

## Reading Deanery Synod Motion: Response Note

### Introduction

In March 2020, the Diocese of Oxford acknowledged the climate and ecological crisis we face by declaring a climate emergency, and has set an ambitious goal of achieving net zero carbon emissions by 2035. The national church has since declared a national goal of net zero carbon emissions by 2030, and in order to support churches in this endeavour, amended the current faculty jurisdiction rules to encourage churches to make positive decisions for the environment. The recent energy crisis has also brought into focus the need for churches both to become more energy efficient, and develop a longer-term plan for energy security.

The Diocese is already responding to all these issues by a) developing a policy and guidance for having due regard to net zero guidance b) a net zero carbon action plan which is separately on Synod's agenda c) producing guidance on energy efficiency in churches and d) delivering a comprehensive energy audit programme to support parishes across all these areas. We do this work in the context of the duty we have to act as responsible custodians, both of the environment, and the architectural and historical significance held within our church buildings.

The need for churches to reduce their energy consumption and carbon emissions is clear – but the route to lower energy consumption and emissions for churches is often complex given the buildings' age, architectural form, historic significance and patterns of use.

What churches can do to alter their buildings, whether in pursuit of energy or environmental concerns or for other reasons, is governed by key pieces of legislation, which include both secular planning permission and the faculty jurisdiction. This legislation balances harm with public benefits (including environmental and heritage benefits). The key statutory provisions for listed buildings and conservation areas (in secular law) are ss.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) is supplementary guidance. The case law states that there is a strong statutory duty to have *special regard* to the desirability of preserving listed buildings, their settings and their features of special architectural and historic interest, and to preserving and enhancing the character and appearance of conservation areas.

Based on the law as it currently stands, any proposal for renewable technologies, including solar panels, must respect that duty and demonstrate carefully that harm has been minimised and there is strong public benefit in favour of the proposal. The imperative of responding to the climate emergency increases the potential benefit – and may therefore alter the balance of the equation in some cases.

### Comment on the proposed motion

There are several concerns with the motion as it is drafted.

**Firstly**, it is not the case that solar panels are always beneficial for a church. The motion recognises this but a presumption in favour could lead to inappropriate installations, through churches giving priority to solar panels as a consequence of the message sent out by presumption or even by this motion being passed. This would be costly for churches without delivering benefit to them or to the wider environment. The following are examples (in no particular order) of some of the reasons why installing solar panels under a presumption might be problematic and/or not deliver a solution that is as beneficial for the church and for the environment as anticipated:

*Ensuring that energy loss and energy consumption are first reduced:* National church guidance emphasises the need to focus on cutting energy consumption and minimising energy loss as key first steps in a church's journey to net zero. Prior to the installation of renewable technologies, it is important that these are addressed. The quickest gains and biggest difference made comes through changes of behaviour and building usage. Solar panels may form part of this package but they are not the first step. Indeed, the national environmental team's guidance does not encourage solar panels simply being installed on listed buildings which are not taking other actions.

*Demonstrating that solar panels have a genuine net zero carbon impact, when all of the embodied carbon and full life cycle of the panels is considered:* The embodied carbon debate is ongoing. It is important that, particularly if the solar panels used are not fully recyclable, the full carbon cost of their manufacture (including obtaining parts and extracting materials from around the world) and installation is understood, weighed and factored in.

*Checking that the promised benefits are actually delivered and have not been overstated:* The elevations that are proposed (north or south), the amount of solar coverage or shading, the use of batteries for storage of energy generated at a time that the building is not used are all key parts of any plan. Without them, it is possible that panels will not deliver what is promised.

*Ensuring that the church does not end up with other problems as a result of the installation of solar panels:* Proposals need to demonstrate that avoiding harm, such as leaks, compromising the watertightness of roofs, increasing wind loading, checking the structural loading of the roof, increased fire risk, problems with cable runs, difficulties in ongoing maintenance and end of life replacement or removal are all considered carefully. All of these points can often be dealt with but they need to be considered well and a presumption may result in them being given insufficient consideration.

*Checking that the church building is the most appropriate site:* It is advisable for a PCC to audit the other buildings available for the church on which panels might be mounted e.g. village hall, schools, parish rooms, domestic housing, commercial properties, land etc. if such exist, so that a fully informed decision about best locations can be taken. And explanations can be given to the wider community about what the church is doing for the environment.

*Data:* Better data is needed on the actual benefit that different technologies play in helping churches to reduce their emissions. Oxford Diocese is currently engaged in working out ways to collect this data, which would help churches determine if and when solar panels would form part of the correct solution for their needs.

Many of the above are questions not for our Diocesan Advisory Committee or Chancellor but for individual PCCs to consider. There is a concern that the motion as drafted would convey the message that the diocese believes that solar panels will in the majority of instances be the right solution, when that is unlikely to be the case.

**Secondly**, the steps the diocese can reasonably take to influence Government are very limited. To pursue this in detail, Oxford Diocese would need to undertake a review of the existence and extent of any obstacles or bias within the secular planning system and how they might be remedied. This would have to be done alongside Historic England, National Amenity Societies, the Local Planning Authorities of the Diocese, and the Church of England legal office since good relationships with all of these parties are vital to the work of caring for the churches in the Diocese. Therefore, if passed, the reasonable steps would consist of the Bishop of Oxford writing to Government, without doing this detailed work as we would not have the capacity to do more ourselves.

**Thirdly**, The ecclesiastical system of faculty permission is separate to the secular. Until such time as there was any change in the ecclesiastical law (which has to be as robust as the secular system), the Oxford DAC would have to continue to advise the Chancellor on the basis of the law as it stands. Each case is considered on its own merits, with the Chancellor of the Diocese making the decision as to whether or not permission is granted. There is a very real risk that if this motion is passed our parishes consider that from now their proposals for solar panels or similar changes would be expected to be approved. As the DAC and Chancellor would instead have to continue to operate within an unchanged framework this would put even further pressure on our Church Buildings Team and Chancellor and also set parishes up for disappointment.

In terms of process, if this motion is passed, I have agreed with Mark Burton that the intention would be that the proposal would be moved in General Synod by an Oxford member as an amendment when our March 2020 Diocesan Synod motion on the environment is debated, which should be soon. The reason for proceeding in this way is that if it is submitted as a fresh motion it will go to the back of the queue and not be debated for several years and would contribute to us having three motions awaiting General Synod debate.

### **What the Diocese is already doing, and planning, in this area of work**

The Oxford Diocesan Advisory Committee for the Care of Churches, and the supporting Church Buildings Team, are proactively working with colleagues within the Environment Action Team to encourage and enable the installation of renewable technologies where appropriate, amidst a full package of energy saving measures. This is in line with national church guidance and diocesan commitments to reach Net Zero by 2035.

This further work is already intended to include the following three actions:

- a. Work alongside a cohort of churches and other buildings on an initial trial of carbon reduction and renewable technologies and strategies, including solar panels where it is believed there will be net benefit; with a view to gathering data, sharing learnings and encouraging other churches to engage with proven technologies and solutions, and to explore any installations which are less successful to find out why this is the case.
- b. Seeking national Church funding for a wide range of environmental work to church buildings.
- c. Implement the forthcoming Diocesan Advisory Committee position that ensures that due regard to net zero is provided for all major works, that promotes the installation of renewable technologies where appropriate, and that is working towards meeting the key milestones set out for church buildings within the Church of England's Routemap to Net Zero Carbon, and the Diocesan Net Zero Action Plan.

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