

**Neutral Citation Number: [2017] ECC Der 1**

**In the Consistory Court of the Diocese of Derby**

**Re: St Mary the Virgin, Pilsley**

1. By a Petition dated 1<sup>st</sup> July 2016, The Reverend Colin Cooper, Team Rector, Mr Keith Taylor, PCC Warden and Mrs Chris Kenahan, DCC Warden, seek (i) to have the Organ at St Mary the Virgin, Pilsley, declared redundant, and, thereupon, (ii) permission to remove the organ and the associated framework from the Chancel and Vestry area (maintaining the decorative pipework and woodwork to the Chancel side); to make good the space left by the organ console in keeping with the existing wooden panelling: all work to be in accordance with the details in drawing 1051/004 from Smith and Roper and relating to the set of photographs (six in total), copies of which have been provided to me.
2. The Statement of Significance provided with the Petition sets out the history of the church building. However, in relation to the organ, which is the subject of the Petition, it states only: “The organ is Victorian (Alfred Kirkland, London)”
3. The Statement of Needs sets out the proposed works in a slightly different form to that contained in the Petition. It suggests that the petitioners are, “Applying to remove the organ through it being declared redundant as a result of previous re-ordering in the church (2005). This may mean placing it on the IBO Redundant Organ List for an agreed period of time and then removing it after selling, preferably complete, for re-location. If it proves impossible to sell to consider other alternatives for its disposal as advised. Remove the associated framework, maintaining the decorative pipework and wooden frame to the Chancel side and making good the wooden panelling where the organ console currently is, thus maintaining the integrity of the Chancel.”
4. The reasons for retaining the pipework and panelling are set out later. It is said that “Although there is some acknowledged sadness amongst a few long-standing members of the congregation at the thought of the organ being removed, they have been enthusiastic in their involvement in some of the new outreach activities, encouraged by growth and have come to appreciate the idea of flexible space. They are now behind the idea. Keeping the decorative organ pipes and their frames in place in the Chancel will maintain the story of the building and the aesthetic of the Chancel. Making good the space left by the removal of the organ console with wooden

panelling that matches that already in place will also add to that. As already hinted, the journey towards seeing the removal of the Organ as positive has been difficult for some of the older members of the congregation because they do not want to see the Chancel change visually anymore. Some of them found the changes of the previous re-ordering quite painful and keeping the Chancel as it is is therefore a pastoral compromise as well as being aesthetic.”

5. Also included with the petition is a report on the organ from the Derby Diocesan Organ Advisor, dated 17<sup>th</sup> June 2013 which includes the following passage: “The "Alfred Kirkland" organ sits on the north side of the chancel and since the singing in the church is now supported by a Band, and because the organ is isolated from the main body of the church it no longer finds a regular use. This is extremely disappointing since the organ is of good quality (solid oak casework etc) and still plays quite well despite the fact that it has been neglected and un-tuned for getting on for six years. This organ would today cost around £200,000 to replace in new. I am therefore dismayed that this church are prepared to sacrifice such an asset for whatever reason - in this case to reorder the choir vestry behind.”
6. The Petition was considered by the DAC which recommended the works on 15<sup>th</sup> December 2015.
7. There is, then, a letter from John Barnes, Organ Builder, dated 19<sup>th</sup> May 2016, which is a quotation for the removal of the organ. This states: “The instrument has been badly damaged due (to) water entering the Church through the roof. The organ has been disconnected from the mains electric and is currently unusable for this reason I was unable to see it in action. As the organ case and front pipe are to be retained in the Church it would make it difficult to sell the instrument.” The quote for removing and scrapping the organ is £6485.00.
8. Notwithstanding the advice of the DAC, in the light of the very limited information provided about the organ in the Statement of Significance; the report of the Diocesan Organ Advisor, and the information contained in the letter from John Barnes, I requested further information from the petitioners. I asked for a proper report on the quality and historic significance of the instrument; whether an insurance claim was made following the water damage caused to the instrument, and what alternative division could be made between the vestry and the chancel if I direct that the organ should be offered for sale through the IBO redundant organ list. If the organ was sold

as a working instrument, the pipes could not be retained to form that division between the vestry and the chancel, as they do at present.

9. The petitioners responded with a further letter from John Barnes, Organ Builder, dated 14<sup>th</sup> November 2016. It is described as a report. It states: “The instrument was originally built by Alfred Kirkland of London and was later rebuilt by Peter Conacher and Co Ltd of Huddersfield. Due to a combination of water damage and poor maintenance the organ is in a very poor condition and in my opinion has reached the end of its life. As I mentioned in my original report I would be able to re-use the keyboards but other than that it has no value either historically or financially.” The petitioners sought to rely on this further report. They also reported that they had not made an insurance claim as they had been unaware that the organ had been damaged by water.
10. Given that Mr Barnes had already quoted for removal and scrapping of the organ, he had a financial interest in this matter and his opinion as to the quality and historical significance of the organ cannot, in my judgment, properly be considered independent. In the circumstances, I gave directions pursuant to Rule 9.7 of the Faculty Jurisdiction Rules 2015 for the obtaining of a report from the Church Buildings Council on the quality and historical significance of the organ.
11. The report of the Church Buildings Council is dated 1<sup>st</sup> March 2017. It reads as follows: “The Council noted that, although it is not playable and it does not have an historic organs certificate, the organ is more than 100 years old and by Alfred Kirkland, a respectable (albeit second-rank) organ builder. It has been altered to some extent (as detailed in a 1998 publication by Rodney Tomkins, former Diocesan Organ Adviser for Derby) but is basically intact and would have been well suited to accompany congregational singing. It is a good example of its kind. Although not an outstanding organ at a national level, it is the last surviving of what were once three Kirkland church organs in Pilsley. The Council agreed that the parish had made a clear case to remove the organ and did not oppose this. However, it felt that the organ was of sufficient quality to merit its relocation as a complete instrument rather than breaking it up for parts. As such, the Council recommended that the organ is put on the redundant organ list maintained by the Institute of British Organ Builders (IBO), with the casework and front pipes offered to potential takers with the rest of the organ. It saw no merit in preserving the case front apart from the rest of the organ.”

12. In my judgement, this is a report. It provides the level of information as to the historical background and quality of this organ that is required in order for me to determine whether or not a faculty should issue. It is unfortunate that this information was not put together before the faculty was initially sought. It should have been in the Statement of Significance where the petition related to the organ. The importance of the Statement of Significance should not be underestimated: *St Mary & St Hugh, Old Harlow* [2010] PTSR 1976. As the Church Buildings Council notes elsewhere in the report, it is disappointing that the parish has not made more of a concerted effort to seek information about the significance of the organ.
13. In the light of the report from the Church Buildings Council, I have reached the conclusion that it is the proposal contained in the Statement of Needs, rather than that set out in the petition which should be allowed. I will declare that the organ at St Mary the Virgin is redundant and I will direct that that the complete organ shall be put on the redundant organ list maintained by the Institute of British Organ Builders (IBO) for a minimum of six months. A faculty is granted to this extent.
14. I also concur with the Church Buildings Council's conclusion that there is no merit in preserving the case front apart from the rest of the organ. Therefore, whether the organ is sold or not, I direct that amended plans be prepared for the division of the chancel from the vestry using oak panelling which should be submitted to me for approval prior to any works being undertaken.

Timothy Clarke  
Deputy Chancellor

14<sup>th</sup> March 2017