

THE UNITED REFORMED CHURCH

and

**THE PLANNING (LISTED BUILDINGS AND
CONSERVATION AREAS) ACT 1990**

**PROCEDURE FOR CONTROL OF WORKS TO
BUILDINGS**

2007 EDITION

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PROCEDURE FOR CONTROL OF WORKS TO BUILDINGS

1. General Principle

Any person or body carrying out functions of care and conservation under this Statement of Procedure or under any other enactment or rule of law relating to Churches shall have due regard to the role of a Local Church as hereinafter defined as a local centre of worship and mission and also to the United Reformed Church Acts as hereinafter defined with regard to the functions and authority of the local church and the Synod as hereinafter defined with regard to Church Buildings.

2. Definitions

- 2.1 “The Order” means The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) Order 2010 (Statutory instruments 2010 - 1176) as amended by The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) (Amendment) Order 2010 - (SI 2010 -1806)
- 2.2 “The Church” means the United Reformed Church referred to in Article 4(g) of the Order.
- 2.3 “Church Building” means a building (situated in England or Wales) whose primary use is as a place of worship.
- 2.4 “Listed Building” means a building held upon trusts appertaining to the Church being a listed building as defined by Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and for the purposes of this Statement of Procedure shall include an unlisted building held on such trusts in a Conservation Area as defined by Section 69 of such Act.
- 2.5 “Works” means any works and proposed works to which this Statement of Procedure applies in accordance with Paragraph 4.
- 2.6 “The United Reformed Church Acts” mean the United Reformed Church Acts 1972, 1981 and 2000 and any statutory modification variation or re-enactment thereof and any future United Reformed Church Acts which may from time to time be enacted.
- 2.7 “Local Church” means a local church of the Church as described in Paragraph 1(1) of the document entitled “The Structure of the United Reformed Church” which appears at Section B of the Church’s Manual.

- 2.8 “Synod” means the representative body of the Local Churches in that Province (or in the nation of Wales) as described in Paragraph 2(4) of the Structure of the United Reformed Church.
- 2.9 “Resolution of its Synod” means a Resolution of the Plenary Meeting of the Synod of which due Notice has been given to the members thereof in accordance with the rules of Synod procedure for the time being in force.
- 2.10 “Applicants” means any Local Church or the Trustees of that Local Church or Other Body of the Church applying or intending to apply for consent to carry out any works on or in a Listed Building.
- 2.11 “Listed Buildings Advisory Committee (L.B.A.C.)” means in relation to each Synod the Advisory Committee constituted in accordance with the First Schedule for the purpose of advising the S.P.C. as to Works and Proposed Works under this Statement of Procedure.
- 2.12 “Synod Property Committee (S.P.C.) means in relation to each Synod the Committee which is authorised by the Synod to act as the decision making body for the purposes of Paragraph 7.
- 2.13 “Consultative Bodies” mean those bodies listed in the Second Schedule hereto.
- 2.14 “This Statement of Procedure” means the Statement of Procedure for control of works to Listed Buildings comprised in this document (and includes any subsequent variation thereof made in accordance with Paragraph 3).
- 2.15 “Form 1”, “Form 2”, “Form 3”, “Form 4”, “Form 5” and “Form 6” mean the Model Forms set out in the Third Schedule.
- 2.16 “Other Body” means any body other than a Local Church being in any particular circumstances the proper party to comply with the procedure laid down in this Statement of Procedure.
- 2.17 “Unauthorised Works” means any Works which are carried out in whole or in part without the consent of the S.P.C. having been granted in accordance with the procedures laid down in this Statement of Procedure.
- 2.18 “Form 6 Notice” means a Notice endorsed on Form 2 under the procedures contained in Paragraphs 6.1.

3. Application of the Order and Adoption of these Procedures

In respect of Listed Buildings within the geographical area of each Synod, the method of applying the Order to such Buildings and of adopting the Procedures contained in this Statement of Procedure (and in any subsequent variations thereof) and of subsequently withdrawing therefrom shall be by Resolution of that Synod.

4. Scope of these Procedures

The procedures contained in this Statement of Procedure shall apply to any works in respect of which, but for the exempting provisions of the Order, Listed Building Consent or Conservation Area Consent would be required under the Planning (Listed Buildings and Conservation Areas) Act 1990, being works proposed to be carried out to any of the following buildings, objects and structures:

- 4.1 Any Church Building
- 4.2 Any object or structure contained within or forming part of a Church Building
- 4.3 Any object or structure fixed to the exterior of a Church Building unless the object or structure is itself a Listed Building and
- 4.4 Any object or structure within the curtilage of a Church Building which, although not fixed to that building, forms part of the land unless the object or structure is itself a Listed Building.
- 4.5 Any building or part of a building (known as a Peculiar) falling within Article 6 of the Order (or any subsequent re-enactment or replacement thereof), the governing body of which has by resolution determined that that Peculiar shall remain within the scope of the Order and of this Statement of Procedure.

5. Lodging and Processing of the Application

- 5.1 In order to apply for consent for the carrying out of any Works under this Statement of Procedure, the Applicants shall:
 - 5.1.1 Submit to the Secretary of the S.P.C. a completed application form in Form 1 and
 - 5.1.2 At the same time deliver to the Secretary of the L.B.A.C. a copy of the completed application form, together with copies of all necessary designs, photographs, reports and documents giving particulars of the proposed Works and
 - 5.1.3 If so requested, deliver to the Secretary of the L.B.A.C. such further copies of the documents specified in Paragraph 5.1.2 and such supplementary information as L.B.A.C. may require and
 - 5.1.4 Allow full facilities for site inspection and discussion in relation to the Listed Building by the members of the L.B.A.C. or the S.P.C. and others on their instructions or by representatives of any of the Consultative Bodies at their request.
- 5.2 The L.B.A.C. will then (except in the case of emergency) take the following steps:
 - 5.2.1 Send a copy of Form 1 with accompanying documents to the Consultative Bodies named in Part I of the Second Schedule insofar as they are required,

allowing them and the Consultative Bodies named in Part II of the Second Schedule twenty eight days in which to comment on the Proposed Works.

- 5.2.2 Require the Applicants to display for a twenty eight day period outside the Listed Building in a prominent position visible to the general public a Notice describing the Proposed Works indicating where all relevant designs, photographs, plans, reports and documents relating thereto may be inspected and inviting comments from any interested persons.
- 5.2.3 In cases involving Grade I and Grade II* Listed Buildings and Proposed Works to exteriors of Grade II Listed Buildings, cause to be published a similar Notice in a local newspaper circulating in the locality in which the Listed Building is situated.
- 5.2.4 Consider any comments made by the Consultative Bodies and any other person in relation to the Works.
- 5.2.5 Consult with the Applicants and their professional advisers and all others who in the opinion of the L.B.A.C. may assist them.
- 5.3 The L.B.A.C. (or representatives thereof) shall normally inspect the Listed Building.
- 5.4 Having followed the procedure prescribed in Paragraphs 5.2 and 5.3 and always having regard to the General Principle enunciated in Paragraph 1, the L.B.A.C. shall within 10 weeks (or such longer period as may be agreed with the Applicants) from the date of receipt of Form 1 and supporting documentation from the Applicants supply to the Secretary of the S.P.C. the following documents:
 - 5.4.1 A completed Certificate in Form 2, setting out the L.B.A.C.'s advice to S.P.C. on the Works.
 - 5.4.2 Copies of the designs, photographs, plan, reports and documents referred to in Paragraph 5.1, all duly endorsed with the date of the Certificate on Form 2 and the nature of the recommendation of the L.B.A.C.
 - 5.4.3 A statement specifying all the steps taken to comply with the consultative procedures prescribed in Paragraphs 5.2 and 5.3, with copies of all representations, correspondence and other documents relating to such consultation.
- 5.5 The L.B.A.C. shall also send to the Secretary of the Applicants a copy of the completed Certificate on Form 2.
- 5.6 The L.B.A.C. shall retain copies of the documents which they deliver to the S.P.C. in accordance with Paragraph 5.4.
- 5.7 In the event of the L.B.A.C. failing to comply with the provisions of Paragraph 5.4 within the time specified or agreed under that Paragraph, the Applicants shall be entitled to refer the matter to the S.P.C. who shall forthwith investigate the reasons for the delay and take such steps as are appropriate to ensure that the procedures laid down in Paragraphs 5.2 to 5.4 are concluded as quickly as possible.

5.8 Nothing in this Statement of Procedure shall prevent the S.P.C. from giving consideration to any application in pursuance of its general responsibilities, even before the L.B.A.C. shall have supplied to the Secretary of the S.P.C. the completed Certificate in Form 2 and accompanying documentation.

.1 Should the Certificate in Form 2 state that the L.B.A.C. does not support the carrying out of the proposed Works either in whole or in part and/or contain conditions which will entail significant revisions of the plans, specifications, materials and other aspects of the proposed Works from those shown in the application on Form 1, then the provisions of Paragraph 6 shall apply.

.2 Should the Certificate in Form 2 contain no such statement or conditions as are envisaged in Paragraph 5.9.1, the provisions of Paragraph 6 shall not apply and the procedure shall move directly to Paragraph 7.

6. Procedure where Applicants are given the opportunity to review their Application

6.1.1 Any Certificate in Form 2 given by the L.B.A.C. which falls within Paragraph 5.9.1 shall also include a Notice to the Applicants requiring them within six months (or such longer time as shall have been specified in such Notice) to inform the Secretary of the S.P.C. on Form 6 as to whether, in the light of the comments expressed by the L.B.A.C. on Form 2, the Applicants still wish to proceed with the Application and, if so, to lodge with Form 6 the appropriate supporting documentation.

6.1.2 Pending such confirmation, the S.P.C. will normally hold matters in abeyance and take no steps to process the Application further, subject to any overriding consideration under Paragraph 5.8.

6.2 If the Applicants do not within the period specified in Paragraph 6.1.1 supply to the Secretary of the S.P.C. a completed Form 6 confirming their intention to proceed, the Application shall automatically lapse unless an extension of time is granted in writing by the Secretary of the S.P.C.

6.3 If the Applicants wish their application to proceed, they shall within the period specified in Paragraph 6.1.1 supply to the Secretary of the S.P.C. a completed Form 6 confirming their intention to proceed, together with any appropriate supporting documentation.

6.4 In any case to which Paragraph 6.3 applies, the Secretary of the S.P.C. shall forthwith on receipt of Form 6:

6.4.1 Supply to the Consultative Bodies named in Part I of the Second Schedule copies of the Certificate in Form 2 and of Form 6 and all documentation relating to such revisions, allowing them and any of the Consultative Bodies named in Part II of the said Schedule who submitted comments in response to the application on Form I and its accompanying documents twenty eight days in which to comment on the Proposed Works in the light of any such conditions and any proposed revision.

6.4.2 Supply to the L.B.A.C. copies of the documentation referred to in Paragraph 6.4.1, allowing that committee a similar period for its comments.

7. Consideration of and decision upon the Application by S.P.C.

- 7.1 When the procedures outlined in Paragraph 5 and (if applicable) Paragraph 6 have been concluded, the S.P.C. shall consider the Application, the Certificate in Form 2, the Applicants' Form 6 (if applicable) and all accompanying documentation and may also consider any further comments and representations from the Applicants and the Consultative Bodies and any further advice from L.B.A.C. and may consult further as they consider appropriate and may themselves inspect the Listed Building which is the subject of the Application.
- 7.2 Having duly considered the Application, the S.P.C. shall, as soon as conveniently possible and in any event no later than three months from the date of receipt by the S.P.C. of the completed Certificate in Form 2 from the L.B.A.C. or, if Form 2 contains a Form 6 Notice, from the date of receipt by the S.P.C. of the completed Form 6 and accompanying documentation from the Applicants (or in either event within such longer period as shall be agreed with the Applicants), reach a decision upon the Application as follows:
- 7.2.1 To approve the Application in its entirety or as to part of the Works only and either conditionally or unconditionally or
- 7.2.2 To reject the Application.
- 7.3 In reaching its decision, the S.P.C. shall in particular take the following into account:
- 7.3.1 The general principle enunciated in Paragraph 1.
- 7.3.2 Developments in liturgical practice and styles of worship.
- 7.3.3 The desirability of preserving historic church buildings and the importance of protecting features or architectural merit and historic interest.
- 7.3.4 Comments made by the Consultative Bodies.
- 7.3.5 The recommendations and advice of the L.B.A.C.
- 7.4 The Decision Notice on Form 3 shall:
- 7.4.1 State the maximum period of time which may elapse under any approval so granted before the commencement of the Works, which in any case shall not exceed the period of five years from the date of Form 3.
- 7.4.2 State that the Applicants have a right of appeal against the decision of the S.P.C. in accordance with Paragraph 9 and the Fourth Schedule to this Statement of Procedure.
- 7.5 The S.P.C. shall serve notice of its decision upon the Applicants by copies of Form 3 sent to their Minister or other authorised signatory of Form 1.
- 7.6 Copies of the Notice shall also be sent by the S.P.C. to the L.B.A.C., the local Planning Authority and the other Part I Consultative Bodies and, for

information only, in case of demolition or alteration which will entail the loss of significant evidence of structural history or materially affect the special architectural or historic interest of the Listed Building, the Royal Commission on the Historical Monuments of England (or the Royal Commission on Ancient and Historical Monuments in Wales where relevant).

- 7.7 The Applicants shall, on completion of the Works, serve on the Secretary of the S.P.C. a Notice in Form 4, (countersigned where appropriate by the Architect or other professional adviser of the Applicants) confirming that the Works have been carried out in accordance with (i) the approved designs, photographs, plans and specifications and (ii) such conditions as shall have been attached to the notice of the S.P.C.'s decision on Form 3.

8. Unauthorised Works

- 8.1 In the event of the carrying out of any Unauthorised Works on a Listed Building, the S.P.C. shall serve notice in Form 5 upon the Local Church or Other Body.
- 8.2 So long as the Local Church or Other Body shall on or before receipt of such Notice immediately desist from the carrying out of the Unauthorised Works and shall not re-commence them such Local Church or Other Body shall within fourteen days of the receipt of the Notice in Form 5 instigate the procedure set out in Paragraph 5.1 and the matter shall thereupon proceed in accordance with Paragraphs 5, 6 and 7, save only where these are inconsistent with this present Paragraph 8.
- 8.3 Provided that the Local Church or Other Body shall comply strictly with the provisions of Paragraph 8.2 the demand for restoration of the Listed Building contained in Form 5 shall remain in abeyance pending the decision of the S.P.C. on the application.
- 8.4 In the event of the failure by the Local Church or Other Body to comply strictly with Paragraph 8.2 or if and when the S.P.C. gives notice to the Local Church or Other Body of refusal of the Application in Form 3 in accordance with Paragraph 7.2.2 or of partial and/or conditional approval thereof in accordance with Paragraph 7.2.1, the demand for restoration contained in the said Notice shall have immediate effect.
- 8.5 In the event of failure by the Local Church or Other Body to comply strictly with any of the requirements set out in this present Paragraph 8, the S.P.C. may report such failure to the Secretary of State for Culture Media and Sport (or any successor of his/hers with regard to matters relating to Ecclesiastical Exemption) (or the Secretary of State for Wales as the case may be), who may withdraw the Ecclesiastical Exemption in respect of the Listed Building concerned which would in future render the Local Church or Other Body liable to secular control.

9. Appeals

The Applicants have a right of appeal against the decision of the Synod Property Committee and the procedure for the regulation and conduct of any such appeal is set out in the Fourth Schedule.

10. Responsibilities of Synods

10.1 Synods shall keep records concerning Works (such records to be available to the public by prior arrangement during reasonable hours) sufficient to show:

10.1.1 Compliance with the procedures contained in this Statement of Procedure.

10.1.2 Whether comments were made by any of the Consultative Bodies.

10.1.3 The decision upon each application and what account was taken of any comments made by any of the Consultative Bodies.

10.2 Synods shall make such monitoring arrangements as they consider suitable to ensure that Works are carried out in full accordance with the terms of the S.P.C. Consent on Form 3 and they shall take such action as may be appropriate (if necessary including the service of a Notice in Form 5) to ensure due compliance.

10.3 Synods shall make provision for appropriate professional advice as to Listed Buildings and for inspections thereof on a fixed cycle of not more than five years.

.4 If the Church meeting of a Local Church (or the Synod in the event that the Local Church has ceased to exist) or, in the case of a Peculiar, the governing body thereof passes a resolution that a Church Building or a Peculiar as the case may be is to cease to be used for worship or is to be closed, the date of such cessation or closure shall be the date so specified in the Resolution. In the absence of any such Resolution the date of such cessation or closure shall be as declared by Resolution of the S.P.C.

.5 Synods shall notify the Local Planning Authority if a Church Building or a Peculiar, being also a Listed Building, ceases to be used for worship or is closed for all purposes.

THE FIRST SCHEDULE

CONSTITUTION OF THE LISTED BUILDING ADVISORY COMMITTEE

The L.B.A.C. shall be appointed by the Synod and shall consist of a Convener and Secretary appointed from Church members, together with at least four other persons not necessarily members of the Church itself having between them:

1. Knowledge of history, development and use of Church Buildings
2. Knowledge of the liturgy and worship of the United Reformed Church and of its antecedents and of the role of the Local Church as a local centre of worship and mission.
3. Knowledge of church architecture and history
4. Experience of the care of historic church buildings and their contents

One such member shall be appointed after consultation with English Heritage (with CADW in the case of the Synod of Wales), one after consultation with the relevant associations of Local Authorities and one after consultation with the remaining bodies named in the Second Schedule.

THE SECOND SCHEDULE

THE CONSULTATIVE BODIES

PART I

The Local Planning Authority
English Heritage/CADW
The Ancient Monuments Society
The Georgian Group
The Victorian Society

PART II

The Council for British Archaeology
The Society for the Protection of Ancient Buildings
The Twentieth Century Society

THE THIRD SCHEDULE
CERTIFICATES AND FORMS

To save space, the certificates and forms applicable under this procedure have not been reprinted on the website. They are, however, available from Synod offices or from the Synod LBAC officers.

THE FOURTH SCHEDULE
APPEALS PROCEDURE

1. Constitution

- .1 This is the Appeals Procedure referred to in Paragraph 9 of this Statement of Procedure.
- .2 The provisions regarding appeals contained in the Church's Rules of Procedure set out in Section C of the Church's Manual shall not apply to any appeal brought hereunder.
- .3 Unless otherwise stated, the paragraph numbers specified in the text of this Schedule refer to paragraphs in this Schedule and not in the body of the Statement of Procedure.

2. Policy of negotiation

- 2.1. Before any case comes to a formal appeal, an opportunity will be given for a settlement to be reached under the policy of negotiation set out in the succeeding paragraphs of this section of the Appeals Procedure ('the policy of negotiation').
- 2.2. An Applicant as defined in Paragraph 2 of this Statement of Procedure may within one month of receiving formal notice of the decision of the S.P.C. notify the Secretary of that Committee in writing of its dissatisfaction with the S.P.C.'s decision and its wish to invoke the policy of negotiation (not to be confused with a formal notice of appeal issued under Paragraph 5.2.1).
- 3. On receipt of such notification, the Secretary of the S.P.C. shall forthwith call upon the L.B.A.C. (normally by written request to its Convener) to conduct informal negotiations with the Applicant's representatives with a view to reconciliation or compromise.
- 2.4. The L.B.A.C. shall report to the S.P.C. in writing as soon as possible and in any case no later than two months from the date on which it was invited to open discussions in accordance with the preceding paragraph.
- 2.5. The S.P.C. may in exceptional circumstances permit an extension of time for the submission of the L.B.A.C.'s report, but always having in mind the need

for due expedition and for the Applicant to have sufficient time to lodge a formal appeal under Paragraph 5.2.

6. As the policy of negotiation is essentially an informal one, it is not governed by formal rules of procedure. The conduct of the negotiations is in the hands of the members of the L.B.A.C. and the only requirements laid upon them are as follows:
 - .1 to act sensitively and with reasonable expedition and
 - .2 to give the Applicant's representatives every opportunity to express their views and
 - .3 to give notice to those Consultative Bodies (as defined in the Statement of Procedure) which lodged written comments on the original application, if the L.B.A.C. is minded to recommend any material departure from the original decision and
 - .4 to take any views and representations arising under Paragraphs 2.6.2 and 2.6.3 into consideration in the preparation of their report.
- 2.7. The SPC shall consider the L.B.A.C.'s report and, if it deems it right to do so, it may change or in any way modify its decision to take account of any recommendations made in the report.
- 2.8.1 Any such change or modification made by the S.P.C. to its original decision as a result of a recommendation made by the LBAC in its report under the preceding paragraph shall immediately be notified by the Secretary of the S.P.C. to the Applicant and to the bodies referred to in Paragraph 7.6 of the Statement of Procedure and shall have effect as fully as if it had been an integral part of that decision.
- 2.8.2 If as a result of the L.B.A.C.'s report the S.P.C. decides to make no change to its original decision, that shall be immediately notified in writing to the Applicant by the Secretary of the S.P.C.
- 2.9. If the Applicant has not invoked the policy of negotiation or if, despite attempts to resolve the matter through that policy, the Applicant remains dissatisfied with the decision of the S.P.C. and if, in either case, the Applicant decides to pursue a formal appeal, the remaining provisions of this Appeals Procedure shall apply.

3. Appointment of Appeals Commission

- 3.1 Each and every Appeal will be heard by a Commission ('the Appeals Commission') consisting of three persons who shall be appointed by the officers of General Assembly assisted by the Convener of the national Liaison Group of the Synods' L.B.A.C. and S.P.C. officers ('the Liaison Group') (itself operating under the oversight of Mission Council) or, if s/he is unavailable, by the Secretary of the Liaison Group or, if s/he too is unavailable, by any other member of the Liaison Group.
- 3.2 Two of the three appointees to the Appeals Commission shall, wherever possible, be in past or present membership of an L.B.A.C. operating in a synod other than the one from which the Appeal emanates and taking

account of the particular expertise required in connection with the case in question and/or of experience of working within this Statement of Procedure and the remaining appointee shall be selected as being considered suitable to participate in the hearing of the particular appeal.

- 3.3 No person shall be appointed to an Appeals Commission who has or has had any direct interest in or involvement with the Local Church or Other Body lodging the appeal or where any other circumstance might exist which could lead to a conflict of interest.
- 3.4 The Appeals Commission shall, before commencing its business, appoint a Convener.

4. Appointment and Duties of Appeals Secretary

- 4.1 The Liaison Group shall appoint an Appeals Commission Secretary ('the Appeals Secretary').
- 4.2 The duties of the Appeals Secretary will be (i) to receive, collate, process all documents and deal with all the administration and procedural issues relating to the appeal, (ii) to make arrangements for site visits, and for the date, time and venue of the appeal hearing, (iii) to maintain liaison throughout with the Appellant and the S.P.C. against whose decision the appeal has been lodged ('the parties to the appeal'), (iv) to offer guidance and information on procedural matters, (v) to act as clerk at the hearing in order to assist the Commission, (vi) to keep a record of the hearing, (vii) to provide the Commission with secretarial support throughout, (viii) to comply with Paragraph 12 as to the persons to be notified of the Commission's decision and (ix) to be responsible for the care and custody of the appeal papers, which s/he should lodge in safe storage (preferably at the office of the Synod connected with the appeal) to be held for a minimum period of twelve years and to be accessible on immediate request to the Appeals Secretary and/or to the secretary or convener of the Liaison Group.
- 4.3 Each Appeals Secretary shall, on his/her retirement, hand over all relevant papers to his/her successor, including a list of the appeals before and during his/her tenure of office and details as to where the papers relating to each appeal are held.
- 4.4 The name and address of the Appeals Secretary shall appear in the Annual Church Year Book and on the Church's website.

5. The lodging of the formal appeal

- 5.1 No person or party other than the Applicant which lodged the original application under this Statement of Procedure shall be entitled to lodge an appeal against the decision of the S.P.C. in response to that application.
- 5.2 In order to lodge an appeal, the Appellant must:
 - 5.2.1 within six months from the date of receipt by the Appellant of the notice of the decision, lodge with the Appeals Secretary six copies of the Appellant's written notice of appeal giving brief details of the grounds of such appeal and

5.2.2 within one month of lodging the six copies of the written notice of appeal under Paragraph 5.2.1, lodge with the Appeals Secretary six copies of all of the following: (i) a detailed statement setting out fully the grounds of the appeal, (ii) all documents, statements, plans, photographs, reports and evidence considered by the S.P.C. in deciding upon the original application, (iii) the Record of the S.P.C.'s decision and (iv) all documents, statements, plans, photographs, reports and evidence which the appellant intends to use to support the appeal.

6. Procedure following Lodgment of Appeal

6. On receipt of the appeals papers, the Appeals Secretary shall forthwith:-

6.1 Acknowledge receipt to the Appellant;

6.2 Send copies thereof to the Secretary of the appropriate S.P.C., inviting the S.P.C. to submit a response within one month from the date of receipt of the appeal papers, or such extended time as may be permitted by the Appeals Commission, and send copies of any response to the Appellant;

6.3 Send a copy of the notice of Appeal with accompanying documents to the local Planning Authority and the other Part I Consultative Bodies and to any of the Part II Consultative Bodies which lodged written Statement of Procedure and allow it/them one month in which to lodge written comments on the appeal;

6.4 Request the officers of the General Assembly to appoint an Appeals Commission in accordance with Paragraph 3 for the hearing of the appeal;

6.5 As soon as the Appeals Commission has been constituted, send each member a complete set of all the relevant papers;

6.6 Ensure that each of the parties to the appeal has copies of all documents, statements, plans, photographs, reports and evidence submitted by the other party.

7. Site Visit

7. All the members of the Appeals Commission should visit the appeal site in order to gain a full understanding of all the issues. Only in the most exceptional cases should this practice not be followed.

8. Written Representations Procedure

8.1 If both the parties to the appeal so agree in writing, the Appeals Commission may at its discretion dispense with personal attendance at the formal hearing of the appeal ('the written representations procedure'), in which case each of the parties shall make its case for or against the appeal by written statement, lodging with the Appeals Commission all the documents, statements, plans, photographs, reports and evidence which it considers material to its case. In its written agreement to the written representations procedure, each party shall agree to abide by the decision of the Appeals Commission, which shall be final and binding.

- 8.2 Either party may require the matter to be dealt with by formal hearing and, even if both parties have opted for the written representations procedure, the Appeals Commission itself can decide to hold a formal hearing if it considers that the interests of justice will be best served by so doing.

9. Arrangements for Formal Hearing

9. In every case proceeding to a formal hearing, the Appeals Secretary shall consult with the members of the Appeals Commission and with the parties as to a suitable date, time and venue for the hearing. The Appeals Secretary shall convene the Appeal Hearing as soon as possible but in any event no later than six months from the receipt of the written notice of appeal. The Appeals Commission shall decide whether the appeal should be heard at the appeal site or whether a different venue would be more appropriate.

10. Procedural Steps prior to Hearing

- 10.1 Each party shall be entitled to call witnesses to attend the Hearing and shall supply the Appeals Secretary in advance with a list of the witnesses, stating briefly in each case the purpose of their attendance and giving an estimate of the length of time which that party expects to take in presenting its case.
- .2 The Appeals Secretary shall provide to each party copies of all documents, statements, plans, photographs, reports and evidence lodged by the other party and a list of the persons whom the other party intends to call as witnesses at the Hearing.
- 10.3 The members of the Appeals Commission shall appoint one of their number to be the Convener of the Commission for the purpose of hearing the appeal.

11. Conduct of Hearing

- 11.1 The formal hearing shall be opened by the Convener of the Appeals Commission who shall introduce him/herself and the other members of the Appeals Commission briefly stating their credentials and then explain the procedure to be followed in the conduct of the Hearing. The Convener shall decide on all procedural matters which may arise during the course of the Hearing.
- 11.2 The Convener will invite the spokesperson for the appellant to present that party's case. The spokesperson may briefly address the Appeals Commission and then call and question each of the witnesses for the appellant, who shall also be subject to questioning by the S.P.C.'s spokesperson. Any member of the Appeals Commission may also question any of the witnesses. When the appellant's witnesses have finished giving their evidence, the spokesperson for the S.P.C. may briefly address the Appeals Commission and then call and question each of the S.P.C.'s witnesses, who shall be subject to questioning following the same procedure as above. Both spokespersons shall then be entitled to make closing addresses.
- 11.3 The members of the Appeals Commission shall then retire to deliberate and to consider their decision. They may (i) allow the appeal in full or (ii) allow the appeal in part or (iii) reject the appeal in its entirety. They will prepare

a record of their decision, setting out the grounds on which it is based and whether it has been reached unanimously or by a majority. The Appeals Commission will need time for deliberation and is unlikely to be in a position to announce the decision to the parties whilst they are still present on the day of the Hearing.

11.4 The decision of the Appeals Commission is final and binding.

12. Notification of Decision

12. As soon as the decision has been made, whether under the written representations procedure or following a hearing, the Appeals Secretary shall send a copy of the record of the decision to each of the parties, to the L.B.A.C., to the Deputy General Secretary, to the secretary of the Liaison Group, who shall in turn inform the next meeting of that Group of the decision, to the local Planning Authority and the other Part I Consultative Bodies and to any of the Part II Consultative Bodies lodging written comments under Paragraph 6.3 and, if so requested in writing, to any other Part II Consultative Bodies or any other person present at the Hearing.

13. Costs and Expenses of Appeal

13.1 Regardless of the outcome of the appeal, each of the parties to the appeal shall bear all that party's costs and expenses incurred by it in connection with the appeal.

13.2 The cost and expenses of operating the appeal, excluding any costs and expenses of the parties, shall be charged to the general funds of the Church.