

Neutral Citation Number: [2022] ECC Swk 3

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF THE CHURCH OF ST MARY THE VIRGIN, WELLING

AND IN THE MATTER OF A PETITION BY REVD NEIL NICHOLLS, ANDY HIRONS AND
JEAN THOMPSON

JUDGMENT

Introduction

1. This is the petition of the Priest in Charge and the Churchwardens of the Church of St Mary the Virgin, Welling.
2. I think that it is appropriate to give a short judgment in this matter, which will be useful as illustrating a difficulty that is likely to arise in the future. I set out below only the bare facts. They will be sufficient to understand the issue.

The facts

3. Dating from the nineteen-fifties, St Mary's is a church of some distinction and interest by Thomas Ford. It is however unlisted. The original gas boiler, providing heating for the church, has failed, been condemned as unsafe and removed.
4. In winter, the church cannot realistically be used without any heating.
5. The PCC wish to install a new heating system with new pipework and radiators and using a new gas boiler. The quoted price is £67,500, although the PCC is concerned that it could be about to go up. The decision as to what system to install has been informed by the advice of a heating consultant. There is not a "green" option¹ at reasonable cost.

Consideration

6. The well-publicised policy of the Church of England is that its buildings should achieve net carbon neutrality by 2030. Taking account of all the pressures upon it, the target in this Diocese is 2035. It is clear that if the churches that make up the Church of England (including this Diocese) do not begin to take steps now to achieve these objectives, it will not be achieved within the 8 or 13 years remaining.
7. The DAC have recommended the proposals to me. If it had taken the view different to that of the parish and thought that there was a better way forward, it would not have so recommended.
8. My role is different to that of the DAC. As regards the faculty jurisdiction, my general approach is to leave the question of how they implement the carbon neutrality policy to individual churches. As long as they have considered the matter, I will not seek to substitute my own judgment as to what they should do². This is not of course to say that in any particular case that it would be different. Their decisions will obviously take into account the

¹ I.e one that does not create a carbon footprint.

² See *In re St Mark's Church, Mitcham* [2020] ECC Swk 5.

views of the DAC. I shall deal with the situation where the views of the parish and the DAC differ when and if it arises

9. The new heating system will be much more efficient than the old. This is however not the true comparison. The choice is between having an efficient heating system or not having a heating system at all.
10. I am sure that the parish are nervous about installing a new gas boiler in circumstances where the price of gas has increased dramatically and may increase yet further. They will no doubt consider this aspect of the matter before the order is placed. But as matters stand there does not appear to be an alternative.
11. It will be possible in due course for the parish to consider proposals to “off set” the carbon footprint that the new heating system will create.
12. It is to be hoped that advances in technology will mean that, in the comparatively near future, parishes will not face these difficult decisions even if one sees that, for the time being, they will continue to present themselves. It does occur that normally an investment of this magnitude in a boiler on the basis that that investment would be written off in the period ending in 2030 would not be reasonable because, one would hope, the capital equipment would still be working in 2030; and the effective annual expenditure would be so high. This is likely to be so even if one is looking to the extended period ending in 2035. However in the present circumstances it may not be unreasonable where the alternative is a church unusable in winter. In 2030 or 2035 re-investment in a green alternative may be possible and realistic.
13. In these circumstances, I direct that a faculty should issue. Details of the proposed new radiators should be supplied to the DAC for its approval; as well as details (by way of drawing or annotated photograph) of the new flue arrangements. It is possible that planning permission could be required for the new flues; the petitioners should check and not undertake the works before obtaining any permission that may be required. The works are to be completed to the reasonable satisfaction of the Church’s Inspecting Architect.
14. The parish have carefully thought about this proposal and have engaged with the questions and comments of the DAC. I am grateful to them and to the DAC for their help.

PHILIP PETCHEY

Chancellor

15 September 2022