

## **British Institute of Organ Studies response to the White Paper, Heritage Protection For The 21<sup>st</sup> Century**

The White Paper has asked for responses to three specific questions which deal with very narrow although important matters concerning the future direction of planning law, but they are not points which directly involve the British Institute of Organ Studies.

However, BIOS notes the statement on p.49 of the White Paper under 'Next Steps. 3', in which it is proposed "to improve the listing system and programme of public consultation on new designation priorities", and also in the same paragraph that "We will also begin work to develop new selection criteria for designating historic assets under the new system". In doing so we hope this will once and for all clarify the problem of fixtures and fittings together with plant and machinery which have proved a stumbling block in protecting some objects in listed buildings, and has led to endless court cases to arrive at a decision.

BIOS has already sent to the DCMS Heritage Protection Team much detailed evidence of the case we put forward for the protection of historic pipe organs. Letters of support for our case, from a wide ranging group of public bodies and private individuals have been sent to David Lammy. We have gone to some length to point out the problems with pipe organs, which often fall foul of the fixture or fitting trap, and drawn attention to the fact that we are the only country in western Europe which has no protection for them either obliquely or with specific clauses in legislation. We have also made representations to Simon Thurley at English Heritage and he promised to raise the issue of organs and fixtures with DCMS Heritage Protection.

Article 1 of the Granada Convention, which the UK Government ratified in 1987, in defining the term 'monuments' includes historical, archaeological, artistic, scientific, social or technical interest, all of which can in differing measures be found in pipe organs, but importantly includes both their fixtures and fittings, and yet the current Planning Act 1990 continued to exclude the protection of fittings in listed buildings. Article 15 2(b) includes "demonstrating the unity of the cultural heritage and the links that exist between architecture and the arts,....." which encompasses both the visual and musical aspects of organs.

This anomaly regarding organs could not be better illustrated than by the sample Register entry for St. Mary Magdalene Taunton, used in the White Paper. In the description of the building, windows (covered in detail), pews, pulpit, reredos, sedilia, memorials etc are all rightly mentioned in some measure. However, the important Henry Willis organ of 35 stops, built in 1882 and almost tonally unaltered, is not mentioned at all. Why is the organ not considered as valuable an item as the other described furnishings?

One of only two oblique references to an organ confusingly mentions an organ vestry. Organs do not have vestries but may be near or even sometimes above one. The term used for organs when not in a free standing position is an organ chamber. What is the intended meaning in this context?

In the Register entry, the heading 'Extent of Special Interest' does cover 'the interior, including fixtures and fittings', so clearly an entry for the organ is covered, so why is it ignored? This situation seems to be paralleled in all but the recent revised Pevsner's Buildings of England volumes, where they are rarely mentioned and when they are included, the descriptions are sometimes bizarre and inaccurate. An example is the entry for Thaxted Parish Church in which the description of the organ is wrong both about its builder and date.

This ignorance about organs, their place in the architectural and historical history of both churches and secular buildings is exactly why BIOS is pressuring for them to be clearly defined in legislation rather than vaguely protected as a fixture or a fitting. We ask no more than similar protection for organs provided in for example in The Netherlands, France, Italy and Spain.

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For BIOS website