Green Deal Consents

June 2012

V0.2
Impact of Consents for GDP’s

> A green deal plan will be changing the fabric and/or equipment of a building. Different parties associated with the building will need to be informed and consent to the works.

> A GD Plan is finance that “attaches” to the electricity bill and transfers between future bill payers. All known bill payers need to consent and future bill payers need to be legally informed – disclosure of the charge needs to be made through the lifecycle of the charge.

> The data protection act applies to all information gained and stored by the GDP.

The GDP has to annex consent to the charge on the plan.

They should facilitate the acquiring of consents & permissions with the customer to minimise customer dissonance, future issues and reduce operational delays.

The GDP should explain the customers responsibility to disclose the charge & what it means to future bill payers.
Consent

> Both areas the responsibility of the improver to acquire

  – Consent to the charge (check who pays the electricity bill)
  – Consent to the works (details on tenancy agreement, deeds, mortgage documents)

> A GD plan is only valid if there is consent to the charge. Current, potential and known future bill payers need to consent to the charge. This is an annex to the plan

  – Current bill payer (may or may not be owner, tenant)
  – Potential bill payer (all landlords as they are the default bill payer in void)
  – Future bill payer (such as known tenants)

> The owner, and other parties with property rights, need to consent to measures on the property

  – The landlord as property owner
  – The freeholder, depending on extent of demise
  – Mortgage companies for certain measures
  – LA’s planning departments for external changes and listed buildings
  – Potentially special interest conservation groups
## Consent groups

<table>
<thead>
<tr>
<th>Segment</th>
<th>Consenter</th>
<th>Method</th>
<th>Checks</th>
<th>Lead-time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Housing</td>
<td>RSL</td>
<td>Direct contact by improver to RSL. Letter, GD quote, planning consent &amp; scope works form Responsible for any other related party to consent (eg freeholder)</td>
<td>Must have signatory to charge Visibility of consent to works.</td>
<td>4 weeks</td>
</tr>
<tr>
<td></td>
<td>Tenant</td>
<td>Direct negotiation Letter, GD charge form Informed of works</td>
<td>Bill payer or tenant signatory</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Private rental</td>
<td>Landlord / property owner</td>
<td>Direct contact by improver. Letter, GD quote, planning consent &amp; scope works form Responsible for any other related party to consent (eg freeholder)</td>
<td>Must have signatory to charge Visibility of consent to works.</td>
<td>4 weeks</td>
</tr>
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<td></td>
<td>Tenant</td>
<td>Direct negotiation Letter, GD charge form Informed of works</td>
<td>Bill payer or tenant signatory</td>
<td>2 weeks</td>
</tr>
<tr>
<td>Owner occupied</td>
<td>Freeholder</td>
<td>Direct negotiation Letter, planning consent, scope of works, form</td>
<td>Visibility/confirmation that gained</td>
<td>4 weeks</td>
</tr>
<tr>
<td>All</td>
<td>Planning Permission</td>
<td>Application to Planning Office of LA Works details &amp; plans</td>
<td>Notification letter</td>
<td>8 weeks avg</td>
</tr>
<tr>
<td>Conservation Area</td>
<td></td>
<td>Application to Planning Office of LA Works details &amp; plans</td>
<td>Notification letter</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Check deeds for requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Schedule:

1. Key


3. Process Map – Owner Occupier Customer Journey


5. Documents Required:
   1. Check List
   2. Consent Pro forma
   3. LA guidance
   4. Planning Permissions Table
   5. Mortgage Table

6. Requirements
Key:

1. Manual Process Step
2. System generated process step
3. Documents
4. Unknown
5. Queries
Tenant Customer Journey (no planning permission req’d)

**Tenant**
- Has expectation of reqs from assessor (EPC)
- Gather consents for charge and measure

**Bill Payer (Tenant)**
- Consent Proformas required
- Receive consent charge pro-forma
- Consent Y

**Land Lord**
- Receive consent charge & measures pro-forma
- Consent Y

**Free Holder / Mort Co**
- Receive consent Measure pro-forma
- Consent Y

**GDP**
- Tech survey & quote complete
- Provided details of plan Charge & measures
- N
- Receives plan
- Continue with works

**Documents**
- Check list required for consents
- Annex consent to plan (maintain for lifetime of plan)
- Archive consent to measure

**Finance**
- Consent proformas required – See slide 9

**Consent**
- Y
- N

Notes:
- Check list required for consents – See slide 8.
Tenant Customer Journey (planning permission)

- **Tenant**
  - Has expectation of reqs from assessor (EPC)
  - Gathers consents
    - Consent Proformas required
  - receive letter of notification
  - Collates consents & signs GD plan

- **Bill Payer**
  - Check list required
    - See slide 8.

- **Land Lord**
  - Consent Proformas required
    - See slide 9.

- **Free Holder / Mort Co**
  - Tech survey & quote complete
  - Provided details of plan
  - Receive consent proforma and notification of PP
  - Gain consent from Mort Co & freeholder
  - Consent
  - N
  - Receives plan
  - Annex consent to plan (maintain for lifetime of plan)
  - Archive consent to measure
  - Continue with works

- **GDP**
  - PP request to local req's
  - Issue letter of notification

- **Local auth**
  - Chk list required for consents
Owner Occupier (as bill payer) Customer Journey

- **Improver**
  - Has expectation of reqs from assessor (EPC)
  - Requests permission from LA

- **LA Norm**
  - Receive request
  - Accept Granted
  - LA Guidance Doc Required
  - Issue Notification Letter
    - Notification Letter Required

- **LA Listed**
  - Tech survey & quote complete
  - Provided details of plan
  - Chk list required for consents
  - Receives Letter
  - Archive (maintain for lifetime of plan)
  - Continue with works

- **Free Holder / Mort Co**
  - Chk list required for consents
  - Provided details of plan

- **GDP**
  - Chk list required for consents
  - Tech survey & quote complete
  - Provided details of plan

- **Finance**
  - Chk list required – See Slide 8.
  - Restricted Covenants for an area (in deeds)
  - Same flow for listed Building Consent - LA
  - Doc Required: What is the LA likely to do in this area – what’s the process?
  - Notification Letter Required
  - Building Control into QA work stream
Landlord Customer Journey (no planning permission)

- **Landlord**
  - Has expectation of reqs from assessor (EPC)
  - Property Void
    - Y
  - Gathers consent for charge. Inform measures
    - Consent
      - Y
      - Consent Proformas required
        - Check list required for consents
      - N
        - Receive consent proforma
    - N
  - Collates consents & signs GD plan

- **Tenant**
  - Provides details of plan
  - Tech survey & quote complete

- **Free Holder / Mort Co**
  - Chk list required – See slide 8.

- **GDP**
  - Provided details of plan
  - Chk list required for consents
  - Receives plan
  - Continue with works
  - Annex consent to plan (maintain for lifetime of plan)

- **Finance**
  - Consent proforma required – See slide 9.
Check List: This will now need to be a series of questions which defines the consents required and who should be informed.

It must include the following:

- Bill Payer / Shared responsibility
- Legal position of property (Tenure)
- Investigate Planning permissions (in advance, measure dependant)
- Is there a Landlord – who?
- What are the terms of the mortgage (on mortgage agreement)

- Terms of tenancy (what measures need consent)
- Conservation area (apply through LA or other interest group)
- Listed – Separate Consent Required from LA, listed on deeds.
- Extent of demise (long term lease holder on deeds)
Consent Pro forma x 2

Consent to the Measures if not the owner
- Name / Address of property owner
- Legal Status (tenure)
- Must Include Scope of works, any planning notification letter and quote
- Also must include responsibility to inform mortgage coy and freeholder

Consent to the Charge – must be gained to be a GD plan from the existing or any known future bill payer
- Name / Address
- Must Include Charge Schedule
LA Guidance:

1. What is the LA likely to do in this area? This can be pre-investigated by the GDP, could be applied for by GDP if appropriate to business model. There will be a charge for granting.

2. What’s the process – all have different rules, application processes and guidelines. Guidance required for each LA. This is helpful to to customer but not legally required by the GDP> Responsibility lies with the improver.
<table>
<thead>
<tr>
<th>List of Measures</th>
<th>Not required</th>
<th>Possibly required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heating, ventilation and air conditioning</strong></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Condensing boilers Heating controls Under-floor heating Heat recovery systems Mechanical ventilation (non-domestic) Flue gas recovery devices</td>
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<td></td>
</tr>
<tr>
<td><strong>Building fabric</strong></td>
<td></td>
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<tr>
<td>Cavity wall insulation Loft insulation Flat roof insulation Internal wall insulation External wall insulation Draught proofing Floor insulation Heating system insulation (cylinder, pipes) Energy efficient glazing and doors</td>
<td></td>
<td>Anything that materially affects the external of the building – EWI</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unless within the permitted development rights</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Glazing – if in Conservation area)</td>
</tr>
<tr>
<td><strong>Lighting</strong></td>
<td>X</td>
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<tr>
<td>Lighting fittings Lighting controls</td>
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<tr>
<td><strong>Micro generation</strong></td>
<td></td>
<td>Maybe Solar PV check current legislation</td>
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<td>Ground and air source heat pumps Solar thermal Solar PV Biomass boilers Micro-CHP</td>
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<td></td>
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## Mortgage / Measures Table (example)

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Requirements

1. Lead Times to be confirmed
2. Operational maps to be built into final L2 process maps
3. Outcome of SHP still to be defined
4. Ombudsman “test” for resolution of complaint where there is no legal responsibility ie disclosure.
5. LA planning offices – is there any consistency in approach