

The Diocesan Advisory Committee, Diocese of Ely
c/o Geoffrey Hunter

By e-mail only to:
Geoffrey Hunter <geoffrey.hunter@elydiocese.org>

Dear Geoffrey,

KINGS COLLEGE CHAPEL: Seeking a DAC Recommendation for the PV application.

I am writing following the DAC delegation to Kings College on 4 November to look at the PV project. The purpose of this letter is to draw all recent enquiries and queries into a single document so that there are no loose ends, and to specifically respond to the Historic England advice letter of 12 October and the further DAC queries which were raised on 27 October.

Summary of Timeline:

As you are aware, this case started with a formal pre-application enquiry on 7 September 2021. A wide-range of consultations with all the statutory consultees (HE, CBC, Planning Authority, SPAB) was conducted from September to March 2022. Having received advice, a formal application was submitted to the DAC for recommendation on both the PV project and the roof repairs. The application was lodged on 8 March 2022. A mock up of the PV was constructed and all parties were notified of the completion and invited to view the mock up from the end of April 2022.

After a period of negotiation, it was agreed that the roof repairs application should progress separately and by late June 2022, having received advice from Historic England on repairs only, the Faculty for the repairs progressed. Seven months on from the original submission for the PV scheme, the DAC is continuing to work on the determination and notice of formal advice on the application. We know that you understand that the prolonged timescale is a concern for the College Fellowship.

Advice received:

We understand that you have on your records, in addition to the advice recently received from Historic England on 12 October 2022, initial feedback from the Church Building Council (December 2021) and will shortly be receiving the updated CBC advice following their site visit with the SPAB on 9 September 2022. There was a further consultation meeting (to which you were invited) with Christina Emerson and Matt Fullford on 15 September 2022. Responses to this meeting were issued. An initial letter of advice was received from SPAB on 26 April 2022; could we please check whether you have received anything further following these latest meetings.

Directors:

Oliver Caroe RIBA AABC
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Associates and Designers:

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Response to the Historic England Advice Letter (12 October):

This response has been prepared with the assistance of planning consultant Turley on behalf of King's College, Cambridge to respond to the objection letter dated 12 October 2022 which has been submitted by Historic England (HE) to the Ely DAC. The College, Caroe Architecture Ltd and Max Fordham have also contributed to the note as we feel some of the comments made by HE are unfounded.

We fully appreciate that HE, in their role as the government's statutory advisor and consultee to the Faculty Jurisdiction, have a duty to comment on the level of harm (or otherwise) to heritage significance which they perceive. As they identify harm, then, in line with policy they conclude that the application should be refused unless this is outweighed by public benefits.

Historic England base their advice on the Duffield Questions which are:

- Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?
- If the answer to question 1 is "no", the ordinary presumption in faculty proceedings "in favour of things as they stand" is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals.
- If the answer to question 1 is "yes", how serious would the harm be?
- How clear and convincing is the justification for carrying out the proposals?
- Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?

This balance of harm versus benefits, as the response recognizes, must be weighed by the decision maker (the Chancellor, advised by the DAC). It is therefore both surprising and disappointing that HE's response opines on the public benefits which would arise and the level of carbon reduction proposed, describing this as 'limited'. We feel that this strays beyond their remit and suggests a desire to unduly influence the DAC and Chancellor as decision-maker.

We disagree in any case that the contribution is 'limited' as we explain further within this response. The National Planning Policy Framework in paragraph 158 in any case states:-

When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

A 'valuable contribution' should not be dismissed so easily. Historic England also do not seek to consider '*pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship.*'

The comments about the financial benefit of the installation to the College entirely misses the point. The Chapel roof is the single largest potential opportunity for renewable electricity generation on the main college site. It equates to almost half of the achievable roofspace for PVs in this setting.

The costly access created for the roof lead replacement provides a once in a lifetime opportunity to do this work now. The lost opportunity cost of not doing this now equates to the emission of approximately 410 tonnes CO₂¹ between now and 2050 and is independent of any electrification of heating demands.

Whilst the economic input of this PV proposal is valuable in monetary terms (calculated as in excess of £250k over the life of the panels²), its main public benefit therefore is in the carbon saving over a period of many years. However the benefit to the college and the Chapel as a place of worship is broader and is also - some would argue – a missional purpose and statement too. It must also be seen as part of the College's drive to make its buildings (new and old), and especially the Chapel more efficient. The Chapel can and should be, in some way, contributing to the moral and ethical wellbeing of this place of learning in accordance with the College statutes.

Whilst the DAC is only tasked with judging the case for the Chapel as this sits within the Ecclesiastical Exemption, the holistic case for the heritage estate of King's College – all of which sits within the same statutes as the Chapel as originally founded – is made out in the application. We feel that this wider case is important, but if the DAC narrow their jurisdiction to the Chapel alone, the fact that this PV project can exceed the energy needs of the Chapel is highly pertinent to 'viable use'.

In some church cases, carbon savings can be delivered through efficiency and a 'fabric first' approach: achieved through better insulation, enhanced fenestration and other fabric envelope enhancements as well as active M&E controls. These fabric enhancements to reduce energy demand in a Grade 1 listed building such as the College Chapel, are of course unthinkable in a building whose interior and exterior is so remarkable, significant and sensitive.³ The project therefore has undertaken the analysis needed for 'The Practical Path to Net Zero'

¹ This figure, calculated by MFP, is the net overall reduction in CO₂ over the lifetime of the PV installation, calculated against forecast reductions in the carbon-intensity of grid supplied electrical energy. (Whether the grid actually de-carbonises as forecast is dependent on massive growth in non-emitting capacity, including consents for all forms on on-and off-shore renewables, such as proposed in this application.

² Calculated on energy cost/unit rates on the date of submission of this application, which are now increasing rapidly.

³ As described by HE on p4

HE's main objection relates to the visibility of the Panels as designed. There is no disagreement between HE and ourselves that the PVs will be visible in some locations. Our own evaluation of these visual impacts has been thorough and HE broadly accept our findings. We do, in some cases, differ as to whether this visibility equates to harm to heritage significance. We might debate the degree of visibility and whether it is the skyline or roof slopes which can be seen. We agree with HE however that in the most iconic views, eg from the Backs and many other vantage points, there is no visual impact.

Similarly, our assessment of heritage significance appears to be supported by HE. We acknowledge HE's comment that the relationship of the lead roof to more important architectural features is 'modest' in the context of the overall significance of the Chapel.

Despite these areas of agreement, in the view of HE, where the Panels can be seen, they identify a greater degree of harm caused by the proposal to the Chapel's Heritage Significance than the applicant's expert assessment. We suggest that HE's heightened concern is misjudged partly due to methodology and partly due to a confirmation bias. Nowhere in HE's assessment do they acknowledge that they were looking at and appraising the localised trial area of PVs, as seen against the old lead roof. They don't see that the contrasts they are concerned about will be different – and less concerning - when the majority of the roofs are covered by PVs or when seen against the new lead roof. We also consider it misleading methodologically to use clearly 'zoomed in' photographs to demonstrate the degree of visibility which hugely exaggerate anything that the naked eye might see. Our impact assessment is more careful to contrast the 'real' view as experienced with zoomed-in views, which are necessary to describe the change, so that the decision maker is informed.

In the overall picture these differences in evaluation and emphasis are relatively marginal and perhaps inevitable between the advisor and the applicant. These are, after all, matters of fine judgement. However we submit that the determining authority must be alert to the applicant's reasonable concerns about these judgements, when finally determining the Faculty application.

We have more marked concerns, however, about other aspects of the HE opinion which are not just a matter of evaluation or emphasis.

HE write at some length in their letter about the contribution of the turrets, finials and openwork parapets as contributing to heritage significance of the Chapel and which are clear contributors to this value. We entirely agree. However HE also offer much commentary on the question of 'skyline' and its importance to the reading of the College Chapel roof. The suggestion is made that '*both sky and lead contribute to the Chapel's skyline*'. We would define 'skyline' as 'an outline of land and buildings defined against the sky'⁴. The sky therefore must contribute to this reading.

⁴ From the Concise Oxford English Dictionary

However it is clearly explicit that only the ridgeline of the lead-covered pitched roof makes this 'skyline'. As proven in the mock ups, carefully and deliberately judged by the design team, the proposed panels on the roof slopes will barely impact on this skyline. The detrimental impact on 'the experience of the architecture'⁵ is therefore extremely limited. We suggest that HE is mistaken in raising a 'skyline' concern.

We similarly take issue with the HE advice on 'reflection'. It is clear that in using the word 'reflect' in the application documentation and technical evaluation, the design team were describing 'light thrown back to the viewer' (ie by a reflective surface). Whereas HE took it to mean 'show an image of'⁶. Using HE's definition, they suggest that this would be harmful because the appearance of the roof and PVs might change when the weather changes. Yet on p2 of the letter, there is comment on the importance of the skyline and how it makes the viewer's experience of the Chapel 'dynamic'. If both sky and the lead-covered ridge contribute to the Chapel's skyline and to the chapel's architecture, then a slight change in tone, or even colour, picked up by the PVs could add to the dynamic experience not detract from it.

It is in any case not true to say that a lead roof appears precisely the same in all weather conditions, nor is it a homogenous surface where patched or weathered⁷. The appearance of a lead roof looks different when it is wet: the patination of the roof will not be even, and there is often 'distraction' when the sun casts shadows from the pinnacles and turrets across the lead roof. This could be argued to be just as conspicuous as any change in tone of sky picked up by the PV panels, which HE suggest is a detriment to the heritage significance.

As there is no explanation, we are unclear why the effect of changing light or tone is considered by HE to be not just harmful to the *architectural* interest to the building, but also to its *historic* interest. It is accepted that lead is the original roof covering but this must now be replaced as it has failed (The renewal of the lead has the necessary Faculty approval). The original type of roof covering will continue beneath the panels. Rather than harm any historic interest, the panels will add another layer to that interest – showing that even a building more than 500 years old can (and should) play its part in responding - appropriately, respectfully and very subtly – to the climate crises.

As with the issue above relating to skyline, we do not accept that HE have correctly advised on the issue of changing the perception of light falling on the chapel roof. In our view this is not a harm to heritage significance nor to the Conservation Area character or setting, as argued by HE.

Ultimately, Historic England consider the degree of harm to the heritage significance of the Chapel to be 'less than substantial'. We agree with this though, as explained,

⁵ Penultimate paragraph on p2

⁶ Both are definitions in the Oxford English Dictionary

⁷ Contrast the two roof slopes!

we would clearly place it closer to the lower end of the harm scale than HE. Whilst not entirely clearly expressed, we interpret their comments on p8 that the level of harm to the wider College and conservation area generally is negligible. We would also agree with this.

We accept that the statutory duty within the Planning (Listed Buildings and Conservation Areas) Act 1990, mirrored now in paragraph 199 of the NPPF, means that 'great weight' is given to harm to heritage significance in the 'planning balance'. The Duffield questions place a similar (but not identical) emphasis on this balance.

Clearly however, as allowed for in NPPF paragraph 202 and the Duffield questions, such harm is capable of being outweighed by public benefits. Our application makes a very clear case for the public benefits in well-defined and well-understood terms which are made out in the case of secular regulators; there are economic and carbon benefits which in turn sustain and support the heritage of the highly significant Kings College estate and properties, but especially the Chapel as an active and magnificent place of worship. We would also argue that these are also benefits for *'pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship.'* It is hard not to sound shrill when the fundamental benefit we are seeking is for the overall survival of our planet; our biodiversity; productive capacity and the cohesion of society. Historic England refrain from making any express evaluation between the policies and laws for the protection of the historic environment when tested in the 'planning balance' against the pressing urgency of policies and laws which seek to protect the global environment. We regret this play off and weighting as a false dichotomy. In reality the 'harm' to the Chapel is imperceptible to all but the most keen or concerned specialist: but the material and public benefit is incalculable and, in our view, clearly outweighs any harm as described in the application.

The DAC has asked in correspondence received on 27 October how we would respond to the suggestion that it would be helpful to claim as a public benefit the leadership and exemplary effect of this PV project 'to encourage others'. We might re-frame this question in response to the Duffield question: 'does this application have the capability to be missional'. The short answer would be 'yes': we are, no less, seeking to honour the 5th Mark of Mission, and to expressly respond to the Challenge of the General Synod to the 2030 net-zero objective of the National Church.

Because of the sensitivities of this project in the minds of some of the consultees and regulators, we have always sought to focus the case for the project on evidence and within the terms of the regulators own self-defined paradigms. For this reason we have chosen to be wary of bringing forward what might be judged to be 'emotive' arguments. (When the CBC delegation were talking about the ethical case for this project, it was clear that Historic England's representative was discomforted).

We have argued in the paperwork that we would want the example and leadership of the College to an exemplary process, rooted in the statutes of the College tradition of academic excellence rooted in faith, to be seen in the high standard of justification. We have not advanced arguments that it is a 'public benefit' to be visibly leading by the installation of PV on the Chapel. If we can share our experiences in support of other suitable cases; if we can also share our data, then we will be glad to. But there are 'emotive' arguments that are also rooted in the science. After all, this is a climate CRISIS and an emergency. Given our perception that the harm to the Chapel by this PV scheme is (to most people) imperceptible, we feel that the case and justification is easily established by the public benefits, and it really does not need a campaigning ethos to make the case, because the tangible evidence of benefit is clear. These benefits are helping to deliver viability and relevance for a vital and highly visible church institution – in the most subtle but relevant manner.

That said, we are also mindful of the Duffield Tests; and here we do feel that the case before the DAC should consider "pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission". In all these respects, the PV project can make some tangible beneficial contribution, as the DAC will judge.

National government has set a target of carbon neutrality by 2050, Cambridge City Council have declared a climate emergency whilst the University has set clear and ambitious targets on its pathway to absolute zero carbon by 2048. General Synod has declared a target of 2030 to be net-zero. King's College is totally committed to helping achieve these goals and needs to take all sensible steps it can to improve the efficiency of its buildings and reduce the carbon impacts of the activities of the institution as a whole. The wider commitments and initiatives are publically expressed on the college website ([link](#)). On newly commissioned buildings, the highest sustainability standards have been achieved. But with such an extensive portfolio of historic buildings, the College simply cannot ignore opportunities to improve their performance when they reasonably can. The College investments strategy is also ethically focused on climate change and the College has publically expressed its divestment approach from fossil fuels (2021 statement enclosed).

HE's comment that 'other buildings and spaces across Cambridge offer opportunities to generate more renewable energy'⁸ is a strange view indeed. The College only has control over its own buildings and, even if sites some distance away could be sourced for their potential energy generation, the grid could not connect this to the College. There is no argument with the underlying sentiment that ALL possible investments and ALL opportunities for reducing carbon emissions and creating non-emitting generation capacity must be part of the national transition. Whilst a clear national, regional or local strategy for identifying locations for substantial non-emitting energy generation is undoubtedly needed, there is no 'road map' of how that is to be

⁸ P10 of the letter

achieved. In its absence, we cannot afford to ignore opportunities which arise – as paragraph 158 of the NPPF makes clear and also directs the determining authority to approve.

Answering the Duffield Questions:

- **Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest?**
We suggest that yes, there is a slight harm relating to visual impact.
- If the answer to question 1 is “no”, the ordinary presumption in faculty proceedings “in favour of things as they stand” is applicable, and can be rebutted more or less readily, depending on the particular nature of the proposals.
- **If the answer to question 1 is “yes”, how serious would the harm be?**
Our analysis is that the harm is slight and relatively subtle – however we acknowledge that the College Chapel is of the very highest significance and therefore any harm has to be examined with real care. We have also taken very careful steps to mitigate the harm through consideration of options and by fine design judgements.
- **How clear and convincing is the justification for carrying out the proposals?**
We suggest that the justification is very well made out, both for the Chapel building’s needs and in the context of the wider benefits to the College and the example and leadership it seeks to promote.
- **Bearing in mind that there is a strong presumption against proposals which will adversely affect the special character of a listed building, will any resulting public benefit (including matters such as liturgical freedom, pastoral well-being, opportunities for mission, and putting the church to viable uses that are consistent with its role as a place of worship and mission) outweigh the harm?**
Yes – the accepted science about climate change and the goals set by all legislating and regulating bodies make carbon reduction an obligation.

Responding to the DAC’s further queries:

We have added the latest queries to our (growing) list of Questions and Answers and enclose our replies. This schedule also includes the answers to queries raised by the City Council Planning Case officer, which may be of relevance to the DAC’s deliberations.

Reflections and conclusion:

If we can notice and reflect (relatively dispassionately) on the long discussion and journey we have all been on since last September 2021 it would be that, whilst the journey and process has not been perfect, we have all sought to honour the letter and spirit of the Faculty Guidance and Rules and recognise that the casework approach has to not only be scrupulous but also to be demonstrably so. We think it is interesting just how widely framed the questions have been from regulators and contributors, in a way that has sometimes felt that the conduct, business ethics and morals of the College Fellowship as a whole has been subject to examination in this

case. There has been a sense that a requirement for 'perfect' might get in the way of the 'good (and necessary)'. We are perhaps seeing this sensibility play out in other public debates – for instance quite recently with 'Just Stop Oil' protests. For instance, why do we find it argued that a protest and the arguments of activism are invalid if the protestor themselves has had to use fossil fuel to reach the protest? There is much 'false dilemma' or logical fallacy argued which especially arises in the public debate on the climate crisis, which now pits individual freedoms against essential sacrifices that society and civilisations as a whole must make.

In the case of King's College and this application, our fear is that there could be an expectation that the merits of this case have to be argued across such a wide range, that the relatively simple weighting of a case for modest and considered change could never be made out. We propose this scheme on the basis of:

- a clear statement of need;
- a good understanding of heritage significance (in the general and particular)
- a good, well-informed and technically exact design proposal
- an objective evaluation of heritage impact
- and a cogent argument for justification.

We are not suggesting that the DAC, in its advisory capacity, is subject to logical fallacy; but we are noticing that we have all had to learn a lot in this case about what has to be discerned and what the regulatory judgements are. We genuinely hope that this case has now helped establish a better, smoother path for what a 'weighting judgement' needs to be and, if that does prove to be one of the positive outcomes of this case, it will be for the better.

If there are any queries on this letter or the enclosures, please do not hesitate to let us know by return.

Yours sincerely,

A handwritten signature in blue ink that reads "Oliver Caroe." The signature is written in a cursive style with a large, looped initial 'O'.

Oliver Caroe.

For and on behalf of the Fellowship of King's College.

Encl: