

Faculty Jurisdiction Rules 2015

Form 7

(Rule 7.4)

FACULTY No. 5216

In the Consistory Court of the Diocese of Lichfield

Dr Anthony Verduyn, Chancellor of the Diocese and Official Principal of the Right Reverend Michael Geoffrey Igrave Bishop of Lichfield

To: Jenny Payne, Senior Technical Officer (Petitioner)
AES Ltd (on behalf of Staffordshire Moorlands District Council)

A petition presented by you has been submitted to the Registry of this Court together with designs, plans, photographs or other documents, requesting a Faculty authorising the works or other proposals specified in the petition.

A Faculty was granted in part on 19th December 2024. This Faculty concerns the remaining churchyards for which the petition was made but was not granted pending issue of a public notice and concludes the grant of a comprehensive Faculty in two parts.

A public notice was duly displayed giving an opportunity to all persons interested to object and give reasons why a Faculty should not be granted.

The proceedings were unopposed and did not give rise to a question of law or of doctrine, ritual or ceremonial or relate to proposals that affect the legal rights of any person or body.

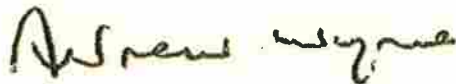
This Court now grants a Faculty authorising you to carry out the works or other proposals in accordance with the designs, plans or other documents accompanying the petition and subject to the conditions set out in the Schedule.

The works must be completed **within five years** from the date below or such further period as this Court may allow and the certificate of practical completion is to be sent to the Registry within the period allowed.

A copy of this Faculty is to be supplied by you to the architect or surveyor and contractors to be employed in respect of the authorised work before any work is commenced.

This Faculty is duly authenticated by the seal of this Court.

Dated: 10th June 2025



Signature of Registrar:
A G D Wynne
FBC Manby Bowdler (Midlands) Limited
6-10 George Street,
Snow Hill,
Wolverhampton,
West Midlands,
WV2 4DN



SCHEDULE

Description of Works or Proposals

In the following **Closed Churchyards**: -

Forsbrook St Peter
Leek St Edward
Bagnall St Chad
Cotton St John
Oakamoor Holy Trinity
Onecote-with-Bradnop St Luke
Cauldon St Mary & St Laurence

Churchyard memorial safety testing, on a five-year rolling programme, to be conducted by Alliance Environmental Services (AES) Ltd on behalf of Staffordshire Moorlands District Council (SMDC). In accordance with the SMDC Memorial Safety Testing Policy (2023), and the submission documentation, included within the application to: -

1. Make safe as soon as possible graves/monuments which have been assessed as presenting possible trip or topple hazard, by means of cordoning off, temporary supports or part-burial and removal of any stones, pieces of broken masonry and other rubble. If it cannot be ascertained which grave these will have come from, then they will be removed safely from the site;
2. Where graves have a kerb surround and the slab top has collapsed, the infilling to prevent a tripping hazard;
3. Other associated works deemed necessary to ensure the safety of those using the churchyard.

Conditions which must be complied with before the authorised works commence:

1. No work shall commence until a date at least 7 days after the petitioners shall have given notice to the Diocesan Registry (FBC Manby Bowdler (Midlands) Limited, 6-10 George Street, Snow Hill, Wolverhampton, West Midlands, WV2 4DN; pauline.hollington@fbcmb.co.uk) of their intention to commence work.

Conditions which must be complied with during and after the works have been commenced

1. The details of the faculty and the date of completion shall be entered in the parish log book.
2. All works shall be carried out in accordance with the Ministry of Justice and Guidelines save as varied below
3. The testing shall be carried out by a person who is trained and experienced in the testing of memorials
4. Each memorial shall be assessed visually in the first instance and then hand tested
5. No mechanical testing shall be carried out unless the tester is satisfied that it is necessary. Mechanical testing shall only be carried out using a calibrated testing device to a measured force of 25kg
6. No memorial less than 0.5m in height shall be subjected to mechanical testing
7. All testing in respect of a memorial of greater than 2m in height shall be carried out by a chartered structural engineer
8. No memorial which is a Commonwealth War Grave or which is separately listed under the Listed Buildings Act shall be subjected to any hand test or mechanical test without the further Order of the Court for which purpose there shall be liberty to apply
9. If any testing reveals that a memorial is unsafe then the memorial shall be cordoned off but the Petitioner may institute temporary works of support.

10. No memorial shall be laid flat without the further Order of the Court for which purpose there shall be liberty to apply
11. If any testing reveals that a memorial is unsafe then the Petitioner shall identify what works are necessary to render the memorial safe. No works shall be carried out unless the procedures below have been carried out
12. If the identity of the memorial owner is known then the Petitioner shall give written notice to the owner at their last known address and allow a period of 28 days in which to carry out the necessary works by a person who is approved by the Council and who has demonstrated that they hold public liability insurance to the value of £5 million in the event of any injury loss or damage suffered by any person as a result of the condition of the memorial
13. If the identity of the owner is not known or the works are not carried out then the Council shall cause a notice (i) to be published prominently on its social media pages and on its website identifying the memorial by the names of the parties commemorated (ii) placed on the memorial, in each case giving 28 days' notice of its intention to carry out the necessary works to make it safe unless the owner seeks to carry out the works themselves in accordance with the above condition 11 or otherwise objects
14. The necessary works for the purpose of the above conditions 10-12 may include work to make the memorial safe in situ and leaving it erect; or work to bury the memorial so that at least the upper two-thirds of it are visible above ground; or to lay flat the memorial on the grave to which it relates (provided that an order of the Court permitting such lying flat has been obtained); or in the case of kerb setts to bury them so that the upper face is flush with the ground
15. If any objection is made then the objection shall be sent to the Registry and no work shall be carried out until the directions of the Court are obtained and in accordance with those directions

TAKE NOTICE that if work beyond the scope of this Faculty is carried out, or if any of the above conditions are not strictly adhered to, the work carried out will be unlawful as being in breach of the Faculty Jurisdiction and will not be authorised by this Faculty. Proceedings may then be instituted against you for an Injunction, a Restoration Order or a Faculty Confirmatory of the work carried out, according to the circumstances. The Court has power to order a party who is in default to pay the costs of and occasioned by such proceedings including those of the Registry and of any other party.

