

IN THE CONSISTORY COURT OF THE DIOCESE OF WORCESTER

FACULTY PETITION NO 13-76, RELATING TO THE INTRODUCTION OF AN ALLEN DIGITAL ORGAN AND THE DISPOSAL OF THE EXISTING BRADFORD ORGAN

PERSHORE: ABBEY OF THE HOLY CROSS

JUDGMENT

Introduction

1. Boydell Ch granted a faculty in 1996 for
 - (a) the removal of the Walker / Nicholson organ, which had until then been in Pershore Abbey, to St Andrew's Community Centre, and
 - (b) the introduction of a Bradford Computing Organ.

That faculty was subject to a number of conditions, which amongst other things envisaged that a pipe organ – either the Walker / Nicholson organ or another – would in due course be installed in the Abbey within ten years.

2. A confirmatory faculty was granted by the present Chancellor in January 2012 to authorise the sale of parts of the Walker / Nicholson organ, and the disposal of the remainder. That faculty was also subject to conditions, which in effect updated and replaced those attached to the 1996 faculty, so far as still relevant.
3. Towards the end of 2012, an opportunity arose for the parish to purchase, at an undervalue, the Allen organ that had been used at the Abbey on the occasion of the recent memorial service for Mr Carlo Curley, a distinguished organist and a friend of the incumbent.

4. On 8th January 2013, the Chancellor amended the conditions to the January 2012 faculty, so as to require an assessment of the musical needs of the Abbey to be undertaken not later than 21st May 2017. The parish accordingly produced a document entitled "Report on the Musical Needs and Organ Project", dated March 2013.

5. By this petition, dated XXXX, a faculty is sought for:
 - i) the removal and disposal of the Bradford Computing organ; and
 - ii) the installation of the Allen organ, in accordance with the quotation of Allen Organ Studios (London) Ltd.

6. I am asked to consider this petition urgently, because the owner wishes to place the organ on the market.

7. I note that the Petition sent to me does not include boxes S - U, paras. 35-37. And it is neither signed nor dated. I have no details of the PCC vote; I have assumed that there was one, although this should be checked.

The cost of the new organ

8. The cost of the Allen organ varies within the documentation. Sometimes the figure includes VAT and sometimes it does not. The March 2013 Report identifies the cost as £41,000 plus £8,200 VAT = £49,200 (paras 4.5.1 and 7.7.2). Elsewhere, in the concluding paragraph on page 9, it refers to £52,000; but this figure, which is included in the petition, is not explained, and may or may not include VAT.

9. Although the way in which a parish allocates its funds is a matter for the PCC, this case is unusual because of the amount involved and the absence of any explanation as to how the organ will be purchased.

10. There is an indication that the purchase of the new organ will be funded [in part] by the Friends of Pershore Abbey. However, there is no confirmation from the Trustees of the Friends that the purchase of an organ falls within their purposes, although I will assume that it does. However, there is no indication from them as to whether they will purchase the organ; or whether they can raise the necessary funds, or over what timescale. It does not appear that the Trustees have obtained an independent valuation that supports the assertion that the organ is being offered to them on favourable terms, as has been suggested.

11. I am left unclear as to the mechanism by which the Friends propose to purchase it without any identified funds being currently available; what happens if they are unable to raise the money over the contractual period; or what that period is likely to be. However, that is a matter for the Friends to address; and it will be for the PCC to ensure that it is not left with any liability should the Friends default, whether or not the Friends have given title to the organ to the Parish before they have finished paying for it.

The views of the Diocesan Advisory Committee

12. The Diocesan Advisory Committee (the DAC), at its meeting on 3rd April 2013, considered the March 2013 Report and the proposal that is the subject of the present petition.

13. There does not appear to have been a full report presented to the DAC by the DAC Organ Advisor following the publication of the Petitioners' Report of March 2013. In that Report the comments and questions of the DAC Organ Advisor are recorded. I have only seen his report dated 23rd November 2012 which expresses no opinion.

14. The DAC recommended approval of the proposal to introduce the Allen Organ, subject to provisos. The significant provisos required a complete redesign of the organ console prior to formal approval and installation, and consultation over the fittings and finish of the speakers.

The views of the statutory consultees

15. Consultation has taken place with English Heritage, the Victorian Society, the Society for the Protection of Ancient Buildings (SPAB), the Church Buildings Council (CBC), and the County Archaeological Service. I have only seen replies from English Heritage, the Victorian Society and the CBC. The SPAB deferred to the CBC's opinion.

16. English Heritage responded (by a letter dated 18th March 2013) that it had concern about the siting and design of the organ case and its impact on the character and appearance of the interior of this grade I listed church. This view was modified to an objection to the organ as currently designed, and stated:

"We are pleased to note from the attached correspondence that the Allen Organ Company can modify its appearance although reserve our position in that respect until we see alternative drawings. We suggest that any amendments to the design and colour of the case should be informed by advice from your architect and that the changes be presented as part of the faculty application"

17. The Victorian Society did not object, but raises questions about the location and number of speakers – which were and are not part of the petition for a faculty, nor described or shown on a plan. It appears that the Society would have been concerned with a location at the west end of the Abbey.

18. The CBC (on 29th July 2013) [expressed concern] [objected] on the grounds that
 - it was not persuaded as to the problems with and life expectancy of the Bradford organ;
 - it considered the 58-stop Allen Quantum organ to be larger than the space and acoustic responsiveness of the Abbey requires or needs;
 - it did not consider the Allen organ to be a long-lasting solution; and
 - the opportunity for any income stream from the Allen organ required closer scrutiny.

It also stated that:

"The Council was told that the architect had inspected the proposed location of the speakers with the organ installers, but that plans had not been drawn up. Given the architectural sensitivity of the Abbey detailed plans, agreed by the architect and organ builder, should be submitted with the faculty application. Similarly a high-quality finish to the console, befitting the Abbey church, should be provided and agreed by the DAC."

19. The CBC strongly recommended that serious consideration be given to providing a pipe organ in scale with the east end of the building, and of a musical and architectural quality commensurate with that of the Abbey. In its opinion, a pipe organ would be relatively affordable.

The objections

20. The proposal is the subject of formal objections by:

- a) Mr Malcolm Meikle, and
- b) Mr David Williams-Thomas.

21. Mr Malcolm Meike objects on the following grounds:

- the route to the present petition has been a sorry one, and the fund for a piped organ has been spent;
- the Abbey has lost its lead musical role within Pershore;
- it is incongruous that the village churches have piped organs and the Abbey does not;
- the DAC and the CBC took the view that a piped organ was the appropriate long term provision for the Abbey; and the CBC maintains that view;
- pipe Organs at Fladbury and Tenbury have been serviced at relatively little cost;
- the Allen organ makes no contribution to solving the long term needs of the Abbey;
- the Abbey has not shown that it has the ability to fund this proposal;

- if we move forward, and maintain an electric organ for congregations in the most economical way, it leaves open the possibility of a piped organ in a reasonable time scale;
- a memorial plaque on the Carlo Curley organ would require a separate faculty.

22. Mr David Williams-Thomas objects on the following grounds:

- there is no coherent objective long-term analysis of the Abbey's total musical needs in the Report, which has been conflated with an opportunist argument for this particular "Organ Project";
- the Report's conclusions take no account of the views of the Diocesan Organ Adviser and the Parish Organist, whose arguments for a pipe organ are not addressed; and there is no recognition of the long-term need for a pipe organ, or that an electronic organ would be a temporary solution;
- the PCC has never tested the possibility of raising money for a pipe organ, even though he has offered to set up such an appeal;
- the route to the present petition has been a sorry saga;
- there has been no assessment of the price of any other temporary organ as an alternative to the Allen organ, and no assessment of the need for this particular organ in terms of size and setting;
- there is no rush as the Bradford organ will be good for another 5 years;
- a firm and binding commitment should be imposed on the Abbey to install an appropriate pipe organ in say 10 years time; the Allen organ should not be presented as a permanent solution, but only a temporary one.

23. Both objectors have indicated that they would be content for their objections to be dealt with in writing. I considered that it would be expedient to deal with the petition solely on the basis of written representations.

The response by the parish

24. The Abbey Director of Music responded to the report of the DAC Organ Advisor in the Report of March 2013 (para. 7.6.4). He agrees that:

"... the careful and considered placing of the speakers for the Allen organ in the triforium is of paramount importance..... Allens have agreed that the placing of the speakers would be crucial. That does therefore leave a "crucial factor" as a somewhat imponderable"

25. The Abbey Director of Music makes it clear that he does not like the existing organ but appears to recognise that purchase of the Allen organ now would be likely to prejudice the ability to achieve the best solution. His preference is for the replacement of the Bradford organ with a pipe organ:

"I believe that of crucial importance is that we be allowed to fund raise immediately for a pipe organ, even if this is in the distant future. The Abbey deserves this and from my conversation with Nicholsons (who submitted one of the technical specifications and drawings), it seemed that there were still possibilities for the siting of the pipes which would satisfy the Victorian Society et. al."

26. He identifies the "conundrum" very clearly at the foot of page 25 as between a temporary solution and a long term solution¹.
27. The Petitioners have rejected the DAC recommendation in respect of the re-design of the console as "unreasonable, impracticable and undeliverable" (letter, 17th April 2013). That must apply equally to the later CBC recommendation. The Petitioners suggest that, instead of accepting the DAC recommendation, they might re-design or encase the Allen organ as and when the necessary funds have been raised.

¹ I note that the Abbey Organist and Director of Music is quoted at para. 4.2 of the Report on his views about the Allen Organ. However, no source reference is given to the January 2013 document from which the quote is extracted. Instead the quotation is followed by the words "(See also Appendix 7.6.4)". That is the later, post-January 2013, document in which the Abbey Organist explains his long term preference.

My conclusions

28. I made an unaccompanied site visit to the Abbey on 20th November 2012 when I was able to see (but not hear) the Bradford and Allen organs standing side by side. My immediate impression was that the Allen organ looked unattractive by comparison to the Bradford organ. This was a matter of the different colours of the casings when set against the lighter colour of the structure of the Abbey.
29. I consider that there is much force in the objections. To a large extent they reflect matters raised by the DAC, English Heritage, and the CBC. They raise the conundrum identified by the Abbey Organist in para. 7.6.4 of the March 2013 Report as to whether the short-term expediency of purchasing the Allen organ will preclude the achievement in the long term of a pipe organ.
30. Nor can I resolve why the Report has pursued a temporary electric organ project to the exclusion of a pipe organ at any future time.
31. I accept that a temporary solution will be required in the near future. The Bradford organ is likely to require work to be carried out; but that work will be unable to provide the desired quality of sound for the Abbey. It would, therefore, be unreasonable for me to impose a 'do-nothing' decision or faculty. I believe this to have been implicit in the objections.
32. To this end, I accept the need for a temporary solution, and agree with the approach of the DAC, suggesting a time-limited condition to achieve this. In order to reflect the likely remaining lifespan of the Allen organ, I would impose a limit of ten years, with the intention that there would be no extension. This is to allow time for progress to be made on evaluating a long-term pipe organ solution or, at least, of not precluding it. I would not expect any extensions of that period to be made without there having been undertaken a proper evaluation of a long term solution. I am not in a position to determine whether or not any aspirations are or are not feasible on the information before me.

33. I appreciate that the PCC has flatly refused to accept the condition suggested by the DAC that the console be re-designed. However, I agree that the Allen organ, as I saw it, appeared to me to be unattractive in the setting chosen, and would need some modification. It is, of course, open to the PCC to decide not to proceed if they adhere to their stated views.
34. I also agree that a condition is required to deal with the location of the speakers, a matter that is not included in the Petition.
35. For the avoidance of doubt, any memorial plaque attached to an organ would require a faculty.
36. Finally, I should note that I am concerned at the lack of objective financial appraisal and the absence of any details of ownership of the Allen organ, either at present or in the future. It seems to me that the Trustees of the Friends of Pershore Abbey, who have not identified themselves to me, may have some serious and difficult questions to face in respect of their duties and the obligations being placed upon them by the PCC.

Decision

37. A faculty should be granted for the removal of the Bradford Computing organ and for the installation of an Allen Digital organ in accordance with the quotation of Allen Organ Studios (London) Ltd., subject to the following conditions:
 - i) that the faculty be time-limited to 10 years and that the organ then be removed;
 - ii) that a complete re-design of the organ console to suit its setting be agreed with the DAC before installation or, in the event of failure to agree, be referred to the Court;
 - iii) that, if not already fitted, a Great & Pedal Piston coupled be fitted to the organ but that it shall be un-settable;

- iv) that the final positioning of the speakers and the finish of their coverings shall be agreed by the DAC before installation or, in the event of disagreement, be referred to the Court;
- v) that the Bradford Computing organ be offered for sale once the Allen organ has been installed in accordance with conditions (ii) to (iv).

ROBERT FOOKES

Deputy Chancellor

31 October 2013

NOTE

By a Faculty dated 26 March 2018, the Chancellor granted permission for the Allen organ to be removed and replaced by a Fratelli Ruffatti three-manual pipe organ. A copy of the Faculty is attached.

**Form 7
(Rule 7.4)**

Faculty

In the Consistory Court of the Diocese of Worcester

Parish of Pershore

Church of Holy Cross

The Worshipful Charles Mynors, Chancellor of the Diocese
and
Official Principal of the Right Reverend John, Lord Bishop of Worcester

To

Claire Ann Lording (Priest-in-Charge)
Judith Mary Dale (Churchwarden)
David Michael Long (Lay Vice Chair PCC/Chair Fabric Committee)

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 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 described in the Schedule in accordance with the designs, plans or other documents accompanying the petition and subject to any conditions set out in the Schedule.

The works must be completed within thirty six months 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 26 March 2018

Signature of Deputy Registrar

SCHEDULE

Description of works or proposals

Installation of a new Fratelli Ruffatti three manual pipe organ, and the removal and disposal of the Bradford computing organ, in accordance with the Statement of Need, the Specification and Quotation and Stoplist of Fratelli Ruffatti dated July 2017, and the drawings enumerated D268/17A-I lodged in the Registry.

Conditions

1. No works should be carried out until a detailed specification the construction details, including details of the finishes and a structural engineer's report, has been submitted to and approved in writing by the Diocesan Advisory Committee or, in default of such approval, by the Court;
2. No works be carried out until a detailed stop list has been has been submitted to and approved in writing by the Diocesan Advisory Committee or, in default of such approval, by the Court;
3. The works be thereafter carried out in accordance with the details thus approved;
4. No works start until a sum equal to 90% of the total expected cost is available to the parish or has been promised to it to the satisfaction of the Registrar; and
5. The Diocesan Advisory Committee Archaeological Advisor, or another archaeologist approved in writing by the Court following consultation with the Diocesan Advisory Committee, shall be given an opportunity to inspect and record the building before, during and after the works.