

**(2018) ECC Por 2**

**IN THE CONSISTORY COURT OF THE DIOCESE OF PORTSMOUTH**

**Re Ventnor St Catherine: churchyard works**

**Judgment**

1. *The Petition presented by the Vicar, Churchwarden and Reader of the church of St Catherine, Ventnor, seeks a faculty to permit the parish to enhance the churchyard and associated amenities, by*
  - (i) *developing a small contemplative garden area for burial of cremated remains;*
  - (ii) *developing a small lawn and garden area for social and recreational use; and*
  - (iii) *reconfiguring and resurfacing the parking and hard standing area*
2. *The proposals are fully described in the plans, photographs and other documents filed by the petitioners. The present works form Phase 1 of a general improvement of the churchyard and my determination is limited to this first phase.*
3. *The scheme has the support of the majority of the PCC, congregation and others who responded to a local consultation, though one of the churchwardens is opposed to it and Mrs Garlick, a parishioner and member of the PCC, has made strong representations against it. Neither has sought to become a party opponent.*
4. *There is a detailed letter of objection from Mrs Garlick. Her concerns relate primarily to the proposed extension and resurfacing of the car park. which she considers will not bring any significant benefit. In particular, she considers that it is wrong to move gravestones to facilitate parking and that the proposed gravel surface will not be sufficiently durable. She does not consider the soft landscaping of the garden areas to be necessary. She is concerned too about the environmental impact and whether planning and highways requirements have been met.*
5. *The petitioners have provided a considered response to Mrs Garlick's concerns which explains both the rationale for the proposed works and the reasons for the proposed configuration and surfacing. I have carefully considered the information provided by the parish and have taken into account the matters raised Mrs Garlick in her letter of objection.*
6. *Planning consent has been granted for the scheme and it has the support of the relevant highway authority. The DAC recommends approval of Phase 1.*
7. *This is a significant project which, in my judgment, is likely to enhance the overall appearance of the churchyard and the setting of the church and improve the overall amenity of the church grounds, as well as fulfilling the aim of the parish to open up the church setting in furtherance of its ministry of welcome. Careful consideration has been given to the design and surface of the parking area and I am satisfied that they offer the most appropriate solution to the church's needs.*
8. *The objections raised are partly matters of opinion, but where they go to the substance of the proposals, I am satisfied that the concerns raised have been addressed or are outweighed by the overall benefits of the scheme.*
9. *As noted in the letter of objection there will be an impact on a number of gravestones and the conditions specified below are intended to safeguard the historic and pastoral significance of these memorials and any related bodily remains.*
10. *Subject to these conditions I am satisfied that Phase 1 of the project should be approved and a faculty is therefore granted to allow the work to proceed.*

**Conditions**

- 1. That the work to the churchyard and surrounding area is limited to Phase 1 of the project;*
- 2. That if not already provided, a cross-sectional drawing of the ground levels at the West end of the church is provided to the Archdeacon and archaeological advisor for agreement;*
- 3. That where any gravestones or memorials will be affected or moved as a result of the works, any family members who can reasonably be traced should be consulted about any relocation;*
- 4. That any bodily remains disturbed in the course of the works shall be reverently and discreetly reinterred;*
- 5. That a record is kept of any graves, gravestones or memorials moved or affected by the works, to identify the former and new locations and any identifying details.*

**Philip Waller**  
**Chancellor, 10<sup>th</sup> July 2018**