

**In the Diocese of York**

**In the Consistory Court**

**The Parish of Acomb**

**The Church of St Stephen**

1. The Petitioners in this matter are the vicar, the Reverend Peter Henry Vivash, and the churchwardens, Mr Lyndon Ashley Parker and Mrs Julie Parker.
2. By a petition dated 23<sup>rd</sup> March 2018 they have sought a faculty to permit them to
  - (i) install an audio-visual system;
  - (ii) replace the existing lighting to the west end of the nave and both entrance lobbies with LED light fittings;
  - (iii) introduce external path lighting from the lychgate to the church;
  - (iv) introduce external floodlighting to the spire / tower;
  - (v) install a new noticeboard near the lychgate,

All as per the Specification and Schedule of Works and Drawings Nos 3283/002, 010 and 200 by PPIY Architects dated March 2018, the Specifications by Lumenpulse for interior lighting dated 14<sup>th</sup> March 2018 and for exterior lighting dated 23<sup>rd</sup> March 2018 and the Specification by Audioworks dated 5<sup>th</sup> February 2018.

3. The matter was considered by the DAC at a meeting on the 10<sup>th</sup> April 2018. The DAC recommended the works for approval by the court subject to a proviso that the church surveyor should satisfy himself with the adequacy of the lux diagram (which should meet CIBSE standards).
4. Public Notice was then given of the proposals and Mrs Rachel Parker sent a letter of objection to the Diocesan Registrar which was received on 18<sup>th</sup> May 2018.
5. On the 18<sup>th</sup> May 2018 the Registrar wrote to Mrs Parker explaining the options facing her, namely whether to formally object by filing a Form 5 document, or to allow me to take her letter of objection into account when coming to my decision, without her becoming a party to contested proceedings.
6. Mrs Parker replied on the 2<sup>nd</sup> June 2018. She indicated that she wished me to take her letter of objection into account and did not wish to become a party opponent in the proceedings.
7. The Registrar had also written to the Petitioners to inform them of the objections received. They responded in a letter dated 8<sup>th</sup> June 2018.
8. The matter has therefore been referred back to me for a final decision on the matter.

9. There has been a very recent development. The planning officer has visited the church and has advised that various amendments should be made in relation to the proposed lighting of the tower. Specifically she has advised that the Lumenbeam lights to the south side of the church should not be fixed on poles but should be attached to the fabric of the church. The pole mounted Lumenbeam light to the north side of the church will be positioned to avoid the trees. She has proposed that one light should be mounted to the south porch and one on the South transept. The reason for that is that she considers that the mounting on poles would affect the setting of the church.

10. I understand from the Registrar that the secretary to the DAC is consulting members of the committee as to whether they have any concerns regarding the mounting of the fixtures on the fabric of the church. I note that the church is Grade II and that the proposal is to fix into the mortar joints, also the fittings and wiring will be painted out so as to match the stone colouring.

11. Further alterations to the original proposal have also been made following that visit. In place of Lumenfacade fittings on the boundary wall it is proposed that the path will now be lit with a handrail extending for its full length and that the bollard lighting will now be on the south rather than the north side of the path.

12. In her letter Mrs Parker says that she is happy with all the proposals except the external floodlighting to the spire. She is concerned that it will put unnecessary light pollution into the environment.

13. In response the petitioners say that they too are concerned about the environment and the associated worry of unnecessary light pollution to the night sky. Consequently they have taken their architect's advice and also that of a specialist lighting consultant and as a result they are looking to use modern LED type lights which minimise light pollution by focusing the light to specific areas and thereby minimising spill and light pollution. Furthermore they say that they will not be able to proceed until they have obtained Local Authority planning permission; and that will not be granted unless the Local Authority is satisfied that there will be no environmental pollution. In that respect, it is in my judgement significant, that the local authority planning officer who was clearly concerned about the environmental impact of the proposals was not concerned about light spill or light pollution.

14. In my judgement, the petitioners have made out their case for the proposal. I am dealing with that proposal effectively as amended in relation to the matters set out in the preceding paragraph you. Further, I am satisfied that they have taken and will take all necessary steps in order to ensure that there is no unacceptable light pollution as a result of this proposal. I am also satisfied that the concern raised by Mrs Parker does not provide a reason why the proposal should not be allowed to proceed.

15. I therefore direct that a faculty will pass the seal until further order.

16. I will allow 24 months for the completion of the proposals.

17. It will be a condition of the faculty that the Lumenbeam fittings will not be fixed to the fabric of the church unless and until the DAC has approved both the principle and the manner of so doing. If there are issues about this which are not able to be resolved between the petitioners and the DAC, the matter shall be referred back to me for further directions.

18. This being an opposed petition the petitioners will have to pay the additional costs created by this being an opposed petition.

Canon Peter Collier QC  
Chancellor



14<sup>th</sup> June 2018