



## Sustainability: a case of overpaid, oversexed and over here or something completely different?

by Simon Tolson

1. I am no evangelist, but through my reading and contacts, I too can see that climate change is one of the single largest challenges facing the planet. Few now doubt (yes I know about sunspots) that human beings are to blame for most of the recent planetary warming. We are emitting greenhouse gases (most significantly carbon dioxide but methane is a close second) into the atmosphere much more rapidly than plants and oceans can soak it up. It is said that the current consumption patterns of the UK could not be replicated worldwide as this would require three planets' worth of resources. We must move to one-planet living. Heaven knows what China and India will be emitting a decade from now if left unchecked.
2. In the world of construction activity (and waste mismanagement), I have no doubt whatsoever that sustainable development, sustainable construction practice and policy are here to stay. The way we think, plan, design, procure, invest, live, refurbish, convert, demolish and renew will be overlaid by the constraints of the sustainable umbrella and it will be dynamic. We must adapt and improve so that man's built environment leaves less of a mark and more of a benign contribution to the environment. Industry is learning and adapting as the building sciences gain knowledge of what is sustainable and how to achieve it economically and effectively, how to satisfy warmth, insulation and longevity by different means, methods and materials. As one commentator put it, we owe it to future generations to ensure that the buildings we put up today protect the environment as far as possible and, at the same time, are great places in which to live, work and have fun. Idealist but a good place to head for. Without wanting to sound like a lay preacher, it is about caring; not just about the here and now, but about the long-term well-being - the future - so we will not harm the planet irreparably by doing what we do now. It means not using up resources in our construction projects faster than the planet can replenish or restock them, and joining up economic, social and environmental goals.
3. We have the Climate Change Act which, make no mistake, is a mega jurisprudential piece of law with all the power to adapt and mould our futures. The UK has become the first country in the world to introduce legally binding targets to reduce greenhouse gas emissions. The UK Low Carbon Transition Plan plots how the UK will meet the 34 per cent cut in emissions on 1990 levels by 2020 as set out in the last budget. We cannot ignore this any more than we could ignore metrication or joining the EEC! Energy Performance of Buildings (Certificates and Inspectors) Regulations 2007 are here to stay, given that energy labelling of buildings is as critical a factor as horsepower quotients have been to the combustion engine.
4. There are now, of course, a number of current contractual provisions in many standard form contracts, which can be tailored to address sustainability or ramp up standards like BREEAM, LEED or Part L by specifying enhanced values capable of measurement.
5. Our construction contracts are now also beginning to reflect change in an admittedly aspirational way, but that is only right given the steep learning curve. Soon this will give way to prescriptive rules and building regulations as the 'how bit' gets better and as the targets for 2020 and 2050 march upon us. Part L is already forcing change and soon that beast we call 'regulation' will do what rationing did in World War II. In JCT's paper Building a sustainable future together, published in May this year, it is interesting that they report that their consultation on introducing sustainability provisions into their contracts revealed that 86 per cent of respondents believe that contract clauses must be legally enforceable, with clear remedies for default, otherwise they are likely

to be ignored.

6. On these shores JCT leads the way and others are bound to follow.
7. Government is watching our backs and the clock is on us all, every last man and woman. Gender, race and species are irrelevant, we are in one boat and no one wants to play Noah.

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