

IN THE CONSISTORY COURT OF THE DIOCESE OF BRISTOL

In re Swindon, Christ Church

JUDGMENT

1. This petition demonstrates the pastoral damage and other fall out that can occur when petitioners fail to wait for the granting of a Faculty before proceeding with works petitioned for. I should preface my judgment by stating that I am quite satisfied that this was done out of an excess of zeal rather than a contempt of the process of this court. The petitioners proceeded with the best of intentions but they should heed the warning where, proverbially, that can lead.

2. The petitioners application is set out here:

To complete the redevelopment and improvements to the remaining section of the remembrance garden... The works will involve restoring the path edges with steel retaining strips and relaying fine turf edging around the perimeter of the garden. Also, extending a level, access path down the north side of the garden. We also propose to place a seat in the middle of the North side. This would involve the relocation of 3 gravestones which stand in the way of the path.

The garden is in the shadow of 3 mature lime trees whose roots have, over the years, made further ashes burials impossible. It has become overgrown with self-seeded holly, old untended rose bushes, and weeds. We have been advised by the RHS and others to use a weed-suppressing mulch over much of the garden area. Our intention is to survey and record the existing memorial plaques. They will be restored as closely as possible to their original locations once the works are completed.

A seat will be provided at the North edge of the garden and an information board will be placed at the West end of the garden

3. This proposal was approved by the PCC in September 2020 and this petition was filed on 10<sup>th</sup> March 2023.
4. On the 12<sup>th</sup> March 2023 Nicola Schneider set out her objections in an email stating:

I would like to formally post an objection to the planned work to the memorial garden.

I understand that a thirty day consultation period starts today and have been advised by Stephen Grosvenor, from Christ Church, that this is the email address to which I send my objection.

I have three members of my family in the memorial garden, my grandparents and my mother, and have been objecting to the plans since I was first made aware of them back in 2021. I have also had a meeting with Michael Johnson at the memorial garden to talk through my concerns.

Since work has been completed in other areas of the garden plaques have been moved and squashed together making it look regimental and impersonal.

My family and I object to the plaques being moved and taken away whilst work is carried out, leaving no physical place to visit. Although I was told by one person at Christ Church that I was "being silly on that point as there was nothing actually there anyway, apart from the plaques". Whilst I am fully aware of that, it doesn't stop my feelings and beliefs that when I go to the spot, where my families plaques are, I am actually with them. That belief should not be underestimated when making decisions about moving the plaques.

I was also told that rest in peace doesn't actually include moving things around, again whilst this may well be true, it's not a kind thing to say when someone has strong objections.

My father, who will shortly be 87, had also been very upset and distressed about the thought of the plaques being moved around.

5. It was suggested that the Faculty process should be put on hold to allow the objector and the petitioners to reach a compromise. Matters were, accordingly, put on hold. On 8<sup>th</sup> June 2023 Ms Schneider reported:

I submitted an objection to the proposed works to the ashes garden in the churchyard of Christ Church (Swindon) as I was concerned about how these works would impact the cremated remains of my family members.

When my concerns were discussed, it was agreed, that should the faculty be granted, the rose bushes marking the graves of my family would be returned to me because they had sentimental value. I was invited to attend a meeting to discuss my concerns, and told that work had not started as faculty had not been granted as yet due to my objections.

Regrettably, during the short period of time between my email, when I was assured no work would be carried out before our meeting, and the actual face to face meeting the plaques for my relatives were moved and the rose bushes marking my families' graves had been uprooted and

disposed of when metal edging plates were installed around the whole area where my relatives are.

Naturally I was very upset by this and questioned why any work had taken place when an objection had been lodged and faculty had not been granted. I was assured this was mistake and should not have occurred and the PCC has since ordered and delivered three replacement rose bushes, however I was told I could not have them put back in the Rose Garden.

I remained concerned about the proposals and have consequently had several discussions with the incumbent and churchwarden.

Ms Schneider goes on to say:

I have agreed to potentially withdraw my objection on the following conditions, should the faculty be granted.

1. All members of the project team are aware of the sensitivities and agreements around my family's resting place and plaques. Please see attached, two photos showing the location of the plaques that I have agreed with the incumbent and churchwarden. Although as you can see they have not been placed very securely back in the ground and have fallen over several times. I have been told this will be put right once the work is completed. You can also see the metal edging that has already been put in place and the reason for moving my rose bushes.

2. No work further will be carried out until faculty permission is granted. When work does start (and there is currently no timetable for this), the PCC will leave my three family plaques undisturbed and work around them.

3. The PCC will notify me at the point where they need to add mulch and level the bed in which the plaques are placed so that I can visit to ensure that they are replaced correctly in line with my wishes.

4. The PCC will source 3 replacement rose bushes. Blue Moon, Peace and Golden Memories. This has already been carried out.

5. The PCC to confirm that they will not relocate any plaques in the section where my family is remembered and, as such, they will remain, as now, without any others in front of them.

The PCC has agreed with all of my conditions. In light of this, I am considering withdrawing my objection to the PCC's faculty application purely on the basis that the above provisos are in place.

6. She concludes with remarks about how upsetting this has been for her family, particularly her elderly father. Whilst I am glad that a compromise has been reached, this case demonstrates the pastoral damage that can be caused by failing to adhere to the clearly laid out rules, let alone the irritation caused to a

Chancellor. I am not in a position to make findings of fact about the insensitive comments allegedly made to Ms Schneider, but I hope that the parish will reflect on how this has been dealt with.

7. I note that the petitioners have already replaced the destroyed roses. I am prepared to grant a Faculty in this case as prayed, subject to the following conditions:
  1. The plaques marking Ms Schneider's family are to be properly secured in the positions agreed by the petitioners and Ms Schneider,
  2. All work granted by the faculty is to be carried out without disturbing the plaques above,
  3. Ms Schneider is to be informed when the memorial beds are to be mulched so that she can be ensure that the plaques are correctly placed,
  4. No other plaques are to be located or relocated in front of the area where Ms Schneider's family's plaques are sited,
8. The petitioners will have to pay my fees.

The Feast of St Anne and St Joachim

(26th July 2023)

Justin Gau,  
Chancellor