

**Re: ST PETER EAST BRIDGFORD
RELOCATION OF ALTAR**

**JUDGMENT AND
DIRECTION TO ISSUE FACULTY**

The church

1. St Peter's East Bridgford is a mediaeval church built in 1220. It is Grade 1 listed and within a conservation area.

The proposals

2. A petition was received by the registry dated 25th February 2016 seeking a faculty for the movement of the altar forwards approximately 600mm upon the altar platform, with the purpose of increasing the amount of space behind the altar for celebrating the Eucharist.
3. The proposals were unanimously supported by the PCC at its meeting on 2nd June 2015.
4. Public notice of the proposals was given between 29th December 2015 and 3rd February 2016 both inside and outside the church building.
5. The DAC at their meeting on 14th September 2015 had no objection to the proposed works, subject to a proviso that care is taken not to damage the mediaeval cross slab located near to the altar.

The objections

6. Six letters of objection have been received from a total of 7 parishioners. None of the objectors have elected to become parties opponent, having been given the appropriate opportunity to do so by the Registrar.
7. The grounds of objection may be summarised as follows:
 - a. No need for change
 - i. The altar has been in its present location for many years, it does not need to be moved.
 - ii. No previous vicar touched his knee to the ground as often as the current one does, and the current one can do so by turning slightly anti-clockwise to do so
 - b. Cost
 - i. Moving it is an unnecessary expense and may restrict other fundraising effort
 - ii. Other works have been done, and other works still need to be done which should take priority
 - c. Safety
 - i. The stone slab is cracked
 - ii. Moving the altar may be unsafe
 - d. Pastoral
 - i. Moving it will involve the church being closed again (having recently been closed for major works)
 - ii. The mission of the church will not be enhanced by moving it
 - iii. The vicar is not popular in the village

The Law

8. As this is a listed building, the test for whether or not a faculty may be granted as petitioned for is as set out in *Re St Alkmund's Duffield* [2013] Fam 158, namely:
 1. Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
 2. If the answer to question (1) is "no", the ordinary presumption in faculty proceedings "in favour of things as they stand" is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals (see *Peek v Trower* (1881) 7 PD 21, 26-8, and the review of the case-law by Chancellor Bursell QC in *In re St Mary's, White Waltham (No 2)* [2010] PTSR 1689 at para 11). Questions 3, 4 and 5 do not arise.
 3. If the answer to question (1) is "yes", how serious would the harm be?

4. How clear and convincing is the justification for carrying out the proposals?

Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building (see St Luke, Maidstone at p.8), will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm? In answering question (5), the more serious the harm, the greater will be the level of benefit needed before the proposals should be permitted. This will particularly be the case if the harm is to a building which is listed Grade I or 2*, where serious harm should only exceptionally be allowed.

9. In this case I take the view that the proposals will not cause any harm to St Peter's Church, East Bridgford as a building of special architectural and historic significance. None of the fabric is being changed in any way. The proposal is simply to move the altar forward 600mm upon its existing platform. There has been no suggestion from any quarter that this will cause any aesthetic damage to the layout of the chancel.
10. It has been confirmed following enquiries that the altar is not fixed to the platform. Whilst it is heavy and will require specialist lifting equipment to move it, there is no reason why it could not be subsequently returned to its previous location (subject to a faculty being granted) at any date in the future.
11. As the answer to question 1 is 'no' questions 3 and 4 do not arise to be answered. The legal test is therefore, as per question 2 above, whether the presumption of no change is sufficiently rebutted on the facts of this case.

Application of the law in this case

12. In the petition the reason given for the works is that moving the altar forward will 'improve the space for celebrating the Eucharist'.
13. From information gleaned from the objectors, the need for improved space appears to be that the present incumbent's custom during his celebration of the Eucharist is to kneel behind the altar at various points during the Eucharistic prayer. I infer from this that the incumbent genuflects during his celebration of the Eucharist, in the manner traditionally associated with the 'Anglo-Catholic' style of worship. With the altar in its present position there is insufficient space to do this comfortably.

14. Using bodily gestures as part of offering divine worship is a common practice within the Church of England and takes many forms. Unless the gestures used are unlawful, offensive or otherwise inappropriate, I take the view that a priest should be free to use his or her body in the way that enables him or her to most fully enter into the Divine Mystery of the Eucharist and to offer up most sincerely the praises and thanksgivings of their congregation.
15. Therefore moving the altar as proposed to enable worship to be led in the manner used by the present incumbent will have the effect of enabling the priest in this place to engage more deeply in his role at the Eucharist without the distraction of turning to one side to genuflect. It therefore has the potential to enhance Divine Worship, which can be a good enough reason to overturn the presumption against change.
16. Set against this are the concerns of the objectors, which I consider in turn.
17. The first set of concerns are that the altar has been in its present location for many years (some objectors suggest over 100 years) and that no previous vicar had any difficulty with it. That may be true, but it does not resolve the difficulty that the present incumbent is having. Whilst it is of course not essential for a valid celebration of the Eucharist for the celebrant to genuflect, neither is it unlawful to do so. Here, where such actions are part of the lawful custom and practice of an incumbent, which, presumably, form part of his spiritual formation, it is likely that to enable such practices to be performed freely and well will enhance not only his worship, but the worship of the whole community. This is because the incumbent has a duty to lead that community in worship, and he will best be able to set an example to them, if he is free to worship in the manner that enables him to engage most fully and devoutly in his role.
18. The second set of concerns are about cost. I am told the cost will be £450 as the weight of the stone altar top requires specialist lifting equipment. The cost does not appear disproportionate to the work required, and the PCC indicate that they have the funds available to pay for the work.
19. The objection is that this money could be used for other maintenance work, or for charitable work, or given away to a worthwhile cause. It is certainly the case that choices have to be made as the priorities for using a church's funds. Divine worship is the central activity of any church and funds spent on enhancing that is an appropriate use of PCC funds. However, the Bible is also very clear that God does not want his people to focus on the details of formal worship without attending to the needs of the poor – for example “I hate, I despise your festivals and take no delight

in your solemn assemblies.... But let justice roll down like waters and righteousness like an ever flowing stream.” Amos 5:21-24.

20. However, it is the function of the incumbent and PCC to determine the appropriate division of resources between the various competing demands upon them. That money should be spent on Divine Worship and on meeting the needs of the poor is a given. It is foundational to any body that calls itself Christian. The appropriate balance between these objectives, and others, is to be determined by the incumbent and PCC in accordance with the law. It is no part of a Chancellor’s function to second guess that division.
21. Similarly the objection that spending money on moving an altar will inhibit future fundraising efforts may be a legitimate concern if there is much disquiet in the parish about this. It is a concern which the incumbent and PCC should consider and take into account as appropriate when deciding whether or not to go ahead with the proposed works. But it is not a reason for a Chancellor to decline to issue a faculty.
22. The safety of the altar itself and more importantly the safety of the people engaged to move it, are legitimate concerns. However, they go to the process to be used, rather than to the merits or otherwise of the project. The church must have insurance in place to protect those engaged in moving the altar and the work must be undertaken in manner that damages neither the altar itself nor any other part of the church fabric around it.
23. The pastoral concerns raised, I suspect, go to the heart of the objections. In my view the level of objection to moving an altar 60cms is indicative of a larger problem within the parish than where on a platform an altar is placed. Comments like ‘the vicar is not popular’ and ‘the mission of the church will not be enhanced by moving the altar’ provide the basis for this concern. This is a matter for church authorities other than the Chancellor to investigate and resolve where possible. These issues, whilst vital for the health of the parish, do not in my view provide adequate grounds to persuade me to refuse the faculty applied for.
24. Practical concerns like the closure of the church for the work can be easily resolved as I am told the work will take 2 days and that there is no need for the church to be closed for public worship to enable the work to be undertaken.

Conclusion

25. The faculty is to be granted as requested with the following conditions:

- (a) Care is taken not to damage the mediaeval cross slab located near to the altar
- (b) Care is taken not to damage the altar or platform upon which it stands
- (c) Any making good required to the platform after the altar is moved to be undertaken immediately upon moving the altar
- (d) Full indemnity insurance to be in place to protect the workforce and any relevant volunteers
- (e) No service is to be cancelled to enable the works to take place, without the consent of the bishop.

26. The faculty is for 6 months, with liberty to apply.

JACQUELINE HUMPHREYS
DEPUTY CHANCELLOR
8.12.16