

Draft Strategy for Sustainable Construction

A consultation paper July 2007

Annex 1: Consultation Questions and Response Form

Invitation

You are invited to comment on the Government's proposals for the Strategy for Sustainable Construction, as contained in this document.

Your views are particularly sought on the actions proposed to achieve the milestone targets in each Section of the document future. It should be noted that, although all these proposals are being consulted on as part of a package of measures, they are not mutually exclusive, i.e. one or more of them could be amended in the light of the consultation exercise.

How to respond

Comments are invited on any aspect of the consultation documents. However, to assist our analysis of responses we would appreciate it if you could complete the response form below either electronically or in hard copy. Please feel free to submit additional comments, evidence and/or supporting documentation.

Responses can be returned by post or by e-mail. The deadline for receiving responses to this consultation is 30 November 2007. All responses received before the deadline will be considered.

Additional copies of this consultation document and the response form may be downloaded from the BERR website, www.berr.gov.uk, or obtained as hard copies from:

David Hughes
Department for Business, Enterprise and Regulatory Reform Construction
Sector Unit,
1 Victoria Street
London. SW1H 0ET

Please return your response to this consultation as soon as possible and in any event no later than 30 November 2007. Please reply direct to the BERR contact:

David Hughes
 Department for Business, Enterprise and Regulatory Reform
 Construction Sector Unit,
 1 Victoria Street
 London SW1H 0ET
 Tel. 020 7215 0993
 Fax. 020 7215 6151
 e-mail to: david.hughes@berr.gsi.gov.uk

Response form for the consultation on the Strategy for Sustainable Construction

1.1.1.1.1.1 Respondent Details	
<p>Name: Stephen Russell, Policy and Public Affairs Officer</p> <p>Prepared on behalf of the Landscape Institute by Jon Lovell, MLI</p>	<p>Please return your responses by</p> <p>30 November 2007, by post or e-mail to:</p> <p>David Hughes Department for Business, Enterprise and Regulatory Reform, Construction Sector Unit, 1 Victoria Street London SW1H 0ET Tel. 020 7215 0993 Fax. 020 7215 6151 e-mail to: david.hughes@berr.gsi.gov.uk</p>
<p>Organisation: Landscape Institute</p>	
<p>Address: 33 Great Portland Street</p> <p>Town/City: London</p> <p>County/Postcode: W1W 8QG</p>	
<p>Fax: 020 7299 4501</p>	
<p>Email: stephenr@landscapeinstitute.org</p>	

Organisation type (*tick one box only*)

- | | |
|---|---|
| <input type="checkbox"/> Approved Inspector | <input type="checkbox"/> Manufacturer |
| <input type="checkbox"/> Architects | <input type="checkbox"/> Trade body or association |
| <input type="checkbox"/> Civil/Structural Engineer | <input type="checkbox"/> Private individual (unaffiliated) |
| <input type="checkbox"/> Commercial Developers | <input checked="" type="checkbox"/> Professional body or institution |
| <input type="checkbox"/> Consultancy | <input type="checkbox"/> Property funder |
| <input type="checkbox"/> House or property developer | <input type="checkbox"/> Research/academic organization |
| <input type="checkbox"/> Housing Association
(Registered Social Landlords) | <input type="checkbox"/> Specific interest or lobby group |
| <input type="checkbox"/> Other non-governmental
organisation | <input type="checkbox"/> Individual in practice, trade or
profession |
| <input type="checkbox"/> Builder/other contractor
(please specify) | <input type="checkbox"/> Journalist/media |
| <input type="checkbox"/> Local authority – Building Control | <input type="checkbox"/> Insurer |
| <input type="checkbox"/> Local authority –
Environmental health | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> Local authority – other
(please specify) | |

Please use an X in answering the following questions

Is your response confidential? Yes No

If “yes” please explain why.

Consultation Questions

General

Q1 Do you think that the broad coverage of the key themes and sub themes in this draft Strategy is correct? If not, then what themes or sub themes should additionally be covered?

There Landscape Institute strongly believes that the following themes must be covered within the draft strategy:

That there must be explicit reference to green infrastructure and sustainable urban drainage systems (SUDS) within the strategy, an area which is currently omitted from the draft document.

The Landscape Institute believes that the removal of VAT on refurbishment work is essential to stimulating higher performance outcomes in refurbishment through innovation whilst also incentivising the re-use of existing buildings over new development in the first instance.

The Institute also feels that the strategy needs to reinforce more explicitly the application of the polluter pays principle, including in relation to loss and damage of key features such as trees and hedgerows of conservation value, under legislation as a mechanism for better enforcement of regulation.

The Institute suggests that a key theme of the strategy should be to implement targets for biodiversity, existing trees subject to TPO or high conservation value as well as green infrastructure provision.

A final theme which the Institute believes must be included within the strategy is the need for robust measurement of construction impacts at the site level. So, across all construction projects in excess of, for example, £500,000, it should be mandatory to measure and report on energy use (and embodied carbon), water use and waste generation. This could be a requirement for Building Regulations completion certificate, therefore capturing both new build and refurbishment.

Q2 In large part this Strategy focuses on the delivery of environmental targets. Is that the right focus?

The principles of sustainable development defined by the Government in *Securing the Future* show clearly that ‘living within environmental limits’ and ‘ensuring a strong, healthy and just society’ are two over-arching goals for which a strong, stable and sustainable economy is in part necessary to achieve. We believe that the strategy should therefore prioritise environmental and social targets without undermining the commercial feasibility of delivering them.

Additional, the Landscape Institute believes that some key targets are missing, primarily those relating to biodiversity, SUDS and green infrastructure and would like to see their inclusion within the strategy

Q3 What other measures should Government be doing to support the construction industry to become more sustainable – this could cover any aspect of the industry and/or any aspect of its supply chains?

By far the single biggest measure that Government can employ is robust enforcement of regulation. It is now understood that the predicted design performance of buildings, particularly from an energy efficiency perspective, is almost never achieved on construction completion due to systemic and cultural failures within the construction industry. This performance gap is often significant and is the single largest barrier to the achievement of our national vision for low and zero carbon developments. Post-completion performance measurement, and effective application of the polluter pays principle, is therefore essential in addressing these short-comings. Those developers that are committed to improving sustainability standards are often frustrated by the lack of a level playing field, which only robustly enforced regulation can bring and which undermines efforts to demand high performance standards from the construction sector. We believe that this principle must also apply to the effective protection of landscape and ecological features during and after construction works in accordance with relevant legislation and British Standards.

The Landscape Institute strongly believes that the removal of VAT on refurbishment work is essential to stimulating higher performance outcomes in refurbishment through innovation whilst also incentivising the re-use of existing buildings over new development in the first instance.

The Government should very seriously consider the implementation of the Display Energy Certificate format which measures actual energy consumption for commercial buildings. This would be a far more effective tool in addressing poor performance.

Q4 Does industry have views on the use of building and planning standards across the country to promote the sustainability of developments?

It is often a condition of planning permission that details of landscape proposals are submitted to the local authority for approval. However, many local authorities lack the necessary depth of landscape expertise with which to judge objectively the appropriateness of landscape proposals. Moreover, the lack of development control resources generally further exacerbates the lack of enforcement action taken by local authorities when the implementation of landscape elements within construction projects fails to reflect the design and construction details approved by the authority. This leads frequently to sub-standard and failed landscapes as part of new development which can have significant adverse socio-economic and environmental impact. These issues are set to become more important and acute as the impacts of a changing climate take hold, especially in urban areas.

Q5 What more could the construction industry do collectively to contribute to aspects of sustainability – what targets and actions could it sign up to?

The Landscape Institute has no specific comments in addition to those of the Construction Industry Council (CIC) submission.

Q6 If you represent part of the construction industry, what actions could your organisation sign-up to, to improve particular aspects of sustainability?

The Landscape Institute has no specific comments in addition to those of the CIC submission.

Q7 How do you think progress should be measured against the targets? Who should be responsible for measuring, evaluating and reporting on the actions of both Government and industry in moving towards the targets?

The Landscape Institute has no specific comments in addition to those of the CIC submission.

Q8 What in your view are the major costs and benefits of this Strategy for industry, clients, Government and the public at large?

The benefits of sustainable construction do not need to be rehearsed in this response but we would refer BERR to the DEFRA vision for natural resource protection which recognised the intrinsic value of biodiversity, landscape and ecological services in addition to their social and economic benefits.

It would be useful for Government to set out the cost of not delivering the strategy, pursuant to the precedent set by the Stern review into the economics of climate change.

There are inevitably financial costs associated with the delivery of the strategy and we have major concerns that the Government is doing little to reflect this. It is a matter of fundamental concern to the Landscape Institute that HM Treasury is not a signatory to the strategy, without the fiscal support of whom, the strategy is unachievable. This need not imply a revenue deficit or capital increase to the public purse if a strategy-wide revenue neutral approach is taken, using a combination of incentives such as VAT exemption on refurbishments with financial penalties for non-compliance with standards.

Q9 Do you think that there will be compliance issues for small business and one-off clients that disadvantage these groupings relative to larger businesses and clients? If so, what are they?

The Landscape Institute has no specific comments in addition to those of the CIC submission.

Q10 Sustainability is a world-wide challenge, not simply a UK preoccupation. How can we best ensure that UK business takes full account of the trade opportunities this offers?

The Landscape Institute has no specific comments in addition to those of the CIC submission.

Q11 How can the Strategy be refreshed in future?

The strategy itself does not represent a plan of action against which progress can be effectively measured and this is a major concern to the Institute. An Action Plan is therefore needed to set out how the broad strategy targets will be achieved, so that progress can be measured against delivery of actions, outputs and key performance indicators (KPIs), with broader reference to the monitoring of progress against high-level targets. An effective reporting mechanism for the industry and regulators will therefore be needed. The Landscape Institute suggests that progress against KPIs should be reported annually, with a comprehensive review of the strategy undertaken every three years.

Procurement

Q12 What specific actions could the construction industry take to lead by example and procure construction projects more sustainably?

The construction industry should be required to report on the source of all key materials procured for individual construction projects as well as their embodied energy content.

For all construction projects over a reasonable value threshold, the construction industry should be required to measure and report publicly on energy consumption, water consumption and waste generation arising from the construction process. BERR should create a reporting portal to facilitate this.

The Landscape Institute believes that the widespread use of independently certified products (similar to the established use of FSC or equivalent timber) relating to demonstrate responsible procurement should be considered.

Design

Q13 Is target 5.2 stretching, achievable and realistic? If not then please propose an alternative. Which organisation or organisations should be responsible for this target?

The Institute feels that this target seems conservative if it is to include the Government commitment for 100% of its own new build projects to achieve BREEAM excellence. When the Government is responsible for approximately 40% of construction work procured in the UK, it is conceivable that this target could be achieved through public sector procurement alone. The Landscape Institute would welcome a specific target for the commercial sector which sets a proportion of excellent ratings to be achieved (for example, 20%) and a proportion of 'very good' ratings to be achieved (for example, 50%).

Q14 Which of the proposed actions for business do you consider to be a priority? Why? What are the barriers to implementing this action and how might they be overcome? Who should take the lead in implementing this action?

All of the actions set out are required to achieve the performance improvements necessary. Prioritisation of actions risks the deferral of others which will lead to important gaps in the industry's response to the sustainable construction challenge.

It is imperative that the UK construction industry rethinks the whole construction process, embracing modern process improvement tools and systems-thinking methodologies. This must go beyond the search for a panacea such as off-site construction methodologies which, in isolation, will not address the extent of performance enhancements required.

Urgent emphasis is required on post-completion performance testing by way of compliance testing against 2006 Building Regulations.

A culture of continuous improvement is needed within the industry, underpinned by robust design production planning and systematic feedback on realised sustainability and energy performance, with particular attention paid to the practicalities of construction and development sequencing. This will require true integration between the design and construction process and must address landscape and public realm as much as it does building envelope.

Much improved sequencing of construction tasks, commitment to resolve faults as they occur, robust procedures for controlling product and material substitution and effectively communicated quality control are all necessary to improve the sustainability of construction projects. The Institute would like to emphasise that landscape is often the sacrificial lamb to overspending and programming delays elsewhere on projects, which leads to sub-standard implementation and management which undermines the environmental and commercial performance of complete developments. A thorough understanding and commitment to landscape and public realm as an integral component of a construction projects is therefore necessary.

Furthermore, the Landscape Institute believes that improved integration between developers and their suppliers is required, starting at the whole building and through to individual components required to achieve the desired performance.

A greater level of sustainable design expertise is required across the industry. This has implications for professional and trade bodies through appropriately focussed Continuing Professional Development (CPD) as well as academic institutions who are training the next generation of designers.

The People Agenda

Q15 If you agree that the proposed key actions and deliverables covered in the People Agenda reflect the main priority areas to deliver sustainability for the industry, what specific work streams and targets would help deliver these commitments?

The Landscape Institute has no specific comments in addition to those of the CIC submission, though we would like to emphasise the importance of the role of professional institutes in driving changes within both the academic and professional education systems. Government should call upon the professional institutes, together with the Sector Skills Councils, to develop a specific programme of action and commitments in this regard.

Q16 Do you agree that these workstreams and targets should be peer-reviewed by industry experts (e.g. relevant Sector Skills Councils), prioritised, and Action Plans developed to take the best ideas forward?

The Landscape Institute has no specific comments in addition to those of the CIC submission.

Better Regulation

Q17 We would be grateful for information from you on specific pieces of legislation which are impeding your ability to be more sustainable in your business operations.

The Landscape Institute has no specific comments in addition to those of the CIC submission.

Climate Change

Q18 Are there other actions that the Government should be taking to help the construction industry rise to the challenge of climate change?

The implementation of post-completion thermal performance testing is a vital step in ensuring that the construction sector achieves the regulatory standards required under Part L 2006 and future changes en route to the 2016 target for zero-carbon homes.

The phased introduction of Energy Performance Certificates during 2007 and 2008 is a step in the right direction for stimulating a market response to the energy efficiency of buildings. However, EPCs in their current proposed format pay no regard to construction or occupational behaviour, measuring only standardised design predictions of building performance, which as noted above can be significantly different to actual performance. The Government should very seriously consider the

roll out of the Display Energy Certificate format (which measures actual energy consumption) for commercial buildings. This would be a far more helpful tool in addressing poor performance.

All new construction and development activity adds to the UK's growing carbon emissions. The Landscape Institute feels therefore that a concerted programme of action is therefore required to improve the performance of existing stock to ensure that the built environment realises the 80% emissions reduction needed in the UK by 2030. As an initial component of such a programme, all new development activity should be at least off-set by carbon improvements in existing buildings, perhaps through the innovative use of s106 agreements through planning permissions. The need to remove the 17.5% VAT rate on refurbishment activity is also crucial, and could be off-set by new fiscal penalties relating to poor energy performance in existing buildings.

The draft strategy does little to tackle the issue of embodied energy in the construction process and in materials used for new buildings and refurbishments. This is a serious omission.

The strategy is silent on the role of well-designed and managed green infrastructure and its role in mitigating and adapting to climate change. The Landscape Institute would welcome the inclusion of targets relating to the implementation of 'extensive' green roof systems on existing buildings and new developments, by way of improving thermal efficiency, ameliorating surface water run-off and providing habitats for key species. Targets for the incorporation of SUDS schemes in respects of their climate change adaptation role would also be welcomed.

Q19 What targets could industry specifically sign up to, to increase the positive impact they can have on climate change through their activities?

The industry should be encouraged to sign up, together with Government, to all the targets set out in the strategy, as well as those highlighted here as important omissions.

The Institute is also concerned that there are no targets for the carbon footprint of the construction sector itself, in terms of material procurement and site activity. Reduction targets should be established which set the sector on course for an 80% reduction by 2030.

Water

Q20 Do the targets and milestones in this chapter appear realistic, achievable and sufficiently ambitious over the time frames envisaged? If not, then please suggest alternatives, and who should be responsible for their implementation.

The Landscape Institute has no specific comments in addition to those of the CIC submission.

Q21 Are there any issues which have not been covered which you feel should be addressed? If so, what are they and what targets and milestones would you propose?

The strategy does not tackle the use of water by the construction sector but focuses solely on the water efficiency of completed buildings. This is an important omission and should address both water use and protection of water quality from poor site management leading to contamination and irreversible disturbance of soil drainage characteristics.

We welcome the commitment by Government to a national consultation on SUDS and look forward to a clamp down on the actions of some utility companies to prevent the uptake of SUDS on new developments through prohibitive adoption requirements when others, both in England and especially in Scotland, are taking a much more progressive and successful approach.

The Landscape Institute would welcome the inclusion of specific targets relating to the implementation of 'extensive' green roof systems on existing buildings and new developments, by way of improving thermal incorporation of SUDS schemes in respect of their climate change adaptation role would also be welcomed. The Institute also feels that targets relating to the provision of green infrastructure should be included within the strategy given its potential to provide green networks that will meet the increasing recreational needs of communities whilst delivering flood alleviation and water storage, adaptation to climate change, alternative transportation routes, biodiversity value and high quality landscape that can support multiple functions.

Biodiversity

Q22 The aim of the proposal in paragraph 11.8 would be to create an integrated approach to maintain and where possible enhance biodiversity as a result of construction sector activity. Please say what you think would be helpful to companies in the construction sector to support the aims of maintaining and enhancing biodiversity.

In addition to the comments made by CIC, the Landscape Institute feels that it is essential to enforce the effective application of the polluter pays principle, including in relation to loss and damage of key features such as trees and hedgerows of conservation value. Those developers that are committed to improving sustainability standards are often frustrated by the lack of a level playing field, which only robustly enforced regulation can bring and which undermines efforts to demand high protection of landscape and ecological features during and after construction works in accordance with relevant legislation and British Standards.

The Landscape Institute feels that BREEAM should be revised to incorporate due credit for site-wide ecological enhancement where this outside of the net developable area but still directly linked to the development project.

Finally in this section, we would recommend the inclusion of a net enhancement target for biodiversity.

Waste

Q23 Is it feasible to halve construction, demolition and excavation waste to landfill by 2012¹ from a baseline of 2005? Is the baseline date appropriate, and what specifically has to be done, and by whom, to achieve this target?

The Landscape Institute has no specific comments in addition to those of the CIC submission.

Q24 Do the targets, milestones and proposals for waste appear realistic, achievable and sufficiently ambitious over the time frames envisaged? If not, then please suggest alternatives and who should be responsible for their implementation.

The Landscape Institute has no specific comments in addition to those of the CIC submission.

Q25 We propose new measures in paragraphs 12.1.18 and 12.1.19 to stimulate action to improve resource efficiency, reduce waste and increase diversion from landfill (through more re-use, recycling and recovery). Are these measures achievable and sufficiently ambitious? What needs to be done and by whom to achieve these aims?

The Landscape Institute has no specific comments in addition to those of the CIC submission however we would like to see the strategy include specific reference to materials used for public realm and landscape implementation, as well as those for buildings.

Q26 New measures to stimulate action from companies to improve resource efficiency are proposed in paragraphs 12.1.20 – 12.1.24. Please prioritise these proposals and identify quick win opportunities with high impact.

The Landscape Institute believes that the measures recommended should be implemented to capture the landscape industry as well as the 'building construction' industry to ensure that maximum impact is achieved. In this respect the project value threshold recommended in the CIC response should be low enough to capture a meaningful proportion of landscape implementation works.

Materials

Q27 Do you agree that the targets and milestones proposed for Materials will deliver improved resource efficiency with reduced environmental and societal impacts, and are sufficiently ambitious? If not, then please propose alternative targets.

The Landscape Institute has no specific comments in addition to those of the CIC submission.

¹ For more details on this proposed target see Annex C3 to Waste Strategy for England 2007 (Box C3.2 on page 15) at <http://www.defra.gov.uk/environment/waste/strategy/strategy07/pdf/waste07-annex-c3.pdf>

Q28 What can you do to implement a whole life approach to sustainability in your business?

The Landscape Institute welcomes the development of standardised software to calculate the whole life costings of construction materials and would be happy to promote its use, subject to its robustness, to our members and partner organisations.

It is appreciated that not all consultees will wish to express an opinion on every question. Where no response is given it will be presumed that consultees do not wish to contribute to the consultation on that specific matter. Where consultees strongly support particular aspects of the guidance please use the comments sections of this form to note that support.

Please note that provision is made throughout this questionnaire for you to provide additional comments. If, however you wish to provide detailed comments on any aspect of the consultation then please append additional materials and supplementary documents, clearly marked and cross referenced to the relevant questions, as necessary.

Thank you for your time.

Please note:

All information in responses, including personal information, may be subject to publication or disclosure under freedom of information legislation. ***If a correspondent requests confidentiality, this cannot be guaranteed and will only be possible if considered appropriate under the legislation.*** Any such request should explain why confidentiality is necessary. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response. Confidential responses will nevertheless be included in any statistical summary of numbers of comments and views expressed, although individuals will not be identified.

Names and addresses may be held in an electronic database of interested parties for the purpose of distributing future consultation documents on similar issues. However, any such details will not be given to any third party.

A summary of responses to this consultation will be published at www.berr.gov.uk

Paper copies will be available on request from:

David Hughes
Department for Business, Enterprise and Regulatory Reform
Construction Sector Unit,
1 Victoria Street
London SW1H 0ET
Tel. 020 7215 0993
Fax. 020 7215 6151
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