

Neutral Citation Number: [2021] ECC SWK 1

IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK

IN THE MATTER OF ST MARY'S CHURCH, OXTED

AND IN THE MATTER OF A PETITION BY MR AUSTIN COPP, MRS CATHERIN HOUGH AND THE REVD JAMES ASHTON

### JUDGMENT

1. This an application for an interim faculty by Mr Austin Copp, Mrs Catherin Hough and Revd James Ashton, the Team Vicar and Churchwardens respectively of St Mary's Church, Oxted. A petition for a "full" faculty has been made and is currently subject to advertisement under Part 6 of the Faculty Jurisdiction Rules<sup>1</sup>.
2. Permission is sought to install a new gas boiler in the church. The matter is not covered by List B because it is not a like-for-like replacement. The current boiler has reached the end of its life and is inefficient and unreliable. Although Spring is approaching, the Petitioners want to ensure that it continues to be possible to heat the church and to get on with the installation of a new boiler as soon as possible. The DAC have considered the proposals and recommend them for approval.
3. Subject to one possible matter, the proposal is not controversial and it seems to me would appropriately be the subject of an interim faculty on the usual terms, namely that the Petitioners would undertake, if there were any objections, to modify or remove the works if they were required to do so. One would not expect there to be any objections.
4. The one matter that has given me pause is the application to the proposal of the policy of the Church of England to achieve carbon neutrality by 2030.
5. The Petitioners take this policy seriously and I am grateful to them for the clarity of the explanation of their approach and that of the PCC. Unlike the position in *In re St Mark, Mitcham*<sup>2</sup>, there is a feasible "green" alternative, namely the installation of two electric boilers in series (which could be powered by "green" electricity<sup>3</sup>). There is not a great difference between a gas boiler and electric boilers in terms of the cost of installation. In terms of the difference in running costs, it is estimated the gas boiler will cost £1,800 per year and the electric boiler will cost £8,000<sup>4</sup>. The Petitioners observe that *the running costs of the electric alternative would appear cost prohibitive against current church income*. In terms of meeting the carbon neutral objective, the Petitioners say:

*This proposal however could be regarded as a medium-term solution with a life expectancy of approximately 15+ years. The replacement for this system in 2035 will be better able to take*

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<sup>1</sup> During the current lockdown, notice of all petitions is currently being given on the Diocesan website.

<sup>2</sup> [2020] ECC Swk 5.

<sup>3</sup> I.e electricity generated from renewable sources.

<sup>4</sup> I am not sure whether this is the cost of green

*advantage of emerging technologies that are likely to mean carbon neutral options will be widely available and affordable at that time.*

6. I explained what I considered to be the appropriate general approach to the issue of the achievement of carbon neutrality in *In re St Michael and All Angels, Blackheath Park*<sup>5</sup>. This is that I would require the matter to be **considered** by Petitioners but that I would leave to them the judgment as to how the matter was to be addressed, assisted as appropriate by the advice of the DAC. This remains my approach and, in the circumstances, I direct that an interim faculty do issue in this case, subject to the usual undertaking. If an objection subsequently were to be made to the grant of a “full” faculty I would approach it in the light of the approach I took in the *Blackheath Park* case as now applied in this interim judgment. The works are to be completed to the reasonable satisfaction of the Church’s Inspecting Architect.
7. However I do remain concerned. Obviously one does hope that greener solutions will become available over time but, as the Petitioners fairly accept, they would not be looking to replace a boiler that is installed in 2021 until 2035 at the earliest. It would be open to me to refuse to grant a faculty, recognising, of course, that this would not necessarily lead to the adoption of a green solution. It could be argued that an additional cost of £6,200 per year should not be regarded as cost prohibitive
8. It seems to me that that figure should not be viewed in isolation. St Mary’s has to pay each year a substantial sum to the Diocesan family purse. The Diocese would not in practice be very happy if St Mary’s prioritised carbon neutrality over its annual payments to the family purse. I note that, as it happens, at the same PCC meeting that authorised petitioning for a new boiler, the PCC generously authorised the payment of £9,500 to missions and charities. It would be unfortunate if in seeking to achieve carbon neutrality, the parish reduced its support for mission. As I have explained, it is my view that decisions about carbon neutrality should be taken at parish level and that it is not for Chancellors to seek to impose solutions through the clumsy mechanism of refusing otherwise acceptable proposals. But it does seem that, absent new technology coming to the rescue, the effect of a whole series of decisions like the one in the present case is likely to lead to the 2030 target being missed. I consider that this should be addressed in the guidance given to parishes by the National Church about the achievement of carbon neutrality and how they should address competing priorities in the formulation of their budgets.

PHILIP PETCHEY

16 February 2021

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<sup>5</sup> [2020] ECC Swk 5. Note that this case pre-dates the adoption by General Synod of the 2030 carbon neutral target.