



Llywodraeth Cymru
Welsh Government

Managing Change to Listed Places of Worship in Wales: Ecclesiastical Exemption

MANAGING

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 Cadw

Statement of Purpose

Managing Change to Listed Places of Worship in Wales explains the operation of the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018 (the 2018 Order).¹

It sets out the guiding principles to consider when planning changes to listed places of worship covered by the 2018 Order. It also sets out a code of practice for denominational consent procedures, which explains how those principles should be included in the control and decision-making process.

This best-practice guidance is aimed principally at those denominations which are already exempt from the secular system of control. It will also be of interest to local planning authorities, congregations and individuals with an interest in the protection of listed places of worship. Denominations and faith groups that may seek ecclesiastical exemption in future will also find it helpful.

Arrangements for the protection of historic assets provided under ecclesiastical exemption must be at least equivalent to those operated by local planning authorities, so the principles and practices reflect those set out in the Planning (Listed Buildings and Conservation Areas) Act 1990,² Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012, as amended by Planning (Listed Buildings and Conservation Areas) (Wales)(Amendment No. 2) Regulations 2017,³ *Planning Policy Wales*,⁴ *Technical Advice Note 24: The Historic Environment*⁵ and in *Managing Change to Listed Buildings in Wales*.⁶



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Cadw is the Welsh Government's historic environment service working for an accessible and well-protected historic environment for Wales.

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Cover photograph: The Church of St Martin, Cwmyoy, Monmouthshire, has twelfth-century origins and is listed grade I (© Crown copyright (2018) Visit Wales, Welsh Government).

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Fast Facts ▸

- 1** Some 2,000 historic places of worship in Wales are listed because of their special architectural or historic interest.
- 2** Change may be necessary, but needs to be managed well.
- 3** Understanding the significance of a listed place of worship can help to shape change so that it respects what makes the building special.
- 4** Broadly, works to listed places of worship in use by exempt denominations do not need listed building consent, but may still need planning permission and other consents. Denominations exempt from listed building consent must have internal systems of control that provide a level of protection which is at least equivalent to that in the secular system.

Introduction ↵

Places of worship occupy a special place in the historic environment of Wales. They are amongst the most distinctive buildings in our rural landscapes and our towns, and many of them are exceptional examples of architecture and craft. Throughout their lives, they have been at the heart of their communities. They reflect shared beliefs and traditions, uphold the Welsh language, and are resonant with personal stories and collective experience — they are a vital part of our social and cultural history.

In acknowledgement of their importance, some 2,000 historic places of worship are listed because of their special architectural or historic interest. More than a third of these are listed at grades I and II*. About 1,000 more associated structures, such as churchyard gates and memorials, are also listed. Every listed building is important to the cultural heritage and historic environment of Wales and deserves to be protected and cherished. Caring for listed buildings appropriately, retaining them in use, and managing change with sensitivity enables them to deliver a range of benefits to Welsh communities. These benefits can help to create the Wales we want in the future by contributing to the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015.⁷

In 2015, the Welsh Ministers published their 'Strategic Action Plan for Historic Places of Worship'.⁸ The action plan recognises that securing a future for these valued buildings needs to be founded on good understanding of their character and importance, on sound conservation principles and practices, and on the widest possible engagement and participation. Although the action plan applies to all places of worship of whatever denomination or faith, and whether listed or not, the principles and practices for listed places of worship outlined in this best-practice guidance make an important contribution to the achievement of its aims.

1. Legislative Background ↵

Because listed buildings are such an important part of our heritage there is a mechanism for managing change which ensures that their special interest is taken into account. This means that listed building consent is needed for any works for the alteration or extension of a listed building in any manner which would affect its character as a building of special architectural or historic interest.⁹ Consent is also needed for works for the demolition of a listed building.¹⁰

In most cases, the formal consent systems used to manage change to listed buildings are administered by local planning authorities. But section 60(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act)¹¹ makes separate arrangements for the protection and management of listed places of worship through a practice known as ecclesiastical exemption.¹²

The Welsh Ministers can exclude the ecclesiastical exemption or restrict it in various ways; for example, in relation to buildings generally, particular buildings or types of building, particular denominations or faiths, or particular types of works.¹³ They have made the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018 (the 2018 Order),¹⁴ which exempts certain denominations from listed building consent when making changes to their ecclesiastical buildings that remain as places of worship.

Ecclesiastical exemption reflects the particular needs of listed buildings in use as places of worship, but recognises the need to maintain an appropriate level of protection for historic places of worship, which is at least equivalent to that in the secular system. This means that change is managed through internal systems of control instead of listed building consent. The exempt denominations should have robust systems in place that reflect the standards set out in the code of practice in section 5 of this best-practice guidance, underpinned by the guiding principles in section 4.

Cadw monitors the effectiveness of the denominations' internal systems of control on behalf of the Welsh Ministers.

2. Ecclesiastical Exemption ↵

The 2018 Order limits ecclesiastical exemption to six specified denominations which have internal systems of control that provide the necessary level of protection for listed places of worship. The exempt denominations are:

- The Church in Wales¹⁵
- The Church of England (for those churches in Wales that are within its faculty jurisdiction)¹⁶

- Catholic Church in England and Wales¹⁷
- Methodist Church¹⁸
- Baptist Union of Great Britain (some listed buildings only)¹⁹
- Baptist Union of Wales (some listed buildings only)²⁰

Details of the relevant internal systems of control for each denomination should be set out online on the denominations' websites.

Although the arrangements may vary in detail, they should all provide at least equivalent control and protection to the secular system of managing change to listed buildings. The guiding principles in section 4 of this best-practice guidance and the code of practice in section 5 explain how this can be done. The success of these arrangements also depends on the active involvement of other stakeholders.

The Welsh Ministers have the power under the 1990 Act to vary ecclesiastical exemption by means of a further Order. For example, the Welsh Ministers could bring a denomination's buildings within secular listed building control if they are failing to provide the appropriate level of protection for listed buildings. The Welsh Ministers could also withdraw the ecclesiastical exemption from an individual building if it seems likely that potentially damaging works could be carried out without appropriate consideration.

Other faiths and denominations not included in the Order need to obtain listed building consent from the local planning authority for work to listed places of worship.

Other faith groups or denominations may make representations to the Welsh Ministers if they wish to be considered for ecclesiastical exemption. To qualify, they need to demonstrate that they have established, or will establish, robust and transparent historic asset protection measures that meet the standards set out in this best-practice guidance. They are strongly advised to contact Cadw at an early stage to find out whether their internal systems will meet the requirements. Any extension of the ecclesiastical exemption to cover a new faith group or denomination would need an amendment to the 2018 Order.

Local planning authorities need to make sure that they are fully aware of the ecclesiastical exemption. They need to know what is covered by the exemption because changes that fall outside its scope need to be managed through the secular system of listed building consent.

3. What does the Ecclesiastical Exemption Cover? ↯

Ecclesiastical exemption applies to all types of works to ecclesiastical buildings which are for the time being used for ecclesiastical purposes that would otherwise require listed building consent.²¹

To be eligible for ecclesiastical exemption the principal listed building should be used for ecclesiastical purposes both before and after the works, though in some cases the listed building may also accommodate other uses alongside its primary role as a place of worship.²²

Ecclesiastical exemption also applies to any object or structure fixed to that building, or within its curtilage, which although not fixed to it, forms part of the land, whether or not that object or structure is listed in its own right.²³ The curtilage is an area of land around the listed building, and any buildings and structures within this area that are subordinate or ancillary to the main building and that predate July 1948 are considered by law to be part of the listed building. This means that some structures that are not listed in their own right come within the scope of the ecclesiastical exemption provided that they are within the curtilage of the principal listed ecclesiastical building, and that the exempt denomination is responsible for the proposed work. Unlisted curtilage structures could include lychgates, boundary walls, memorials, vestries, school rooms and church halls. Curtilage is a complicated subject and in advance of any proposed works, congregations may wish to check that their local authority agrees that the ecclesiastical exemption applies in the particular case. It would however be for a civil court to decide in the event of a dispute.

Structures within the curtilage that are scheduled monuments are not covered by the exemption. Proposed works would need scheduled monument consent from Cadw.²⁴

Buildings that are wholly or mainly residential and are occupied by a minister of religion are not considered to be used for ecclesiastical purposes, and works to these buildings are not covered by the exemption.²⁵ Where a residential building is attached to a listed place of worship (for example, a presbytery attached to a Catholic church, or a minister's house attached to a chapel), works to the residential building will need listed building consent from the local planning authority. When dealing with listed building consent applications for residential elements, local planning authorities are urged to consult the denomination responsible for the listed place of worship because they may be well-placed to give advice. Works to the listed place of worship will be dealt with through arrangements under the ecclesiastical exemption, which include consultation with the local planning authority.

Broadly speaking, to be covered by the exemption, works must be carried out by or on behalf of the denomination or its congregation, but see article 4(3) of the Order for the detail.²⁶ Applications by third parties must be made under the secular system of listed building consent. For example, a service provider applying to erect a telecommunications mast on a church tower would need to apply to the local planning authority for listed building consent.

If there is any doubt about whether or not exemption applies to particular structures or to particular works, advice should be sought from the local planning authority, but it would be for a civil court to decide in the event of a dispute.

The exemption does **not** extend to:

Planning permission

Development affecting the exterior of a listed place of worship or an unlisted place of worship in a conservation area may need planning permission, and some works will also need building regulations approval. In these cases, applications must be made to the local planning authority.

The need for planning permission and building regulations approval is in addition to the need for any approvals under the denominational system of control. When local planning authority permissions are also needed, it is advisable to begin the internal approval process before submitting any external applications, but it is a good idea to identify any planning or other issues at an early stage.

Scheduled monument consent

Ecclesiastical buildings in use for ecclesiastical purposes cannot be scheduled as monuments,²⁷ but some curtilage features such as churchyard crosses and inscribed stones may be scheduled. Where scheduled monuments are likely to be affected by proposed works, an application for scheduled monument consent must be made to the Welsh Ministers through Cadw.²⁸ Applicants are encouraged to request a pre-application meeting on site to discuss their proposals.

Total demolition

Where total demolition of a listed building is proposed, the asset can no longer be considered to be in ecclesiastical use, so it is not covered by the exemption.²⁹ Consent for demolition of a listed building must be obtained from the local planning authority.³⁰

Conservation area consent

The ecclesiastical exemption does not remove the need to seek conservation area consent from the local planning authority. Conservation area consent is needed where it is proposed to demolish an unlisted building in a conservation area.³¹ Demolition amounts to pulling down a building so that it is destroyed completely or near completely. This is a question of fact, ultimately for the court to decide — the removal of an entire building except its facade could count as demolition.

In practice, it is very unlikely that the building would be capable of use for ecclesiastical purposes after the demolition work had been done. This would mean that the exemption would not apply. Wherever any work of demolition to an unlisted structure in a conservation area is contemplated, advice should be obtained from the local planning authority to establish whether or not conservation area consent would be needed.

Closed or closing places of worship

Ecclesiastical exemption ceases as soon as a building stops being used as a place of worship. As soon as exemption ceases to apply, all the local planning authority's powers in relation to listed buildings are applicable, including the enforcement measures at their disposal.³²

Human remains

Excavations in historic graveyards and works inside churches, where burials have taken place, are likely to encounter human remains, sometimes at relatively shallow depths. It is unlawful to remove or disturb human remains without lawful authority. Various laws (secular and ecclesiastical) provide a framework for the treatment of human remains according to various factors. The applicable legal framework should be established before work is commenced and, if appropriate, an exhumation licence should be obtained from the Ministry of Justice.

4. Guiding Principles ↵

Ecclesiastical exemption is based on the principle of at least equivalent protection. To retain exemption, the denominations must be able to show that their systems reflect the policies and principles that underpin the secular system of historic asset protection. They must demonstrate that their consent processes provide comparable rigour, consultation, openness, transparency and accountability. The code of practice set out in section 5 encapsulates the principle of equivalence.

4.1 Conservation Principles ↵

The underlying philosophy of conservation is set out in *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*.³³ *Conservation Principles* should be consulted for the details but the six principles are summarised below.

1. Historic assets will be managed to sustain their values

The aim should always be to find the best way to protect and enhance the special qualities of a building whilst retaining it in a use that sustains it. Changes should therefore have a clear purpose that is desirable and necessary; they should keep intervention to a minimum and achieve high standards in design and craft.

2. Understanding the significance of historic assets is vital

Historic assets have four heritage values: evidential, historical, aesthetic and communal. All of these are relevant to listed places of worship. The development of proposals and their consideration should therefore always take full account of significance, and should respect the special interest of the building, its contents and setting in the light of these values.

3. The historic environment is a shared resource

There is an especially strong public interest in the heritage values of listed places of worship. It is therefore important to promote greater access, understanding and enjoyment, and to work in partnership wherever possible to sustain this heritage.

4. Everyone will be able to participate in sustaining the historic environment

Caring for historic assets is a shared responsibility. Informed and active participation is a vital part of sustainable management, and access to appropriate specialist skills and knowledge is essential.

5. Decisions about change must be reasonable, transparent and consistent

This means that decision-making bodies should apply expertise, experience and judgment in a consistent and transparent process, guided by law and policy. Decision makers should also undertake sufficient engagement and consultation to inform and justify their decisions.

6. Documenting and learning from decisions is essential

This means that the records of the decision-making process should be maintained in an accessible form, and that the effects of change should be monitored and evaluated. Garnering information during the process of change is also important.

The Welsh Ministers expect all organisations involved in the management of the historic environment — including the exempt denominations — to use these principles in their decision making. These principles are reflected in the code of practice set out in section 5.

4.2 Heritage Impact Assessment ⇐

Caring for historic assets in the light of these conservation principles means making sure that where change is needed, it is managed in such a way that the significance and heritage values of the assets are protected or enhanced.

Heritage impact assessment is a structured process that enables the significance of a designated historic asset to be taken into account when considering proposals for change. A listed building consent application has to be accompanied by a heritage impact statement.³⁴ This should set out the results of a heritage impact assessment. Therefore, in order to ensure equivalent protection, the exempt denominations must have an equivalent assessment system in place to ensure that significance and impact are understood.

Heritage impact assessments should be proportionate both to the significance of the historic asset and to the degree of change proposed. They should include sufficient information to enable both the significance of the asset and the impact of change to be understood. Decisions about change should be based on a balanced judgement about the need for the works and the significance of the structure or feature that would be altered or lost. Cadw's best-practice guidance, *Heritage Impact Assessment in Wales*,³⁵ explains how to undertake an assessment and prepare a heritage impact statement. It also gives sources of information that may be helpful when compiling a statement of significance.

Denominations' own arrangements for assessing significance and impact are sometimes known as assessments of significance and need but, whatever they are called, they must comply with the principles set out in *Heritage Impact Assessment in Wales*. This means that applications should be accompanied by a single statement which must include:

- a description of the proposed work, including the design principles and concepts, and a schedule of works, with reference to any photographs, plans and drawings that support the application
- the reasoning for the proposed works, which explains what the works are intended to achieve and why the works are desirable or necessary
- a brief description of the special architectural or historic interest of the listed building and an assessment of its significance, with particular emphasis on those aspects that will be affected by the proposals
- an assessment of the impact of the proposed work on the special architectural or historic interest of the listed building and its significance, including potential benefits and any harm
- a summary of the options and the reasons for the preferred approach
- an access statement, if required.

An access statement will only be necessary in relation to works which affect the access arrangements to or within any part of the listed building that is not used as a private dwelling. This statement should give consideration to public accessibility so that any proposed changes are assessed in the light of the duties required by the Equality Act 2010.³⁶ Preparation of an access statement can help identify the option that best provides reasonable access and has the least impact on the significance of the listed building. Cadw can offer helpful advice about inclusive design.

4.3 Archaeological Evidence ▸

Archaeological evidence should be taken into account because of its contribution to the significance and value of historic assets which may not be immediately visible. By virtue of their long history and cultural significance, listed places of worship are often rich in archaeological evidence, both below ground and within the fabric of the building, where there may be important clues to its history and development, or traces of earlier decoration. These archaeological traces are often fragile and highly vulnerable to damage and destruction.

The conservation of archaeological remains is important. Exempt denominations should make sure that it is given due weight in the development and consideration of any proposals for change by adhering to the following guidelines:

- **Seek advice.** Wherever there is a possibility that archaeological remains may be present, applicants should seek archaeological advice from the denomination's archaeological advisor, who should consult the relevant historic environment record held by one of the four Welsh archaeological trusts. If the denomination does

not have an archaeological advisor, it should seek advice from the local authority archaeologist or the curatorial section of the relevant Welsh archaeological trust. When considering applications, decision-making bodies should also seek archaeological advice about the impact of development on archaeological remains and the adequacy of any mitigation.

- **Investigate.** If archaeological remains (whether below ground or within the fabric of the building) are likely to exist, the decision-making body should make sure that desk-based assessments are carried out. Where appropriate, they should arrange for archaeological evaluations to be undertaken to an appropriate standard. All archaeological work should be carried out by a qualified and competent expert.³⁷ Information derived from these investigations should inform the development and consideration of proposals, with the aim of minimising any negative impacts on identified archaeological remains. The curatorial section of the relevant Welsh archaeological trust should be notified whenever archaeological works are undertaken. This will give them an opportunity to provide advice and to visit the site while fieldwork is underway.
- **Protect.** Where nationally important archaeological remains may be affected by any proposed work, there should be a presumption against proposals which would involve significant alteration or cause damage and in favour of preservation *in situ*. In other cases, the relative importance of the archaeological remains will need to be weighed against other factors, including the need for the proposed changes. Where damage is unavoidable, opportunities for mitigation should be identified.
- **Record.** Wherever there is a chance that development — including any work to the fabric of the building — might reveal, disturb or destroy archaeological remains, exempt denominations should make sure that opportunities to record archaeological evidence are taken. Recording is not enough in itself to justify works that would disturb archaeological remains. It is also important that provision is made for the timely completion of post-excavation work including archiving, reporting and dissemination of the results where appropriate. Reports should be deposited with the appropriate historic environment record.

4.4 Using Historic Environment Records ↵

The decision-making bodies of the exempt denominations should make full use of the local historic environment records. This is equivalent to the secular system in which local planning authorities are expected to contribute to the compilation of the historic environment records, and to use them in the exercise of their planning functions and decision making in relation to the historic environment.³⁸

Publicly accessible historic environment records are compiled and kept up to date for each local authority area in Wales by the Welsh archaeological trusts on behalf of the Welsh Ministers. The historic environment records contain and signpost information about historic landscapes, buildings, archaeological sites and finds. They also contain records of the investigation and management of the historic environment, such as archaeological excavations, historical studies and programmes of conservation.

In particular, information in the historic environment record should inform the development of any proposals and should also be taken into account in the determination of any applications for change to historic assets. Decision-making bodies should also make sure that the findings of any investigations carried out in connection with works are deposited in the relevant historic environment record. Staff at the historic environment record will be able to advise on the correct process for depositing material.

5. Denominational Consent Procedures: Code of Practice ↵

In order to fulfil the guiding principles outlined above, each exempt denomination should have an internal system of control over works to listed buildings that provides equivalence with secular control in terms of due process, rigour, consultation, transparency and accountability. To meet this requirement, it should include provision for the following.

5.1 Maintenance ↵

Appropriate and planned routine management and maintenance are the foundations of good conservation. Exempt denominations are encouraged to have arrangements in place for regular inspections to check the condition of listed places of worship and associated assets, and for making timely repairs if faults are found.

5.2 Transparency ↵

Each exempt denomination should publish details of the procedures used to agree works taking into account this best-practice guidance. These details should include an explanation of how decisions are made and who makes them, the timescales for decision making and the appeals process. There should also be an explanation of the type of work that needs consent and the type of work which can be undertaken without it.

5.3 Independent Scrutiny and Professional Advice ↵

All proposals for internal and external works to a listed place of worship or curtilage structure that would affect its character as a building of special architectural or historic interest should be submitted for approval to a body or person independent of the local congregation or community making the application.

When considering applications, the decision-making body should obtain advice from people with expert knowledge of ecclesiastical buildings. Its advisors should include people selected in consultation with Cadw, local planning authorities and the national amenity societies. They should include expert advisors accredited to relevant

professional standards in historic building conservation and archaeological and planning matters. The decision-making body should identify the skills and expertise it needs, and seek additional specialist advice where appropriate (for example, on twentieth-century buildings, stonework, stained glass, woodwork, bells and organs).

5.4 Pre-application Advice ↵

Pre-application discussion is one of the best ways of managing change to ensure that historic protection issues are properly understood and addressed from the outset and that potential constraints are identified. Decision-making bodies should include a system of pre-application discussion as part of their process.

A number of organisations have an important role to play at the pre-application stage, especially Cadw and local planning authorities. In addition, the national amenity societies, the Royal Commission on the Ancient and Historical Monuments of Wales and the Welsh archaeological trusts are all useful sources of information and advice. There are also other bodies with a specific remit to provide advice to historic places of worship, such as Church Care, Church Heritage Cymru and Addoldai Cymru. Details of all of these organisations are in the Contacts section.

5.5 Considering Proposals for Change ↵

When considering proposals, the decision-making body must be under a specific duty to take into account (along with other relevant factors) the desirability of preserving the listed ecclesiastical building or its setting, or any features of special architectural or historic interest which it possesses. This includes the interior and any fixtures and fittings which often make an important contribution to the special interest of historic places of worship. The list description may not detail all the special features of a building which means that it is important to make sure that its significance is fully understood before decisions about change are taken.³⁹

The decision-making body needs to have sufficient information to enable it to make a balanced judgement, weighing up impact on significance alongside the potential benefits that proposed changes might bring. It should specify the information that it expects in support of any applications for change, which should include the following:

- a location map at scale 1:1,250 or 1:2,500, with the building in question outlined
- a description of the proposed work, including the design principles and concepts, and a schedule of works
- plans and drawings showing existing and proposed situations. For all but the simplest work, this will normally mean measured drawings of all floor plans, and external or internal elevations affected by the work proposed.
- a heritage impact statement (or equivalent). See Cadw's guidance which explains what a heritage impact statement should contain.⁴⁰
- detailed drawings of particular features affected by proposed works (for example, doors, windows or stone mouldings)
- dated photographs of the parts of the buildings affected by the proposed changes

- a copy of the listing entry⁴¹
- any other details as appropriate; for example, archaeological assessments, conservation reports on the building, its elements or fittings, paint analysis, ecological statements, etc.

5.6 Consultation ↵

As soon as a complete application has been submitted with all the appropriate supporting information, denominations should formally consult Cadw, the local planning authority and the national amenity societies, allowing them (except in cases of emergency) 28 days to comment on the proposed works. The consultation exercise should include all the information in the checklist above. It is also good practice to consult the community council, the Royal Commission on the Ancient and Historical Monuments of Wales and the Welsh archaeological trusts.

Any representations made by consultees should be taken into account before a decision on the works is made. The Welsh Ministers would expect the denominations to document how they have balanced all of the issues, including representations, in arriving at the decision. This should be sufficient to explain the rationale for their decision. The decision should be notified to Cadw, the local planning authority and the national amenity societies within 28 days of being made.

5.7 Publicity ↵

Details of all proposals should be advertised on the denomination's website and displayed on or near the site. It is important that denominations also use local networks, including social media, to create wide community awareness of proposed changes. These notices should offer a 21-day period for interested parties to comment. Any representations must be taken into account in determining the application.

5.8 Conditions ↵

When the decision-making body grants consent, it should have the ability to make the consent subject to appropriate conditions; for example, a requirement for additional specified details (such as a conservation method statement for specific works, or the protection of historic fabric), or a programme of building recording or archaeological investigation.⁴² Conditions should not be used to compensate for poorly specified or detailed applications.

5.9 Appeals ↵

Exempt denominations should have independent, fair and transparent procedures for settling appeals against a refusal of consent and disputes between the local congregation or community and the decision-making body about proposals.

5.10 Compliance ↵

To ensure that an equivalent level of protection is provided, denominations must make sure that they have adequate systems in place for monitoring the implementation of consents and the discharge of conditions.

Unauthorised works to a listed building are a serious matter. The procedures of the decision-making body must include arrangements for dealing with any unauthorised work. These arrangements should include provision for reinstatement of works to listed buildings carried out without consent. Enforcement procedures should be published and shared with Cadw, the local planning authorities and the national amenity societies.

Applications must be made and consent received before any work is started. Retrospective consent should be given only in exceptional circumstances and should not be used to regularise work which would not otherwise have received consent. Even in cases of applications for retrospective consent, a rigorous assessment and consultation exercise should take place, as outlined above.

Where inappropriate or unauthorised work has taken place, the Welsh Ministers may consider withdrawing the exemption from an individual building and bringing it back within the secular system of control.

5.11 Information Management ⇐

For each proposal, the decision-making body should keep a record of how its procedures were implemented, including representations received, what the decision was, the reasons for the decision and any conditions imposed. This record should be made available — online where possible. All published information should comply with the General Data Protection Regulation (GDPR).⁴³

The decision-making body should also make sure that information is submitted to the relevant historic environment record held by the Welsh archaeological trusts. Appropriate information will include any new discoveries and interpretation, and the records of archaeological or historical investigations carried out in association with proposed works, together with information on any changes made to historic assets.

5.12 Emergencies ⇐

In cases of emergency (for example, in the interests of safety or health, or the preservation of the structure), the processes of seeking pre-application advice (including appropriate expertise), submitting a formal application and consulting are still expected wherever practicable, but on an appropriately shorter timescale. Not all urgent work is emergency work, and arrangements for carrying out non-emergency work should always follow the procedures set out above.

5.13 Closed or Closing Places of Worship ⇐

Listed places of worship may have a continuing and valuable contribution to make to the community even when they are no longer required for worship. Before they cease to be used for worship, it is important that there is no unnecessary delay in finding alternative uses compatible with the significance of the fabric, interior, contents and setting of the building.

Exempt denominations should have published procedures that provide for the closure of their listed ecclesiastical buildings. These procedures should include informing the local planning authority when a structure ceases to be used for worship, or ceases to

be covered by a denomination's procedures.

If in practice the building has ceased to be used as a place of worship, listed building consent will be needed for any change. Changes in anticipation of cessation of use (such as the removal of historic interior detail and the disposal of fixtures and fittings) should be strictly managed according to the guiding principles and code of practice set out in this best-practice guidance. Good forward planning and extensive consultation when considering taking a building out of use as a place of worship are vital in helping to identify the best solution.

5.14 Monitoring and Annual Reporting ↵

Exempt denominations should supply Cadw with a summary of their control procedures and give updates on any changes in an annual report. This report should also include:

- an update on who is providing specialist advice to the decision-making body
- figures for overall numbers of applications and the timescales within which they are determined
- information on any appeals and enforcement action
- information on closures and redundancies
- information on any emergency works.

This information will not only be useful in monitoring the operation of the ecclesiastical exemption, but will also contribute to an understanding of the risks facing historic places of worship, and the actions and activities that help to sustain them in active use.

References ↗

- 1 Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018 ↗
<https://www.legislation.gov.uk/wsi/2018/1087/contents/made>
- 2 Planning (Listed Buildings and Conservation Areas) Act 1990 ↗
www.legislation.gov.uk/ukpga/1990/9/contents
- 3 Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012
www.legislation.gov.uk/wsi/2012/793/contents/made as amended by Planning
(Listed Buildings and Conservation Areas) (Wales)(Amendment No. 2) Regulations 2017
www.legislation.gov.uk/wsi/2017/638/made ↗
- 4 *Planning Policy Wales*, Welsh Government ↗
www.gov.wales/topics/planning/policy/ppw/?lang=en
- 5 *Technical Advice Note 24: The Historic Environment*, Welsh Government, 2017 ↗
www.gov.wales/topics/planning/policy/tans/tan-24/?lang=en
- 6 *Managing Change to Listed Buildings In Wales*, Welsh Government, Cadw, 2017 ↗
www.cadw.gov.wales/historicenvironment/publications/historicbuildings/?lang=en
- 7 Well-being of Future Generations (Wales) Act 2015 ↗
www.legislation.gov.uk/anaw/2015/2/contents/enacted
- 8 Strategic Action Plan for Historic Places of Worship in Wales, Welsh Government, Cadw, 2015 ↗
cadw.gov.wales/historicenvironment/policy/historic-places-of-worship/?lang=en
- 9 Planning (Listed Buildings and Conservation Areas) Act 1990, section 7 ↗
www.legislation.gov.uk/ukpga/1990/9/section/7
- 10 Planning (Listed Buildings and Conservation Areas) Act 1990, section 7 ↗
www.legislation.gov.uk/ukpga/1990/9/section/7
- 11 Planning (Listed buildings and Conservation Areas) Act 1990, section 60(1) ↗
www.legislation.gov.uk/ukpga/1990/9/section/60
- 12 Section 60(1) states that the provisions in sections 3A, 4, 7–9, 47, 54 and 59 of the Planning (Listed Buildings and Conservation Areas) Act 1990, shall not apply to any ecclesiastical building which is for the time being used for ecclesiastical purposes www.legislation.gov.uk/ukpga/1990/9/section/60 ↗
- 13 Planning (Listed Buildings and Conservation Areas) Act 1990, section 60(5) ↗
www.legislation.gov.uk/ukpga/1990/9/section/60
- 14 Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018 ↗
<https://www.legislation.gov.uk/wsi/2018/1087/contents/made>
- 15 www.churchinwales.org.uk/structure/representative-body/property/churches/ ↗
- 16 www.churchcare.co.uk/churches/faculty-rules-2015 ↗
- 17 www.cbcew.org.uk/CBCEW-Home/Departments/Christian-Life-and-Worship/Patrimony/Historic-Churches ↗

- 18 www.propertyconsent.methodist.org.uk/guide/12 ↗
- 19 www.baptist.org.uk/Groups/220867/Listed_Buildings.aspx ↗
- 20 www.baptist.org.uk/Groups/220867/Listed_Buildings.aspx ↗
- 21 Planning (Listed Buildings and Conservation Areas) Act 1990, section 60 ↗
www.legislation.gov.uk/ukpga/1990/9/section/60
- 22 Planning (Listed buildings and Conservation Areas) Act 1990, section 60(4) ↗
www.legislation.gov.uk/ukpga/1990/9/section/60
- 23 Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018, article 4(1) ↗
www.legislation.gov.uk/wsi/2018/1087/contents/made
- 24 Ancient Monuments and Archaeological Areas Act 1979, section 2 ↗
www.legislation.gov.uk/ukpga/1979/46/section/2
- 25 Planning (Listed buildings and Conservation Areas) Act 1990, section 60(3) ↗
www.legislation.gov.uk/ukpga/1990/9/section/60
- 26 Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018, article 4(3) ↗
www.legislation.gov.uk/wsi/2018/1087/contents/made
- 27 Ancient Monuments and Archaeological Areas Act 1979, section 61(8) ↗
www.legislation.gov.uk/ukpga/1979/46/section/61
- 28 Scheduled monument consent ↗
www.cadw.gov.wales/historicenvironment/help-advice-and-grants/makingchanges/schedmonconsent/?lang=en
- 29 AG ex rel Bedfordshire CC v Howard [1976] AC 363 ↗
- 30 Planning (Listed Buildings and Conservation Areas) Act 1990, section 7 and 8 ↗
www.legislation.gov.uk/ukpga/1990/9/section/7
- 31 Planning (Listed buildings and Conservation Areas) Act 1990, section 74 ↗
www.legislation.gov.uk/ukpga/1990/9/section/74
- 32 Planning (Listed Buildings and Conservation Areas) Act 1990, sections 3A, 4, 7–9, 47, 54 and 59 ↗
www.legislation.gov.uk/ukpga/1990/9/contents
- 33 *Conservation Principles for the Sustainable Management of the Historic Environment in Wales*, Cadw, Welsh Assembly Government, 2011 ↗
www.cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en
- 34 Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012, regulation 6
www.legislation.gov.uk/wsi/2012/793/contents/made as amended by Planning (Listed Buildings and Conservation Areas) (Wales)(Amendment No. 2) Regulations 2017
www.legislation.gov.uk/wsi/2017/638/contents/made ↗
- 35 *Heritage Impact Assessment in Wales*, Welsh Government, Cadw, 2017 ↗
www.cadw.gov.wales/historicenvironment/publications/historicbuildings/?lang=en

- 36 Equality Act 2010 www.legislation.gov.uk/ukpga/2010/15/contents ↗
- 37 Cadw endorses the use of the Chartered Institute for Archaeologists' standards and guidance ↗
www.archaeologists.net/codes/ifa
- 38 *Historic Environment Records in Wales: Compilation and Use, Statutory Guidance on how Local Authorities, National Park Authorities and Natural Resources Wales should use Historic Environment Records and Contribute to their Compilation*, Welsh Government, Cadw, 2017 ↗
www.cadw.gov.wales/historicenvironment/recordsv1/historicenvironmentrecords/?lang=en
- 39 For more information about safeguarding historic assets, see *Managing Change to Listed Buildings in Wales*, Welsh Government, Cadw, 2017 ↗
www.cadw.gov.wales/historicenvironment/publications/historicbuildings/?lang=en
- 40 *Heritage Impact Assessment in Wales*, Welsh Government, Cadw, 2017 ↗
www.cadw.gov.wales/historicenvironment/publications/historicbuildings/?lang=en
- 41 Listing entries are available on Cof Cymru — Cadw's online record of the national historic assets of Wales www.cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en ↗
- 42 Welsh Government Circular 016/2014, *The Use of Planning Conditions for Development Control* provides model conditions to promote best practice in Wales ↗
www.gov.wales/topics/planning/policy/circulars/welshgovcirculars/wgc-16-2014/?lang=en
- 43 See *Guide to the General Data Protection Regulation* ↗
www.gov.uk/government/publications/guide-to-the-general-data-protection-regulation

Further Information ↗

Legislation, Planning Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

www.legislation.gov.uk/ukpga/1990/9/contents

Historic Environment (Wales) Act 2016

www.legislation.gov.uk/anaw/2016/4/contents/enacted

Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018

www.legislation.gov.uk/wsi/2018/1087/contents/made

Planning Policy Wales, Welsh Government

www.gov.wales/topics/planning/policy/ppw/?lang=en

Technical Advice Note 24: The Historic Environment, Welsh Government

www.gov.wales/topics/planning/policy/tans/tan-24/?lang=en

Technical Advice Note 12: Design, Welsh Government

www.gov.wales/topics/planning/policy/tans/tan12/?lang=en

Development Management Manual, Welsh Government

www.gov.wales/topics/planning/policy/development-management-manual/?lang=en

Strategic Action Plan for Historic Places of Worship in Wales, Welsh Government, Cadw, 2015

www.cadw.gov.wales/historicenvironment/policy/historic-places-of-worship/?lang=en

Welsh Government Circular 016/2014, The Use of Planning Conditions for Development Control

www.gov.wales/topics/planning/policy/circulars/welshgovcirculars/wgc-16-2014/?lang=en

Best-practice Guidance

Conservation Principles for the Sustainable Management of the Historic Environment in Wales, Cadw, Welsh Government, 2011

www.cadw.gov.wales/historicenvironment/conservation/conservationprinciples/?lang=en

Heritage Impact Assessment in Wales, Welsh Government, Cadw, 2017

www.cadw.gov.wales/historicenvironment/publications/historicbuildings/?lang=en

Historic Environment Records in Wales: Compilation and Use, Welsh Government, Cadw, 2017

www.cadw.gov.wales/historicenvironment/records/v1/historicenvironmentrecords/?lang=en

Managing Change to Listed Buildings in Wales, Welsh Government, Cadw, 2017

www.cadw.gov.wales/historicenvironment/publications/historicbuildings/?lang=en

Managing Listed Buildings at Risk in Wales, Welsh Government, Cadw, 2017

www.cadw.gov.wales/historicenvironment/publications/historicbuildings/?lang=en

Realising the Potential of Pre-application Discussions, Welsh Government Practice Guide, May 2012

www.beta.gov.wales/planning-permission-pre-application-discussions

Setting of Historic Assets in Wales, Welsh Government, Cadw, 2017

www.cadw.gov.wales/historicenvironment/publications/newpublications/?lang=en

Maintenance and Conservation

Cadw and other conservation organisations have published a range of publications about caring for, conserving and converting various types of building. These can be found online at:

Cadw guidance www.cadw.gov.wales/historicenvironment/publications/historicbuildings/?lang=en

Church Care www.churchcare.co.uk/

BS7913 Guide to the Conservation of Historic Buildings
www.shop.bsigroup.com/ProductDetail/?pid=000000000030248522

Historic England www.historicengland.org.uk/advice/your-home/

Historic Environment Scotland www.englished.org/

Institute of Historic Building Conservation www.ihbc.org.uk/

Maintenance Matters!

www.cadw.gov.wales/historicenvironment/help-advice-and-grants/maintenancematters/?lang=en

National Churches Trust www.nationalchurchestrust.org/

Historical Information

Archives Wales — an online catalogue that allows you to search information in more than 7,000 collections of historical records in the holdings of the 21 archives in Wales. www.archives.wales/

Archwilio — provides online public access to the historic environment records for each local authority area in Wales. Archwilio is maintained and supported with further information held by the Welsh archaeological trusts. www.archwilio.org.uk

Church Heritage Cymru — Church Heritage Cymru is an online database containing over 1,350 records of church buildings in Wales. Each record contains information about a church's architectural, archaeological and artistic heritage. It is continuously being updated and should not be regarded as complete. www.churchheritagecymru.org.uk/churches

Coflein — the online catalogue for the National Monuments Record of Wales, the national collection of information about the historic environment of Wales. www.coflein.gov.uk

Cof Cymru — Cadw's online record of the national historic assets of Wales, which includes listed buildings, scheduled monuments, protected wrecks, World Heritage Sites and registered historic landscapes. Registered historic parks and gardens will be added to Cof Cymru in 2018.
www.cadw.gov.wales/historicenvironment/recordsv1/cof-cymru/?lang=en

Cynefin — an online resource to research Welsh tithe maps and their indexes
www.places.library.wales/

The Story of Nonconformity in Wales — An online 'virtual museum' telling the story of Welsh chapels in terms of religion, architecture, culture and society created by the Royal Commission on the Ancient and Historical Monuments of Wales in partnership with Addoldai Cymru: The Welsh Religious Buildings Trust. It includes access to the Royal Commission's chapels database. www.welshchapels.org/

Historic Wales — an online gateway to national and regional historic environment records.
www.historicwales.gov.uk

List of Historic Place Names of Wales records the various forms and spellings used for the names of topographical features, communities, thoroughfares, structures and other aspects of the landscape recorded in sources that predate the First World War.
www.historicplacenames.rcahmw.gov.uk/

The National Library of Wales www.library.wales/

Contacts ▾

Cadw, Welsh Government

Historic Environment Service (Cadw)
Plas Carew, Unit 5/7 Cefn Coed, Parc Nantgarw, Cardiff CF15 7QQ
Tel: 03000 256000
cadw@gov.wales
<http://cadw.gov.wales>

Royal Commission on the Ancient and Historical Monuments of Wales

Ffordd Penglais, Aberystwyth, Ceredigion SY23 3BU
Tel: 01970 621200
nmr.wales@rcahmw.gov.uk
www.rcahmw.gov.uk

Local Planning Authorities

Local planning authorities' conservation and planning officers can be contacted via the relevant local authority website.

Amenity Societies

| National Amenity Society | Date Range | Specific Interests |
|--|-------------------|--|
| Council for British Archaeology (CBA) http://new.archaeologyuk.org/ | All periods | Impacts on fabric and archaeological remains |
| Ancient Monuments Society http://ancientmonumentsociety.org.uk/ | All periods | Churches |
| Society for the Protection of Ancient Buildings (SPAB) www.spab.org.uk/ | Pre-1700 | |
| Georgian Group www.georgiangroup.org.uk | 1700–1840 | |
| Victorian Society www.victoriansociety.org.uk | 1840–1914 | |
| Twentieth Century Society www.c20society.org.uk | 1914 onwards | |

Welsh Archaeological Trusts

Clwyd-Powys Archaeological Trust
41 Broad Street, Welshpool SY21 7RR
Tel: 01938 553670
trust@cpat.org.uk
www.cpat.org.uk

Dyfed Archaeological Trust
Corner House, 6 Carmarthen Street, Llandeilo SA19 6AE
Tel: 01558 823121
info@dyfedarchaeology.org.uk
www.dyfedarchaeology.org.uk

Glamorgan-Gwent Archaeological Trust
Heathfield House, Heathfield, Swansea SA1 6EL
Tel: 01792 655208
enquiries@ggat.org.uk
www.ggat.org.uk

Gwynedd Archaeological Trust
Craig Beuno, Garth Road, Bangor LL57 2RT
Tel: 01248 352535
gat@heneb.co.uk
www.heneb.co.uk

Exempt Denominations

Baptist Union of Great Britain
Baptist Union of Great Britain, Baptist House,
PO Box 44, 129 Broadway, Didcot OX11 8RT
Tel: 01235 517700
www.baptist.org.uk/

Baptist Union of Wales
Y Llwyfan, College Road, Carmarthen SA31 3EQ
Tel: 01267 245660
mennajones@ubc.cymru
www.buw.org.uk

Representative Body of the Church in Wales
2 Callaghan Square, Cardiff CF10 5BT
Tel: 029 2034 8200
property@churchinwales.org.uk
www.churchinwales.org.uk

The Church of England
(For those churches in Wales that are within its faculty jurisdiction)
Church House, Great Smith Street, London SW1P 3AZ
Tel: 020 7898 1000
enquiry@churchofengland.org
www.churchofengland.org/

The Catholic Church in England and Wales
Historic Churches Committee for Wales and Herefordshire
Archbishop's House, 41/43 Cathedral Road, Cardiff CF11 9HD
Tel: 029 2079 0712
hccsecretary12@gmail.com
www.catholicnews.org.uk

The Methodist Church — Conservation
Central Buildings, Oldham Street, Manchester M1 1JQ
Tel: 0161 235 6722
conservation@methodistchurch.org.uk
www.methodist.org.uk

The Methodist Church in Wales
Wales Synod Office, Cyncoed Methodist Church, Westminster Crescent, Cardiff CF23 6SE
Tel: 029 2076 1515
www.methodistwales.org.uk/

Other Organisations

Addoldai Cymru

Wesley Church Centre, Maesteg Road, Tondu, Bridgend CF32 9BT
Tel: 01656 728400
post@addoldaicymru.org
www.welshchapels.org/

Friends of Friendless Churches

St Ann's Vestry Hall, 2 Church Entry, London EC4V 5HB
Tel: 020 7236 3934
office@friendsoffriendlesschurches.org.uk
www.friendsoffriendlesschurches.org.uk/

National Churches Trust

The National Churches Trust, 7 Tufton Street, London SW1P 3QB
Tel: 0207 222 0605
info@nationalchurchestrust.org
www.nationalchurchestrust.org/

The Historic Religious Buildings Alliance

Clutha House, 10 Storey's Gate, London SW1P 3AY

Tel: 0207 2330 900

hrb@theheritagealliance.org.uk

www.hrballiance.org.uk/

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