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Choosing pay-as-you-go mobile internet, or using an existing phone-line to install a router will be a relatively simple process. But most other routes to connectivity will be more complicated, and might involve structural work to your church building; which will in turn require a faculty before you can proceed.

Both mobile-network operators (MNOs) and wireless broadband providers can use church towers or spires to host telecoms equipment, which may serve the wider community as well as your church building.

A template licence agreement has been developed with NET CS for churches looking to host mobile-network infrastructure. If you've been approached by a company wanting to install mobile-network infrastructure on your church building please [click here](#); or if you're interested in looking into the possibility yourself, please [click here](#).

For general (as opposed to connectivity-specific) faculty process advice, [click here](#). For specific legal considerations in wireless broadband and telecoms installations, read on.

## Faculty approach

The process for obtaining a faculty for a wireless broadband or telecoms installation in your church building is not overly complicated; but there is a defined order to events, and several important assurances which must be present in your petition if the faculty is to be granted. In most cases, your supplier will project manage this process for you; but whoever is undertaking the responsibility, correct procedure must be followed.

Here is a summary of the initial approach:

## 1. Agreement on costs

- PCC to obtain assurance (by formal agreement in writing) that the supplier (a telecoms or broadband company) will agree to pay all incurred costs of the faculty process, as detailed in this list – including fees of the consistory court. PCC to provide the supplier with a copy of this list.

*NB: This specifically applies to any project where the supplier aims to use the church building for commercial purposes in the wider community: i.e. wireless community broadband. If your project is for mobile-network infrastructure, NET CS will project-manage this using our existing arrangement with them.*

## 2. PCC resolution

- PCC to pass a resolution approving the petition for a faculty. Secretary to keep a certified copy for inclusion in the petition upon submission.

## 3. Architect/structural engineer consultation

- PCC or the supplier to consult inspecting architect on structural feasibility of installation. If any doubt, a structural engineer also to be consulted. Architect to supervise installation, and also to be provided with a copy of this list.

## 4. Surveyor to negotiate financial terms

- PCC to instruct surveyor to negotiate financial terms for agreement with the supplier (i.e. annual fee and/or per-subscriber fee for community projects); including scope for periodic review, subject to inflation or market levels. Surveyor to be provided with a copy of this list.

## 5. Solicitor to negotiate licence agreement

- PCC to instruct a solicitor (who should be familiar with Faculty Jurisdiction) to negotiate a licence agreement to govern the relationship between the PCC and the supplier from the installation onward. Diocesan Registrar to be consulted on whether a "model" agreement is available.

*NB: The agreement must not be signed until after the faculty has been granted.*

## 6. DAC and local authority to advise on planning

- PCC or the supplier to seek DAC advice on planning permission, with the local authority and Historic England and any relevant national amenity societies, statutory consultees, and other appropriate bodies.

*NB: It is important at this stage to ensure that, so far as possible, the DAC and the local authority are of one mind.*

## 7. Planning permission to be obtained

- If planning permission is judged to be required for the project, PCC or the supplier to follow procedure to secure this.

*NB: The supplier should be made aware (and should make any contractors undertaking work on their behalf aware) that any changes to the agreed process need to be communicated to the Diocesan Registrar and to the planning department, before proceeding with the work.*

## 8. Consultation with insurance company

- PCC to consult its insurers for advice on process; the supplier's insurance details (and those of any contractors working on their behalf) should also be recorded.

## 9. Other related issues for consideration

- The supplier should also consult (where appropriate and relevant to the project) specialists in archaeology, health and safety, arboriculture, wildlife, bells and turret clocks, lightning protection, electrical installations, and bats.

*NB: All lightning protection inspections should be conducted in accordance with BS EN 6205-3.*

#### 10. Supplier to provide plans and specs

- The supplier to provide PCC, architect, DAC and Diocesan Registrar with installation plans and specifications, including:
  1. Size, type, shape and colour of aerials/antennae (infrastructure)
  2. Precise location of all equipment – especially where close to bells/ropes and lightning conductors
  3. Details of any work which might affect church fabric (drilling, cutting, etc.)
  4. Details of any work affecting church fixtures, fittings, furnishings, etc. (including dust/rubble).

## Useful links:

- [A copy of this 'Faculty approach for wireless broadband or telecoms installations' list in PDF form](#)
- [Historic England's 'Installation of Telecommunications Equipment in Churches' guidance.](#)
- [Central Council of Church Bell-Ringers' guidance on Telecommunications Equipment.](#)

## Consultation period

Once the process detailed above has been satisfactorily carried out, the DAC will issue a notification of advice to the PCC accompanied by a public notice, which must be displayed for a period of no less than 28 days, giving parishioners and others the opportunity to make representations. A copy of any drawings and specifications produced to date should be made available in the church. This is the consultation period.

Consultation is the penultimate stage before a faculty petition can be submitted to a Chancellor. If this part of the process is not properly observed, and parishioners or other local people are not given enough time to respond, this could result in delays to the installation or even to the refusal of a faculty.

The public notice provided by the DAC must be displayed (for no less than 28 days) in a prominent and publicly accessible place. We advise that you place one copy outside the main entrance to the church, and one more on any prominent public notice board in the vicinity. Some people might have concerns about major changes being made to their church so it's far better for them to feel they are informed, and that they have ample opportunity to make their thoughts known. (If people contact you expressing concerns, please direct them, in the first instance, to [this web page](#).)

Where process is correctly followed, few objections are likely to seriously affect the likelihood of a faculty of this kind being granted. Many such petitions have been successful in the past. To give you an idea of what to expect, here are some of the most common legal objections, and the reasoning by which they have not prevented the granting of a faculty:

## 1. Health concerns

Perhaps the most frequent concern people have over the installation of telecoms equipment is that it might have negative effects on the health of people nearby; especially where the church is near a school or a community centre for young or otherwise vulnerable people. While it's important to take any such concerns into account, the World Health Organization (WHO) states that there is no evidence that the electrical emissions of masts have any effect on human health. Government policy setting the standard for telecoms installations is informed by the independent guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), and therefore objections of this kind are very unlikely to have a bearing on faculty judgements.

### From a 2003 judgement by Chancellor Simon Grenfell, Re: St Margaret, Hawes, and Holy Trinity, Knaresborough:

*"In the absence of compelling evidence of a real risk to human health as a result of transmitting radio waves up to the levels set by the United Kingdom Government in their adoption of the ICNIRP guidelines, it would be wrong to adopt lower guidelines for a base station just because it happens to come under the jurisdiction of the consistory court in addition to planning requirements."*

- [\(Link\)](#)

### From a 2005 judgement by Court of Arches, Re: Emmanuel Church, Bentley:

*"This [above quotation] applies with equal force to the suggestion that a faculty should be refused because of concern (however genuine) about the possibility of a health risk, which cannot be substantiated in any way by evidence."*

- [\(Link\)](#)

### Government guidance (National Planning Policy Framework, para 116):

*"Local planning authorities must determine applications on planning grounds only. They should not ... question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure."*

- [\(Link\)](#)

## 2. Aesthetic concerns

Some people are reasonably worried that a structural appendage to a church tower or spire might look wrong, and might permanently damage the heritage status of their church. However, provided that the proper process is followed (and the appropriate expert advice is sought) this oughtn't to be a problem. A good telecoms installation should be relatively unobtrusive and should result in no permanent damage or irreversible alteration to the character of a building. Even in instances where certain structural elements (e.g. slate or wooden louvers) must be replaced with different materials (e.g. GRP: glass-reinforced plastic) to facilitate connectivity, the original elements can, and should, be retained for possible future reuse.

**From a 2012 judgement by Court of Arches, Re: St Alkmund’s, Duffield:**

*"Would the proposals, if implemented, result in harm to the significance of the church as a building of special architectural or historic interest? If ... '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 ... 'yes', how serious would the harm be? How clear and convincing is the justification for carrying out the proposals?"*

● [\(Link\)](#)

**3. Content concerns**

This third concern relates to the possibility of church-hosted infrastructure being used by people in the local community to access content of an illegal or immoral nature. The legal liability would not, in such instances, lie with the church. But on the moral liability, much debate has been had. It is not a concern which is likely to prevent the granting of a faculty, but it ought to be taken seriously nonetheless.

**From a 2005 judgement by Court of Arches, Re: Emmanuel Church, Bentley:**

*"Whilst the concern of parents to protect their children is natural, we cannot overlook the fact that it is not possible to eradicate every element of risk before introducing some new feature into modern life ... To bar something which will be of benefit to the public generally because there is a risk that some will be able privately to access material which many Christians and others deplore, is to take an unbalanced approach. A more balanced view in relation to [e.g.] pornography would be for Christians to work in conjunction with others at improving standards of sexual morality in society generally."*

● [\(Link\)](#)

**Petition checklist**

The petition which you, or your supplier, submit to your Diocesan Chancellor will be composed of the following items:

1. The completed faculty petition
2. A copy of the original PCC resolution
3. Completed Statements of Significance and Needs
4. Historic England and amenity society correspondence
5. DAC Notification of Advice and stamped drawings
6. A copy of the Public Notice displayed during Consultation
7. Planning correspondence and approvals
8. Insurance company correspondence and approvals
9. Proposed Head Licence, signed by surveyor (or valuer) and solicitor
10. Design drawings
11. ICNIRP certificate
12. Propagation report
13. Contacts
14. Post-completion information

The faculty petition itself (number 1 on this list) can now be [completed online, here](#).

## Licence agreement



A template licence agreement with NET CS is in place for mobile-network installations.

For wireless broadband projects the following should be taken into account. PCCs are governed by charity law and ecclesiastical law. As such, PCC members are legally required to obtain the best terms available for their church – and to obtain, consider and act in accordance with professional legal and valuation advice. A qualified surveyor or valuer will be able to advise on the best contractual licence, taking into account current legislation and market conditions.

Where possible, this ought to allow for periodical review to consider market changes, such as inflation. Your Diocesan Registrar should be consulted twice: firstly at the start of the process to advise on any existing licence agreements of a similar kind which might help with the drafting of yours; secondly, prior to signing the agreement drawn up by your surveyor/valuer.

Here are some things to consider when consulting for a licence agreement to be drawn up:

#### **1. The fee**

Your PCC should seek independent advice on the suggested fee, and the method and frequency of any reviews to this figure (taking into account market fluctuations, inflation, etc.) need to be agreed.

#### **2. The length of term**

This needs to balance the supplier's need to recover costs incurred over the process of the planning and installation, with the PCC's need for a periodical review in the terms of the fee. Common term lengths in the past have been 10 or 20 years, with a break clause after 5 years. Adequate provision should be made in case a supplier ceases trading or wishes to assign their obligations.

#### **3. Insurance**

The supplier must insure the installation for Third Party and Public Liability cover, for damage caused to persons or property during operation, repairs, or removal. The insurance cover against liability for damages to the church building (fabric, fittings, furniture and furnishings) should not be less than £10 million; and may need to be more, depending on the individual building. The parish's insurers must also be kept informed in case any alternations to existing cover are required.

#### **4. Monitoring**

Radio wave emissions must be monitored and reported to the parish on a regular basis to ensure the installation continues to comply with regulations.

#### **5. Access by the supplier**

Except for emergencies, this should be kept to the minimum necessary and should be by prior arrangement with the PCC. Access should not interfere with regular church use (worship, weddings, funerals, baptisms, bell-ringing, etc.) or with other regular community use of the church building.

#### **6. Provision for termination**

In the case of insolvency proceedings against the operator, there must be provision for termination of the licence agreement.

#### **7. End of life**

There must be provision in the agreement for any redundant equipment to be safely removed from the building, and for any temporary alterations to the building allowed as part of the licence agreement to be put right if the agreement reaches an end.

#### **8. Disputes**

There must be an agreed process for dispute resolution detailed within the agreement, should any such disputes arise between the PCC or a member of the church, and the supplier or any third-party employed on behalf of the supplier.

