

Re St Mary the Virgin, Stebbing

Chelmsford Consistory Court: Hopkins Ch, 21

September 2023

[2023] ECC Chd 2

Major projects – procedure – consultation

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In the course of its consideration of a petition for a faculty for a significant re-ordering project, the court commented on the proper approach to such petitions in order to assist their progress through the faculty process.

The court observed that petitioners for a faculty for major projects cannot expect that a faculty will be granted simply because a proposal is large-scale, with matters of detail to be left until later. On the contrary, a petition for such a faculty ought to provide a fuller explanation than one for a smaller matter. It was no good leaving the court to wade through plans with little or no guidance or explanation as to what was going on. Furthermore, major projects could, and often should, be taken in stages (if appropriate, with separate petitions).

Petitions that are subject to statutory consultation should not be presented until the proposals have been meaningfully consulted on. Petitioners must engage properly with consultees, take their views on board, and demonstrate that they have done so (or if they have not done so, why they have not done so). The DAC ought not to issue a final Notification of Advice unless it is satisfied that the consultees' views have been properly taken into account.

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