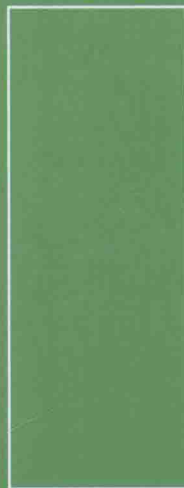


GREEN BUILDINGS AND THE LAW



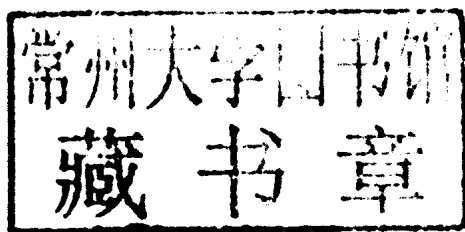
EDITED BY
JULIE ADSHEAD



Spon Press

Green Buildings and the Law

Edited by Julie Adshead



Spon Press
an imprint of Taylor & Francis
LONDON AND NEW YORK

First published 2011
by SPON Press
2 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

Simultaneously published in the USA and Canada
by Spon Press
711 Third Avenue, New York, NY 10017

Spon Press is an imprint of the Taylor & Francis Group, an informa business

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British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

A catalog record has been requested for this book

ISBN13: 978-0-415-55926-3 (hbk)

ISBN13: 978-0-203-86680-1 (ebk)

Typeset in Sabon by
Keystroke, Station Road, Wolverhampton

Printed and bound in Great Britain by
CPI Antony Rowe, Chippenham, Wiltshire

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ISBN: 90415559263. Published: 2011

Green Buildings and the Law

In countries such as the UK, the energy used in constructing, occupying and operating buildings represents approximately 50 per cent of greenhouse gas emissions. Pressure to improve the environmental performance of buildings during both construction and occupancy, particularly to reduce carbon emissions from buildings, has become intense.

Understandably, legislation and regulation are driving green development and compliance. And this is happening in a wide variety of ways. This review of the law in key jurisdictions for the research community, lawyers, the construction industry and government examines some of the mechanisms in place – from the more traditional building regulation controls to green leases and the law relating to buildings and their natural environment. Members of the CIB TG69 research group on ‘Green Buildings and the Law’ review aspects of the law relating to green development in a range of jurisdictions.

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Preface

The formation of Working Commission W113 in 2006 signalled the emergence of a substantial body of legal research within CIB. Increasingly, environmental lawyers were drawn to this group. The significant environmental impact of urbanization and construction activity was well recognized, as was the consequent relevance of environmental law to the construction industry and to CIB.

Against the backdrop of legislative developments responding to the global warming imperative and the Kyoto Agreement and calls for increasingly more stringent targets for carbon dioxide emissions, a group of legal researchers from both within and outside the W113 Working Commission came together to establish a world-wide project looking at the law relating to green buildings. The impact of construction and building occupancy upon greenhouse gas emissions was well documented, with energy use in these areas contributing in the UK, for example, to around 50 per cent of the total emissions. However, aside from the need to reduce carbon emissions across the globe, this group of legal scholars recognized an overarching necessity to consider in a holistic way how buildings can have an adverse or positive impact upon their surrounding environment. This fundamental question is of particular importance to the construction industry as well as the international construction research community.

TG69 on Green Buildings and the Law was established as a CIB Task Group in 2007 under the umbrella of the W113 Working Commission. Recognizing that there was a complex and multi-layered body of legislation on green buildings in place world wide, the remit of the Task Group was to review the law (as well as soft law and voluntary mechanisms) across key jurisdictions and thus provide the research community, lawyers and industry with important information about the legal situation in these areas across the world. The need for international co-ordination was self-evident. Global warming and environmental degradation present common problems and it is crucial that best practice is shared and knowledge of the existing and prospective legal regimes is disseminated world wide.

The ultimate goal of the TG69 Task Group was to produce a CIB publication containing a selection of research outputs authored by prominent

environmental law scholars across the world. This current publication sees the culmination of the research project and seeks to provide an outline of the state of the law relating to green buildings in key jurisdictions and address some of the legal challenges presented by the global warming imperative. It is hoped that important lessons can be drawn from this work by lawyers, legislators and government alike and that individual nations will be able to learn from the experience of others who are at different stages in the process of introducing legal controls.

Julie Adshead
November 2010

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