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SUSTAINABILITY FORUM – RECORD OF DEBATE

<p>Debate Topic</p>	<p>'Developers will not take sustainable construction seriously without further legislation'</p>	
		
<p>Date</p>	<p>4th May 2004 at Fulcrum Consulting, London Office</p>	
<p>Attendees</p>	<p>Chair: Piers Gough - CZWG Alan Conisbee – Alan Conisbee Associates Andrew Ogorzalek – PCKO Architects Andrew Smith – DLE Mott Green Wall Ayo Abbas – Alan Conisbee Associates Barry Edwards – Bristol Zoo Chris Boydell – Alan Conisbee Associates Craig Kiner – Urban Initiatives. Dorte Jorgensen – Capita Building Services Dr Stephen Toole – Lib Dems Heinz Richardson – Jestico and Whiles Ian Butterss – Faithful and Gould Ian Taylor – Feilden Clegg Bradley</p>	<p>Fulcrum Consulting Andy Ford – Fulcrum Consulting Ashley Bateson – Fulcrum Consulting Brian Mark – Fulcrum Consulting Chani Leahong – Fulcrum Consulting Clare Manley – Fulcrum Consulting Joe Pykett – Fulcrum Consulting Josie Winch – Fulcrum Consulting Kate Crawford – Fulcrum Consulting Martin Rockport – Fulcrum Consulting Mike Morrison – Fulcrum Consulting Nick Barker – Fulcrum Consulting Nick Boid – Fulcrum Consulting</p>

	<p>James Galpin – Hazle McCormack Young Jane Durney – BioRegional Julian Williams – ECD Architects Kim Sangster – Kim Sangster Associates Lachlan McDonald – Ellis and Moore Laurence Mbugua – DLC Lynn Sullivan – Broadway Malyan Mike Patrick – Kim Sangster Associates Myles McCarthy – Carbon Nicholas Sommerville – ECD Architects Peter Chlapowski – PCKO Architects Peter Walker – EcoCentroGen Robert Barker – Barker and Co Architects Robin Nicholson – Edward Cullinan Architects Ruth Mantle – Lib Dems Stephen Boid – Crest Nicholson Teresa Borsuk – PTE Architects Tom Jestico – Jestico and Whiles Tony Duckworth – Chetwood Associates</p>	<p>Oliver Scherling – Fulcrum Consulting Penny Griffiths – Fulcrum Consulting Peter Mark – Fulcrum Consulting Peter Nissen – Fulcrum Consulting Richard Shennan – Fulcrum Consulting Saud Muhsinovic – Fulcrum Consulting Victoria Caesar – Fulcrum Consulting</p>
<p>The vote</p>	<p>Before the debate, an initial show of hands indicated that 48 agreed and 7 disagreed with the motion "that developers will not take sustainable construction seriously without further legislation". A final vote at the end of the debate showed an extra 7 were persuaded that there might be preferable ways to achieve sustainable construction than through legislation, i.e. final result was 41 for the motion and 14 against.</p>	

The case for "Developers will not take sustainable construction seriously without further legislation" . Presented by: Ian Dubber, (Development Executive, Crest Nicholson), Vernon Phillips (Director, Bridehall Developments), Ashley Bateson (Associate Director Fulcrum Consulting)

- What is sustainable construction in the local UK context? -It's a construction process that will reduce:
 - (i) Pollution (from transport & manufacturing)
 - (ii) Poverty (a decent home for all at an affordable price)
 - (iii) Destruction of the environment (energy, water & waste)
 - (iv) Depletion of resources (use of virgin materials)

History shows that improvements in environmental standards can only be achieved through legislation. For instance:

- (i) An end to Cholera epidemics and illnesses relating to appalling living conditions was thanks to the 'Public Health Act 1848'
- (ii) Abuse and contamination of the water infrastructure was prevented by the 'Water bye-laws & Water Regulations'
- (iii) City air pollution (smog) was only improved by the 'Clean Air Act 1956'
- (iv) Depletion of the ozone layer was ameliorated by the 'Montreal Protocol 1987'
- (v) Fuel poverty and depletion of fuel resources will be minimised by the 'Building Regulations Part L'
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- It is only through legislation that change will occur quickly enough to have an effect on global warming.
- Legislation will create a 'level playing field' so that all developers compete with the same market forces.
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- People do not like things to be different from the norm so 'eco-style' homes are not popular.
- Developers don't make the rules. Occupiers and purchasers do. They are interested in how much buildings cost and developers simply respond to these market requirements.
- Legislation allows technologies to be developed to cater for demand for compliant solutions. - Making production more efficient and cheaper.
- Even though legislation may be necessary, there is an undoubted problem with the government being unrealistic unless they are properly advised. They want developers to increase the rate of delivery of new homes through modern construction methods and they want this achieved whilst meeting environmental commitments and with minimum exchequer involvement. In order to deliver this they brought in:

- (i) Town & Country Planning Act
- (ii) Planning & Compensation Act 2004
- (iii) Community plans- creating a vision for a better quality of life.
- (iv) Building Regulations - requiring incremental improvement and minimum standards
- (v) Best practise (CIRIA), -BREAM and ECOHOMES
- (vi) Research -innovative products (prefabrication & getting rid of wet trades).

The case against "Developers will not take sustainable construction seriously without further legislation". Presented by: Peter Halsall (Director, BioRegional Properties), Chris Lorraine (Senior Design Manager, Carillion Building), Richard Shennan (Director, Fulcrum Consulting)

- Present legislation is sufficient and to date has had positive effects. However, further legislation is not the best or only driver for further improvements in sustainability.
- There are plenty of examples of innovations that have not required legislation. If it's a good idea, it happens:
 - (i) Home entertainment
 - (ii) PC's, e-mail and the internet
 - (iii) Reducing waste:- it just makes economic sense. (Carillion, on one particular site, saved £673,000 through moving soil around rather than purchasing virgin aggregate.
- Energy efficiency makes commercial sense because it means:
 - (i) That buildings are cheaper to run (low through-life costings) and there is a higher occupancy satisfaction.
 - (ii) No individual boilers are needed so more space, less complex kit, reduced maintenance, fewer holes in the side of buildings and less waste at the end of life.
 - (iii) Where there is commercial sense there is no need to legislate.
 - (iv) Understanding ecological principles and resource efficiency are what create sustainable buildings, not legislative standards.

Legislation will never be a driver. The true drivers are:

- (i) Developer awareness of the need. This is now clear to all. Developers aren't daft and their business is to predict future value and optimise their investment.
- (ii) Customer needs and wants: People feel insecure with new ways of living but there's a new generation of purchasers who want something different.
- (iii) Competition and the drive towards creating a differential. Sustainability makes sense and there is no benefit to the advanced developer to create a 'level playing field' through government intervention.
- There is a danger that legislation may be too prescriptive. It gives a narrow idea of right and wrong and may create a blanket approach that can stifle innovation.
- Legislation can be a double edged sword and may make developers blasé so that they do not respond quickly to market forces. Ideas can change quickly, legislation does not.
- Legislation always requires enforcement. Is this money that could be better spent elsewhere?
- Legislation creates a society of red tape bureaucracy that can restrict business and economic solutions.

- People feel an anxiety about their life style. Provision of sustainable homes alleviates this. There is a market demand for sustainable living shown by the faster sale or lease of green buildings and better retention of tenants. (Market research into US commercial buildings)
- Sustainable homes have 'character' and enhance the built environment. 50% of new developments have no 'heart' e.g. the Bedzed project has a new 'look' that gives distinction and pride to the site.
- Sustainable homes are flexible and will retain a higher future value.
- Developers rely on estate agent advice but are they really in touch with the market? Estate agents are a lagging indicator because they deal with buildings conceived/ designed several years ago, not those for the future market. Developers should stop listening to estate agents.

Interesting questions & points of discussion from the audience under the supervision of Piers Gough.

If legislation were to happen then where should it be directed?

The best area for legislation would be with forcing production of full documentation (running costs etc) with house sales. This is unlikely to happen since this would affect the electorate. A cynical view was that it would be more popular with the electorate to legislate against the 'evil' developers. -Waste minimisation and thermal values are the obvious. -Developers would like to see tax brakes for eco-homes 'good' or 'excellent'.

There are no constraints when it comes to house sales because there's a general shortage and so whatever is built will be sold/leased.

Sustainability is not a strong enough differentiator since the market penetration is so low.

Should design teams take more responsibility than they do?

-Identifying and managing risk is a key area where designers have to be up-front. This is usually contractor led and this isn't good enough.

Estate agents should develop an A,B,C rating system for houses (similar to white goods sales).

Without legislation, how long would it take for market forces to catch up? Would this be too late in the time scales of global warming?

Are planning laws necessary? Is sustainable development held back by planning laws? Do we need more loose fit buildings so they have a longer life?

In Sweden where legislation is the driver all kitchens are the same. Is this an environmental disaster? More density has become the holy grail of sustainability. Can this be deleterious?

As the wine flowed, we all agreed it was time to make sustainability more sexy- Then everyone will want to buy into it.

Any more views /ideas?

The debating forum remains open