

Applying for a Heating Faculty

Since the introduction of the Church of England's target to reach Net-Zero by 2030 everyone has an increased responsibility to consider environmental issues when undertaking works to churches. As technology and the costs of various items changes all of the time, always speak to the Church Buildings Team for to check for the latest information.

This guidance note will start by explaining what the main changes to the faculty rules were, together with what that means to you, the DAC, and the Chancellor. It will then set out the approach to take and how you can meet the changes that have occurred to secure a faculty for heating systems. It is important that read the heating guidance on the [Churchcare website](#) published by the Church Buildings Council prior to submitting a faculty.

The steps in this and the CBC guidance are designed to be done anytime. PCCs are encouraged to read this **BEFORE** your heating system fails so you can plan appropriately and present a fully considered faculty application. **A broken fossil fuel boiler will not be considered adequate justification for like-for-like replacement and from January 2026, no replacement oil boilers will be considered under normal circumstances.**

Due regard and the Faculty Rules

In July 2022 the Faculty Jurisdiction Rules were amended to reflect the efforts to reduce the carbon footprint of the church estate. Elements were introduced to make it easier to install greener heating methods together with making it harder to install harmful carbon emitters. The rule changes impacted not just what permission was needed but how faculty applications were considered.

'In the case of matters to which net zero guidance applies, an explanation of how the intending applicants, in formulating the proposals, have had due regard to that guidance'¹ (FJR 4.2(2a))

The DAC in giving their advice to the you and the chancellor, therefore must consider whether due regard has been achieved. But what is due regard?

Due regard is familiar legal term and is proven in the planning law. (Please remember that faculties are a legal process. The church is subject to national planning law but has the privilege of 'Ecclesiastical Exemption'. We don't want to lose this privilege by failing to observe proper process). To explain 'due regard' the following has been taken from an article from David Pocklington in [Law & Religion UK](#):

'The legal duty to have due regard means that the person to whom the guidance is directed is not free to follow the guidance or not as he or she chooses. [...] As a matter of law, the guidance should be given great weight and must be followed unless there are 'cogent reasons' for not doing so'.

'Cogent reasons' are reasons that are clear, logical, and convincing. [...] Cogent reasons are likely to arise only where the guidance does not contemplate a particular, unusual situation arising so that it becomes necessary to take a different approach from that set out in the guidance in order to meet the particular circumstances of the case'. (Pocklington (2023)².

In simple terms a PCC must, in its faculty application, explain how the proposed heating system and/or other carbon reducing initiatives, follows the guidance set out by the CBC on the [Churchcare website](#). This means that the decisions and conversations PCCs make **must be evidenced**. You cannot show due regard by simply stating it with a single sentence.

For example, if 3 phase electricity is not possible or too expensive how have you come to that outcome? Similarly, if a heating system is not viable in your scenario what has informed that decision.

¹ "net zero guidance" means guidance issued by the Church Buildings Council under section 55 of the Dioceses, Pastoral and Mission Measure 2007 on reducing carbon emissions;

² David Pocklington, "'Due regard' to safeguarding guidance" in Law & Religion UK, 27 February 2020, <https://lawandreligionuk.com/2020/02/27/due-regard-to-safeguarding-guidance/>

You can show due regard and engagement by doing the following:

1. Demonstrating that you have read and understood the CBC guidance.
2. Demonstrating how you have applied that guidance to your situation.
3. Demonstrating how the guidance and application has influenced your decision making.

If you are proposing a non-fossil fuel/low carbon solution to your problem, you are already demonstrating you are having due regard to the guidance.

Funding is important, and any system must be affordable. Therefore, it is important to explore and evidence how much each appropriate system is likely to cost. You do not need a quotation for everything, but it is not enough to say, 'it's too expensive'. Secondary evidence is a good way of getting an idea of rough costings. The CBC has real life examples of [net zero installations on their website](#) which includes rough costs.

As with every application, show your workings, provide relevant evidence, and never assume that whoever is considering your application knows your church or situation. The DAC and Chancellor can only consider the information that is presented to them and cannot assume conversations and discussions have taken place.

DAC & Chancellors Perspective

The DAC has a dual role. They have to assess the application and advise both the PCC and the Chancellor. In heating applications, they advise on the three principal matters below.

1. Does the application demonstrate due regard to net zero guidance.
2. Is the proposed system the most appropriate to the situation.
3. Is the proposed system technically satisfactory.

If you have followed the guidance and provided the rationale and evidence of your thinking and outcome, then a recommendation can be made to the Chancellor for a decision. Frustration can arise through a difference of expectation in the application process. From experience most applications simply do not have enough information required satisfy one or more of the three points above.

It is understood that many PCCs feel that to follow the guidance and provide what is required is too onerous. If that is the case the PCC must provide '*cogent reasons*' as to why their situation does not apply and they must deviate from following the guidance. *Remember the DAC has a legal duty to consider if the application has had 'due regard' to the guidance.*

When determining applications, the Chancellor must consider all advice received through the faculty process including the advice from the DAC. This is alongside the legal duty of giving great weight to the guidance and whether the PCC has had due regard to that guidance. And if not, have cogent reasons been made. They are also guided by previous judgements made by Chancellors across the country, this is known as case law.

In Summary

- Every application must demonstrate that the PCC has followed the CBC net zero guidance and therefore had 'due regard'. You do that applying the guidance to your situation.
- If this is not possible, the PCC must state why they cannot follow the guidance or that their situation is not covered by it. In other words, provides a 'cogent reason' to the fact.
- Every application must provide **EVIDENCE**. Whatever you choose it is easy to say you have done something, it is quite another to prove it. Show your workings and never assume anything!
- The DAC is legally bound to advise the PCC and Chancellor if they feel 'due regard' has been met and if the system is technically feasible.
- The DAC is not a decision-making body, that is the chancellor's job.
- Every church and/or congregation needs to be properly heated. You are not arguing the need to heat the church, only that the proposals are the most appropriate and affordable.
- HAVE A PLAN. If you have been caught off guard by a heating system failure, start planning ASAP. The options you explore now will help you in the future so don't dismiss the process. Remember that you can apply for permission for a temporary heating solution whilst you develop your plans.

Key faculty documents

There are some key documents that will help you in the process of making a faculty. These have been listed below. Please note that the list below is the minimum required, and each faculty will differ depending on the situation. Much also depends on the level of information provided in each. It is not simply a checklist to be completed.

The DAC may request additional information if it feels that more is required.

- Statement of need.
- Statement of significance.
- DAC Heating Application Form which provides a summary of the proposal and allows you to evidence that you have read and understood the guidance.
- [CBC heating checklist](#). (Word Template available)
- [Heating options appraisal](#). (Word Template available and exemplar)
- Layout of church showing existing system and uses.
- Images of church as appropriate.
- Quotation/specification of proposed heating system.
- Any other evidence as dictated by the situation.
- PCC Minutes
- Correspondence with Inspecting Architect.

The Need

Before submitting a faculty for the changing or replacement of a heating system it is important to properly assess the situation holistically before settling on a preferred solution.

What you need is going to be the overriding factor. It is best to have the template [Statement of Need](#) ready. This is a key document in the faculty process, it is your chance to make the case for what you are proposing and will be the document the DAC turn to first.

When discussing heating, the need may seem obvious but is not always straight forward. For example, is heating people the most important consideration? How much of the space do the congregation use? Does the church have historic or fragile paintings or furnishings? Are you only using certain areas of the church? All these factors will inform what heating methods will be most suited to meeting the need. These are known as **heating principles** and further guidance can be [found here](#).

Exploring and understanding the **perspectives** of the different stakeholders will be useful when you consider the heating and the need. But this doesn't stop at people, issues such as the environment, theology, and the application process are also important. More information about different perspectives can be [found here](#).

So, the first things to consider are how you are using the building. Specifically:

- What activities happen throughout the week? Is the church used regularly or once a week? How many people attend?
- How long do these activities go on for? Try to build up a diary of activity and total hours use.
- What parts of the church are used and for how long? Annotating a layout will help visualize this.
- Are there any important features in the church? Fragile paintings or textiles for example.

Once you have mapped this out it should become clearer what your needs are. To help there is a handy [checklist here](#). For most churches it is making people feel comfortable. This can be done in several ways that does not rely on traditional space heating. Alternative approaches can work out much cheaper over the life of a heating system. There may be other non-conventional methods that are worth exploring such as heated seat cushions.

It is unlikely that one system will fulfil all your needs so a hybrid one may be needed. A hybrid system is one that is made up of a variety of heat sources that can be used separately or together to meet the needs of the church. For example, you may need to heat a side chapel or chancel for a small mid-week communion service. The heating of this area may be achieved by the use of pew heating or infrared heating.

The advantage of considering a hybrid system is that you can more easily make the transition to a low carbon system in a phased way rather than having to make a large investment in one go. You may start with pew

heating in the Chancel, then perhaps enough pews for the regular Sunday congregation and then heating all the pews for larger services. If your current boiler is still working then this allows you to slowly invest in the new heating and gradually move away from your reliance on fossil fuels. Therefore, it is really important to start the process early and not wait until the boiler fails.

Current Heating System

The next step is to understand and document your current heating system. The DAC Heating Application Form asks you for details of your current system and some of the key things to be thinking about. If your heating has broken down, why is that, and why can't it be repaired? You may need a contractor to complete some of the information, but this is vital for the DAC, and yourself, to understand the situation. There is also a list available from the [Church Buildings Council](#).

Key considerations are:

- What type of heating is it? Electric, gas, oil, mixed?
- How old is the heating system?
- What is the estimated lifespan?
- Estimated total heat output.
- What are the current controls?
- Does the heating system fulfill current requirements?
- How long on average is the heating on?
- How long does it take to reach optimum temperature?
- What is that temperature?
- How long does it take to cool down?
- What is the current cost of the heating system?
- Have you filled out the [Energy Footprint Tool](#)?

We often get information from parishes that refers to the building not being warm enough and therefore the need for a new boiler. Whilst a new boiler might have a higher heat output the amount of heat which gets into the church is governed by the heating system i.e. pipes and radiators, therefore simply replacing a boiler will not give you more heat in the church building. The other and probably more important consideration is where do you need the heat?

Heating Options

With a thorough knowledge of the use of the building and the current heating system, now is the time to consider the options. These options should be based on the need not on the easiest or cheapest.

It is important to be aware of all the options and to have fully considered them. A separate document gives more details of the heating options currently available is on the website. Without this consideration the DAC will be reluctant to give a recommendation and will likely defer giving advice until more information is given.

Below are some basic steps to take in exploring the options:

- 1: Contact a reputable heating consultant who will be able to calculate the heating requirements of your building. (Unless you have the technical capacity within the PCC to fully assess the needs of your building.) *(This is not the same as asking a heating engineer who will probably only recommend the system they usually install.)*
- 2: Consider all the options. Don't be tempted to automatically rule things out because of preconceived ideas around cost and practicalities.
- 3: Appraise each option in detail, remember to include running costs as well as installation costs.

Seek professional advice!

Appraising each of the options may require specialist advice from a heating consultant. Any advice you seek should ideally be done in conjunction with your inspecting architect. It is often best to undertake a site visit with the heating specialist and the inspecting architect at the same time to discuss installation methods and locations.

At this stage it should be clear what your needs are. It would be advantageous to give a copy of these to the inspecting architect and heating specialist, so they are aware of the building constraints and what you wish to achieve.