Neutral Citation No: [2025] ECC Oxf 4

Faculty *– Grade II* listed, medieval, market town centre church (mostly rebuilt by Sir Arthur W. Blomfield in 1877-8) – Installation of solar panels on the roofs of the south nave and aisle – Net zero guidance – DAC recommending proposals for approval – No objections received and faculty unopposed –Whether public benefits of solar panels outweighing any resulting harm to significance of church – Relevance of Church of England's 'net zero' guidance – Whether reducing carbon emissions outweighing any harm to the significance of the church – Faculty granted*

Application Ref: 2024-104366

IN THE CONSISTORY COURT

OF THE DIOCESE OF OXFORD

Date: Wednesday, 11 June 2025

Before:

THE WORSHIPFUL CHANCELLOR HODGE KC

In the matter of:

St Mary Magdalene, Woodstock

THE PETITION OF:

Aidan Salter

(Treasurer)

This is an unopposed petition determined on the papers and without a hearing.

No objections were received to this petition.

The following cases are referred to in the Judgment:

Re St Alkmund, Duffield [2013] Fam 158
Re St Anne, Ings [2024] ECC Car 2, (2025) 27 Ecc LJ 135
Re Chapel of King's College of Our Lady & St Nicholas, Cambridge [2023] ECC Ely 1, [2023] ECC Ely 2, (2023) 25 Ecc LJ 401
Re St John the Baptist, Clayton [2021] ECC Lee 5, (2022) 24 Ecc LJ 265
Re St Laurence, Combe [2022] ECC Oxf 5
Re St Mary, Moseley (2011) 13 Ecc LJ 379, 8 March 2011, Chancellor Cardinal (Birmingham Consistory Court)
Re St Paul, Addlestone [2020] ECC Gui 1
Re St Thomas & St Luke, Dudley [2021] ECC Wor 2, (2022) 24 Ecc LJ 113

JUDGMENT

I: *Introduction and procedural history*

1. This is an unopposed online faculty application, formally presented by the church treasurer on 1 May 2025, pursuant to authority previously delegated to him by the Parochial Church Council (the **PCC**) during what, at the time, was a vacancy in the incumbency. It seeks a faculty for the installation of solar panels on the roofs of the south nave and the south aisle of this Grade II* listed church, which is situated within a conservation area in the centre of the small market town of Woodstock, north-north-west of the City of Oxford, in the Archdeaconry of Dorchester. This medieval parish church was extensively rebuilt by Sir Arthur W. Blomfield in 1877-8.

2. After an initial round of consultation with Historic England and interested national amenity societies (to which I shall refer below), the Diocesan Advisory Committee (the **DAC**) resolved to support the proposal for the provision of solar panels on the south-facing aisle and nave roofs of the church at their meeting in November 2024. In accordance with the DAC's established procedures, the resolution of the details was delegated to a sub-committee of the DAC, subject to which, and following a further round of consultation, a notification of advice, recommending the proposals for approval by the court, would be issued. This was duly done on 14 April 2025. Thereupon, the petition was formally issued, with the full support of a unanimous resolution of the PCC at an extraordinary meeting held on 31 March 2025. The usual public notices were duly displayed on a noticeboard inside the church and on its principal door, between 1 and 31 May 2025 (inclusive). Between the same dates, notice of the petition was also duly displayed on the diocesan web-site pursuant to rule 9.9 of the Faculty Jurisdiction Rules 2015 as amended (the **FJR**). No objections have been received in response to these notices. This petition is therefore unopposed.

3. Although there is no opposition to this petition, I am delivering a formal written judgment because this is the first faculty application for the installation of partly visible solar panels on the roof of a listed church in the Diocese of Oxford. The church buildings officers, and the DAC, view this application as a watershed case for this Diocese during a perceived period of transition in terms of recent precedents involving the installation of visible arrays of solar panels on listed churches generally. They are conscious that such arrays have been permitted on the roofs of the chapel of Kings' College, Cambridge and York Minster. But they are also aware that the Lake District National Park Authority has refused planning permission for an array of solar panels on the roof of St Anne, Ings (in the Diocese of Cumbria) on the grounds that the public benefits did not outweigh the visual harm that such an array posed. This decision was later upheld by the Planning Inspectorate, even though the installation had by then secured faculty consent. The DAC note that in that case, the roof of the Grade II* listed church was visible, fully and close-up, from a main road, and that St Anne lies within a National Park. They consider that, in terms of visibility, this case is very different from that of Ings.

4. Since this is an unopposed faculty petition, which needs to be disposed of urgently, I am satisfied that it is expedient in the interests of justice, and in furtherance of the overriding objective of the FJR, for me to determine this application without a hearing, and on the basis of the considerable volume of written and illustrative material that has been uploaded to the OFS, and is available to the court. Doing so will save expense, and will enable the court to deal with the case proportionately, expeditiously and fairly. Although I have not visited the church specifically in connection with the present application, I am naturally familiar with this high-profile church and its surroundings, which I have viewed, both internally and externally, within the last few years. In determining this faculty application, I have had regard to all the consultation responses, and the views of the parish, as well as the DAC's characteristically helpful observations and advice.

II: *The re-roofing faculty*

5. In October 2023, I granted a faculty (under application reference: 2023-083792) to replace the existing lead roof of the church of St Mary Magdalene with terne-coated stainless steel. These re-roofing works have been delayed; but they are now scheduled to start during the second week of June this year. The necessary scaffolding will cost in the order of £25,000. It seemed sensible to the parish to take advantage of what they viewed as this *'one-off window of opportunity'* to make use of that scaffolding (and its attendant alarms and procedures) to install solar panels at the same time as carrying out the re-roofing works.

6. This faculty application therefore falls to be considered against the background of the extant faculty to replace the lead roofs of the nave and aisles of this Grade II* listed church with insulated terne-coated steel. I did not deliver a formal written judgment on this application; but I did provide a full statement of my reasons for granting the faculty, dated 1 October 2023, as follows:

> *The church survives today as a fine and well-preserved example of a multi-phase medieval building of Norman origin. Enlarged in the 13th century, and provided with a handsome west tower in 1784-6, the church was restored and mostly rebuilt by A. W. Blomfield in 1877-8.*
>
> *Recent invasive roof investigations have identified numerous defects in the existing, heavily repaired lead coverings, causing dangerous water ingress which puts the underlying timber*

structure at serious risk of decay. The church has also been subject to two successful, and one attempted, lead thefts. Following these events, some preventative measures have been taken, including forensic markings and a roof alarm, which, however, have proved ineffective.

Accordingly, the current proposals are for the replacement of the lead roof coverings with terne-coated stainless steel to address water ingress and discourage future roof theft. As part of this work, any identified timber damage would be repaired, and the roof insulated to enhance the thermal performance of the building.

The application is supported by a detailed, illustrated statement of need, dated August 2022. At the request of the DAC, revised drawings were produced in June 2023, to include ventilation and to change the vapour barrier. The DAC's architect is now content with the design for the re-roofing.

Initially, the Society for the Protection of Ancient Buildings raised a number of queries about the original proposals but these have now been addressed.

Historic England have been consulted. Their presumption is against the pre-emptive removal of lead from roofs in good working order, and not affected by theft, as changing the traditional roofing material could detract hugely from the building's appearance and significance. In principle, like-for-like replacement, with a combination of prevention and security measures, tailored to the building and its location, is regarded as the best approach. However, due to the sharp rise in the number, severity and geographical spread of metal thefts from church roofs in recent years, Historic England have lately updated their relevant guidance, recognising that lead roofs are increasingly vulnerable to theft and therefore, even with security measures, replacement with the same materials may be too high a risk. Accordingly, Historic England consider that when a roof covering has reached the end of its useful life and needs to be replaced, or where a church has already suffered lead theft, or is in an area of evidenced high risk of metal theft, the installation of terne-coated stainless steel, or other appropriate alternatives, will be supported.

Accordingly, in the light of the advanced state of disrepair of the current lead coverings, and the fact that lead theft has already occurred a number of times at this church, Historic England do not object to the proposed lead roof replacement with TCSS. The fact that the relevant roofs are also almost unnoticeable from ground level, being concealed behind the historic parapets, further supports the acceptability of the proposal, as it would not cause adverse visual impact to the significance of the listed building.

In conclusion, due to the specific circumstances of this case, Historic England consider that these proposals are an appropriate measure for safeguarding the future conservation of this listed building. With reference to the intended roof insulation, Historic England recommend reviewing it and specifying materials and methods which preserve the breathing performance of this historic building.

The Victorian Society have been consulted. Having looked through the supporting documents, they are content to defer to the advice of the DAC and the other amenity societies.

According to the petition, the local planning authority have advised that planning permission will be required; but if the parish obtain a faculty, it is unlikely that planning permission will be refused. This aspect is addressed at condition 1 (a) below.

According to the petition, the whole of the PCC are behind this project. There is a supporting (albeit somewhat historic) PCC resolution.

The DAC have recommended the proposals for approval by the court. Since they have advised that these will affect the character of the church as a building of special architectural or historic interest, special notice has been given under FJR rule 9.9. No objections have been received, either in response to this notice, or to the usual public notices.

In the DAC's opinion, the parish's explanation of how the parish have had due regard to net zero guidance in formulating their proposals is adequate.

I am satisfied that the parish have demonstrated a clear and convincing justification for these proposals; and that they will not cause any harm to the setting, the appearance, or the significance of this Grade II listed church building.*

I have allowed 12 months for the works to be completed (to allow for necessary further fundraising and re-tendering).

Given the delay the parish have experienced in starting the re-roofing works, I propose to extend the time for completing these works by 12 months to 16 October 2025.

7. The conditions of the faculty are:

1. Before commencing any works the parish are to: (a) obtain all necessary planning consent; and they are to comply with the conditions imposed by such planning subject to such variations as may be permitted by the local planning authority; and (b) notify the church's insurers; and they are to comply with any recommendations or requirements they may make or impose.

2. If there is any suspicion or likelihood that bats will be disturbed by the proposed works, an ecological consultant should be appointed well in advance of starting any works to carry out a survey and advise on appropriate mitigation measures.

3. Any hot works are to be specified to take place before midday to allow time for any signs of fire or smouldering to the woodwork to be observed and addressed.

8. Subject to faculty approval, it is presently hoped to begin installing the nave solar panels in late June or early July. This timing is said to be critical due to scaffolding and scheduling issues; and it explains the relative urgency of this application. The church's insurers have confirmed that insurance cover remains in place for the duration of the planned works (although due to the cost of the planned works being outside the policy limit there is an additional premium payable to cover the works of £280). The roof alarm will need to be operational, and the building left watertight and secure, at the end of each working day.

III: *The solar panels application*

9. It is against this background that, last year, the parish decided to apply for planning permission at the same time as they approached the DAC for faculty approval to install solar panels on the south-facing roofs of the nave and south aisle. These solar panels will enable the parish to reduce their carbon footprint and running costs, and make the church more sustainable. The church is already using a smart meter to conserve energy; and their current energy supplier provides 74% of the church's needs from renewable/nuclear generated energy

sources. So the parish have already demonstrated a commitment to reducing their carbon emissions with a view to achieving the ultimate goal of *'net zero'*.

10. In mid-October 2024, the parish submitted a 13-page illustrated proposal explaining, and justifying, their reasons for seeking to install the solar panels, accompanied by the following supporting documents: location and site plans, drawings (both existing and proposed) showing elevations and sections, and roof plans and layouts detailing the location of the solar panels; generation and payback calculations; structural calculations; solar panels data sheets; details of fixing and removal methods; an energy audit and survey report; energy output calculations and financial analyses and cash flows compiled on the alternative assumptions of arrays of solar panels on the south aisle roof only, the south nave roof only, and both roofs; indicative church energy usage patterns; and a completed pathway to *'net zero'* checklist.

11. In their written proposal, the parish explain how they propose (subject to faculty approval and planning permission) to install a total of 49 solar panels on the south roofs of both the nave and the aisle. These are effectively *'flat'* roofs, with gradients of 8 degrees for the aisle roof and 17 degrees for the nave roof, which are surrounded by significant parapet walls. The principal, and most common, view of the church building is from Park Street on the north side of the church. This is used by most visitors to access the church, and to walk between the town and Blenheim Palace; and it is the side where the war memorial is situated. The solar panels will not be visible from the north, which is the direction from which the church is most commonly viewed. Because of the combination of the parapet wall and the low angle of the south-facing roofs, there will be limited visibility of the solar panels from the less well-visited south side of the church. The view of the church roofs from Rectory Lane to the south is obstructed by a high wall unless one mounts a steep grass bank. Visibility from the south will be further restricted by the presence of two large, healthy evergreen yew trees in the churchyard, which block most of the limited view of the balustraded roof. The solar panels will be visible from only one of the bedrooms on the first floor of the neighbouring Rectory to the south; but this is occupied by the recently installed Rector of the church, who is said to be *'fully behind'* the proposal, and *'excited about the prospect of being a good steward of God's gifts, and using solar to help our community's journey to net zero'*. The parish have also produced a series of PowerPoint slides to demonstrate the limited extent to which the solar panels on the south roof of the nave and aisle will be visible to any observer.

12. Apart from the limited visibility of the solar panels, the parish's proposal addresses the power output from the solar panels, and how this relates to the energy consumption of this intensively used church, which is open daily, and receives around 10,000 visitors a year outside of services and the many community events which it hosts, involving about a further 7,000 people every year. The parish anticipate a payback period of some six years (assuming no additional scaffolding costs), making the church more sustainable to the tune of some £4,000 a year once any loan finance is repaid. They had hoped to sell the excess electricity to the neighbouring Bear Hotel, helping the community to *'net zero'* and improving the returns by up to a further 50%; but I understand that this is no longer proposed, and that all surplus electricity will be exported to the grid. The parish point out that every penny they save or generate helps directly to keep their Grade II* listed building in good condition, and in use for the public benefit. The parish have considered, and rejected as not cost effective, alternative means of increasing their own utilisation of the excess solar power, such a battery storage. The parish have also looked at reducing the number of panels on the nave roof, but they consider that this would be a terrible

wasted opportunity. A structural survey has been completed which has concluded that the building can support the solar panels. Should the panels come to the end of their working life, and not be replaced, the parish have satisfied themselves that a component can be made and installed over the raised seams required to install the panels which would make them look like rolled joints, so the installation is effectively reversible. According to the petition, the estimated cost of the works is £30,000.

13. The parish have sought to weight the potential harm involved in their solar panel proposal against its perceived benefits, as follows:

(1) Harm

(a) The solar panels on the nave roof will be slightly visible from part way down the southern churchyard; however this is not the main viewpoint for the church. The solar panels on the aisle will probably not be seen.

(b) Some vertical cable runs may be seen, although most will be adjacent to existing cable runs for the lightening conductors or power supply cables.

(c) When the solar panels are eventually removed the roof that was under the panels will have standing seams and not rolled joints; however the parish have devised a method of covering these up and making them look like the rolled joints covering the rest of the roof, thereby ensuring the reversibility of the system.

(d) Slightly more work will be required in the unlikely event that the new roof needs any repairs.

(2) Benefits

(e) A saving of 3.79 tons of CO2 annually, the equivalent of 174 trees.

(f) Generating 19.61 MWh per annum, and reducing the church's dependency on fossil fuels.

(g) Reducing the electricity consumption of the church by 5.38 MWh per annum, which is 53% of its annual energy consumption. This is equivalent to over £4,000 a year, dropping to £3,125 in late 2026 when the existing fixed price contract can be changed (assuming electricity prices remain static). This will make the church more sustainable financially. The parish have been struggling to pay their parish share. Their reserves last year were some £22,000, which is over £10,000 below that recommended by the diocesan finance team. The parish only have an average of 77 people attending services each week. The average age is high, and the parish need to be able to keep the church doors open for all the community to make use of it.

(h) Helping the parish to move towards *'net zero'*. Solar panels are one of the few options open to this church to help the Church of England to attain its target of *'net zero'* and to help the local community to reduce carbon emissions.

(i) Locally, there is much discussion about the massive Botley West solar panel proposal. There is a slogan going around that solar should be on roofs and not on fields. At two open meetings held in the church, one meeting was broadly *'for'* and one was *'against'* the Botley West solar farm; but in both meetings everyone agreed that solar panels on roofs were a good idea. Many of the roofs of buildings in Woodstock are not suitable for solar panels so installing as many panels as possible on the roof of the church is a valuable contribution on behalf of the local community.

(j) Excess energy will be sold back to the grid.

(k) As Christians, the parish feel the need to lead by example to show their care for God's environment. *'Net zero'* is an important part of that, and would maximise the opportunity to utilise the suitable south roofs of the building for the church and their community.

(l) The production of electricity from a renewable source helps towards the Government's '*net zero'* target to combat climate change.

(m) The reduction in electricity costs makes the building more economical to run and therefore makes it more sustainable as a community asset. Current uses include:

(a) Visits by tourists and those interested in architecture to look at the inside of the building. The parish estimate the footfall as over 10,000 people per year

(b) A space used by the community to hold events. The parish estimate that over 7,000 visits are made to the church for these events each year.

(c) A place of worship which holds important services, including the civic Remembrance Day service, weddings and funerals.

14. The parish believe that that installation of solar panels on both the south-facing aisle and nave roofs will help ensure they can afford to keep the doors open for all the purposes described above. The large increase in utility charges in recent years has created an increased burden on the finances required to run the church, and to keep it in good repair for future generations. An alternative way of addressing the financial issues would be to limit visitor access, but this would lead to the loss of this valuable asset by the community. The parish hope that this installation of solar panels will not only reduce carbon emissions but will also help their financial position, and so enable them to keep their church building in good repair, and open and accessible to thousands of people every year.

IV: Planning consent

15. On 17 December 2024, under reference number 24/02604/FUL, West Oxfordshire District Council granted full planning permission for the replacement of the existing felt roofing on the church porch with terne-coated stainless steel and the installation of solar panels to the south-facing roofs of the church, subject to conditions. One of those conditions is that:

> *Within six months of the cessation of use of the solar panels for electricity generating purposes, the solar panels together with any supporting apparatus and other associated equipment shall be removed from the building and be restored to its current condition.*

V: Consultation and the DAC

16. **The Church Buildings Council** were first consulted about the proposed installation of solar photovoltaic (PV) panels at the Grade II* listed church of St Mary Magdalene, Woodstock, in late October 2024. They expressed their admiration for the PCC's desire to reduce their carbon footprint, and indicated their support in principle. However, there were elements which the Council felt required further assessment. They wished to see clarification over: (1) the visual impact and statement of significance; (2) the financial and carbon benefits and the sale/export of surplus energy; and (3) the PV mounting methodology. Having been provided with further information in January 2025, including the parish's revised statement of significance and details of the DAC's minutes from their November 2024 meeting, the Church Buildings Council were

reassured that their comments had been addressed. They indicated that they were now supportive of the application, and were content to defer any further comments to the DAC.

17. **Historic England** were first consulted about the installation of solar panels, and the re-roofing of the church porch in stainless steel, early in November 2024. Historic England had no objections to the principle of solar panels; but they recommended carrying out additional visual analysis so that the impact of the panels could be fully understood. Historic England commented that the project appeared well thought out, and had clearly been developed over time as part of a whole-building strategy to help the church reduce its carbon footprint and overall energy costs, whilst preserving the church's significance. Historic England observed that St Mary Magdalene survives today as a fine, and well-preserved, example of a multi-phase, medieval building of Norman origin. Enlarged in the 13th century, and provided with a handsome and prominent west tower in 1784-6, the church was restored, and mostly rebuilt, by A. W. Blomfield in 1877-8. Historic England commented that the architectural qualities of the church are best appreciated from the north, along Park Street, and in the churchyard to the south side. Given its large size, prominent position, and uninterrupted architectural profile, the south nave roof is one of the church's principal roof slopes. The proposals seek to install solar panels to the south side of the nave and aisle roofs, as well as the replacement of the felt roof of the porch with terne-coated steel. As demonstrated in the applicant's visualisations, the solar panels on the aisle roof are likely to be entirely hidden behind the parapet. However the nave roof panels are likely to be partially visible in views from the churchyard. Here the visibility would appear to be limited to one location where the profile of the solar panels would be visible. This would slightly change the appearance of the south elevation of the church as the solar panels would appear marginally above the parapet in profile. However, Historic England did not think that this would be sufficient to distract from the aesthetic qualities of this elevation as a whole. On this view alone, they considered that the proposals would cause negligible harm to the significance of St Mary's.

18. There was, however, one viewpoint from which the visuals had not been verified. There might be other viewpoints from within the churchyard from which the array of panels might be appreciable; and Historic England encouraged the DAC to satisfy themselves that the parish had fully assessed the visual impact of the scheme. Beyond the churchyard itself, one such view that Historic England recommended should be considered further was the view towards St Mary's from within the grounds of Blenheim Palace, specifically from the drive that connects the Woodstock Gate to the straight drive from the monumental Hensington Gate. From this position, views to St Mary's can be appreciated; and whilst these views are focussed on the tower, the solar panels might also be visible from this position. Historic England did not think that the provision of this additional information should require any lengthy delay in the determination of the application because in November (when tree screening would soon be at its lowest) the worst-case scenario of any potential impacts could best be understood. They therefore encouraged the DAC to seek this additional information, and satisfy themselves that all potential views had been thoroughly assessed. The proposed re-roofing of the porch appeared to be well-considered and would not, in Historic England's view, harm the significance of the church.

19. In summary, based upon the information provided, Historic England had no objections to the principle of solar panels at this church. However, they recommended that the DAC should satisfy themselves that the visual impacts of the proposals had been fully assessed. On the basis of the information provided, Historic England felt that further evidence should be sought

from the parish to demonstrate this. Any unamended application for faculty approval for this work might be determined without further reference to Historic England; although they invited further consultation if there were any material changes to the proposals.

20. **The Society for the Protection of Ancient Buildings** were consulted on this application. They were grateful for the opportunity to comment, but they were content to defer to the views of the Victorian Society on the application. **The Georgian Group** were also consulted on the proposals. Having reviewed the documentation, on this occasion they were content to defer to the advice of the DAC and Historic England.

21. **The Victorian Society** were first consulted on this faculty application in November 2024. They commented that this is a highly listed church building, extensively reworked in the 19th century by the highly regarded architect, Arthur Blomfield. The Victorian Society supported the parish in seeking to redress their energy use, and their desire to achieve the target of carbon *'net zero'*. However, the Society noted that the submitted energy audit only advocated a small solar array on the south aisle roof, and that only a very small number of panels would be worth considering. The actual application proposed a much larger array, on both the aisle and nave roofs. In light of the energy audit's recommendations, the Society questioned if this could be justified against the visual impact of a larger array that would be visible from the churchyard. The Society noted that the proposed array of solar panels would produce a surplus. The Society advised that the technicalities of selling excess energy must be carefully considered; and they questioned whether this would represent a public benefit sufficient to outweigh any harm. The Society also commented that no statement of significance accompanied the application; and they pointed out that this was essential to fully assess the impact of the proposal on the significance of the church building, and the setting of any nearby listed buildings. The Society looked forward to receiving more information as the application progressed. In light of the additional assessment of the impact of the proposals on the significance of the church provided to them in January 2025, the Victorian Society are now content to defer to the DAC.

22. The full DAC considered this faculty application at a scheduled meeting of the full committee held on 11 November. This followed on from a site visit by two members of the DAC on 14 October 2024. (A third member was in attendance, but as representing the parish.) This was one of two casework items listed for full discussion. The minute for this casework item reads as follows:

> *The DAC was content to agree to the proposals for arrays on both the South Nave and South Aisle roofs, subject to Planning Permission (which was subsequently granted), consultation with the statutory consultees, fixing methods being agreed, and details of the embodied carbon, and the potential for recycling at end-of-life of the arrays being provided. The parish would also need to consult the DNO (Distribution Network Operator) to ascertain regional limits for exporting to the grid, and whether permission for this will be needed.*
>
> *The DAC recognised that this is a watershed case for this Diocese in a period of transition for precedents for visible solar arrays on listed churches generally. While arrays have been approved on Kings' College Chapel and York Minster, proposals for an array at St Anne's, Ings, in Cumbria were dismissed by the Planning Inspectorate, upholding the decision of the Lake District National Park Authority to reject the installation on the grounds that the public benefits did not outweigh the visual harm posed by an array.*

St Mary Magdalene, with its individual architectural elements from different periods, is dominated by its Georgian tower by John Yenn.[1] This is resonant of nearby Blenheim Palace and in keeping with much of the rest of the town. While it cannot be said that the whole is particularly cohesive, it is nonetheless an attractive and distinctive building. Its setting, slightly set back from the High Street, within a conservation area and close to the Blenheim UNESCO world heritage site, arguably contributes equally to its significance. Thus a solar array anywhere on the church would involve a degree of harm. The DAC agreed that the visibility of the panels, even with the raising of the roof deck, would be limited to narrow sections of the south side roofs from certain points in the churchyard, and high up the bank of the lane behind, on the less prominent and overlooked side of the church.

The DAC agreed that the PCC has demonstrated a commitment to improving the energy efficiency of the church by those means practicable [sic]*, and that due regard has been had to the Net Zero guidance in this application. While recognising that a single array on the south aisle would represent a degree of harm, it would preserve the significance of the building to a greater degree than the double array and demonstrate a significant improvement in the parish's progress towards Net Zero. However, it is also recognised that a single array would considerably increase the payback period for the PCC and make an installation considerably less financially viable, as the amount of electricity they could export would be heavily reduced.*

The DAC was sympathetic to the fact that, alongside a desire to improve the efficiency of the building, the potential for income generation was a significant driver in the proposals for both arrays. Given the considerable financial pressures on churches to sustain themselves post-COVID in addition to the climate crisis, the DAC considered that income generation could be considered a relevant justification for solar installations, provided this is not the sole justification for an installation, and a demonstrable commitment to reducing energy consumption and improving energy efficiency would still need to be evidenced in any such application. Each case will still need to be considered on its own merit, balancing benefits against any particular harms in a given case.

It was noted that the CBC are supportive in-principle, but asked for clarifications on the following:

- *The visual impact (in a statement of significance)*
- *Financial and carbon benefits and the sale/export of surplus energy*
- *PV mounting methodology*

The SPAB are content to defer to the views of the Vic Soc, who have also asked for a thorough assessment of the impact of the installation on the significance of the building. This has been received and a second round of consultation initiated.

[1] I note that a comment on the Historic England official list entry states that the attribution of the west tower to John Yenn, a pupil of Sir William Chambers, seems to be incorrect: a memorandum amongst a collection of papers relating to Woodstock in the Bodleian Library states that the tower was built in 1785 by Stephen Townsend of Oxford. I note also that the entry for St Mary Magdalene, at p. 566 of the volume of *Pevsner's Buildings of England* for *Oxfordshire: North and West*, edited by Alan Brooks and Jennifer Sherwood, and published in 2017, accepts this attribution of the tower to Stephen Townesend [sic].

23. In response to the initial observations of consultees, the parish produced a 25-page illustrated statement of significance (which incorporates their previous proposal document). This emphasises that the solar panels on the roof of the south aisle are perceived to be invisible due to the parapets. The solar panels on the roof of the south nave will only be partly visible from part of the churchyard to the south, and when standing on a steep bank in Rectory Lane. The church is within 200 metres of the boundary of Blenheim Park. The statement of significance therefore includes an analysis (with supportive photographic images) of the effect of the installation of the solar panels on views from the Blenheim Park UNESCO World Heritage Site. Whilst the church tower can be seen from much of the Park, the roof of the church cannot. The only place from which one can see the church roof, whilst walking round the Park, is at the Town Gate. This is located immediately to the west of the church; and it is only the tower, and the top of the west wall of the south nave, with its stone apex and finial at the west end, that one can see. These are at a significantly higher level than the roof of the nave, and will therefore hide the solar panels from view. The photographs from the Park were taken, from an approximate height of 1.7m, on 20 November 2024, when most of the leaves were no longer on the trees. They show views taken from the Town Gate walking towards the cross-roads, turning left towards the Hensington Gate, and then from the cross-roads towards Blenheim Palace. I am satisfied that this statement of significance, and the photographs incorporated within it, satisfactorily address the queries raised by Historic England, and that all potential viewpoints of the solar panels have now been thoroughly assessed. I note that this statement of significance has been produced to the Church Buildings Council and the Victorian Society, who have both now expressed themselves to be content with the proposals.

24. On 14 April 2025, the delegated sub-committee of the DAC recommended the proposals for approval by the court, and duly issued their Notification of Advice, subject to the following provisos:

> *(1) Confirmation of the battery capacity and final system design for the battery is to be approved by the sub-committee prior to installation.*
>
> *(2) Final wiring runs are to be agreed with an officer from the church buildings team prior to installation.*
>
> *(3) The diocesan guidelines on electrical installations are to be followed.*
>
> *(4) The church's insurers are to be informed of the proposal, and any permission that might be required from the insurers ought to be in hand prior to installation.*
>
> *(5) The installation ought to be inspected at regular intervals to check for any damage, defects or maintenance required.*

These provisos will be incorporated within the conditions subject to which the faculty will be granted. Since the DAC were of opinion that these works are likely to affect the character of the church as a building of special architectural or historic interest, notice under FJR rule 9.9 was duly displayed on the diocesan website. In the opinion of the DAC, the parish's explanation of how they had had due regard to *'net zero'* guidance in formulating their proposals is adequate.

VI: *The legal framework*

25. Since St Mary Magdalene is a Grade II* listed church building, the court is required to have regard to what have become known as the *Duffield* guidelines (named after the decision of

the Court of Arches in the leading case of *Re St Alkmund, Duffield* [2013] Fam 158), as explained and expanded in later cases. It is sufficient for me to refer to, and paraphrase, the following summary of the relevant principles (as they apply to a Grade II* listed church) which I take from my decision in this diocese in the case of *Re St Laurence, Combe* [2022] ECC Oxf 5 (at paragraph 19):

> *… for the purposes of the present case, which concerns a Grade [II*] listed church building, I must consider:*
>
> *(1) The degree of harm that these proposals, if implemented, would cause to the significance of the church as a Grade [II*] listed building of special architectural or historic interest; and*
>
> *(2) Whether the petitioners have demonstrated a clear and convincing justification for their proposals, in terms of any resulting public benefits which would outweigh that harm.*
>
> *In doing so, I have to bear in mind:*
>
> *(a) That the burden rests on the petitioners to demonstrate a sufficiently good reason for making any changes to this listed church building;*
>
> *(b) That the more serious the harm, the greater the level of benefit that will be required before the proposed works can be permitted;*
>
> *(c) Since this building is listed Grade [II*], only exceptionally should serious harm be allowed; and*
>
> *(d) Whether the same, or substantially the same, benefits could be obtained by other works which would cause less harm to the character and special significance of this church building.*

At paragraph 87 of their judgment, the Court of Arches made it clear that in this context, *'public benefit'* includes

> *… matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission.*

VII: The climate emergency

26. Since 1984, the Anglican Consultative Council have developed the Five Marks of Mission. These have been widely adopted as an understanding of what the contemporary mission of the church is all about. They were formally adopted by the General Synod in 1996; and they were last revised in 2017. The fifth Mark of Mission reads:

> *To strive to safeguard the integrity of creation and sustain and renew the life of the earth.*

This fifth Mark of Mission requires the church to address the global climate emergency; and this it has sought to do.

27. General Synod has determined that the Church of England should achieve the target of *'net zero'* carbon emissions by 2030. The debate that led to that decision recognised that the global climate emergency is a crisis for God's creation, which requires urgent action on the part of the whole church. Even at that time, 2030 was recognised to be an ambitious target, and one which it would require significant efforts to achieve. In support of such efforts, and with effect from 1 July 2022, the FJR have been further amended to require: (1) anyone who applies for a

faculty which involves works or proposals to which the *'net zero'* guidance applies to explain how they have had *'due regard'* to that guidance; and (2) the DAC, in their Notifications of Advice, to set out their opinion on the adequacy of that explanation; and, if their opinion is that the explanation is not adequate, their reasons for that opinion.

28. Oxford Diocesan Synod have also recognised that the interlinked climate and ecological emergencies are among the most pressing issues of our age; and they declared a climate emergency in March of 2020. Diocesan Synod committed to a broad range of climate and environment-related measures, including an ambitious goal of achieving *'net zero'* carbon emissions by 2035. This target was set prior to the General Synod agreeing a 2030 target, and with good reasons; so this Diocese intends to uphold 2035 as the goal for which they are aiming. The present application falls to be determined against the background of those decisions.

VIII: Analysis of the law on 'net zero'

29. How can the climate emergency, and the drive to *'net zero'*, be accommodated within the *Duffield* guidelines, which were drawn up before the full extent of the current climate emergency had become generally appreciated and accepted?

30. This question is addressed in a characteristically thoughtful, and thought-provoking, article by Jacqueline Humphreys, the Chancellor of the Diocese of Worcester, writing in her extra-judicial capacity, in an article published in the January 2021 issue of the Ecclesiastical Law Journal, entitled *'The Role of the Faculty System in Achieving Net-Zero Carbon Emissions by 2030'* (2021) 23 Ecc LJ 50-66. Against the backdrop of the Church of England's ambitious commitment to achieving *'net-zero'* carbon emissions by 2030, her thesis is that:

> *An important element required for success in this aim will be to amend the legislation around the management of church buildings and in particular the operation of the faculty jurisdiction. While aspects of the present system can and do facilitate some necessary change, to achieve the swift and widespread changes required within the timescale envisaged a more radical overhaul is required because the present faculty system favours the status quo, however bad that is from a carbon emissions perspective.*

One of the writer's conclusions is that:

> *… chancellors … must have regard to carbon emissions when determining petitions.*

31. In the introduction to her article, Ms Humphreys writes that:

> *As it presently stands the faculty system is not set up with carbon reduction in mind because it significantly pre-dates the recent widespread realisation of the urgency of the climate crisis. Nevertheless, some ground-breaking churches have managed to become carbon neutral, or much more nearly so, within the limits of the current system. However, if the widespread change required is to take place within the timeframe envisaged by Synod, the faculty system and the legal rules for the management of church buildings more widely will require revision, not only so as not to prevent the necessary changes but also to actively encourage and, if necessary, compel them.*

This was, of course, written before the minor amendments to the FJR which I have outlined at paragraph 27 above.

32. In discussing mission and public benefit, Ms Humphreys notes the requirement under s. 35 of the Care of Churches and Ecclesiastical Jurisdiction Measure 2018 to *'have due regard to the role of a church as a local centre of worship and mission'*. She acknowledges that, when determining faculty applications, chancellors do not come under s. 35 of the 2018 Measure. But Ms Humphreys continues:

> *Nevertheless, they are required by the Duffield questions to consider the extent of the harm to the historical and architectural significance of the building that would be caused if the proposals were permitted, and to consider whether the public benefit of those proposals outweighs the level of harm to that significance. The public benefit in avoiding climate breakdown caused by carbon emissions is increasingly becoming acknowledged as a mainstream view, no longer the preserve of climate scientists and environmental campaigners ...*
>
> *Therefore, in a properly made-out case, the public benefit of carbon-reduction measures may be sufficient to outweigh the public benefit in avoiding harm to the historical and architectural significance of a church building, even a listed one. For example, in Re St Mary, Moseley one of the arguments that found favour with the chancellor when granting the faculty for the installing of partially visible photovoltaic panels on a Grade II listed Church was that 'the church will be seen to be acting in accordance with the church's national stance on ecological issues and seeking to conserve energy resources'.*

33. A foot-note explains that *Re St Mary, Moseley* was decided by Chancellor Cardinal in 2011 in the Birmingham Consistory Court. The case is noted (by my predecessor as Chancellor of this Diocese, Alexander McGregor) in a case-note at (2011) 13 Ecc LJ 379. The petitioners had sought a faculty authorising the installation of 48 photovoltaic solar panels on the south-facing roof of a Grade II listed church. Planning permission for the proposals had been granted by an inspector on appeal. The diocesan advisory committee did not recommend the proposals, largely on the basis that the installation of the solar panels would have an adverse visual impact. The Victorian Society and English Heritage raised objections, being concerned about the impact on the appearance of the church. The Church Buildings Council recommended the granting of a faculty for the proposals on the basis that they were essentially reversible and that the scheme fitted with the Church's environmental agenda. Chancellor Cardinal approached the case on the footing that the grant of planning permission was not determinative of faculty proceedings: the consistory court was not bound by the decision of the planning authority; but the planning authority's decision could be accepted as a reasoned starting point from which to begin the consistory court's own deliberations unless the conclusions of the planning authority were demonstrated to be wrong by reasoned and cogent evidence. The matter had been properly aired before the planning inspector, and the submission of the Victorian Society and English Heritage contained no reasoned criticism of his decision. That amounted to a *'key failing'* in respect of their submissions. The Chancellor went on to hold that he must apply the *Bishopsgate* questions, which applied pre-*Duffield*. The saving of money, and acting in accordance with the Church's *'national stance on ecological issues and seeking to conserve energy resources'*, amounted to a necessity for this purpose. The Chancellor rejected English Heritage's argument that the proposals would have a significant negative impact on the appearance of the church. The proposals would have an impact, *'but not a disastrous one'*; and the proposals were not irreversible. As to the third of the *Bishopsgate* questions, the Chancellor said that he was persuaded that the proposals *'do not do as great damage'* as had been suggested and that the plans were *'sound and well thought out'*. The grant

of planning permission was not determinative, but it was persuasive. A faculty was granted subject to conditions.

34. The full judgment of this case, handed down on 8 March 2011, is available on the Ecclesiastical Law Society web-site. At the outset of his judgment, the Chancellor noted that the plans were undoubtedly *'radical and controversial'*. He was *"given to understand that this will be one of the first if not the first judgment in connection with such a request that has been disputed and therefore is bound to create a good deal of interest"*. When considering the first of the *Bishopsgate* questions (which constituted the governing legal test pre-*Duffield*) – whether the petitioners had proved a necessity for some or all of the proposed works, either because they were necessary for the pastoral well-being of the parish, or for some other compelling reason – the Chancellor said this:

> *It seems to me that like many churches on the immediate outskirts of the inner city there are sound financial reasons for the proposals - money will be saved. More importantly the church will be seen to be acting in accordance with the church's national stance on ecological issues and seeking to conserve energy resources. Frankly this is not a church with a vast attendance but one with a loyal and committed congregation. It wants to devote its time to mission rather than be weighed down by the costs of a building. The parish's pastoral well-being demands looking at costs and energy efficiency so that the kingdom of God may be preached and advanced. Moreover being committed to ecological issues is in itself a witness and a sign that the church is not unconcerned with modern anxieties. This is not a case of the church bowing to a current liturgical fashion but rather a thoroughly researched project based on the long-term needs of the community that energy should be conserved.*

35. Chancellor Humphreys had the opportunity of putting her extra-judicial observations into practice in May 2021 in the case of *Re St Thomas & St Luke, Dudley* [2021] ECC Wor 2, (2022) 24 Ecc LJ 113 (in the Diocese of Worcester). In the course of her judgment, she emphasised that a chancellor may properly consider the environmental implications of a petition. At paragraph 41, she said that:

> *The public benefit in avoiding climate breakdown is obvious. The mission of the church expressly includes environmental protection, expressed in the Anglican Communion's Five Marks of Mission as 'to strive to safeguard the integrity of creation, and sustain and renew the life of the earth'.*

This was not an application for the installation of solar panels but concerned the renewal of a church's heating system.

36. This decision is not an outlier. In his earlier decision, in March 2020, in *Re St Paul, Addlestone* [2020] ECC Gui 1, Deputy Chancellor Burns QC had granted a faculty for the installation of solar panels on the main roof of a C 19th church. Admittedly, the church was unlisted, and was not within a conservation area. The Deputy Chancellor observed (at paragraph 6 of his judgment) that:

> *Where climate change measures impact upon heritage assets, the benefits to society in terms of climate change remediation must be weighed against the harm caused to the heritage asset. The proposals must be put into the context of the whole building and its local environment. I should take account of the desirability of sustaining and enhancing the significance of heritage assets and of utilising their positive role in place-shaping. The public benefit of mitigating the*

effects of climate change should be considered and weighed against the amount of harm to the significance of heritage assets.

37. There is clear authority, outside the area of climate change and *'net zero'*, for treating the concept of *'public benefit'*, in the context of the Duffield guidelines, as embracing a wide range of considerations and matters. In Re St John the Baptist, Clayton [2021] ECC Lee 5, (2022) 24 Ecc LJ 265, Chancellor Hill QC (in the Diocese of Leeds) noted (at paragraph 16) that *"the public benefit examples contained in the Duffield framework are non-exhaustive"*. That was in the very different, non-climate change, context of the mission of a resourcing church radiating outwards and conferring missional benefits upon neighbouring parishes, and the deanery and diocese more widely. Clearly, when applying the Duffield guidelines, the concept of *'public benefit'* is potentially wide-ranging, and, like the categories of negligence, is never closed.

38. In Re Chapel of King's College of Our Lady & St Nicholas, Cambridge [2023] ECC Ely 1, (2023) 25 Ecc LJ 401, as part of its policy on climate change to reduce its carbon footprint, King's College, Cambridge wished to place solar panels on both the north and south sides of the Chapel roof. The Chapel was built between 1446 and 1531. It is a masterpiece of England's late Gothic architectural manner (Perpendicular) and one of the most exceptional of England's buildings. Grade I listed, it is of worldwide significance, and Cambridge's greatest monument. The main arguments of the consultees against the proposal were that the panels would be partially visible through the parapet tracery from a few viewpoints. The Church Buildings Council also questioned whether panels on the north side of the roof could generate enough energy to justify them. Chancellor Leonard KC was satisfied that the scheme would benefit the College and would help it towards reaching its *'net zero'* target. He determined that he would grant a faculty for solar panels on the south side. Whether he would also allow solar panels on the north side of the roof would depend upon an updated assessment of the potential carbon payback for the north roof, and calculations and observations as to the effect on the structure without an identical weight on the north roof were he minded to allow solar panels only on the south roof. In a second judgment ([2023] ECC Ely 2), Chancellor Leonard KC was satisfied that the further evidence demonstrated a clear and convincing justification for placing solar panels on the north, as well as the south, side of the roof. A condition that the panels should be removed at the expiry of their useful life, or on being superseded by technological advances, was modified so as to omit the reference to technological advances. This would ensure that the panels were not removed and replaced prematurely.

39. At paragraph 73 of his first judgment, Chancellor Leonard KC observed:

> *The Church of England wants to respond ethically and in a socially responsible way to combat climate change and thereby fulfil the fifth mark of mission. It has a responsibility to protect and nurture God's gift to us. By setting down as its goal a date 20 years in advance of national government for net-zero carbon emissions, it have given itself an imperative to encourage change within church buildings at an even more rapid rate than that expected nationally or internationally. There are seven years left for the Church of England to fulfil its target. It is unsurprising that a scheme which, it is believed, would provide more than its power needs and which has a relatively short carbon pay-back period for the south roof and longer one for the north roof should have been taken up by a college which is taking the need to respond to climate change very seriously and which is willing to invest in change.*

40. At paragraph 90, the Chancellor concluded as follows:

I have no doubt that this project is in accordance with the fifth mark of mission. Showing the church to be at the forefront of taking measures to combat climate change is in strong support of its mission generally. I agree with the view expressed by SPAB that this is likely to be regarded as a precedent, which if not done well, could have adverse consequences for other highly designated buildings contemplating similar schemes. I judge that, through the careful planning that has been done on this scheme, it has been 'done well' and it ought to act as encouragement to other churches, and possibly other public buildings, to take a careful look at whether they can also contribute to reducing carbon emissions. In coming to this decision I have not lost sight of the fact that this is a Grade I listed building of an exceptional nature but, as I have already found, I do not judge that this will cause serious harm to the Chapel.

41. Finally, I come to the case of *Re St Anne, Ings* [2024] ECC Car 2, (2025) 27 Ecc LJ 135 (in the Diocese of Carlisle). There, the petitioners sought a faculty for the installation of an array of 28 black solar panels, mounted above the existing slate roof on the south side of this C 18th, Grade II* church, supported by an associated inverter and battery storage to be installed in the church tower. The Lake District National Park Authority had refused planning permission, but the petitioners intended to appeal against that refusal. The DAC had recommended the proposal for approval, but Historic England, the Georgian Group and Historic Buildings & Places had raised objections, without becoming parties opponent. When addressing the *Duffield* guidelines, Chancellor Fryer-Spedding considered that the proposal, if implemented, would only cause moderate, and far from substantial, harm to the significance of the building, as an outstanding, and relatively rare, example of a rural Georgian church. He considered that such harm was justified both by the immediate financial benefits that would flow from the implementation of the proposals and, more broadly, by bringing the church close to carbon neutrality. The court also considered the missional priority given by the Church of England to its aim of achieving *'net zero'* by 2023, and the ultimate reversibility of the proposal. He also observed that the proposal would be a response to the Church of England's call to action in respect of climate change. He granted a faculty, subject to conditions that planning consent should first be obtained, and that the panels should be removed after 26 years, to reflect the probable lifespan of the panels. The petitioners' appeal against the refusal of planning permission was ultimately unsuccessful.

42. At paragraphs 80 and 81, Chancellor Fryer-Spedding said this:

80. In my judgment, there is a clear and convincing need for 'all parts of the Church of England' to show 'a strong, visible Christian response to what is happening to our world' regarding what it explicitly recognises to be a 'climate emergency'. Indeed, '… the Fifth Mark of Mission is to strive to safeguard the integrity of creation, and to sustain, and renew the life of the Earth'.

81. I do not doubt that there will always be the need for a nuanced and fact-sensitive approach to measures such as those presently proposed. Nonetheless, it does seem to me that the strength of the Church of England's call to action on climate change issues lends important support to the Petitioners' case, when they contend that they have made clear and convincing arguments in support of these Proposals.

43. Given the Chancellor's conclusion that the implementation of these proposals would cause moderate, but not significant, harm, the issue to be considered was whether the petitioners had made out a sufficient case that such harm was outweighed by the benefits of the

implementation of the proposals. In answering this question, the Chancellor took the approach that the balance test enables missional concerns, such as care for Creation, to be taken into account, and weighed in the balance. At paragraph 91 of his judgment, the Chancellor said this:

> *It follows from this, in my judgement, that the application of the Duffield guidelines may properly import a consideration of missional priorities such as the Fifth Mark of Mission, to which I have already referred. Indeed, I take that to have been the approach taken by HHJ Leonard KC, Chancellor of the Diocese of Ely, in his decision regarding the installation of solar panels at Kings College Chapel [2023] ECC Ely 1, (2023) 25 Ecc LJ 401 at paragraphs 59, 73 and 90.*

44. At paragraphs 92-98, Chancellor Fryer-Spedding explained that his assessment was that the moderate harm that would result to the significance of the church from the implementation of the proposals was outweighed by the benefits of installing a solar panel system. He arrived at this conclusion in view of the magnitude of the benefits that the petitioners had identified, and from two further specific factors. The first was the missional priority of the Church of England's approach to *'net zero'* carbon planning principles, with their immediate, and imperative, calls to action. Chancellor Fryer-Spedding did not take this as giving *a 'trump card'* to petitioners in every case where a measure to pursue *'net zero'* carbon in a listed church was proposed: but, even so, he did find that the Church's missional approach on the question of climate change was an important matter that he must take into account. The second factor was the reversibility of the proposals. Where proposals were not only capable of being reversed, but must (by virtue of a condition) be undone after a certain period of time, then that was a way in which harm might be restricted. A fleeting and entirely reversible intervention with a listed building would, all else being equal, be less harmful to its significance than a permanent, irreversible one

45. I agree with the approach set out by successive Chancellors in these authorities. I agree that the public benefits of addressing the climate emergency, and the missional imperative of the Church of England's call to action to achieve *'net zero'* carbon, can, and should, properly be weighed in the balance when deciding whether petitioners have demonstrated a clear and convincing justification for proposals which outweigh any harm they may cause to the significance of a church as a listed building. My only minor reservation is that, if the matter were free from binding authority, I would favour treating the reversibility of any proposed works as a factor relevant to the assessment of the degree of harm caused by those works, rather than as something to be weighed in the balance against that harm. I recognise, however, that this view was rejected by the Court of Arches in *Duffield*, which (at paragraph 93) preferred

> *… to treat reversibility as a factor when it comes in at the final stage of weighing the balance. If proposals are readily reversible (as here), then this makes it easier for petitioners with a clear and convincing case to discharge the burden of proof that lies on them to justify the harm to the special character of the listed building.*

Thus it seems to me that Chancellor Fryer-Spedding was legally correct in *Ings* in treating reversibility as a specific factor when addressing the last of the *Duffield* guidelines; although his discussion of this issue at paragraphs 95-98 of his judgment seems to me to show that the true relevance of this factor really goes to the issue of harm to a listed building. In truth, it does not really matter at what stage of the *Duffield* analysis, the factor of reversibility is taken into account. What is important is that it is recognised as a relevant factor; although, like the goal of achieving

'net zero', it should never be treated as though it were a *'trump card'*, as distinct from only one relevant consideration; and so long as it is not given undue weight by being counted twice.

IX: <u>Conclusions</u>

46. Against the factual and legal background I have set out in the earlier sections of this judgment, the outcome of this faculty application is clear. The installation of solar panels on the south-facing roofs of the nave and south aisle of this Grade II* listed church will cause only negligible, if any, harm to the church's significance. The church roof is not the sole, or even a principal, reason for this church's significance. The listing details record:

> *Gabled stone slate chancel roof and concrete tile north aisle roof; other shallow-pitched roofs of lead.*

The lead will soon be gone; but the shallow-pitched roofs will remain. They will not harm the roofs themselves. The solar panels will not be visible from Park Street, to the north of the church, which is the direction from which it is most commonly viewed. Because of the combination of the parapet wall, and the low pitch of the south-facing roofs, there will be extremely restricted visibility of the solar panels from the less well-visited south side of the church. There will be no views of the solar panels from the Park surrounding Blenheim Palace. In short, the proposed solar panels will scarcely be visible from any vantage point because of the shallow pitch of the roofs and the design features built into this church, in the form of the west wall of the nave and a parapet, which will shield them from general view.

47. Even if there were any harm to the significance of this church caused by the presence of the solar panels, the petitioner has demonstrated a clear and convincing justification for such limited consequential harm in terms of the resulting savings in energy costs, and the contribution that the solar panels will make to the church's goal of reducing carbon emissions, and achieving *'net zero'*. The installation of the panels will also constitute a clear, but barely visible, sign, to residents of, and visitors to, Woodstock, and the neighbouring Blenheim Palace and its surrounding Park, of the commitment of this parish church, and of this Diocese, to meeting the challenges of the climate change emergency. For the sake of completeness, I record that I am also in agreement with the DAC that the potential income to be derived from the sale of surplus electricity generated by solar panels may be taken into account when weighing the justification for installing them, in addition to the need to address the climate emergency. This will always be a highly fact-sensitive additional factor. But bearing in mind the considerable financial pressures on churches to sustain themselves, particularly in light of the changes wrought by the COVID pandemic, the potential for the sale of surplus electricity as an extra source of revenue may be considered as a relevant **additional** justification for the installation of solar panels. But this factor must never constitute the sole justification for such an installation; and the parish will always need to evidence a demonstrable commitment to reducing energy consumption, and improving energy efficiency, on any such application.

48. I bear in mind that:

(1) The local planning authority have given full planning permission for the installation of the solar panels on the south-facing roofs of the nave and south aisle.

(2) The Church Buildings Council, Historic England, and the other statutory consultees either support the proposal, or are content to defer to others bodies which do so.

(3) The DAC have recommended the proposal for approval by this court after subjecting it to the most rigorous scrutiny.

49. In short, this is a clear case for the grant of the faculty sought by the petitioner. Here, happily, a number of factors have all combined to support the installation of solar panels on the south-facing roofs of a Grade II* listed church of local, diocesan, and national significance, and bordering a Park with World Heritage Site status. These include: the orientation of the church, with its north elevation being the direction from which it is most commonly viewed; the inbuilt design features of the church, with low-pitched south-facing nave and south aisle roofs, largely hidden behind a parapet; extensive local tree coverage, further obscuring views of the southern-facing elevations; a church that is extensively visited, and used for community events, thereby boosting, its energy consumption beyond the volumes ordinarily required for the usual church services; and an extant faculty for the re-roofing of the church, with terne coated stainless steel in place of lead, and the opportunity that this provides for the installation of the solar panels. There are many who have become involved in this project whose vision, and support, is to be commended: the parish, for identifying the re-roofing of the church as a *'one-off window of opportunity'*, and for their vision and commitment to the goal of *'net zero'*; the diocesan church buildings officers, and the DAC, for their practical guidance, advice, and technical and other support, which have seen this project through to faculty approval; and the Church Buildings Council, Historic England, and the Victorian Society for their helpful encouragement, comments, and advice, which have all contributed to that end. Such visionary projects require teamwork to bring them to fruition; and that has been present in abundance in the instant case.

X: *Disposal*

50. For all these reasons, the court will grant a faculty for the proposed works as sought. The faculty will be subject to the following **conditions**:

> *1. Confirmation of the battery capacity and of the final system design for the battery is to be approved by the DAC sub-committee prior to installation.*
>
> *2. Final wiring runs are to be agreed with an officer from the Church Buildings team prior to installation.*
>
> *3. The diocesan guidelines on electrical installations are to be followed.*
>
> *4. Before implementing this faculty, the parish are to provide the church's insurers with full details of these proposals, with up-to-date details of the start-date and anticipated duration of the works. Any additional premium must be paid, and any further permissions that may be required from the insurers must be in hand, before starting to install the solar panels. The parish are to observe the conditions stated in the email dated 1 May 2025 from Trinitas Church Insurance Services. They are also to comply with any further recommendations or requirements that their insurers may make or impose.*
>
> *5. The parish are to comply with all the conditions contained within the planning consent granted on 17 December 2024 by West Oxfordshire District Council under reference number 24/02604/FUL, subject to any variations that may permitted by the local planning authority and approved by the Church Buildings team (or, in default of such approval, by this court).*

6. The solar panels and battery installation must be inspected at regular intervals to identify any damage, defects or maintenance that may be required. Any works thereby identified are to be undertaken in a manner which is consistent with the sacred use of this church building.

7. The solar panels shall be removed from the roof at the end of their useful life, together with all redundant cabling and associated equipment. Subject to the grant of any further faculty authorising the installation of any new replacement panels or other advanced technology, the fabric of the roofs shall be made good to the satisfaction of DAC officers, using a component that will make the raised seams required to install the panels look like rolled joints.

51. I will allow **four months** from the grant of the faculty for the completion of the solar panel installation.

David R. Hodge

The Worshipful Chancellor Hodge KC

11 June 2025

The church from Park Street to the north

The church from the south, half-way down the churchyard

The church roof from a point near the Town Gate leading to Blenheim Park