

IN THE CONSISTORY COURT OF THE DIOCESE OF COVENTRY

In the matter of Hampton Lucy, Church of St Peter ad Vincula

Petition for retrospective permission
for installed radio internet repeaters

2020-054654

JUDGMENT

1. I am asked to make decision on the petition of Elaine Rajkowski, a Churchwarden in the Parish of Hampton Lucy, for retrospective permission over the installation of radio internet repeater equipment at the Church of St Peter ad Vincula. The installation was carried out on the Church tower in or about 2016 by a local electrician at the behest of the former incumbent, with additional installation in the tower following in 2017. No formal permission was sought for the installation, albeit the installation of each set of equipment was approved by the PCC.

2. The Church building is Grade I listed, having been built in the late Georgian period in the Perpendicular style, with the tower designed by Thomas Rickman and the Nave designed by Henry Hutchison. The installed equipment amounts to a small discreet receiver (under 19cm in diameter) attached to an upright bar on the inner side of the crenulations on the roof of the tower and a small booster unit strapped to a roof beam inside the tower, with some discreet wiring and a small junction box following the route of existing wiring or ducting within the tower. The impact of the installation upon the appearance of listed building would therefore be negligible. The purpose of the installed equipment appears to be to provide internet access within the Church without the need for the installation of a telephone line. The Petitioner has pointed out that during the current pandemic lockdown the internet ‘broadcast’ or livestreaming of services would not be possible without this equipment. I am also mindful that there is now in place an additional measures order in the diocese that would permit the installation of this equipment now. At a meeting on 16th November 2020 the members of the Diocesan Advisory Committee agreed to issue a notification of advice recommending the retrospective faculty.

3. Complication arises in this matter because the immediate neighbour to the Church, Mr Christopher Robinson, wrote to the Registry to formally object to the installation of this equipment without permission. Mr Robinson has been described by the Parish as having previously been a very active Churchwarden.

It appears that in 2019 he contacted the Diocesan Advisory Committee Secretary to enquire about the installation and as a result the Parish was advised to apply for a retrospective faculty. Other than the fact this had been an installation without permission Mr Robinson clearly had concerns about whether the installed equipment could have impact upon his health and that of his family. He also worried that the equipment could potentially affect the mobile telephone reception at his own premises. He therefore wrote to the Incumbent and to the Churchwardens seeking some form of reassurance that the parish had chosen equipment that would not affect the health and comfort of the immediate neighbour to the Church or of his extended family. His request (admittedly in a long communication including a whole swathe of technical questions) was to know the technical specifications of the equipment. I regret to say that the response of the Parish to Mr Robinson's queries has been inadequate.

Just before Christmas 2020 the Incumbent responded to Mr Robinson as follows:

“Thank you for your letter and email. Your objection to the Faculty Application (which is your right in law) is noted.

As you are aware, the Faculty process is underway and has legal standing. It would be inappropriate for any Officers of the local church to engage in side-meetings until such time as the Chancellor asks us to. It is for the Chancellor's Office to answer your queries - if they so wish.

On a personal note. I would respectfully remind you that we are in the midst of a global pandemic in which the church, its Officers and clergy are playing a key (and utterly exhausting) role. I appreciate your concerns matter to you and your family, however as almost every day brings further suffering, heartache and workload courtesy of Covid-19, I'm afraid my time is well-spoken for at present. Indeed I have not had a single day of rest since we came out of lockdown and won't be getting one until the 26th."

4. Suggestion by the Incumbent that 'the Chancellor's Office' should deal with queries as to the technical specifications of equipment installed without permission could be described as surprising. That same view was apparently also expressed by the Churchwarden with whom Mr Robinson communicated. The information supplied by the Parish at that stage amounted only to photographs of the installed equipment and an explanation to the Diocesan Advisory Committee of the purpose of the installation. There was no detail of the manufacturer and model number of the devices, let alone any technical specifications. At this stage Mr Robinson made reference to information published by Ofcom, showing that if the specifications of the device were known it was a relatively simple calculation to show if there was likely to be any impact upon Mr Robinson and his family. He even offered to pay for an expert report upon the equipment so as to assuage his fears, indicating that if he was reassured it was likely his objection would be withdrawn.

5. When the matter was referred to me in early January 2021 I made it clear that there was no question that Mr Robinson should have to commission such a report. It seemed to me without doubt that the Parish that had installed equipment should make efforts to reassure those nearby who raised concern that the equipment would not (or was very unlikely to) impact upon their health, safety and comfort. The Parish was therefore advised to provide the exact details of the equipment installed, which was achieved by provision of the model numbers and a link to the website of the manufacture, where technical details were provided. It was still left to Mr Robinson to calculate the potential impact upon his family. He acknowledged that, from the information received by him, it appeared that ‘the safe separation’ arising from the particular equipment was *‘a matter of meters not the tens of meters I feared it might be’(sic)*. He asked that this be verified by the Parish or Diocesan Advisory Committee. I have received an email from a Churchwarden confirming that point. Mr Robinson also, from experience, pointed out that the location of the equipment raised issues of safe access for those carrying out the necessary inspection and maintenance of the equipment. He stated “for my part, if the parish and the diocese are prepared to confirm the safety of the equipment and fulfill (*sic*) their duty of care, I am content with the decision of the Chancellor”. I have again seen an email from a Churchwarden confirming that if necessary the Parish could provide “*a written safe system of work for this*

backed up by a risk assessment". However, in the same communication I was surprised to see comment effectively that as Mr Robinson's extended family do not live with him any concern he had about the effect of the equipment upon their health was of minimal relevance. This is not a response I would expect those representing a Parish to make to a raised issue of concern. I trust it was a comment that, had the author re-read her missive she would have changed as not actually correctly expressing her view.

6. In all the circumstances of this matter I am satisfied that the fears raised by Mr Robinson in his letter of objection have now been, to at least a substantial degree, assuaged, albeit Mr Robinson was required to carry out the necessary calculations himself. I have already indicated that the impact of the installed equipment upon the historical significance of this listed Church building will be negligible. I find that the reason for the installation is good and perhaps even necessary in the current circumstances faced by Churches in this Country as a whole.

The retrospective faculty will be granted as requested. The Petitioner must ensure that full details of the installations are entered into the Church log book.

7. In this matter the Parish must pay the costs of this application. These include the fee payable to the Diocesan Registry for additional work in a contested

faculty determined without hearing. I also certify that my consideration of this matter so as to draft this judgment was three hours.

Glyn Samuel
Chancellor
16th February 2021