(1), 62(2) and DPMM 2007 s.56.</p>	<p>This is no longer in primary legislation.</p> <p>It is relegated to the secondary legislation under regulations 113 and 115.</p>	<p>Under the proposals, the SAC has to provide its advice on demolition for listed buildings before a scheme or order is published (regulation 113(4)) but there is no legal requirement for when the Church Commissioners ('CCs') have to seek that advice. Under the regulations the CCs only have to notify CBC/SAC of a scheme when they publish it (regulation 93(3)), by which time (publication) it is too late for the SAC to give that advice under the proposed regulations. It also seems that, under regulation 116, there is no requirement to serve the draft scheme or order on the CBC/SAC.</p> <p>There is no requirement to seek SAC advice on demolition of unlisted buildings outside of a conservation area. (It is not clear if regulation 113 will also apply to the proposed demolition of unlisted buildings. Regulation 53(3) would suggest not. Moreover, the explanation of this regulation in GS2394-5x explanatory notes seems odd. It refers to the CCT advising that demolition is not objectionable rather than the SAC. The CCT is not supposed to be giving this advice. Presumably, this is a typographical error?)</p> <p>Many unlisted church buildings outside of conservation areas are non-designated heritage assets of significance. Some might be spot listed, or are worthy of consideration for listing. Many have contents within them (from earlier churches on the site) of national significance. The places that they occupy</p>

		<p>can be of national significance, archaeologically and otherwise. It seems very unwise to remove SAC advice for these places.</p> <p><i>SAC (21)38 para. 18 ‘churches are an exceptional building type and, regardless of scholarly appreciation, remain places of memory, landmarks and symbols of geographical identity. Even if unlisted, that power to resonate can remain potent.’</i></p> <p>Moreover, making demolition easier runs counter to the Church of England’s Net Zero commitments and to the climate situation. SAC currently has a policy on embodied carbon and whole-life carbon cycles within historic buildings, which it is continuing to work on with other partners.</p> <p>The Skelmersdale Agreement for a non-statutory public inquiry is triggered by objections to demolition from the SAC/CBC, as successor to the Advisory Board for Redundant Churches.</p> <p><i>SAC 21(38) para. 21 ‘In extremis, CBC has the right to make representations on schemes and SAC may raise objections to proposals for demolitions (under the Skelmersdale Agreement).’</i></p> <p>If the Skelmersdale Agreement is truly to be honoured, the advice of the SAC must not be relegated from its position in current legislation.</p> <p>Finally, regulation 115 appears to give the power to the CCs to control how the SAC/CBC can give its advice. This will be worrying if it can be used to control or limit the advice. Why do the CCs want or need this power?</p>
<p><b>Before</b> a closure scheme is made involving structural or architectural changes to a church building the SAC is consulted. MPM 2011 ss. 23(2), 62(6) and DPMM 2007 s.56.</p>	<p>This is removed entirely from the legislation.</p>	<p>Structural and architectural changes to a church can significantly impact its significance. It is wise to have SAC advice early on to inform and guide the making of any scheme that might have this impact.</p> <p>The SAC currently provides advice and detailed information on all that is</p>

		<p>significant about these buildings including the important interiors, fixtures and fittings, as well as exteriors and settings. Schemes for alteration need to be properly informed as to the significance of different parts of the building and its fixtures, such as stained glass, screens, brasses, ledgers, memorials, medieval tiles etc.</p> <p>If secular bodies are to ensure that significance is not lost or harmed (without proper justification and public benefit), there needs to be a formal transfer of knowledge and advice from the SAC to those bodies. For example, making SAC reports available to all LPAs, Historic England, the National Amenity Societies. These SAC reports are often the most detailed record there is of the church prior to closure. They should be used to enrich the National Heritage List for England list description (where the churches are listed), or local lists otherwise, so that there is more detail available for all dealing with these places within the secular system.</p> <p>As far as is known, it has not been established that the LPAs or Historic England or the National Amenity Societies have the resource and capacity to deal with the extra casework of making sure that the significance of these buildings is not harmed as they are closed and transferred into the secular system and as they are altered considerably. Historic England do not get involved in Grade II buildings because of capacity. LPAs do not send consultation on alterations to the National Amenity Societies if they do not deem them to involve partial demolition.</p> <p><b>All these statutory consultees must be asked for their thoughts on the removal of SAC advice in this area. The change from a church building into a non-ecclesiastical building, still with high significance and value, must be well managed and informed, as well as statutorily protected from abuse.</b></p>
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Protection for contents  s.61(4)MPM 2011, any DBF removing contents during the use-seeking period has to notify the CBC of what has been removed and where it is.	There is no requirement to let the CBC/SAC know what has been removed and where it has gone under new MPM s.51(10).	SAC reports currently provide a gazetteer of significant contents, not all of which would be deemed to be ‘fixtures’ within secular listed building legislation. Many of these are only loose because they have been removed from earlier buildings on the site, for example, early medieval/Anglo-Norse carved stonework and Norman fonts, to name just two examples. It is very important that there is adequate statutory safeguard for such items of national significance and public importance.  CBC/SAC advice currently informs Bishop’s directions for the removal of contents and their storage elsewhere. DACs use the combined CBC/SAC report in advising the Diocesan Board of Finance on the removal of contents and should continue to do so.  Furthermore, the protection for contents is important given that buildings might ultimately be vested in the CCT, the FoF or another trust interested in the high historical importance of the place, for which the contents might be an important part. It is also important given that the site might revert to use as a church.
<b>Before</b> a scheme is made for the vesting of a closed church in the CCT, the SAC is consulted. MPM 2011 ss. 23(2), 59(2), 62(2), 63(1) and DPMM 2007 s.56.	This is no longer in primary legislation.  It is relegated to the secondary legislation under regulations 113, 114 and 115.	Under the proposals, the SAC has to provide its advice on vesting in the CCT before a scheme or order is published (regulations 113(4) and 114(3)) but there is no legal requirement for when the CCs have to seek that advice. Under the regulations the CCs only have to notify CBC/SAC of a scheme when they publish it (regulation 93(3)), by which time (publication) it is too late for the SAC to give that advice under the proposed regulations. It also seems that, under regulation 116, there is no requirement to serve the draft scheme or order on the CBC/SAC.

		<p>The State-Church partnership in the funding of the CCT reflects the fact that the object of the CCT is to hold churches of such important archaeological, architectural and historical interest and quality, that it is in the interests of the nation they be conserved. This is reflected also in the State-Church appointments to the SAC. So, SAC advice should not be relegated in this process.</p> <p>It also appears as if the CCs might consult the CCT and individual DACs long before seeking advice from the SAC (new MPM 68(3)). This relegation of the SAC in the process seems to be at odds with the State-Church partnership embodied in the SAC constitution, membership and reason for existence.</p> <p>Finally, regulation 115 appears to give the power to the CCs to control how the SAC/CBC can give its advice. This will be worrying if it can be used to control or limit the advice. Why do the CCs want or need this power?</p> <p>s.57(5) (d), (e) and (11) MPM 2011 currently requires consultation with the SAC before entering into a lease with a third party concerning a church vested in the CCT. This is to make sure that there is good advice on any architectural and structural changes, including changes to the interior and contents, that might impact on significance and might be made by the lessee. Churches vested in the CCT are of the highest importance, and have had direct public/State investment, so they need to be well safeguarded from harmful alteration when in the hands of third parties. This is being removed by the new MPM ss. 67 (1) and (2). Hence, the explanatory note GS2394-5x is misleading when it says that clause 67 simply restates sections 57(5) of the 2011 Measure.</p> <p>There appears to be no statutory requirement to consult the SAC on divesting of CCT churches,</p>
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		notwithstanding State investment in such property and the public interest.
s. 56 (1)(d) DPPM 2007: CBC has the right to make representations on schemes if needed.	This is removed from the primary legislation.	<p>It has not been used much and is not a burden to the system. Why is it being relegated?</p> <p>It is important for there to be a check and a balance from the independent statutory committees within the church's in-house processes, and for the Church of England to show it can support and honour independence within the processes it administers on behalf of the State.</p>
	The policy paper (GS2394p p.25) states that the aim of the revision is to reduce the direct financial burden on Diocesan Boards of Finance (DBF) by allowing closed churches to vest in the CCT or a charitable church trust during the period when a new use needs to be found for the building.	<p>Without resource from the CCTs, this is unlikely to happen. The CCT already has a substantial backlog of churches recommended by the SAC as suitable for the CCT, not yet taken. Charitable church trusts will require diocesan investment.</p> <p>This is not alleviating the local burden. Hence, the need to have the national conversation with proper representation from those representing the wider public interest (beyond the church community) in these places remains key.</p>
<b>Open Churches:</b>	s. 43 of the new MPM enables there to be a lease of an open church without faculty.	<p>It would be helpful to be explicit that lessees remain subject to the faculty jurisdiction in terms of any works to the church site, building and its contents.</p> <p>Likewise with the transfer of building management functions under s.15 of the new MPM, for the avoidance of any doubt.</p>