

IN THE CONSISTORY COURT OF THE DIOCESE OF BRISTOL

In re Stoke Bishop, St Mary Magdalene

JUDGMENT

1. On 13 October 2025 a petition passed the seal for a reordering of this Grade II listed church. One part of the petition was for the replacement of the existing gas fired boiler with air source heat pumps. No objections were received. The DAC and PCC were both unanimous in their support for it, and so it passed the seal with two conditions;
 - a. All the works were to be carried out under the supervision of the appointed architect and,
 - b. All the works were to be carried out in accordance with the planning permission dated 21/03/25, with minor amendments to incorporate DAC comments.
2. I am now asked to amend the Faculty to substitute a gas boiler for the air source heat pumps.
3. A letter from the petitioners states, inter alia:

Rule 4.1(2A) of the Faculty Jurisdiction Rules 2015 (as amended) states that the requirements to consult interested parties in advance “*do not prevent an intending applicant from consulting any other body or person.*” However, although the Church of England guidance specifically requires the PCC to consider how to conserve the fabric of the church and its furnishings it contains no recommendation to consult with neighbours particularly, as in this case, the proposal will clearly have an impact on those living nearby
4. The reason for the letter and the application is that since the local authority have had to consider granting planning permission three neighbours are claiming that this is the first they have heard of this application, and they have raised objections. The local authority, having raised concerns about the noise levels that would be generated by the 14kw air pumps, are considering granting planning permission for the installation of air pumps but have stipulated that the 14kw air pumps be replaced with smaller 10kw air pumps.
5. Rather surprisingly, local residents apparently only became aware of the petition after the local authority publicised the planning application. I have been given no explanation of why the notices that were displayed for the petition were not triggers

for the residents to make their objections. I am also surprised that the petitioners did not believe that the posting of the notices in relation to the petition answered their concerns raised in paragraph 3 above.

6. The neighbours complain that, whilst they support in principle the Church's aims of reaching net zero, they do not support this particular parish's attempts to help achieve it. They complain that even the newer, smaller pumps will be too noisy to be installed and as they say with firmness but courtesy, they will go to law to stop the installation of any such pumps. One of the neighbours also raises, with dignified restraint, the health of a member of their family which would be adversely affected by the noise. That neighbour also states that they are '*willing to consider contributing to*' any extra costs associated with the installation of a gas boiler.
7. The parish priest has also raised the point that the threat of litigation has caused her considerable stress and that this may further affect her ministry in the future if litigation were to happen and the attendant stress increase.
8. It is very clear to me that the parish had due regard to the Church of England's net zero guidance as required by the Faculty Jurisdiction Rules. Indeed, that is clear from the very full advice that they received and which formed part of their petition. It was from that advice that they decided that air pumps were the best possible solution to improve the heating and to conform to the Church's guidance.
9. The DAC were initially sceptical about agreeing to the proposed amendment stating:

"From informal conversations with several members, the DAC may feel that this does not yet show 'due regard' to net zero, etc. I've also had a conversation with the planning case officer at Bristol City Council; the PCC and architect have also worked proactively to find a solution, as the noise pollution department had initially also objected to the commercial heat pumps. Instead, a smaller 10kW unit has been found acceptable, albeit an additional unit is needed and they have updated their plans with the council accordingly – this has since passed pollution control as it now fits alongside their matrix and, as such, is not deemed to be beyond the acceptable decibel limit. Their application is in the final steps of planning and is anticipated to be granted early-2026...."

After some investigation that stance changed:

"At the meeting on Thursday 16 October 2025, the DAC resolved to recommend this application to the Chancellor. The DAC sympathised greatly with the parish, but was concerned to reach a clear, evidence-based decision.

In reaching its conclusion, the Committee gave prominence to the requirement for the parish to demonstrate due regard for the published guidance on net-zero. In the initial assessment it was felt that some aspects of the parish's submission required scrutiny in this respect. For example, whilst letters of objection referring to concerns about noise nuisance, (and threats of legal action) are understandably of pastoral concern,

are they proportionate to the predicted impacts of the previously proposed heat pump plant?

The Committee felt strongly that the presumption must be for a low or zero carbon heating solution and that the parish's original proposal provided that. Where the rationale behind that original proposal has changed, that, it was felt, needed to be robust, not only in relation to the parish's progress to net zero, but so as to avoid setting a precedent whereby other parishes could seek to justify oil or gas heating proposals.

The primary reason for the change is the perceived risk of noise nuisance. It is understood that under the secular planning process Bristol City Council are considering an alternative heat pump specification with lower noise output and are anticipating that this would satisfy their policy requirements. The Committee recognised that the parish's professional advisors have done much work on assessing and measuring sound levels. However, it was felt that data on decibel levels relative to industry benchmarks did not provide a site-specific analysis – what would be the effect of a specific noise level actually be in this setting? An understanding of the real-world impact would help interrogate the claims made.

To this end the DAC assessor visited the site with a calibrated sound meter. It was found that on such a still, dry evening the area around St Mary's is typically suburban and that the comings and goings of normal activity, mainly of traffic, generate sound levels around and above those predicted for the heat pumps. This was found to be the case until around 10pm when the predominant sound was then from the wider city and the neighbourhood itself was very quiet. By 11pm the area around the site was found to be exceptionally quiet, such that any sound was highly noticeable. The assessor had thought nothing of arriving by car, but on departure was very conscious of the impact of starting up to drive away. For completeness they measured the sound level that caused and found it, even at several metres away, to be considerably lower than the predicted sound output of even the revised heat pump proposed. At which point the delay between starting up and driving away was deemed to be intrusive and the assessor left – albeit with a clear sense that the acoustic setting of St Mary's is one of remarkably low nighttime background noise.

The assessor had also felt that the parish's submission did not give detail of the extent to which the parish had explored other low carbon options. In discussion with the parish and their architect it was evident that considerable work had been done, spanning most of the development of the wider project, including via a detailed energy audit. Many of the solutions proven to be so successful in other parishes were not applicable at St Mary's because of the intensity and duration of use of the existing halls, which it is anticipated will increase with the refurbished halls. Neither the church or halls benefit from roof slopes suitable for solar power, and radiant or other direct electric heating options would simply be uneconomic for the long durations of use expected.

It was also noted that the project is a refurbishment not a new build – there is an intrinsic 'embodied carbon' benefit in substantially retaining the existing fabric, just

as there is in the proposed thermal improvement of it. The halls have an existing gas boiler and so there is a sense that the proposal is to 'not change from gas' rather than 'to adopt gas'. The existing boiler is old, and its replacement will inevitably be more efficient and the proposed controller is of the 'smart' type, and able to optimise heat delivery with demand.

In these discussions it was also evident that the parish is committed to mitigating their contribution to climate change and expressed a desire to work with the Diocese towards this, including to look at secondary heat sources to supplement and/or supersede the new boiler. The parish recognises that addressing climate change is an act of mission.

The Committee did not reach its conclusions lightly but was nonetheless resolute in that a) the parish has shown due regard to the published guidance on climate change, b). the setting of the church is, outside of 'active' times, exceptionally quiet despite being highly populated, c). the parish is striving to achieve the compelling mission benefits of the project as a whole and the specific mission objective of responding to climate change – and that the revised proposals are achieving the best balance of mission outcomes at this point and d). there is a commitment to working with the DAC/Diocese to progress towards net zero. They therefore recommend this proposal to the Chancellor."

10. I am extremely grateful for the diligence of the DAC assessor and, as always, I am hugely grateful to the expertise and thoughtfulness of the DAC as a whole for their analysis of this unique problem.
11. I have to decide whether the amendment of the faculty to authorise a gas fired boiler is an appropriate and proportionate response to the concerns raised at such a late stage. I agree with the petitioners' original petition that, having due regard to the Church of England's guidance on net zero, the installation of air pumps would be the best solution to this problem. There would have to be the most compelling reasons for me to overturn that decision bearing in mind the existential and missional reasons for that guidance.
12. On one level, I have to decide between two authorities-the Church of England's guidance on net zero and the commandment to love our neighbours. I accept that following the Church's guidance on net zero is also a manifestation of living out that commandment in the widest sense, but I have to take into the account the direct and indirect effect on the mission of this church if this amendment was allowed. I must make it clear that I cannot be certain that an injunction would be granted if the neighbours decided to issue proceedings, or that proceedings for noise nuisance would be successful but I have to take into account the financial consequences of the parish defending any proceedings. The parish would be unable to complete its reordering and the work and mission of the church to serve the community would grind to a halt.
13. I note that it is intended that the air pumps would be working 24 hours a day with the attendant noise set out in the DAC's report. I also note that the petitioners are keen to

mitigate any environmental damage by improving insulation and installing double glazing as part of this reordering. They have also offered to make a financial contribution to another church community to enable a form of renewable energy to be installed.

14. In summary I take into account the unique set of circumstances here;
 - a. The exceptionally quiet environment in a suburban area which would be unusually affected by even the smaller of the air pumps being used 24 hours a day,
 - b. The particular medical consequences of the noise in this case,
 - c. The effect that the threatened litigation would have on the viability of this church's mission,
 - d. The effect of the stress of the threatened litigation on the incumbent,
15. I am prepared to allow the suggested amendment and, contrary to the Church of England's guidance on achieving net zero, allow the replacement of this gas boiler with another one.
16. I would encourage both the petitioners and the opponent neighbours to consider making some material contribution to net zero initiatives.

The feast of St Elizabeth of Hungary

17th November 2025

Justin Gau,
Chancellor of the Diocese of Bristol