

SCHEDULE 11

Energy Panel's Terms of Reference

1. Introduction

- 1.1 The Developers will set up the Energy Panel in accordance with these terms of reference. This document sets out the terms of reference for the Energy Panel including its composition, role, meetings, funding and its future.
- 1.2 Taking membership of this body (the Energy Panel) implies acceptance of the requirement to act in accordance with these terms of reference.

2. Formation of the Energy Panel

- 2.1 The Developers will invite the entities who are to be represented in the Energy Panel (see below) to nominate a representative within 20 (twenty) Working Days.

3. Composition and Membership of the Energy Panel

- 3.1 The Developers will invite each of the following to provide 1 (one) representative for the Energy Panel:
 - the Brent Cross Partners;
 - CRL;
 - the LPA
 - the Greater London Authority
 - Energy Consultant(s) for the Development (as relevant/required)
- 3.2 The Energy Panel can invite members of bodies with appropriate expertise as required from time to time (on majority prior agreement) to attend meetings of the Energy Panel and to make presentations to the Energy Panel on topical issues relating to the Development.
- 3.3 Membership of the Energy Panel will be for a minimum term agreed by the Developers and the LAP from time to time in order to ensure so far as practicable consistency and continuity of membership on the Energy Panel.

3.4 Upon the expiry of any member of the Energy Panel's term of office or in the event that:

3.4.1 any person resigns from membership of the Energy Panel or is otherwise unable to continue his duties for any reason; or

3.4.2 the LPA and the Developers jointly agree to remove any person from membership of the Energy Panel,

then the Developers will, as soon as reasonably practicable, invite the relevant entity who that person represented to nominate a person to replace him as a member of the Energy Panel.

3.5 At the 1st (first) meeting, the members of the Energy Panel will elect a chairperson (the Chair) by a majority vote.

4. Meetings

4.1 Meetings of the Energy Panel will take place at an accessible location to be agreed by the Energy Panel and the Developers from time to time.

4.2 The Developers will circulate notice of meetings to all members of the Energy Panel at least 10 (ten) Working Days in advance of each meeting, detailing the date, time and location of the meeting.

4.3 At least 10 (ten) Working Days prior to each meeting, the Developers will provide all members with an agenda and all necessary supporting documents and details of any intended presentations at the meeting. Where it is not possible for such details to be provided in such period, they shall be provided as soon as reasonably practicable thereafter.

4.4 The Energy Panel meetings will take place as agreed unanimously by the members in order to allow the Energy Panel to perform its initial role set out in **Paragraph 5.1** of this Schedule below. When the initial role has been satisfied (as described in **Paragraph 5.1** of this Schedule below) the Energy Panel will meet, prior to the submission of the first reserved matters application for the Development, but at least annually unless otherwise agreed.

4.5 The Chair will lead on discussions at all meetings, summarise the conclusions of the meeting and within 5 (five) Working Days draft a report for approval by

members. If the members of the Energy Panel provide no comments on the report within 5 (five) Working Days the report will be deemed to be approved, if comments are received that Chair considers correct they will be incorporated into the report. The report will be submitted to the Council within 10 (ten) Working Days of the date first circulated to members.

4.6 The purpose of the report is set out below in **paragraph 5.2.2**.

5. Role of the Energy Panel

5.1 The Energy Panel's initial role will be to help and advise the Developers and the LPA on preparing and delivering the the Energy Strategy and (if appropriate) the Revised Energy Strategy (as required by **Condition 35.6** of the Permisson to deliver the minimum reduction in carbon emissions below the standards set out in Building Regulations Part L 2006 of 44% and 20% for residential and commercial buildings respectively). This will include the procurement process of the energy supplier and advice to the Developers on the selection of energy partners who will be established prior to the Revised Energy Strategy being put into practice, in particular consideration of the obligations to undertake the RDF Feasibility Study (into the use of Refuse Derived Fuel to supply the site wide CHP/CCHP system).

5.2 The Energy Panel's ongoing role is to:

5.2.1 review provide advice and guidance to inform any reserved matters energy submissions for the Development having regard to the wider energy strategy for the Application and the obligations set out within this Agreement, having regard to the outcome of **paragraph 5.1** above;

5.2.2 produce a report from panel meetings which is intended to inform the LPA in its decision making process in respect of a relevant reserved matters applications or Phases. The report will not act as the formal decision of the LPA in its capacity as local planning authority.

5.2.3 review and report advances in energy and related technology;

5.2.4 review updates and amendments to any relevant policy documents, particularly the London Plan and related documents and the Local Development Framework.

- 5.3 The Energy Panel will use the findings of the reviews in **Paragraph 5.2** of this Schedule above in order to advise the Developers and the company providing energy amendments to the the Energy Strategy and (if appropriate) Revised Energy Strategy and to advise the LPA in its decision making capacity.
- 5.4 The Energy Panel will monitor how the Energy Strategy and (if appropriate) the Revised Energy Strategy is delivering the provision of site wide energy infrastructure for the Development with a view to reducing carbon emissions and providing a sustainable development for future Phases of the Development. This will be achieved through an energy consolidation plan applicable to the Development.
- 5.5 At the Practical Completion of agreed milestones, the Energy Panel will assist the Developers in undertaking a review of how well the the Energy Strategy and (if appropriate) Revised Energy Strategy is working at delivering the provision of low carbon energy in the Development.
- 5.6 An energy consolidation plan should be maintained and updated as part of the Energy Panel reporting process and it should inform the preparation and approval of reserved matters applications for the Development. This will be achieved by monitoring the submission of reserved matters applications and maintaining a plan in respect of the Development which illustrate the following:

5.6.1 current extent of the CCHP/CHP network, specifically, combined, cooling heating and power networks in place, under construction and operational

5.6.2 location of all existing energy centres and energy centres under construction

On submission of each reserved matters application for the Development the Energy Panel will comment on:

- (a) opportunities of each reserved matters application to link into the existing site wide network or nearby energy centres.
- (b) opportunities to decommission existing energy centres within the Site to allow connection to the wider or larger network.

- 5.7 The Energy Panel will at all times seek to maximise the opportunity to achieve a single site wide combined cooling heat and power network, subject to the approach defined in the DSF, in particular paragraphs 2.54 to 2.54i which states that the preferred option is to deliver a scheme wide CHP/CCHP fuelled by Refuse Derived Fuel transferred directly by conveyor from the Waste Handling Facility. However, the Waste Handling Facility has to be subject to a competitive procurement by the NLWA and arrangements yet to be concluded with the selected operates of the Waste Handling Facility and the CHP/CCHP. The earliest the CHP/CCHP could come on stream is towards the end of Phase 1 allowing time for the procurement and construction of both the Waste Handling Facility and the CHP. Therefore, it is likely that where individual buildings are delivered ahead of the scheme wide CHP/CCHP, micro combined heat and power plants or other facilities will be employed, potentially allowing those buildings to be connected to the scheme wide CHP/CCHP in accordance with the Initial Planning Agreement once it becomes available, although it is noted that in some instances it may not be practical/viable. The Energy Panel will discuss and update the energy consolidation plan as an ongoing requirement at the regular meetings as required.

6. Costs and Expenses of the Energy Panel

- 6.1 The Developers will be responsible for the reasonable costs of:

- 6.1.1 convening meetings;
- 6.1.2 providing information to members;
- 6.1.3 making available accommodation for meetings;
- 6.1.4 co-ordination of publication and promotion of the projects relating to the Development with all stakeholders and panel members.

But, for the avoidance of doubt, none of the above extends to officer time costs for the relevant representative.

7. Lifetime of the Energy Panel

- 7.1 Unless otherwise agreed with the Greater London Authority, the Energy Panel will exist until the earlier of:
- 7.1.1 the date of final approval of reserved matters to be approved in relation to the Development;

7.1.2 the final deadline for the submission of applications for approval of reserved matters as prescribed in the Permission; or

7.1.3 the Developers declare the Development as closed in a manner demonstrated to ensure effectively that it is no longer capable of being further implemented.

8. Review of the Energy Panel

8.1 The operation of the Energy Panel will be reviewed periodically by the Developers and the LPA and any changes agreed by them will be implemented as soon as reasonably practicable by the chair of the Energy Panel.

8.2 Copyright - Use of data is restricted to the Developers' use.

9. Validation of Data Produced by the Energy Supplier

9.1 Any data produced by the energy supplier or partner will be validated by Building Research Establishment or similar organisation agreed between the Developers and the LPA.

10. Correspondence

10.1 All correspondence (including all plans) will be provided in both hard copy and electronic format.