

not by the court. It followed that there was no jurisdiction to grant a restoration order in this case because the periodic movement and use of the article as a nave altar did not constitute the commission of an act which was unlawful under ecclesiastical law (section 72 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018).

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Re St Michael, Wandsworth Common

Southwark Consistory Court: Petchey Ch, 12 May 2023

[2023] ECC Swk 2

Replacement heating system – net zero – green electricity

Jack Stuart

The petitioners sought a faculty to replace their existing gas heating system with a ‘ChurchEcoMiser’ system, which would involve the installation of 23 innovative electric radiators. The parish had been in long-standing discussions about finding a new heating system for its church and, noting the Church of England’s goal of carbon neutrality by 2030, a green option was preferred. The petitioners made clear that green electricity would be used to power this system.

The DAC initially raised concerns as to the difficulty in sourcing green electricity and the impact on others of doing so; the cost of electricity; the embodied carbon in the proposed system; and their view that the proposed system remained in its infancy. After initially proposing an air source heat pump, by which the parish were unpersuaded, the DAC elected to neither recommend nor object to the petition. The DAC subsequently confirmed that, although rule 4.2(2)(b) of the Faculty Jurisdiction Rules 2015 was not in force at the time of the petition, the petitioners’ explanation of how they had had regard to the net zero guidance was adequate.

The court considered the question of green alternatives and in particular whether the DAC and the court had pressed the petitioners sufficiently hard on other options, finding that the petitioners had taken sufficient steps to explore the available options. The court recognised the DAC’s reservations but found overall that the grounds for the proposal were made out. Accordingly, a faculty would pass the seal. The court considered, but rejected, imposing a condition that the new heating system be supplied under a green tariff, relying on the good faith of the petitioners in seeking the best and greenest solutions.

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