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PATRONS

UKELA is delighted to announce three new patrons in addition to the President, Lord Justice Carnwath. We are delighted that Sir Francis Jacobs QC, Baroness Young of Old Scone, and Professor Richard Macrory have agreed to support UKELA in this way.

Sir Francis is a former UK Advocate General in the Court of Justice of the European Communities. He was Professor of European Law, University of London, and Director of the Centre of European Law, King's College, London. Barbara Young was the chief executive of the RSPB, chair of English Nature and now is the chief executive of the Environment Agency. Richard Macrory is barrister and director of the Centre for Law and the Environment at University College, London where he is professor of environmental law. Richard was the first chairman of UKELA, and has been a member of the Royal Commission on Environmental Pollution, and a board member of the Environment Agency. The Past Presidents of UKELA – Lord Nathan and Rt Hon Lord Slynn of Hadley – are also Patrons and will take on the formal title of President Emeritus at the AGM.

CELEBRATING 20 YEARS: THE UKELA CONFERENCE IN LESS THAN A MONTH

The twentieth anniversary conference now only has a handful of places left so if you plan to book please do call the conference organisers first to check the position: Origin Events on 0845 301 9002. We have two hundred places and it is good to see so much support this year from the members.

The conference gets under way on Friday June 22nd with a question and answer session for our panel chaired by government and industry adviser Tom Burke. The panellists are: UKELA President Lord Justice Carnwath, Sara Parkin of Forum for the Future, Professor Richard Macrory, and Ric Navarro, legal head at the Environment Agency.

If you are attending the conference and wish to table a question for this session please email it to Vicki.elcoate@ntlworld.com. Please do this asap.

AGM AND ANNUAL REPORT

All members should have received by now the notice of the AGM on Sunday June 24th and the Annual Report for 2006. If not please do contact Alison Boyd: alisonboyd.ukela@ntlbusiness.com.

WASTE WORKING PARTY SEEKS NEW CONVENOR

The Waste Working Party is looking for a new convenor. Andrew Bryce, the long-standing convenor and one of UKELA's founder members, is retiring from the role at the Bath conference. Andrew was UKELA Chairman from 1988 to 1991 and was on the Council for a number of years. Admitted as a solicitor in 1971, he was a partner at Cameron Markby (now part of CMS Cameron McKenna) where he set up and led the Environmental Group until his departure in 1994 to set up his own sole practice Andrew Bryce & Co specialising in environmental and health and safety law. He acts for a number of clients in the waste, industrial and oil and gas sectors.

The Waste Working Party meets about four times a year and provides comment on various initiatives, either by meeting officials at an early stage or by written submissions. In the past the convenor has appeared before Government committees to provide an expert view.

The role of convenor involves chairing meetings, setting a programme for the year and co-ordinating the work. There is an active and supportive secretary, Phil Cumming, so the work load is shared. If you are interested, in the first instance please contact Andrew Bryce for an informal chat (Tel: 01223 437011, Email: bryce@ehslaw.co.uk).

Like other working parties the Waste WP has a long list of correspondents but far fewer who actually engage with its work. In line with UKELA's working party guidelines it is in the process of pruning its membership list. It does expect those on the list to attend at least one meeting a year and to provide active help with the programme of work. At the same time it is looking to recruit new members. Waste remains a very lively area and the working party makes a significant contribution to UKELA's overall objective of making the law work for a better environment.

If you would like to join please contact Phil Cumming (Tel 0203 2012 031, Email Phil.Cumming@london2012.com).

BENEFITS OF GREEN OFFICE DESIGN

Unusually for e-law here is an article on a non-law topic but nevertheless one that will be of interest to all members. This article was previously published in 'Sustainable Development' and their permission to republish it is gratefully acknowledged.

Abstract

This paper examines the evolution in the UK of green offices against a background of changing government and industry perspectives. One key factor is the sense that such buildings lead to improvements in productivity in the workforce and hence greater competitiveness for the company that occupies the building. The main vehicle for establishing criteria to measure occupant productivity is known as Post Occupancy Evaluation (POE) and the related CIBSE Probe Studies whose work is reviewed. Although the measures and criteria employed for evaluating the interface between environmental factors are complex, a number of green offices constructed over the past decade allow broad conclusions to be drawn. The first is that energy efficiency and perceptions of health are closely related and this connection has bearing on productivity. The second concerns the link between environmental standards in the workplace and level of enhanced productivity: it appears that the higher the green score (using BREAM or LEED) the greater the performance. A third finding concerns the image of the building and its effect on marketing either of the building or the company. Finally, it appears that natural conditions are preferred, especially high levels of daylight, and this impacts upon staff morale. Whilst it is not possible to reach absolute findings from a limited number of examples, the evidence suggests that green working environments bring benefits way beyond that of mere energy efficiency and that to focus on the performance of the building alone is a mistake..

Over the past ten years there has been a growing evidence that green buildings lead not only to lower utility bills and hence carbon footprint, but also to enhanced productivity of the workforce and lower exposure to future environmental legislation. There is also the suggestion that a green building presents a more acceptable image for a company than more orthodox air-conditioned space and this helps in letting the building. Green buildings are also seen (in spite of some teething difficulties) as contributing towards a company's ambitions in the area of corporate environmental or social responsibility. Research suggests that these less tangible benefits often outweigh the advantages of lower utility bills and hence energy conservation per se. As a result there has been a fresh approach to the procurement of

buildings by office buildings, to changes in the BREEAM and LEED criteria (the UK and USA-based environmental assessment at the design stage of office buildings) and in new guidance provided by the property industry to its members. This paper seeks to summarise the current understanding from a number of research projects in the UK and USA.

The main benefits of investing in environmentally smart buildings are thought to be:

- reduced investment risk through changes in environmental legislation, in the move towards carbon accounting, and in future energy scarcity
- improved rental income through the improved image of a green building
- improved productivity of the workforce through their appreciation of better environmental conditions, leading to less sickness days and lower staff turnover.
- increased lettable area as consequence of less floor-space for building services and other plant
- lower construction and running costs by avoiding air-conditioning

Against these benefits, however, are the following dangers which office developers and their architects and engineers need to consider at the design stage:

- noise problems as a result of open plan (especially atria) configurations
- over-heating and under-heating problems which can result from over reliance upon passive solar systems
- lack of occupant control over working conditions by excessive use of computerised building management systems

The relative importance of benefits or dangers of constructing green buildings need to address both real and perceived advantages as well as real and perceived risks. These broadly concern the developer, the design and construction team, and finally the user who is often overlooked and ill represented at the crucial procurement stage.

Green Design Strategies

It is now widely recognised that good environmental design does not necessarily entail cost burdens, nor do green offices (either lettable or headquarter buildings) carry undue risk for the key stakeholders – developer, designer or user. The old problems of overheating (in summer) or under-heating (in winter) coupled with excessive draughtiness or noise, are largely things of the past. However, in order to satisfy growing consumer expectations in the workplace environment, the designer of green buildings needs to consider the exposure occupants may have to a working environment which, though largely satisfactory and generally under computer management, fails to meet acceptable standards for part of the year. This is why it is imperative that occupants have some means of intervening in their own working environment by being able to adjust heating controls or to open windows or activate blinds. Hence it is important to address the sense of wellbeing of people who may be under stress by the very nature of their work, as well as the performance of the building in strictly environmental terms. The building needs to be able to respond to both the external energy climate and the internal mood of office workers. It is this dual imperative which helps define a good green building from a poorly designed one.

Over-engineered buildings, no matter how energy efficient, can be counter-productive if occupants are denied power to intervene in the quality of their working space. Research suggests that the greater the naturalness of the working environment, especially with regard to natural light and ventilation, the greater the social and economic benefits through enhanced productivity¹. This is particularly critical with sealed environment office buildings which, though largely green in nature, deny contact between the interior and

¹ G. J. Raw and M.S. Roys 'Sick Building Syndrome, Productivity and Control' Property journal August 1993 p17-9. See also 'Healthy Buildings and their Impact on Productivity' Proceedings of Indoor Air '93, vol. 6

exterior environments. The levels of daylight and natural ventilation appear to be critical factors in user satisfaction, and where these are highest, productivity levels of the workforce increase. In fact, analysis of green offices in the USA awarded ratings under the LEED programme indicates that an increase in the naturalness of the working environment coupled with high environmental standards elsewhere, generates a corresponding increase in levels of productivity².

So a well designed green building needs an intelligent system of controls whilst providing also the means of its overriding by the person who works in that particular space. Buildings necessarily touch upon questions of ethics, politics and rights, and green offices in particular raise issues concerning the democratic use of space. Since modern Europeans spend nearly 90% of their lives inside buildings and about a third of this in workplace environments, there are questions of human rights as well as company profits to consider. As environmentally smart buildings become more widely accepted by the development industry these wider questions of ethics and responsibilities are brought into ever-clearer focus. One particular issue touches upon the relationship between energy conservation and noise disturbance at work. The trend in green offices is towards more open working, the use of atria and malls inside deep-planned buildings to maximise daylight penetration and promote solar-assisted ventilation. There is also the growing intensification of the use of use (especially in call centres) and the concept of 'hot-desking' which erodes ownership of office territory. Added to this the speed and flexibility afforded of steel construction and lightweight partitions have reduced the acoustic mass of modern buildings adding to background noise levels in the workplace. As a consequence the acoustic environment is a growing problem in green buildings. So whereas natural conditions are favoured by office workers adding to productivity and reduced absenteeism, the consequences of atria-designed green offices are often high levels of ambient noise and its detrimental impact on the very people sustainable design is seeking to benefit.

The energy efficient green office requires large open volumes for the natural displacement of air using the physics of buoyancy. It is these conditions which allow for the transmission of noise from one part of the building to another. It is noise which often travels diagonally across the glazed malls of modern buildings. Thermal mass where it occurs can help but solid construction rarely encloses the atria area or sub-divides the large open plan areas. Added to this, the need for natural light and cross-ventilation opens the interior to exterior noise (which is also increasing as traffic volumes rise).

So whereas some office workers complain of overheating and excessive variability of temperature in some green buildings monitored in the UK under the Probe Studies Programme³ (a problem exacerbated by global warming), noise is often a significant contributory factor in worker satisfaction. Unless well designed, lack of attention to the acoustics of the workplace could limit the wider application of environmental design thinking. Noise is not only a limiting factor in green offices – it has proved a problem with green schools and libraries⁴. The challenge in the next generation of sustainable office buildings is to re-engineer our approach to bring energy conservation, noise control and occupant satisfaction into a single virtuous circle. This may require a fundamental re-design of the plan and cross-section of office buildings in order to solve the acoustic disadvantages of the atria without compromising the energy performance and social benefits of such spaces.

Stakeholder	Benefit	Cost	Method
Government	<ul style="list-style-type: none"> • Lower health care costs • Improved performance of the national 	Low capital risk	Legislation

² G. Kats 'The Costs and Financial Benefits of Green Buildings. A report to California's Sustainable Building Task Force. See also www.cap-e.com

³ Bill Bordass and Adrian Leaman 'Building Services in Use; some lessons for briefing, design and management' BIFM annual conference, London 17 September 1997

⁴ Brian Edwards Green Buildings Pay 2nd edition, 2003 Spon Press p122-157

	economy		
	<ul style="list-style-type: none"> • Greater energy efficiency and attention to global warming 		
Controlling Bodies and NGOs	<ul style="list-style-type: none"> • Helps achieve international environmental obligations 	Low but grants may be needed	Education
Local Councils	<ul style="list-style-type: none"> • Good regional image 	None	Planning control
Developers	<ul style="list-style-type: none"> • Enhanced business efficiency 	Medium	New industry guidelines
	<ul style="list-style-type: none"> • Reduced long term cost 	Medium	Design
	<ul style="list-style-type: none"> • Greater competitiveness through energy conservation 	Medium	Monitoring
	<ul style="list-style-type: none"> • Improved company image 	Medium	Public relations
Design Team	<ul style="list-style-type: none"> • Higher profile 	Low	Publicity
	<ul style="list-style-type: none"> • Better customer focus 	Low	Brief
	<ul style="list-style-type: none"> • Improved team working between industry players 	Low	Teamwork
	<ul style="list-style-type: none"> • Greater environmental awareness 	Low	CPD
Workforce	<ul style="list-style-type: none"> • Improved health in workplace 	Low	Design
	<ul style="list-style-type: none"> • Stimulating working environment 	Low	Design
	<ul style="list-style-type: none"> • Greater attention to stress and comfort 	Medium	Management
	<ul style="list-style-type: none"> • Improved productivity 	Low	Design

The above table highlights the costs and benefits carried by those who commission, control, procure, design and work in green buildings. There are also third party risks which result from poor design, poor technology and poor management which effect the end users and as a consequence impact upon their performance⁵. These in turn influence wider economic measures either of the company or national economy.

Innovative sustainable buildings can be a precarious business venture in spite of the productivity advantages which result from higher morale, less staff illness and lower levels of staff turnover. For companies who build for their own workforce there is clearly an incentive to invest in green design but where developers build speculatively for the office letting market there is little motivation to care for an ill-defined workforce. In fact, of the sixty or so green offices built in the 1990s the vast majority were for companies constructing workplaces for their own staff, often headquarter buildings where image was of great importance. The arguments in favour of green design need to address energy costs and the related performance benefits of occupants in the more speculative and risky lettable office market rather than the safer world of company headquarters buildings such as Wessex Water in Bath. Furthermore, central and local government could do more by establishing a climate of acceptance of green design by their own procurement policies. It remains a sobering reflection upon the UK construction industry that 20% of all energy used in buildings is wasted by poor design and inadequate management training by those who care for the building⁶, much of it in the public sector.

Guidance from government, which is essential if the office property industry as a whole is to reform its practices, has moved in the past ten years from design and technology solutions to management and procurement ones⁷. In this change in emphasis key initiatives such as the Latham Report (1998) and

⁵ A Developers Guide to Environmentally Smart Buildings: Good Practice Guide 258 BRE,1999

⁶ Paul Ruyssevelt 'Design for occupant interaction' Sustainable Architecture Conference De Montfort University, Leicester 3 May 2001

⁷ Ibid

Egan Report (1999) have emerged but have largely failed to address the environmental limitations of the UK construction industry. Until recently the need for greater building site efficiency through improved contract procedures, better briefing and greater use of component standardisation have been developed independently of the parallel drive towards more sustainable design practices. In 2002, however, the joining of the agendas of construction site efficiency and energy conservation led to the initiative known as M41 which sought to demonstrate through costed case studies the benefits not only of good construction practices (based in part on Dutch example) but also of innovative sustainable design⁸. In this change in emphasis greater attention was paid to providing evidence that 'green buildings do in fact pay' and that the benefits are central to client interests and government policy (greater competitiveness, improved productivity, healthier lifestyles, social cohesion through the ethos of work). The change in approach widened the debate amongst developers and their architects bringing business and management interests into the realm of sustainable design. What is now being demonstrated through the evaluation of green buildings is that the many formerly invisible benefits of good environmental design matter as much to government and building clients as reduced carbon emissions. It is not only offices which appear to benefit but also schools and offices built to sustainable design principles⁹. Such benefits span from improvement in the mental and physical health of those who work in green buildings leading to better productivity of workers in green offices and teachers in green schools, and more rapid recovery of patients in hospitals designed to green principles. There is also greater recognition of the corporate benefits of a green image for companies like Barclaycard, Wessex Water and Boots which have invested in sustainable design.

Lessons from Probe Studies

Too few green buildings are adequately monitored to test their performance against predictions made at the design stage. As a result not only do buildings fail to respond to the realities of use but the lessons learnt from the performance of one building too rarely influences the design of another. This shortcoming has been addressed by the UK Department of the Environment, Transport and the Regions (DETR) and Building Sciences Journal sponsorship since 1995 of Probe Studies which "focus on occupant and management satisfaction as well as environmental and energy performance".¹⁰ Over the past ten years there have been some 20 Probe Studies covering offices, university buildings and schools. Most of these have been of green buildings allowing sustainable design approaches and innovative technologies to be tested. This paper draws in part upon the result of Probe Studies, setting findings of energy performance against client and designer expectations and user reactions. The main conclusions to date are¹¹

Design Issues

- *air-tightness*. Buildings are not as airtight as architects and engineers predict, resulting in extra plant size to overcome risks at the design stage and sometimes extensive remedial action once the building is occupied. Poor air-tightness is the result of leakage at eaves, around and through windows (especially motorised ones) and at junctions between heavyweight and lightweight cladding.
- *Window design*. Insufficient control by users of their workspace, poorly positioned handles, wind disturbance and computer programming problems are fairly common especially with more heavily engineered green buildings.
- *Window blind design*. Internal blinds are often left in one position irrespective of external conditions and external blinds suffer from wind turbulence (especially near corners of the building) requiring them to

⁸ T Wyatt 'Measuring and improving functionality and performance, In Designing Better Buildings Macmillan S (ed) Spon Press 2004 p72-85

⁹ Brian Edwards Green Buildings Pay 2nd edition Spon Press 2003 p124-147

¹⁰ Bill Bordass 'Lessons from post-occupancy surveys' EcoTech March 2000 p30

¹¹ Ibid p30-1

Management Issues

- be retracted. Also lack of occupant control of external shading/internal blinds leads to general dissatisfaction with the workplace.
- *Lack of responsiveness.* Users complain of the inability to over-ride controls, and the difficulty when they fail of correcting them. Management is often too slow in responding to necessary system adjustment.
- *Noise.* Green offices have suffered from unexpectedly high levels of noise. This is the result of open planning (necessary for natural cross-ventilation), exposure of hard fabric surfaces (for nighttime fabric cooling), greater intensification of space, more use of equipment (computers etc) and the trend towards a greater mix of internal functions.
- *Access.* Building plant, light fittings, fire detectors, external sensors, blinds and motorised window equipment is increasingly inaccessible, making maintenance and safety checks difficult. As health and safety regulations become more stringent, access becomes more problematic. This is a particular problem with lofty atria space and intelligent façade systems.

In drawing attention to the inter-relationship between design and management issues, the Probe Studies have provided a useful service to the UK construction industry. Most of the green buildings monitored by Probe suffered to a greater or lesser extent from one or more of these problems, yet in bringing them to public notice, there has been an improvement in the design of green offices. One area where Probe and parallel studies in the USA for example by Kats¹² have proved particularly useful is in the surveying of user responses to green buildings. These have highlighted a number of potential benefits (as well as weaknesses) of more environmentally friendly workplace design. The Probe team, led by the engineer Bill Bordass working with Building Use Studies, has drawn to the industry's attention those features of green offices which occupants most value.

Users appear to prefer:

- shallower building plans thereby allowing greater contact with the outdoors
- thermal mass for stable temperatures
- windows that they can open
- clearly defined occupancy zones (cellular offices rather than open plan)
- personal interface between VDU usage and environmental controls
- management which responds quickly to internal environmental problems.

Not all are within the realm of the design team but the list highlights not only the necessary overlap between design and management but the importance of placing the user to the fore at the briefing stage. Without putting the interest of users in the initial development brief, the building may end up by being energy efficient but not user responsive- thereby undermining potential business benefits. Probe has also highlighted the gap which often exists between concept and execution both at technical and management level. Poor workmanship and specification is responsible for the bulk of air-tightness problems whilst management is often indifferent or under informed about the technical operation of the building and the effect of air leakage on energy performance and user satisfaction levels. As probe notes the more innovative the office building, the greater the need for information, access to controls and understandability of key concepts by those who own, lease, manage and use the building. This is particularly important where offices are built speculatively for the letting market.

Good performance normally stems from “relatively simple, thoughtful solutions, implemented and thought

¹² Kats op.cit

through with attention to detail".¹³ Major technological innovation requires good communication via the building design between architect and end user. If the meanings and methods of control are unclear there is the risk that the solution to one problem (e.g. energy) becomes a problem for another (e.g. noise or overheating). Also unless the user is taken on board and management acts as an effective bridge between concept and reality, the benefits of a sustainable design can be undermined by a revengeful workforce. The Probe findings suggest that the most successful first generation of green buildings (those constructed mainly in the early 1990s) kept the environmental engineering relatively simple and paid close attention to details of both energy use and occupant comfort.

A typical example is the Barclaycard Headquarters building at the edge of Northampton designed by Fitzroy Robinson and Partners in 1996 and monitored by Probe in 2000. Architecturally the building is a long narrow office block orientated east-west with 15meter floor plates divided by a central spine of atria or glazed streets which serve as environmental and social spaces. There is also solar- assisted mixed mode ventilation, chilled ceilings using ground water, a lake for cooling and air-conditioning only employed in 'hot spots'. The pedigree extends back to the Gateway 2 building at Basingstoke by Arup Associates and embraces among others the PowerGen Headquarters in Coventry by Bennetts Associates and the Scottish Office in Leith by RMJM.¹⁴ All these buildings share common characteristics at a planning and constructional level.

Much of the formal language and technological dialogue results from the orientation of the building. The decision to have a long south-facing façade 260 metres long, with a corresponding façade to the north, had profound implications for solar shading and daylight penetration. The south elevation (which is also the main entrance façade) consists of solid veneers of masonry, exposed engineered concrete and metal screens for solar protection. The solidity of the south elevation is highlighted by the deeply set windows and the separate structural articulation of walls. Added to this, shadows cast by the brise-soleil animate the façade giving a hint of the environmental strategy within. By way of contrast the north façade is highly glazed since solar protection is not needed. The solution adopted at Barclaycard was to look closely at the balance between window and wall area, and to address the technical performance of windows, varying their design according to the needs of daylight, ventilation, user control and solar screening. The result is a series of complex facades, responding as much to the requirements of building physics as to conventional notions of architectural composition.

When constructed in 1996, Barclaycard was the largest example in the UK of a green building pre-let to a private sector company. The technology was innovative in several areas though the design does not posture its high-tech credentials. Technically much is done without cost or maintenance burdens. The use on the south side, (where solar gain is usually a problem for non air-conditioned offices) of small windows set deeply into the façade cladding, overhangs and horizontal louvers reduces the need for mechanical cooling. The windows are aluminium framed with clear double-glazing, large manually operation canopies and opening fanlights activated by the building management system. Tubes passing through the lintels provide trickle ventilation using rainwater gathered from the roof and stored in a nearby lake¹⁵. The interior soffits of the concrete T-beam floors are left exposed to absorb heat and provide night-time cooling. Attached to alternate rows of these are ceiling mounted chiller units which provide cooled air via a heat exchanger exploiting greywater extracted from the lake.

The two parallel wings of offices 15m deep are divided by a glazed mall or internal street which is 9m wide and heated by under-floor coils. Besides the obvious amenity function of this loft sun-filled internal street, its role is central to the energy strategy. Warmed air (and smoke in the event of a fire) is taken through this space and vented via angled glazed outlets which have motorised windows. Each wing of

¹³ Ibid

¹⁴ Brian Edwards *Architecture Today* No 80, July 1997p20-30

¹⁵ Bill Bordass commentary on building services. *Architecture Today* No 80 July 1997 p25

office (there are six in total arranged as three parallel pairs) is treated as a single environmental and fire compartment with sprinklers incorporated into the chilled ceilings. The perception for office workers is not that of one huge office but six 'villages' joined together by streets and anchored in a cognitive sense by a central square. Each office area has its own controls and sense of environmental territory. In user surveys the atrium proved an attractive space for casual socialising.

Because of the extent of accidental heat gains (people, equipment and solar) the designed heat load was only 115kW/m²y allowing the design to be awarded an 'excellent' BREEAM rating. This was achieved at a construction cost of only £760/m² (or £1,100/m² if the multi-storey car park, lake and landscaping are included). Glare which is a problem with modern computer intensive green offices is carefully controlled by a combination of external blinds, louvers and large internal awnings. The Barclay Group had previously occupied fully air-conditioned office space and placed a requirement on the design team that internal temperatures should not exceed 23°C (as against 25°C which is more commonplace with green offices). Lighting is carefully considered as it of primary concern to user satisfaction. Window design and floor plate depth maximise daylight penetration: blinds and external tree planting further modify conditions to ensure effective light penetration without direct sunlight, glare or reflection on the computer screen.

The success of the building in both energy efficiency and workforce productivity terms led Barclaycard to commission an office in Basildon New Town based on similar principles. Using the same design team and green ethos, the Basildon building also received an excellent rating from BREEAM. Monitoring by Probe had demonstrated the link between environmental standards in the workplace and company performance which Barclaycard was naturally anxious to repeat. However, the new building was not a direct cloning of the Northampton example but one which learnt lessons from the user feedback.

Conclusions

It is now increasingly recognised that office buildings built to environmental and ecological principles lead to enhanced levels of staff satisfaction and hence performance¹⁶. The naturally lit and ventilated office generates less absenteeism through sickness or poor morale and greater commitment to the employer through shared values. In other words, green offices not only conserve energy (which is usually the prime motivation for their construction), they also help reduce company staff costs by better motivating staff. These findings apply to examples in Europe and the USA. In fact, the 2-3% increase in worker productivity recorded by studies of green offices nearly pays for the annual energy costs of a typical big company building¹⁷. If attention is paid to staff cost benefits rather than energy cost benefits at the outset, then it is easier to justify in business terms the extra cost of a green. Looking back one may say that the emphasis on energy efficiency in the 80s disguised the more important question of worker performance in the growing service sector of the Thatcher years.

For organisations such as the Barclay Group, the procurement of green buildings is based upon the sound investment in people as much as it an exercise in saving energy. Like other UK companies such as British Airways, Boots and Wessex Water, the motive for sustainable design stems from a genuine concern to invest in the company workforce by providing an environment which promotes health and productivity. These wider social and economic interests stem from a combination of changing criteria of the BREEAM assessment method as well as changes in advice from the British Council for Offices (BCO) plus evidence from Probe evaluations once the building is occupied.

With the growing evidence of the financial benefits of green design, the extra cost of a green office is likely to be recouped in 5-8 years. By equating the improvement in staff productivity coupled with energy

¹⁶ Tim Battle 'Performance Spaces' *The Architects' Journal* 2 November 2000 p56-7

¹⁷ Brian Edwards 'Institutional barriers and advantages of designing office buildings to sustainable principles' *Proceedings ERP*, 1997 p44-9

saving in a world of growing utility costs, it is now possible to establish a strong business case for sustainable design. What was once a largely ethical choice for developers has now become good business sense and we have at last the evidence to back it. Furthermore, the evaluation of LEED (Leadership in Energy and Environmental Design) awarded buildings in the USA suggests that the higher the environmental standard, the greater the productivity and image benefits and the shorter the payback period for corporate clients¹⁸. However, this rosy picture should not disguise the problems encountered by the speculative office development market- the challenge in the future is to demonstrate that green offices here also make business sense.

Professor Brian Edwards 2007 ECA/ Heriot -Watt University, Edinburgh

UKELA MEMBER PROFILE

Continuing our focus on the careers, backgrounds and interests of UKELA members.

Carine Nadal has recently joined UKELA as an LLM student specialising in environmental law at the University of London, having previously graduated in law from the University of Nottingham. She is currently finalising a dissertation on the Aarhus Convention and environmental justice and aims to pursue this interest with organisations involved in developing law and policy. Carine was among a group of LLM and environmental justice students who recently organised the first UK student-led public interest environmental law conference on 'Corporate Responsibility and Environmental Justice' in collaboration with academics, Capacity Global and Friends of the Earth UK. Last year she participated in UKELA's Wild Law events. Carine has also gained practical experience in other areas of environmental law through various internships.

60 second interview

How did you get into environmental law?

I seized the opportunity to pursue my longstanding interest and passion in environmental issues through the LLB optional modules. It was an excellent compromise, indeed a refuge, for choosing to study three years of law over geography! A combination of environmental law internships and conferences crystallized a belief that environmental law was the professional and personal path for me.

What are the main challenges in your work?

Dealing with the complexity of environmental law, how it interlinks with other subject areas such as economics, science, human rights and politics, and the discrepancies between what law is in theory and in practice and with what law ought to be. Speed reading and then summarizing masses of information in addition to having the confidence to put forward your own ideas and arguments also pose rewarding challenges.

What environmental issue keeps you awake at night?

¹⁸ Kats op.cit.

The excessive and unnecessary amount of waste that we produce, particularly in the UK. Knowing that waste that could be but isn't reused or recycled and that certain members of society are forced to bear the environmental and social burdens of living near this waste, arguably at best in their back garden and at worse on their front doorstep, has been the source of many a sleepless night!

What's the biggest single thing that would make a difference to environmental protection and well-being?

The integration of environmental ethics into both our professional and personal consciousness and activities. Recognising that humans are part and not apart from nature, or indeed each other, and respecting nature's right to exist for its own sake, whether on moral or legal grounds as fellow 'wild lawyers' would argue, would ensure more holistic and proactive rather than fragmented and reactive environmental protection. Not to mention the healing effect it would have on us in terms of well being!

What's your UKELA working party of choice and why?

As a new member I am looking forward to joining, in addition to Waste, the Climate Change working party to learn more about how to meet one of the biggest challenges today that threatens the well-being and survival of Earth and its inhabitants. Climate change is also a growing source of environmental injustice globally.

What's the biggest benefit to you of UKELA membership?

Being given the opportunity to participate in well organized and engaging conferences and to meet a diverse range of agents working towards the common goal of environmental protection.

MEMBER OFFERS

Sustainable Building

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Usual Cost £350

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£25 SUBSCRIPTION PRICE FOR *ENVIRONMENTAL LAW REVIEW* FROM VATHEK PUBLISHING

Environmental Law Review is a significant forum for the critical discussion of current and developing ideas in environmental law.

A special price for UKELA members is now available of just £25 (for print, electronic or print and electronic). This represents more than an 88% discount on the normal print price!

Take advantage of this special price TODAY – simply click here (www.vathek.com/ukela-order.shtml) and complete the online order form!

PLC ENVIRONMENT

PLC Environment is a new environmental law know-how service for lawyers in the private and public sectors, as well as other commercial practitioners (such as environmental consultants and EHS directors).

The service includes:

- clear and concise summaries of the law on a wide range of environmental topics
- standard documents (such as environmental warranties and indemnities), all of which are accompanied by detailed drafting notes
- e-mail alerts on key UK and EU environmental developments
- a Legislation Tracker that allows you to track the progress of key environmental legislation and new policy
- a guide to environmental law in other jurisdictions (such as the US, France and Brazil), including details of leading environmental lawyers and law firms in those jurisdictions

PLC Environment is run by a team of specialist environmental lawyers with a wide range of experience in both the private and public sectors (including Herbert Smith, Freshfields, Veale Wasborough and Defra).

For a free trial, e-mail subscriptions@practicallaw.com quoting ref: UKELA1 or call +44 (0) 207 202 1200

JOB OPPORTUNITY

Human Dynamics (in consortium with REC CEE and the Umweltbundesamt Austria) is currently on the short list for the EU funded project **Monitoring transposition and implementation of the EU Environmental Acquis** in Croatia and Turkey.

For this project Human Dynamics is specifically looking for an expert who has implemented multi-national environmental projects and who has extensive experience with EU environmental legislation.

The project will help to build capacity in the beneficiary countries to transpose and implement the environmental *acquis*. The contractor should undertake the work in their own premises, with trips to Brussels for briefing and to the countries covered by this project, as necessary. The work would start in September and last for two years.

The contractor will need: expertise in environmental policy, including legal and/or scientific aspects; background in transposition and implementation of the EU environmental acquis; experience in transposition, implementation and/or enforcement related to a range of EU environmental acquis

For a copy of the full terms of reference please contact Vicki.elcoate@ntlworld.com

DIARY

WORKING PARTIES / COURSES / CONFERENCES / LECTURES / SEMINARS

UKELA WASTE WP

SJ Berwin's Offices 6th June

We will be joined by Dr Jeanie Cruickshank, Deputy Director (Environment & Communities) of the Better Regulation Executive of the Cabinet Office and Roy Hathaway Deputy Director in Defra's Waste Management Division.

Jeanie's team lead on better regulation in relation to everything Defra and its family of regulators do, and have also recently taken on topics such as housing, building regs and planning from DCLG. However, they cannot claim to be deep experts in everything and are particularly interested in examples of overlapping or conflicting regulation, and also where regulations seem to stop people doing the right thing for the environment. They recognise waste is a topic which is of great interest to business stakeholders (and where there often seem to be missed opportunities, in terms of resources which could be re-used or recycled, but where the regulations put obstacles in the way) so they have been taking an interest in many of Defra's recent waste initiatives including the EU renegotiation of the Waste Framework Directive; their consultation on the waste duty of care; EPP and their emerging thinking on the new waste strategy.

Jeanie and Roy have asked for a pretty interactive and proactive discussion commencing with a short overview of developments in waste regulation. They are inclined to put it in the context of the England Waste Strategy, i.e. regulation as one policy instrument among many, that it should promote resource efficiency as well as protect the environment, then highlight how we are aiming to take forward better waste regulation both at EU level and at home, mentioning key projects such as the WFD renegotiation, UK guidance on definition of waste, EPP, review of exemptions, duty of care & other Davidson recommendations.

They have specifically asked for feedback / views on the following:

- What would be the most user-friendly means of consultation given that they are trying some more informal/interactive methods at the moment e.g. on the review of exemptions and the Batteries Directive, or is traditional written route preferred
- Do we think there is “enough” waste regulation - as the UK has tended to argue for environmental regulation as a whole
- Should more focus in future be given to (i) economic instruments and awareness raising as means of getting behaviour change and (ii) better enforcement of the rules we already have, to tackle waste crime for example

To make sure we get the most out of the meeting can you provide example issues or thoughts (summarised bullets only) structured around the topics (e.g. promotion of resource efficiency; revised WFD, etc) and feedback areas (e.g. user-friendly means of consultation) highlighted above by the **1st June** so I can provide this to Jeanie and Roy slightly ahead of time.

As you can see this is likely to be a very key and strategic meeting for the WWP which will hopefully help set out our work programme over the next year so it is really important that we get a really good turnout!

Phil Cumming

Convener

Direct Line: +44(0)203 2012 031

Mobile: +44(0)7979 507374

Please notify both Phil.Cumming@london2012.com and Sue.Davidson@sjberwin.com if you intend to attend.

EARTHWATCH LECTURE: MANAGING THE MARINE ENVIRONMENT.

7.00pm, Wednesday 6th June, at the Royal Geographical Society, 1 Kensington Gore, London SW7.

*Speakers: Dr. David Smith, Coral Reef Research Unit, University of Essex
& Dr. Marcos Santos, Universidade de Sao Paulo*

Two talks about Earthwatch research into vulnerable marine ecosystems, one on the threats posed to Seychelles coral reefs, the other on Brazil's lesser known dolphins, particularly impacted by tourism. Free, but ticket only

For tickets & more information, please contact Earthwatch on (01865) 318856; events@earthwatch.org.uk

www.earthwatch.org/europe/events.html

If any of you, friends or contacts would like to come along, please contact me for tickets.

Best wishes

Simon Laman
Events Officer
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fax 44 - (0)1865 311383
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REGENERATING BROWNFIELD SITES: POLICY, PRACTICE AND PROFITS

EIC's Essential National Land Remediation Conference
20 June 2007 – Royal College of Surgeons, London WC2

To book click [here](#)

Speakers include:

- Yvette Cooper MP, Minister for Housing and Planning
- Alistair Burt MP, Shadow Minister for Communities and Regeneration
- Anthony Glossop, Chairman, St Modwen Properties
- Sir John Harman, Chairman, Environment Agency
- John Walker, Chief Executive, English Partnerships

They will:

- Provide advance warning of new policy measures to directly affect land remediation
- Alert you to the future market drivers for brownfield regeneration
- Set out latest thinking and practical guidance on the most effective approaches and techniques to deliver successful projects

For more details click [here](#)

We are offering UKELA Members our own Members discount of £70 – please tick the Members box on the booking form and note that you are a Member of the UKELA.

LONDON MEETING ON CLIMATE CHANGE LITIGATION

The next London meeting will be on Climate Change Litigation and is being held at Herbert Smith on July 12th, 6pm. Details of the speakers are being finalised and a notice will be circulated shortly. Speakers are: Peter Roderick, Director of the Climate Justice Programme, Dr Stephan Harrison of Climate Change Risk Management and climate scientist Dr Myles Allen. The meeting will be chaired by Michael Woods, one of the convenors of the Climate Change Working Party. Both Michael Woods and the other convenor, Tom Bainbridge, recently appeared before the Environment Food and Rural Affairs Committee inquiry into the Climate Change Bill. They gave views on behalf of UKELA and the submission of the Working Party on the Bill will shortly be available on the website www.ukela.org.

London meeting bookings: £10 for Members and £20 for Non-members. Students and Unwaged members are free. Your booking is not confirmed until a cheque has been received.

If you wish to attend please contact by e-mail Angela Pallett at Herbert Smith: angela.pallett@herbertsmith.com

CLT ENVIRONMENTAL LAW MASTERCLASS 31 JULY - 1 AUGUST

UKELA has negotiated a special 20% discount for members for this annual event organised by CLT

The CLT Annual two day Environmental Law Masterclass provides a comprehensive analysis of a very wide range of topical and practical environmental law issues and will appeal to all those who need to keep fully up to date with all the latest developments

Chaired by Daniel Lawrence of Freshfields Bruckhaus Deringer and of course chairman of UKELA, the speakers include: Andrew Wiseman, Valerie Fogleman, Peter Harrison QC, Justine Thornton, John Bates, Richard Harwood, Richard Kimblin, Garrett Byrne, Richard Barlow, Richard Banwell, Gerry Facenna, Godon Wignall and Tessa Harrington

Topics covered include: what are the major challenges and opportunities facing environmental lawyers? environmental impact assessments, environmental insurance, contaminated land, nuisance, nature conservation, landfill, pollution and waste, public access to environmental information and environmental issues in land planning

For full details of the programme and how to book go to: <http://www.clt.co.uk/brochures/cf29091.pdf>

When booking, to obtain your 20% discount, please state clearly that you are a UKELA member. The discount is available to both CLT subscription members and non-subscription members

WILD LAW

Bookings are now open for our weekend workshop on Wild Law: A Response to Climate Change. This is your opportunity to join in a workshop to help develop solutions to global warming with leading experts on this area of jurisprudence. We aim to assemble people from diverse backgrounds to develop new ways of thinking. So if you are in industry, from a local authority or other regulatory body, working in government, from a community group or national NGO, campaigner, lawyer, environmental manager, academic – we would welcome your involvement. We have a limited number of student places and these are already over-subscribed.

Thanks to funding from the Body Shop Foundation attendance fees are good value and we have discounted places for people on lower incomes. We have attached a booking form to this mailing.

Speakers are: Cormac Cullinan, an environmental lawyer based in Cape Town, South Africa, author of *Wild Law: A Manifesto for Earth Justice*, a director of the leading South African environmental law firm, Winstanley & Cullinan Inc, and CEO of EnAct International, an environmental governance consultancy; Professor Brian Goodwin, Visiting Scholar and Teacher on MSc in Holistic Science, Schumacher College, International Centre for Ecological Studies, Devon; Andrew Kimbrell, public interest attorney, activist and author, executive director of The Center for Food Safety in USA and founder of the International Center for Technology Assessment who was recently involved with the successful Massachusetts case; Peter Roderick, director of the Climate Justice Programme, a barrister with twenty years' experience in private practice, the oil industry, academia and the public interest environmental sector, and was Friends of the Earth's lawyer in London from 1996.

We hope you can join us in Derbyshire in September.

SCOTTISH CONFERENCE

The Scottish Regional Group has organised a one-day conference for November 13th in Edinburgh. Please put this in your diary and we will circulate more details when we have them.

GARNER LECTURE

The date for this year's lecture will be Wednesday November 21st at 6pm. The event is being held in partnership with the Journal of Environmental Law and University College London. The speaker is M.C. Mehta, the leading Indian environmental lawyer, attorney in the Supreme Court of India, one of the founders of the Indian Council for Enviro-Legal Action (ICLEA), and director of the M.C. Mehta Environmental Foundation in New Delhi. M.C.'s landmark environmental cases in the Supreme Court of India have resulted in the protection of India's natural and cultural treasures – including the Ganges River and the Taj Mahal – from the adverse effects of pollution. In addition, M.C. played a key role in persuading India's Supreme Court to rule that Article 21 of the Indian Constitution, which guarantees each citizen the "right to life," necessarily includes the "right to a healthy environment."

In 2000, M.C. Mehta achieved a long-held dream to build an international facility for teaching public interest environmental advocacy. The foundation is a non-profit, non-governmental organization (NGO) working throughout India for the protection of the environment and citizens' rights. <http://www.mcmef.org/>.

Put the date in your diary – more details nearer the time.

REGIONAL GROUPS

WALES AND WEST MIDLANDS

There are meetings being planned in Wales and the West Midlands for the autumn. These two regions currently lack active convenors. If you are interested in helping out – even by hosting or helping plan a meeting – please do contact Alison Boyd, alisonboyd.ukela@ntlbusiness.com. She would be grateful for your help.

LEGAL UPDATES

FRANCE CONDEMNED FOR LAX ENVIRONMENTAL POLICY

The ECJ has issued two rulings against France for failing to adhere to EU environmental requirements. In the first case, the Court found that France has breached obligations under Directive 75/442/EEC on waste (as amended) by allowing around 1,000 illegal landfill sites that were either unregistered or failed to meet minimum requirements (see *Commission v. France*, Case C-423/05). In the second, the Court held that France had failed to take the necessary measures to implement Directive 2003/96/EC on the taxation of energy products and electricity (see *Commission v. France*, Case C-388/06).

NEW CAMPAIGN TO CUT CO₂ EMISSIONS

The government have backed a new campaign, *We're in this Together*, to help cut personal CO₂ emissions. Eight major companies (B&Q, Barclaycard, British Gas, Marks & Spencer, O2, Royal & SunAlliance, BSkyB, and Tesco) are to provide products, services, and advice in an attempt to encourage consumers to reduce their levels of CO₂ emissions. The launch of *We're in this Together* marks heightened interest amongst policymakers in issues surrounding climate change. On 4 May, the Intergovernmental Panel on Climate Change (IPCC) (sponsored by the UN Environment Programme, and the World Meteorological Organisation) warned that, although clean technologies designed to combat emissions already exist, there lacked agreement on policies and practical solutions. The IPCC is expected to publish further reports throughout this year. For more information see www.ipcc.ch. For information about the *We're in this Together* campaign, see www.together.com.

PLANS TO INTRODUCE 'GREEN TAXES'

The Commission, in its Green Paper on market-based instruments for environment and energy related policy purposes, has announced plans to introduce 'green taxes' and other fiscal policies to achieve EU environmental and energy objectives. It proposes changes to the Energy Taxation Directive (2003/96/EC, as amended) so that it is more closely aligned with the approach adopted by the EU's Emission Trading Scheme. The Green Paper is currently open to consultation. Responses are required by 31 July 2007. For more information, see http://ec.europa.eu/taxation_customs/resources/documents/common/whats_new/COM%282007%29140_en.pdf.

UK ENVIRONMENTAL LAW ASSOCIATION

Registered Charity number: 299498, Company limited by guarantee: 2133283

For information about working parties and events, including copies of all recent submissions contact.

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E - LAW

The editorial team want articles, news and views from you for the next edition due to go out at in July 2007. All contributions should be dispatched to Catherine Davey as soon as possible by email at: catherine.davey@stevens-bolton.co.uk by 2 July 2007
Please use Arial font 11pt. Single space.

Letters to the editor will be published, space permitting

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