

‘Be Seen’ energy monitoring – draft wording for legal agreements

‘Be Seen’ energy monitoring

Clauses

- a) Within 8 weeks of the grant of planning permission, the Owner shall submit to the GLA accurate and verified estimates of the ‘Be Seen’ energy performance indicators, as outlined in the ‘Planning stage’ section / chapter of the GLA ‘Be Seen’ energy monitoring guidance document (or any document that may replace it), for the consented development. This should be submitted to the GLA in accordance with the ‘Be Seen’ energy monitoring guidance using the ‘Be Seen’ planning stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>).
- b) Prior to each Building being occupied, the Owner shall provide updated accurate and verified ‘as-built’ design estimates of the ‘Be Seen’ energy performance indicators for each Reportable Unit of the development, as per the methodology outlined in the ‘As-built stage’ chapter / section of the GLA ‘Be Seen’ energy monitoring guidance (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the ‘Be Seen’ as-built stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in the ‘In-use stage’ of the GLA ‘Be Seen’ energy monitoring guidance document (or any document that may replace it).
- c) Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development as per the methodology outlined in the ‘In-use stage’ chapter / section of the GLA ‘Be Seen’ energy monitoring guidance document (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the ‘Be Seen’ in-use stage reporting webform (<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). This obligation will be satisfied after the Owner has reported on all relevant indicators included in the ‘In-use stage’ chapter of the GLA ‘Be Seen’ energy monitoring guidance document (or any document that may replace it) for at least five years. Timings may need to be adjusted to account for the large phased developments, particularly for energy centre reporting, as per the relevant section of the ‘Be Seen’ energy monitoring guidance document.
- d) In the event that the ‘In-use stage’ evidence submitted under Clause c) shows that the ‘As-built stage’ performance estimates derived from Clause b) have

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not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the ‘Be Seen’ in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.

Definitions

“Defects Liability Period” means such period of time following Practical Completion of a Building in which a contractor may remedy defects as may be included in the building contract for the relevant Building;

“Reportable Unit” means a Reportable Unit (Energy Centre), Reportable Unit (Residential) or Reportable Unit (Non-Residential);

“Reportable Unit (Energy Centre)” means either a connection to a third-party District Heating Network, a self-contained Energy Centre serving multiple residential/non-residential properties (within the Site) or a self-contained energy system serving multiple residential properties (within a Block or Building);

“Reportable Unit (Residential)” means an individual Block or Building of five or more flats or a group of five or more houses;

“Reportable Unit (Non-Residential)” means a Building with a single occupier/tenant (including block of flats’ communal areas) or a Building with multiple tenants