

Extracts from PCC Minutes: to September 2024

8th April 2024

8. Churchyards –

(a) Todmorden CE (A) J I & N School and Christchurch; there is a significant problem with how this is being dealt with. PCC views would be welcome about the issue in general, then concerns will be outlined. All relatives for whom FOCC/the school have contact details have now been written to by the vicar. In addition to the discussion with the PCC, CS hopes to be able to speak to the school governors on 15.04.24

There is a need for PCC members to declare any conflicts of interest and loyalties – e.g. as school governors (Catherine, Jan, John and previously Lynn as Chair), former member of staff and governor (Karen), employed by Diocese (CS), members of FOCC (Jonathan) or followers on Facebook (DJ, DT), Calderdale Council (DT), on PCC at the time: Derek, Jonathan (1st faculty: JG, later DU, JF, LS?); some with relatives in the churchyard but not in affected area (assumed Mike T no obvious conflict, also Wendy not known)

Decision of diocese and advice to the school to go for a confirmatory faculty was not correct.

CS spoke about Christ Church Spitalfields case and the complexities of this case and the various appeals to the Court of Arches. This route is not appropriate for a retrospective faculty which cannot correct something that was illegal in the first place because of the Burials Act 1884. Legal Costs for the Spitalfields case were £750K by 2019 and now probably more.

The situation links back to council planning permission and who was involved in the original decision. CS looking with DT at who to contact from Calderdale MBC after discussion with the Archdeacon and Jude Smith at the Barnabas project who is line manager to Lisa McIntyre the DAC secretary.

The school has engaged a lawyer who does not seem to have picked up the issue with the Christchurch case and implications for retrospective faculty; it is feared that legal advice to the school has been poor. The difficulty is that Planning Permission for the current building runs out in 2026, if it is to be renewed the faculty situation needs to be sorted out. Query if the best bet is to use this situation as leverage to prompt Calderdale into reviewing its decisions about a replacement school and site, particularly given that the school also lies on a flood plain and has repeatedly flooded in recent years.

The school has commissioned research which is currently being undertaken to see what is underneath the school. Results are to be

shared with PCC, FOCC and relatives. In addition, the issue of how the foundations for the building were laid needs to be clarified as there are suspicions that there was pile driving or other engineering that would have disrupted graves.

Sarah from FOCC has provided valuable information to help make contact with relatives etc. A number of relatives were interred within the 50 years before the initial building was placed on the site which is why the exemptions in the Burials Acts cannot apply.

The situation therefore needs to be resolved in a way which avoids costs such as those incurred in the Spitalfields case. This means that we need to have an agreed position for all parties to work together.

One option is to apply for a Faculty to allow for headstones etc to be moved to an alternative site before any possible rebuilding ie a faculty for future build, not retrospective.

There was unanimous PCC agreement for CS to work with relevant parties on attempting to find resolution for this.

Thanks were expressed by Rev John to CS for her clear explanation of the situation

10th June 2024

CHURCHYARDS – Todmorden C of E School and Christchurch are still awaiting the sharing of results of archaeologist's report. There are technical difficulties.

A meeting of interested parties needs to be organised with all parties, with whom Rev C has made initial contact.

1st July 2024:

1. Churchyards –

- a) Sarah Browning from FOCC gave a presentation about the work of FOCC and outlined the developments that they want permissions for under a Minor Works Direction. See attached presentation.

CS confirmed that any like for like repairs would be within List A and therefore no additional permissions are needed.

However, changes to appearance and the introduction of new furniture such as planters, new gravel etc will need to be within the Minor Works Order. CS advised that the PPT presentation would be helpful for the direction along with an itemised list of (a) the works to be done, (b) materials used, (c) explanations and justifications for the solutions chosen eg why gravel (to keep weeds and knotweed down), the use of side boarding to ensure safety etc CS will liaise with them about getting documents to the DAC and Registrar.

All agreed and thanks given to FOCC

- b) **Todmorden CE (A) J I & N School and Christchurch;** Archaeological research has been shared; it reveals that a number of names are missing, it is believed that they were residents commemorated on side kerb stones which seem to have been removed. This will be made clear in the application for a Faculty.

Replies are still awaited from Council officers about a meeting but if no date is soon forthcoming the application will be submitted and the council, DBE and others affected will be highlighted as parties to whom notice needs to be given. **All agreed to this course of action.**

5th August 2024

Christ Church Graveyard –

All draft documents sent to the DAC since last meeting one or two comments received in feedback. Advised we need permission for the boundary fence. Also the school need a lease as they are using part of church land. A lease has been drafted and documents updated and amended which have been circulated to PCC. Query regarding charging for the lease; registrar has confirmed we don't need to charge but can if want to. It is the school's responsibility for the land they lease. Rev. Catherine has not yet shared with the school governors. Governing body will view on 23rd September 2024. Once all parties are happy then this will be submitted online. General consensus to move with proposal made by Rev Catherine; Jonathan Greenwood would like us to charge more of a peppercorn rent for the lease – suggested £100 a year rent – CS and JG proposed and seconded, all PCC agreed.

Proposal contained in Agenda and reproduced below, approved unanimously, subject to amendment of rent to £100

As a minimum the Faculty needs to provide for:

- a) Authorisation of the Woodlands Nursery extension over the Churchyard land
- b) A lease from the PCC to the School for the land occupied by the Woodlands, at a rent of £100 per annum
- c) Authorisation of the fencing around the Woodland extension and the gate between the Churchyard and the Woodlands Nursery
- d) The option of moving the headstones beneath the Woodlands building to an area of the Churchyard that is publicly accessible and therefore outside the fencing around the Woodlands
- e) A noticeboard in the Churchyard to give details of the headstones that have been moved

Action once finalised, look to have a public meeting to share plans with the wider community. Rev. Catherine proposed to submit application for faculty, lease, notice board and fence etc as above. Jonathan Greenwood interested in meeting with Friends of Christ Church regarding the design of the notice board.

Friends of Christ Church were requested to submit a list of works for PCC to review with regards to longer-term plans for Minor Works application. Rev. Catherine to follow up as no list has been received.

2nd September 2024

Christ Church Churchyard – documents need updating in the light of further DAC feedback. A meeting of the school governors is to be held on 23rd September 2024 at which Reverend Catherine will give an update and ask for Governors' support.