

**‘Be Seen’ energy
monitoring LPG**

**Consultation summary
report**

September 2021

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Greater London Authority

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1. Introduction

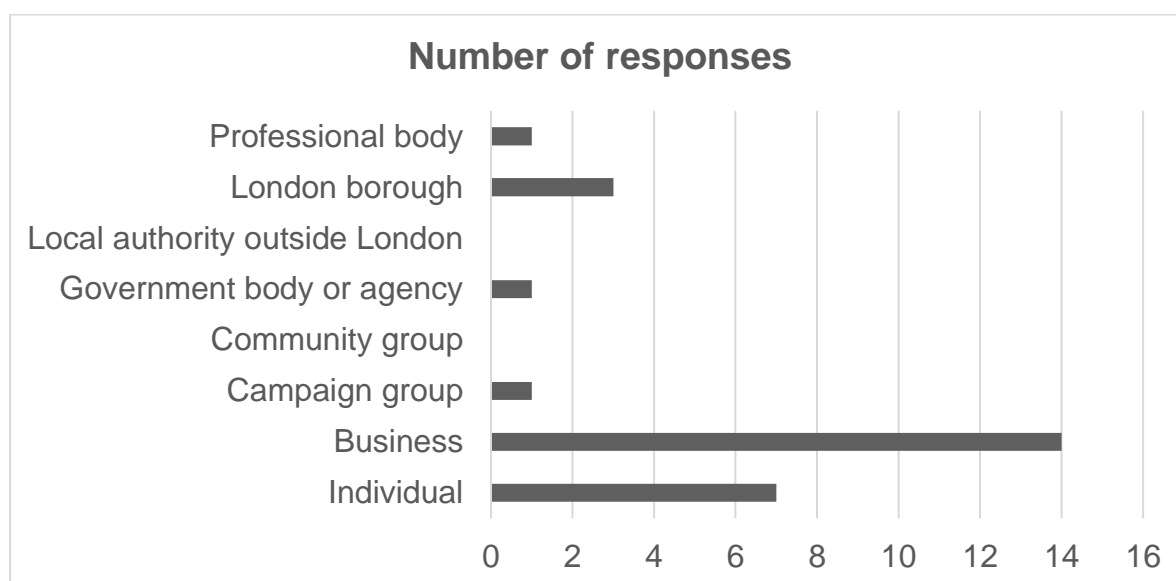
In October 2020, the Greater London Authority (GLA) launched a [consultation on the Mayor's draft 'Be seen' energy monitoring London Plan Guidance \(LPG\)](#) and the 'be seen' reporting template. The consultation closed on 15th January 2021 (18 weeks). Thirty-two written responses were received. This consultation summary report is based on those written responses. An online seminar was held during the consultation, attended by 243 people.

2. Who took part?

Formal consultation survey

Respondents to the formal consultation survey were asked what type of organisation they represent or whether they were responding as an individual. Twenty-seven respondents answered this question.

Respondent type	Number	Percentage
Individual	7	26%
Business	14	52%
Campaign group	1	4%
Community group	-	-
Government body or agency	1	4%
Local authority outside London	-	-
London borough	3	11%
Professional body	1	4%
Total	27	



Respondents were also asked equality monitoring information in order to assess how representative survey respondents were compared to the demographics of Londoners. The number of responses received on those questions was limited and therefore the relevant analysis has not been included in this consultation summary report.

Other engagement

Other engagement was undertaken as follows:

- Technical meetings with industry representatives and London boroughs
- A technical seminar with Planning Inspectors and members of the public

Equality monitoring information was not collected for these engagements.

3. Consultation feedback and GLA response

As part of the engagement on the draft guidance, respondents to the formal consultation survey were asked to submit responses to specific questions.

This section also includes responses through other engagement channels. However, the key issues that arose from these were also raised in response to the formal consultation survey so to avoid repetition are marked with a * within this report.

Overall approach

Q1: To what extent do you agree or disagree with the approach set out in the guidance?

Twenty-seven responses were received to this question. More than ninety-six per cent were supportive of the approach set out in the guidance. No-one disagreed with the proposals.

Response	Number	Percentage
Strongly agree	11	41%
Somewhat agree	15	56%
Neither agree or disagree	0	-
Somewhat disagree	0	-
Strongly disagree	0	-
Don't know	1	4%
Total	27	

Energy centres

Q2: To what extent do you agree or disagree with the methodologies set out in the energy centres category?

Twenty-four responses were received to this question, of which fourteen somewhat or strongly agreed with the proposed process for collecting and reporting the energy performance of energy centres. Two respondents disagreed.

Response	Number	Percentage
Strongly agree	6	25%
Somewhat agree	8	33%
Neither agree or disagree	4	17%
Somewhat disagree	2	8%
Strongly disagree	0	-
Don't know	4	17%

	Total	24	
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Q3: Please tell us if you have any comments on the process for collecting and reporting the energy performance for energy centres and/or suggestions for how it could be improved?

Twelve responses were received to this question. Respondents suggested that:

- The timing of reporting should be spread across larger intervals for multi-phase developments that are supplied by site-wide District Heating Networks (DHN)
- DHN operators may not be able to provide required data (for example when developments connect to area wide DHNs or when a development's heat is supplied by a third-party operator)
- Energy centre data should be submitted at planning stage

GLA response

Having longer reporting periods for **multi-phased developments** to account for the commissioning of later phases and longer build-out time of the site would ensure such developments can report performance more accurately against design estimates. The guidance has been updated to reflect this.

To secure data from **DHN operators**, the legal owner will need to clearly capture the relevant 'be seen' requirements in their legal agreement with the network operator. In turn, the legal owner will be required to provide this data to the GLA through the legal agreement with the local authority. Through engagement with DHN representatives in the development of the guidance, no concerns were raised regarding the collection or submission of data.

Energy centre equipment as well as the distribution network and network connections (which define expected demand) are usually not sufficiently developed at planning stage to enable a worthwhile estimate of energy performance to be made. This change has therefore not been made.

Residential units/homes

Q4: To what extent do you agree or disagree with the methodologies set out in the residential units/homes category?

Twenty-four responses were received to this question. Sixteen respondents somewhat or strongly agreed with the methodologies and four respondents disagreed.

Response	Number	Percentage
Strongly agree	5	21%
Somewhat agree	11	46%
Neither agree or disagree	3	13%
Somewhat disagree	1	4%
Strongly disagree	3	13%
Don't know	1	4%
Total	24	

Q5: Please tell us if you have any comments on the process for collecting and reporting the energy performance for residential units/homes and/or suggestions for how it could be improved?

Fourteen responses were received to this question. Respondents suggested that:

- Collecting in-use energy performance data for residential units may be difficult*
- Dynamic thermal modelling should be used to predict unregulated energy use in apartments instead of the BREDEM prediction tool
- Regulated and unregulated domestic electricity use should be metered separately
- Regulated and unregulated domestic electricity use should not be metered separately

GLA response

Access to and **collection of in-use performance data** for residential units can be challenging because there are privacy and access issues to overcome. To account for these challenges, the guidance has been updated to include an expectation that legal owners should target collection of the relevant data for at least five dwellings or fifteen per cent (if this is greater than five) of the dwellings of a single Reportable Unit (RU). In those instances where energy is provided from a central district energy supply, the developer and building owner will be expected to obtain the metered energy consumption provided by the network from the district energy provider. Further detail and alternative options have been set out in the guidance, based on specific examples and opportunities for securing residential data.

Legal owners will be expected to follow the guidance, commit to providing the GLA with the requested data and identify the best solution that would fit their operational model. Submissions where legal owners have not been able to provide the necessary residential data will be assessed on a case by case basis.

Obtaining data automatically from each occupier's energy supply company is not considered realistic, since suppliers receiving the smart meter data are not allowed to share individual consumers' data with a third party without obtaining the relevant permissions.

BREDEM is the best available tool for estimating unregulated energy usage currently. As other tools emerge they will be reviewed and considered in any update of the approach. Also, **dynamic thermal modelling** at as-built stage is unlikely to offer the necessary benefit that would offset the increased costs.

The 'be seen' methodology does not ask for **separate reporting of regulated and unregulated energy uses** although developers are encouraged to include the necessary level of submetering and/or smart meters to enable this level of granularity, which will be useful for occupants and building owners themselves. This has been reflected in the guidance.

Non-residential units

Q6: To what extent do you agree or disagree with the methodologies set out in the non-residential units category?

Twenty-two responses were received to this question. Fifteen respondents were somewhat or strongly supportive of the proposed process for collecting and reporting energy performance data for non-residential units. Four respondents disagreed.

Response	Number	Percentage
Strongly agree	7	32%
Somewhat agree	8	36%
Neither agree or disagree	2	9%
Somewhat disagree	3	14%
Strongly disagree	1	5%
Don't know	1	5%
Total	22	

Q7: Please tell us if you have any comments on the process for collecting and reporting the energy performance for non-residential units and/or suggestions for how it could be improved?

Thirteen responses were received to this question. Respondents suggested that:

- The timing, purpose and use classes related to the requirement of CIBSE TM54 at planning stage should be clarified
- It would be beneficial to bring forward the timing of planning stage submissions so that these are submitted as part of a planning application, instead of within four weeks of planning approval
- There should be consistency between non-residential industry methodologies for post-construction energy monitoring and the GLA requirements*
- The total energy consumption data should be included alongside the Display Energy Certificate (DEC) requirement
- The carbon factors for grid electricity used within the DEC software is outdated
- Commercial tenants may be unwilling to report consumption data on a voluntary basis to landlords*

GLA response

CIBSE TM54 is an important mechanism that allows developers to properly consider in use performance and fine tune their early design assumptions. It provides guidance on how to make more accurate estimates based on the intended use and operation of the building, accounting for uses that are not currently captured by the Part L of Building Regulations such as lifts, escalators, small power loads, catering, server rooms and other plant equipment, and can lead to a reduced performance gap in non-residential buildings. CIBSE TM54 is required to be carried out at planning reporting stage only for non-residential spaces. This has been clarified in the 'Be seen' guidance.

In response to wider feedback about **the timing of the planning stage submission** of data, this has now been brought forward in the updated guidance and is now required as part of the submission requirements for the planning application (rather than within four weeks of planning approval).

The 'Be seen' guidance utilises existing and accepted **industry methodologies** that are already familiar to building owners as far as possible, to avoid the duplication of work for developers (e.g. the use of the existing DEC requirement for non-residential uses). The draft guidance already allowed developers who intend to follow the National Australian Built Environment Rating System (NABERS) UK/Design for Performance (DfP) methodology and use it to collect and submit the required data to the GLA and the guidance has been updated to reflect the recent launch of the

NABERS UK scheme. The GLA is currently in discussion with BRE (the scheme administrator) to establish the easiest way to integrate the relevant NABERS UK/DfP outputs into the GLA's 'be seen' monitoring portal. The guidance has also been updated to include the CIBSE TM63 Operational Performance methodology under the best practice section. The GLA intends to continue engagement with stakeholders to ensure a coordinated process with other bodies and their programmes and this will be reflected in future updates of the guidance, where appropriate.

The proposed in-use reporting requirements will capture the **total energy consumption data** as this will be included in the total annual building energy use (kWh) by fuel type and the information can also be obtained from the DEC certificate and the DEC xml. No change to the guidance is therefore required.

With regards to the outdated **carbon factors**, it is important to note that the purpose of introducing DEC's in the process is to collect the as-built and in-use stage energy data using a verified and quality assured process. DEC ratings will only be used for reference purposes and not to establish performance criteria. No change to the guidance is therefore required.

It is recognised that there is a risk that some **commercial tenants may be unwilling to report consumption data** on a voluntary basis to landlords. Other approaches suggested – such as tenants reporting directly to the GLA, or requiring the installation of aggregated metering – would be impractical and wouldn't identify performance gap issues for landlords. The de minimis threshold means that smaller businesses are not included, thereby reducing any potential administrative burden. The submission of non-residential data for a single development is the legal owner's responsibility and the guidance has been updated to recommend that this is enshrined in the contract between landlord and tenant for any tenanted units.

Indicators

Q8: To what extent do you agree or disagree with the indicators set out in the guidance?

Twenty-two responses were received to this question. Ninety per cent of the respondents agreed with the indicators set out in the guidance for the various reporting stages. None of the respondents taking part in the question disagreed with the proposals.

Response	Number	Percentage
Strongly agree	10	45%
Somewhat agree	10	45%
Neither agree or disagree	1	5%

Somewhat disagree	0	-
Strongly disagree	0	-
Don't know	1	5%
Total	22	

Q9: Do you have comments on the indicators?

Ten responses were received to this question. Respondents suggested that:

- They agreed with the indicators and that they seemed reasonable
- Reporting indicators in kWh/m² format would allow for comparison and benchmarking
- The indicators should factor in the impact that occupancy can have on in-use performance and future benchmarking*

GLA response

The way the information is being requested will allow for the 'be seen' portal to automatically **calculate reporting indicators in kWh/m² format**. No change to the guidance is therefore required.

During the development of the guidance on appropriate 'be seen' methodologies, options were considered to account for **occupancy**. Examples of options investigated included using proxy indicators during the in-use stage (e.g. monitoring water usage). However, all options examined were considered either unreliable, too intrusive of privacy or both.

The guidance asks for in-use data to be reported for the first time 12 months after the Defects Liability Period (DLP) is complete. This is expected to allow enough time for the properties to reach full occupancy within the monitoring period for most developments. Where this is not the case, applicants will be required in the 'be seen' reporting webform to justify any divergence from the original estimates and set out their reasons for that, one of which could be the impact of occupancy.

Furthermore, although the policy wording asks for data submission for at least five years post construction, the 'be seen' portal will allow for up to ten years of in-use data submissions to improve reporting accuracy.

With regards to benchmarks, it is expected that the impact on the development of benchmarks would be minimal as these are likely to be developed based on use classes rather than occupancy profiles within the same use class. Therefore, ultimately, the estimated and measured data are going to be useful empirical evidence of any performance gap.

Use Classes Order

Q10: Do you have any comments on how appropriate information for different building typologies and uses can be secured under the new Use Classes Order?

Four responses were received to this question. Respondents suggested that:

- Generally they saw no major issues
- The guidance should address what should happen if there is a change of use across the reporting stages

GLA response

The legal owner at each reporting stage has the responsibility to update the 'be seen' reporting webform to reflect any change of use. This is anticipated to be a common update particularly between planning and as-built stages where the end user could be unknown. The 'be seen' reporting webform allows for changes in use over the various reporting milestones.

Omissions

Q11: Are there any omissions or areas where additional guidance would be helpful?

Fourteen responses were received to this question. Respondents suggested that:

- The guidance should more clearly set out the purpose of the 'be seen' policy
- The guidance should include in-use operational benchmarks that could be used as performance targets*
- Further detail is needed on the status of the 'be seen' portal, the process of data submission and the level of public disclosure of the metrics that will be collected
- There should be further clarity on quality assurance mechanisms, including for metering arrangements
- There would be costs associated with implementing the guidance

GLA response

The **purpose of the 'be seen' policy** is set out in the 'Be seen' guidance and London Plan Policy SI 2. The policy is necessary to bridge the performance gap

between design and real-life operation by understanding in-use operation and comparing this with design stage estimates.

At this stage, it is not the purpose of the guidance to set specific performance benchmarks. The information collected through energy monitoring will be monitored and would inform any future review of the guidance, including informing future **in-use operational benchmarks**. The guidance encourages developers to set their own targets, which is also supported by frameworks such as DEC's and NABERS UK, both of which fall under the acceptable 'be seen' methodologies.

The **'be seen' portal** will be hosted on the London Building Stock Model (LBSM) and is expected to be available later in 2021. It will contain a publicly available summary of the building's estimated and actual performance, based on the data provided at the various reporting stages. Data will be submitted via the online reporting webforms which have been developed and which will automatically send data to the portal. The webforms and information on how to access the 'be seen' portal is available on the 'be seen' webpage¹ of the GLA's website. Any queries or feedback can be submitted to: ZeroCarbonPlanning@london.gov.uk.

As the guidance states, the responsibility for adopting third-party quality assurance mechanisms to quality assure data prior to submission lies with each responsible party at each reporting stage (i.e. legal owner) and should be part of their due diligence. For some of the 'be seen' requirements quality assurance methods are inherent in the proposed approach, such as the Part L calculations. However, where requirements are reliant on best estimates it is at the discretion of the developer and/or design team to select the most suitable **quality assurance mechanism**.

In light of feedback, the guidance has been updated to confirm the expectations in terms of ensuring data accuracy and also now requires responsible parties to provide information on their third-party quality assurance mechanisms as part of their as-built and in-use submissions. In addition, the guidance has been updated to require metering schematics at the as-built reporting stage, on top of the current requirement for confirmation that a quality assured metering plan is in place. These will need to be tailored to each individual RU of a particular development.

The 'be seen' framework was developed closely with industry stakeholders to ensure that the approach is streamlined and that the **cost and administrative burden** to building owners is minimised as far as possible, whilst still meeting the 'be seen' requirements. The proposed approach utilises existing methodologies which are familiar to and recognised by industry and developers where possible. Specifically, regarding metering, the associated infrastructure necessary to collect the 'be seen' reporting indicators is already an inherent part of the design of most new developments.

¹ <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>

Further comments

Q12: Do you have any further comments to make on the guidance?

Twenty-three responses were received to this question. Respondents suggested that:

- The 'be seen' policy and guidance is supported, and its introduction is a welcome move in helping close the performance gap*
- There is a need for further clarity on the role of boroughs in the 'be seen' process (including Section 106 agreements) as well as what additional GLA support will be available to implement the policy
- There is a need for clarity on how responsibility for data submission should be passed on when a development is being handed over to another party
- There should be strict measures or penalties to enforce the submission of data and ensure in-use performance is similar to planning stage and as-built performance
- There should be clarity over whether the 'be seen' in-use performance data could be used to amend or set the carbon offset payment
- There should be clarity on the proposed carbon emission factors and the rationale behind their selection

GLA response

Boroughs will be expected to secure the planning stage data as part of a major planning application submission and review it. They will also secure the data for the as-built and in-use reporting stages through a **Section 106 agreement**, as set out in the guidance. The original Section 106 wording provided to boroughs by the GLA has been updated based on consultation feedback and has been published alongside the final guidance.

The GLA will host the 'be seen' portal, which will send automatic reminders to the responsible parties at the as-built and in-use submission dates to reduce the administrative burden to boroughs. The planning, as-built and in-use data for referable applications will also be reviewed by the GLA. **Boroughs** will be given access to the portal for the developments in their area so that they can access the raw data, not just the publicly accessible data. With this access it will be good practice for local authorities to support this process wherever possible to ensure collection of data at the appropriate time e.g. by reminding responsible parties that are late in submitting data and by ensuring the data submitted is complete and accurate.

The GLA holds regular workshops and training sessions for boroughs on all aspects of the London Plan energy policies. A training session on the 'Be seen' guidance and process was held in April 2020 and we will continue to work closely with boroughs to identify training needs.

The guidance is clear that **the responsibility for providing the data at each reporting stage** lies with the legal owner of the development at that particular reporting stage. In cases where the legal owner changes from one reporting stage to another, each responsible party will be expected to ensure that all affected parties (e.g. developer, building owner, landlord or occupier) are aware of their 'be seen' responsibilities at subsequent reporting stages. This should be an obligation clearly captured in the legal agreement between all parties.

The purpose of the 'be seen' policy is to better understand the performance gap between design and actual performance. This will enable developers to improve future projects and building owners to identify and resolve problems. The guidance is not intended to **mandate any specific enforcement or remediation mechanisms**, though individual boroughs may choose to investigate these further.² The implementation of the policy will be monitored; the need for any specific guidance on enforcement and remediation mechanisms will depend on the outcomes of that monitoring.

It is up to individual boroughs as to when **carbon offset payments** are calculated. Some boroughs calculate the carbon offset payment at planning determination, while others do this prior to commencement on-site, on commencement or upon completion. It's right that this should remain at the discretion of the borough.

The GLA's Energy Assessment Guidance explains the approach to carbon factors. Currently, the GLA expects planning applicants to use Standard Assessment Procedure (SAP) 10.0 **carbon emission factors** as part of the planning process but allows the use of SAP 2012 factors where a development is connecting to a heat network that has a clear decarbonisation strategy. Any updates to this approach will be provided in the Energy Assessment Guidance, as necessary. The 'be seen' reporting webform allows for the relevant carbon emission factors to be selected depending on which factors have been agreed for use in the energy strategy for the development. The same version of carbon factors will be used throughout the reporting stages for consistency with previous stage submissions. The carbon factors used will also be visible alongside the actual reported carbon emissions in the 'be seen' portal.

As the portal is finalised, the GLA will consider including for comparison purposes the government's greenhouse conversion factors (as published by BEIS on an

² For example, Islington Council have developed Green Performance Plans (GPP) which require applicants to set out the arrangements for addressing performance in the event that the agreed objectives are not met at the end of the monitoring period.

annual basis) for in-use carbon performance of developments as suggested by some respondents.

4. Equality Impact Assessment (EqIA)

The EqIA undertaken for the 'be seen' policy showed no impact and no responses to the consultation identified any equality impacts.

5. Next steps and monitoring

There was a significant level of interest in the development of the 'be seen' policy framework both at pre-consultation stage and during the consultation and we would like to thank everyone who took the time to contribute to the development of the policy and respond to the consultation survey. All views that were shared with us have been taken into consideration in the development of the final 'be seen' energy monitoring guidance document and we have aimed to summarise these in this consultation summary report.

For the latest information on the 'be seen' framework, including updates on the portal, please visit the GLA's 'be seen' webpage: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>. For any queries please email: ZeroCarbonPlanning@london.gov.uk.

Appendix 1 Summary of Engagement

Informal and/or early engagement

Activity Type	Participation	Representation
Workshops	Energy management companies, district heating network operators, industry professionals including energy consultants and mechanical engineers, developers, housing associations, BRE, UKGBC, government department representatives	35 attendees
Webinar	London boroughs	50 attendees (approx.)
Technical seminar	Planning Inspectors (PINs), public	30-40 attendees (approx.)

Formal Engagement

Date	Activity Type	Participation	Representation
13 Oct – 15 Jan 2021	Consultation survey and written responses	All	32 responses
17 Nov 2020	Webinar	All	243 attendees

