

**Neutral Citation Number: [2023] ECC Swk 7**

**IN THE CONSISTORY COURT OF THE DIOCESE OF SOUTHWARK**

**IN THE MATTER OF THE CHURCH OF ST MARY & ST JOHN THE DIVINE,  
BALHAM**

**AND IN THE MATTER OF A PETITION BY COLIN SNADDON, DIANE HOLMES  
AND SARAH MCDERMOTT**

### **JUDGMENT**

1. This is the petition of Colin Snaddon, Diane Holmes and Sarah McDermott, the former Treasurer and the Churchwardens of the Church of St Mary & St John the Divine, Balham<sup>1</sup>. By it they seek permission to install two new gas boilers to replace the existing three boilers which have until now provided the church with heat.
2. The Church of St Mary & St John the Divine is a fine and large church which is listed, Grade II. The PCC are very conscious of the need to reduce the carbon footprint of the church and, to this end, all the electricity that they use is “green”, supplied through the parish buying scheme. When the three gas boilers that supply heat to the church came to the end of their natural life, the concerns of the PCC meant that it investigated all the available “green” options very thoroughly. No such option at reasonable cost presented itself. Under the Faculty Jurisdiction Rules 2015 as now amended, the DAC must satisfy itself that those who intend to petition for a faculty have had due regard to the Church of England’s net zero guidance<sup>2</sup>. In the present case, the DAC have so certified; and it has recommended the proposals to me. The Petitioners point out that it speaks in favour of the petition that the new boilers will be much more efficient than the old ones<sup>3</sup>.
3. I have looked at the material which the Petitioners carefully prepared and have supplied to the DAC. I know from experience that if there is some aspect of a situation like this that might require further consideration, the DAC is astute to ask about it. I have no reason to think that the Petitioners’ assessment is incorrect; in the circumstances I can be confident that it is correct.
4. In the circumstances it is appropriate that a faculty should issue, and I so direct. It will be subject to standard conditions recommended by the DAC, namely that (1) any asbestos present in the existing installation is removed by a licensed contractor and that the certificate of such a contractor is obtained and kept in the Church’s logbook; (2) the Church's insurers are informed of the works; (3) the works are completed to the reasonable satisfaction of the Church’s Inspecting Architect<sup>4</sup>.

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<sup>1</sup> I should explain the identity of the Petitioners: the Vicar, Revd Jonathan MacNeaney, is new in post; Mr Snaddon has been taking the lead on this project in the parish for some time. In these circumstances Mr Snaddon is joined as a Petitioner and Mr MacNeaney (who is kept fully informed) is not. The Church was originally St Mary’s but the dedication to St John was added when St John’s Church in Bedford Hill became redundant in 1985.

<sup>2</sup> See rule 4.9 (7A).

<sup>3</sup> In a sense this is not a benefit, but water under the bridge: there is no possibility of reviving the old system. On the other hand, the Church does have to be heated in some way, if it is to be used in winter.

<sup>4</sup> The DAC did not recommend a condition, of the kind I consider further below, requiring the purchase of offsets.

5. I am pleased that the PCC remain committed to looking for green solutions in the future. More specifically, the DAC have noted that the Church is sited within the London Heat Network Priority Area, so it may be possible in the future to connect to a District Energy Network if one were laid nearby. So all is not doom and gloom,
6. However, there are two other matters which I need to consider.
7. First, there is the possibility that the new boilers be fuelled not by fossil produced gas but by green gas. However, my understanding is that this is very much more expensive than “ordinary” gas and it is not generally available. It certainly is not available through the parish buying scheme through which the PCC would expect to buy its energy. If green gas did become available at reasonable cost, I can be confident the PCC would want to use it.
8. The other matter is the possibility of offsetting.
9. In granting permission for heating schemes which were carbon neutral, some Chancellors have imposed conditions that require off setting<sup>5</sup>. Hitherto I have not done so. It has now seemed to me appropriate that I should revisit this matter, particularly in the light of the coming into force of rule 4.9 (7A)<sup>6</sup>.
10. The first thing to say is that off setting is evidently not the solution to the challenge of achieving carbon neutrality. Thus, in its guidance *The Church of England Routemap to Net Zero Carbon by 2030* the following appears in a section entitled *Some problem areas*:
 

*Some means of balancing our residual emissions by offsetting will be needed. This needs to be set against a real ambition that our aim is to reduce our emissions year-on-year and to reduce our emissions as much as we possibly can. Offsetting is contested as a solution and is never a replacement or compensation for not cutting emissions which can be reduced, and in fact a major net zero carbon standard is proposing that offsetting covers no more than 10% of emissions, meaning the majority of carbon emissions must be eliminated. The milestones reflect that carbon offsetting is likely to be needed to achieve our net zero carbon target but remains an area where we are still to make complex decisions. We recognise that an early move towards offsetting could divert funds from emissions-reduction initiatives.*
11. I think that what this means is that by the time we get to 2030<sup>7</sup>, if and in so far as churches are still using fossil fuels, such use should represent no more than 10% of the overall energy requirement; which requirement may then be offset without compromising the achievement of the net zero target. As regards how this off setting may be most effectively achieved, it is hoped that by 2025 offsets will be part of the Parish Buying Scheme.
12. As I understand it 84% of the energy requirement of churches<sup>8</sup> of the Church of England is in respect of heating<sup>9</sup>. As regards churches themselves, 87% use oil and gas<sup>10</sup>. It is open to any

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<sup>5</sup> See e.g. *In re St Thomas and Luke, Dudley* [2021] ECC Wor 2; *In re St Mary the Virgin, Dedham* [2022] ECC Chd 2; *In re All Saints, Scotby* [2023] Car 2.

<sup>6</sup> See footnote 2 above. *In re St Mary the Virgin, Welling* [2002] the approach I took was to require a parish carefully to consider how it implemented the policy of seeking to achieve net carbon neutrality but not to seek to substitute my own judgment as to what it should do. However, this was before the new rule came into effect.

<sup>7</sup> I note that the target in the Diocese of Southwark is 2035.

<sup>8</sup> Including church halls.

<sup>9</sup> See p 21 of the *Routemap* and *Section 4 Church Heating Systems: Decarbonising and the Future* (Church Buildings Council).

<sup>10</sup> See *Section 4 Church Heating Systems: Decarbonising the Future*.

church which currently uses oil or gas for heating to achieve carbon neutrality by buying offsets now. Unless by 2030, it has changed its heating system, a church doing so will, so to speak, stake its claim to be part of the 10% acceptable offsetting in 2030. But, of course, what it needs to be doing, first and foremost, is seeking to find a means of replacing its current heating system by 2030 (or as soon thereafter as it may). Buying offsets now is likely to be a distraction from that objective. Churches – many of which have to work very hard to pay their parish share – are now facing the challenge to pay for better insulation, solar panels and green heating. Paying for offsets is likely not to be a practical option.

13. Turning to the specific situation of church that is in the position of having to replace a gas boiler with a gas boiler, I can see the attraction of saying that it will be permitted only on terms that offsets are purchased to mitigate. Although one might say that a Chancellor is primarily concerned with whether the physical installation is or is not intrinsically acceptable, there is an obvious connection between the works proposed (which will contribute to a continuing carbon footprint) and the condition potentially imposed. So I do not think that in principle it could be said that it is wrong to impose such a condition. It may be bad luck that singles out such a church from all the many other churches that use fossil fuelled heating but that is one of those things: the need for a faculty enables a Chancellor to require a church to buy offsets whereas he or she has not ability to require all the other churches in the Diocese to pay for offsets. It is in these circumstances a number of Chancellors have decided that it is appropriate to impose such a requirement.
14. However, despite all this, for pragmatic reasons I still continue to prefer a different approach. As a generality, I do not think that it is realistic to expect churches, which are already bearing the cost of installing new heating, additionally both to buy offsets **and** to seek to make provision – as they need to do - for achieving carbon neutrality without paying for offsets.
15. Of course, some churches are better off than others. Some might be able to pay for offsets, some could not. A further complication is that if the purchase of offsets became the first call upon its funds, its ability to pay its parish share might be compromised. I could of course inquire as to the individual circumstances of a particular parish but I am not clear as to the basis on which I might, so to speak, temper the wind to the shorn lamb. I think that the appropriate choice is between imposing the requirement or not at all, not seeking to impose a sliding scale.
16. It seems to me better to leave decisions on the purchase of offsets to individual parishes. They might, for the moment, buy offsets or some offsets. They might prefer to establish funds to pay for carbon neutral heating as and when it becomes available; there may be other green projects that they wish first to pursue. They may simply not have the money to pay for the new heating and for offsetting. All churches in 2030 (or 2035) still using gas heating will have to buy offsets or they will not have achieved carbon neutrality; St Mary & St John's may fall into this category.
17. I can see that the approach that I have adopted might be seen as letting the parishes “off the hook”: that a church, given the option of doing nothing, will do nothing. But this is belied by the strenuous efforts being made by churches across England to achieve carbon neutrality by reference to a very challenging target. I think that if it is achieved it will be by “bottom up” rather than “top down” efforts. In principle also one wants to encourage local effort; and not impose requirements which may be perceived to be unfair or prejudice a parish's ability to pay its parish share. I should add that I respect the judgments of Chancellors who have taken

a different approach and, of course, the circumstances of a particular case might indicate the imposition of a condition.

18. The approach I have adopted has a pragmatic basis. However, in conclusion, it is worth going back to first principles. As the *Routemap* explains, it is a problem area and in principle offsetting is not something to be encouraged: it will be apparent that the churches of the Church of England could be virtually carbon neutral tomorrow (on one footing) if every church were to offset its carbon footprint. It would be unfortunate if, as 2030 (or 2035) approaches the focus were to switch from the achievement of carbon neutrality by not adding to the carbon footprint to paying for offsets.
19. In the light of this judgment the PCC of St Mary & St John the Divine will want to consider whether they want to purchase offsets or otherwise seek to offset its carbon footprint in whole or in part. Nothing I have said in this judgment should be taken as suggesting that it is inappropriate to do so: even if offsetting is not the ideal it is better than nothing. I am confident that the PCC will do so both carefully and prayerfully.

PHILIP PETCHEY

Chancellor

27 September 2023