

DIOCESE OF YORK

CARE OF CHURCHES AND ECCLESIASTICAL JURISDICTION MEASURE 1991

THEFT OF LEAD, LEAD FLASHINGS AND OTHER VULNERABLE MATERIALS

In 2007, following a significant and unprecedented increase in the theft of lead from church buildings, I issued a Practice Direction setting out how Parishes could use the process of applying for a Licence to Proceed in Advance of Faculty to enable remedial works to be carried out to prevent the church building from being left vulnerable to penetration by the elements and in some cases to potentially significant damage to the fabric, fittings and furnishings of the church. Experience has shown that organs and electrical installations are particularly vulnerable to damage following the theft of roof coverings.

By a Practice Direction dated 2nd January 2014, I set out how the former process relating to Licences to Proceed in Advance of Faculty which had operated in the Diocese for many years was then replaced by making an application for an Interim Faculty under Part 14 of the Faculty Jurisdiction Rules 2013. The relevant Rules are now set out in Part 15 of the Faculty Jurisdiction Rules 2015.

Those Rules also provide List A works which can be done without any need for a faculty and List B works which may be done after consultation with the Archdeacon. The list B works include at B1 (9) "The like for like replacement of roofing material". Sometimes the repair work is straightforward and is little more than straightforward replacement of what was there. Sometimes it is more complicated; it may involve a request to change from lead to terne coated stainless steel or to replace lead flashings with some other material. The latter cases would not fall within List B.

In all cases the appropriate course on discovering that lead has been stolen is to report to the police and to the insurers and then to contact the Archdeacon and the Secretary to the DAC to ask for advice as to how to proceed.

It is likely that whether the recommended route is via List B or an application for an interim faculty the same information will be required, namely

(a) A short report from the incumbent (or a church warden) indicating

- (i) when the theft occurred;
- (ii) from where the lead or other material was stolen;
- (iii) the seriousness of the matter in terms of the damage that has been caused or is likely to be caused by the theft (ie water ingress etc);
- (iv) it is always helpful if the application can be supported by photographs.

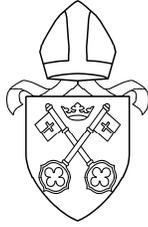
(b) A short report from the inspecting architect setting out

- (i) their proposals for replacement – ie whether it is proposed to replace like for like with the same material or whether it is proposed to use for example terne-coated steel for all or some of the replacement or whether it is proposed to use some modern alternative proprietary material e.g. Ubiflex for all or some of the replacement;
 - (ii) why they say, if they do, that any proposal to use materials other than lead or the original material is consistent with the DAC's Advice Note issued September 2008; revised 2014 (copy attached herewith).
- 3. If there is a problem about contacting the inspecting architect then a report from a builder dealing with the same matters may be acceptable instead.
- 4. If the matter does not fall within list B and there is no immediate likelihood of damage and the matter can be dealt with by temporary sheeting or other protective measures, then it is unlikely that a Interim Faculty will be issued as the procedure is a significant short cut through procedures that are necessary to enable us to retain the ecclesiastical exemption.
- 5. If there is the likelihood of such damage unless a more permanent repair is effected immediately then the Chancellor is likely to issue an Interim Faculty but it will be a condition of the Interim Faculty that the inspecting architect agrees with the Secretary to the DAC the use of any material other than lead. It will also always be a condition that a Petition for a Full and/or Confirmatory Faculty for the emergency work and any further permanent repair works is lodged by a date specified in the Interim Faculty.

Any queries about this policy should be addressed to the Registrar in the first instance.

Dated the Feast of Peter the Apostle 2018

His Honour Canon Peter Collier QC
Chancellor



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An Advice Note on changes of roofing material and flashings following lead theft

Following discussion by the Diocesan Advisory Committee, and approaches from several Inspecting Architects working within the diocese, it has been decided that a short Advice Note should be issued.

General principles

Given the frequency of repeated thefts, or attempted thefts, of lead roofing, the DAC is now regularly approached for its view on the replacement of sheet lead and lead flashings with alternative products like terne-coated stainless steel or felt-based systems. The Committee will usually support a change from lead to another **appropriate** material in the following circumstances:

- When such a change will have no detrimental historic or aesthetic impact.
- In visually discreet areas, like flat or shallow-pitched roofs concealed behind parapets.
- Where the roof is inconspicuous or of no historic importance.
- On ancillary structures of less significance than the main body of the church fabric; for example, on later modest vestry or porch additions.
- Where there have been multiple thefts within a short period of time.

The DAC favours like-for-like replacement of lead where this is possible. If a theft occurs, PCCs and their architects should consider the environmental and conservation benefits of replacing the lead before considering other materials less attractive to thieves. Lead is a sustainable material that can be easily cut and dressed to accommodate awkward details, provides reliable weather protection, and can easily be repaired in the event of local damage.

Alternative materials

Where replacing lead is not possible, or would leave the building very vulnerable to repeated attacks, the Committee is strongly of the opinion that terne-coated stainless steel is by far the best alternative roofing material on shallow-pitched or flat roofs, but is unlikely to be cheaper than lead and may even be a good deal more expensive. Stainless steel can look extremely good, can be as long lasting as lead or slate, is almost impossible to remove, and has negligible scrap value. However, it can sometimes be noisy in inclement weather, and may be subject to technical problems concerning underside corrosion.

Felt-based roofing systems are short-lived and can be subject to maintenance problems. They may sometimes be acceptable on fairly modern or unlisted structures, but are completely unsuitable for historic buildings and extremely unlikely to receive approval from the DAC or the support of English Heritage, local authorities or the Amenity Societies. As a replacement for more traditional materials they are a very poor false economy.

Churches roofed in slate, tiles or other non-metallic materials are still likely to have large areas of lead flashings which can be very vulnerable. In some case it may be appropriate to replace stolen flashings with new reinforced mineral- or plastic-based materials like *Ubiflex*, *Lacomet* or *Masterform* or metal ones like *Zinflash* which can be dressed like lead, are suitably coloured and recyclable, and have little or no scrap value. *Ubiflex* and *Zinflash* have now been used successfully on a large number of churches in the diocese.

Permissions and procedures

As soon as a theft occurs, contact your insurance company and Inspecting Architect immediately, and arrange to have the damaged area sheeted to prevent water ingress. Your architect will probably be able to suggest suitable people to do this. If you have the opportunity to take photographs of the damaged areas, these may prove useful later when making faculty applications and insurance claims. Information and advice on procedure, and all necessary forms, can be obtained from the DAC Secretary or the Diocesan Registry.

When stolen metals are to be replaced like-for-like in the same materials, **a faculty will still be required**. However, the Chancellor may be content to permit a change of materials when the area concerned is not generally visible.

Following cases of theft of roofing metals, flashings or guttering, an *Emergency Licence to Proceed in Advance of Faculty* (now called an *Interim Faculty*) can only be issued if the building cannot effectively be protected (albeit only temporarily) from water ingress which will severely compromise the structure of the building, or immovable contents like major electrical components or a pipe organ, whilst the proper faculty procedure is followed.

Parishes must note that the ultimate responsibility for proposing **any** change from lead roofing to an alternative material must lie with the Inspecting Architect to the church. On all Grade 1 and Grade 2* buildings such changes will certainly require the support of English Heritage, and possibly the local authority. Some local authorities may require Planning Permission for any change of roof covering, founded upon a literal interpretation of the phrase 'material change', which they take to mean any change of material rather than any significant change in appearance.

On the other hand, the current approach and philosophy of English Heritage and some of the Amenity Societies would seem to be reasonably pragmatic and close to that of the DAC. Like the DAC, English Heritage considers each individual case on its merits, and both have recently supported changing from lead to terne-coated stainless steel on churches within the Diocese covering the complete range of listing grades; Grade 1, Grade 2* and Grade 2.

If sheet lead roofing is to be put back, architects should consider specifying that it be fixed using hollow rolls rather than wood-core rolls if the pitch of the roof allows. The copper fixings used to secure hollow rolled sheet lead make it more difficult to remove. Parishes should also give very serious consideration to putting effective security measures in place to reduce the risk of future attacks. The Ecclesiastical Insurance Group issues an extremely useful Guidance Note on *Theft of Metal* which can be consulted at: www.ecclesiastical.com/theftofmetal

Phil Thomas
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September 2008.