

Neutral Citation Number: [2020] ECC Swk 5

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF ST MARK'S CHURCH, MITCHAM

AND IN THE MATTER OF A PETITION BY REVD NIGEL STONE, MR ENYI UGORJI
AND MRS CLAIRE MOSES

JUDGMENT

1. This is the petition of Revd Nigel Stone, Mr Enyi Ugorji and Mrs Claire Moses, the Vicar and Churchwardens respectively of St Mark's Church, Mitcham. They seek permission to replace the existing gas fuelled heating system of the church with a new one, including a new boiler, pipework, radiators and controls¹.
2. The church, although unlisted, is a fine building, dating from the beginning of the twentieth century. It was reordered in about 1980 to provide a worship area at the east end and vestries, a kitchen, toilets and community facilities at the west end.
3. The basic components of the present heating system date from the re-ordering but the current boilers date from about 10 years ago. What happened is that the parish at that time installed two domestic boilers. In the event, these proved inadequate². In 2019, there were two major leaks from burst pipes. The Biddle convectors are noisy. Although the controls provide for three zones in the church to be heated separately, the controls are basic with no timing or temperature control. Thus as well as not providing adequate heating for the church, the system is not energy efficient. It is obviously not fit for purpose and it is not surprising that the advice which the parish received was that it should be replaced. The recommended specification for a new system was for a much larger gas boiler with all heat emission via radiators rather than the present mixture of radiators and Biddle convectors. The new system will, like the old one, be zonal but it will have significantly enhanced controls including thermostatic and timing controls for each zone.
4. The new specification was considered by the PCC in September 2019, when the question was raised as to whether there was a greener alternative. The answer given was in the negative and the parish proceeded with a tendering exercise. Having received the tenders in the course of this year, the question was raised once again as to whether there was a greener alternative. The advice received was to the same effect. The DAC recommend the proposals to me. Its advice will have considered the suitability of the new installation, including its implications for the carbon neutral agenda.
5. In terms of heat generation and heat emission, the new system will be considerably more efficient than the old, resulting in a considerable reduction in the energy consumed. Because the area to be heated can be better targeted, there will similarly be a reduction in energy consumed. If, in the future, new heating systems are developed based on the use of non-fossil

¹ In the lockdown and thereafter, it is possible that notice of petitions for faculties, advertised according to the Faculty Jurisdiction Rules, may not have been seen by everybody who would have seen them before lockdown. These proposals were advertised after lockdown and received a lot more publicity than ordinarily they would have done. I am grateful to Mr Stone for having organised this. No-one has objected.

² In circumstances which I have not sought to re-investigate in detail, they were installed without a faculty. The problems that subsequently arose illustrate why, even though it may be apparent that works will not affect the appearance of a church, it is still important to obtain a faculty (such works requiring, as they do, the expert advice of the DAC first to be obtained).

fuels which are cost effective, it would be relatively easy to replace the boiler. Moreover, the PCC is looking to be greener in terms of its lighting system, converting the existing fittings to take LED lights with a consequent significant reduction in energy consumption (which might be green sourced).

6. All this said, the petition seeks to install equipment that (i) one hopes will have a working life of more than ten years; and (ii) is not carbon neutral.
7. At its meeting in February 2020, General Synod passed a motion by which it called
... upon all parts of the Church of England, including parishes ... to work to achieve year-on-year reductions in emissions and urgently examine what would be required to reach net zero emissions by 2030 ...
8. The background to this resolution is well known and does not require re-iteration here: the concern as regards global warming and the need to do something about it. Not surprisingly, the Church of England has been prominent among those articulating this concern. A target of 2030 was substituted for that of 2045 originally proposed although the challenges that this posed were recognised.
9. The challenges translate into a practical issue in 2020 for the parish of St Mark's, Mitcham and for me as Chancellor in considering its petition.
10. In *In re the Church of St Michael and Angels, Blackheath Park*³, I had to consider a proposal for floodlighting. Although the floodlighting was to be powered by "green" electricity and the amount of electricity which was to be used was small, it seemed to me that there remained an objection to the proposal because it was not carbon neutral. The view I took was that, so long as petitioners before me had considered the implications of a proposal for the "carbon neutral" agenda, it was generally not appropriate for me to substitute my own judgment of the matter (whatever that might be). This is the approach I propose to take in the present case and it follows that a faculty will issue. The parish have carefully considered the implications of the current proposal; it is just that they cannot do anything about the disbenefits arising from it.
11. I hope, however, those who have to consider these matters in the wider church will find it helpful to have this judgment. What one must hope is that as technology moves forward in the next ten years it will become possible to heat St Mark's in a carbon neutral way at an affordable cost. However one just cannot know whether this will be possible. In practical terms one may putting off the day when, if carbon neutrality is to be achieved, difficult or indeed sacrificial choices will have to be made. The alternative is to miss the target. Subject to advances in technology helping out, the more that difficult or sacrificial choices are not made, the more likely it is that the target will be missed. This is something that the Church needs to understand. I emphasise that, in saying this, I imply no criticism of the way the Petitioners in this case and the PCC have dealt with this matter. I hope that I have made clear the parish's commitment to the achievement of the goal of carbon neutrality.
12. I direct that a faculty should issue as prayed. The work is to be completed to the reasonable satisfaction of the Church's Inspecting Architect.

³ [2020] ECC Swk 1.

PHILIP PETCHEY
Chancellor

10 November 2020