

The Corby Reclamation Litigation Case

Lessons for the future

25 November 2009

London

The ramifications of the case, and what the future holds for urban land reclamation.



Explore:

- What does the judgement mean for the brownfield industry?
- Could Corby happen again?
- How to minimise risk
- Good PR - communicating the benefits of remediation

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+44 (0)20 8969 1008 or
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Corby Reclamation Litigation Case Conference 2009 25 November 2009

Why should you attend?

Keep up to date with the implications of the judgment for your profession and make you aware of the liabilities and potential opportunities arising from it.

This conference is the first to be done on the case, and will feature a unique collection of experts.

About us

Brownfield Briefing is designed to bring you the latest news in all areas of brownfield development.

Providing comprehensive coverage, expert analysis and authoritative comment from key figures in the industry, along with the latest developments in contaminated land, waste and policy issues. It is the definitive source for professionals involved in previously developed land. For more information, or to request a free trial, visit www.brownfieldbriefing.com



9.00 Registration and tea and coffee

9.30 Welcome from Chair

Stephan Jefferis Director, Environmental Geotechnics Ltd

9.45 A summary of the site works

Roger Braithwaite, Director, Zero Environment

10.10 "Corby Group Litigation - straight from the horse's mouth"

- The practicalities of the trial process for a case with volume evidence
- Liability and the burden of proof for a developer
- Contamination issues and causation
- The judgement - where we go from here?

Paula Whittell, Partner, Berrymans Lace Mawer and Steven Grime QC, Deans Court Chambers

10.40 The Corby Decision and the Scientific Imperative

- What were the main scientific issues discussed during the case?
- How did the site assessment and remediation approaches taken by the Council stand up to detailed scientific scrutiny?
- How did the plaintiffs' case stand up to detailed scientific scrutiny?
- Should there be a greater role for science and scientists in contaminated land management?

Mike Quint, Independent Consultant

11.05 Q&A

11.20 Morning coffee

11.50 Could Corby happen again?

Reclamation works at Corby started in 1983, but arguably poor practice continued into the latter half of the 1990's, which doesn't seem all that long ago. What has changed since this time and could it happen again?

- Change in Waste Management regulations affecting landfilling practice and costs since 1990
- Change in Waste Management regulations affecting remediation practice, particularly introducing the need for assessment of risks to human health and the environment through remediation practice
- Changing site investigation practices, changes in the way remediation options are considered and the introduction of sustainability
- A remediation strategy developed today for this site is unlikely to include wholesale excavation and movement of materials. On site treatment such as stabilisation, in-situ barriers and cover systems may be used to manage the inherent risks while cost benefit, human health and environmental risk are more likely to be considered.

Martin Richel, Associate director, RAW remediation

12.15 What does the judgement mean for developers?

- The potential for the extension of liability – who picks up the risk?
- Impacts of extra scrutiny by planning authorities, and the importance of selecting appropriately qualified advisors
- Remediation near sensitive land uses – increasing importance of stakeholder engagement.
- What does this mean for brownfield on the cusp of a housing recovery?

Ian Heasman, Taylor Wimpey

12.40 How we can drive up standards to minimise risk?

Will current practice avoid another Corby?

- DIY remediation vs turnkey contracts
- In-situ vs ex-situ solutions
- Waste Code of Practice
- The role of SiLC in driving up standards

Phil Crowcroft, Consultant, ERM

1.05 Q&A

1.15 Lunch

2.00 Insurance Claims – Some clients do have them!

- Past and Current practice – flawed?
- 'Inappropriate insurances'. What really is out there?
- Time for change? Should all contaminated site redevelopments have proper environmental specific insurances in place to cover risks?
- Insurance the pro' and con's

Matt Hussey, Associate Director, Tyser

2.25 Will foreseeability be stricter in legal cases?

- what we can learn from the case about foreseeability
- whether the case suggests a higher burden for local authorities
- whether specific facts about the Corby case stand it apart from other situations
- what this judgment means for legacy projects
- how Councils can best prepare to resist legacy claims
- what Councils should do differently today

Stephen Shurgold, Denton Wilde Sapte

2.50 Managing future remediation - what should employers and contractors be doing?

The judgment identifies a number of real risks for both employers and contractors in future remediation projects

- Appointments and contractual documentation
- Where should the risk lie?
- Who manages the consultants?
- Who should be insured, what for and the value of PI insurance
- The implications for Part 2A remediation

Andrew Wiseman, Stephenson Harwood

3.15 Q&A

3.25 Afternoon Tea

3.50 Increase in pressure groups: Now pushing harder since the judgement.

Contamination has for many years been a strong area of focus for stakeholders. However, despite the appeal, the Corby judgement has given far greater focus for objectors to remediation schemes and the result will be a much greater scrutiny of the assessment of off site impacts. This session will consider the importance of undertaking appropriate assessments at a very early stage in the planning and site investigation processes

Peter Witherington, RSK

4.15 Good PR - communicating the benefit of your remediation project

- How to communicate that remediation is safe and good for the environment/community/area
- How to combat questions and objections

Linda Istead, Staniforth

4.40

Babies and bath waters: some 'close-up' views of Corby

- A few 'dirty pictures'.
- Advisory Vs. Executive roles.
- Risk management competence.
- So, what needs fixing?

For several years in the 1980s David Barry, while with Atkins, lead a team of specialists in contaminated land and hazardous wastes in the investigation and assessment of many parts of the former steelworks, and was responsible for many reports presented to the Council on remediation strategies. He was called by the Council as a 'Witness of Fact' at the recent court case.

David Barry, DLB Environmental

4.40 Q&A

5.00 Drinks and networking

Who should attend

- Consultants
- Environmental and engineering contractors
- Environmental Health Officers
- Regulators and Local Authorities
- Risk Assessment/Management
- Project Manager

Location and Travel

This event will take place at

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Enquiries:

Cheryl Henry

Tel: +44 (0)7787 578 782

+44 (0) 20 8969 1008

cherylhenry@newzeye.com

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For more information please tel
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Location and Travel

This event will take place at the Mayfair Conference Centre, Marble Arch, London. Full joining instructions will be sent to all delegates

Prices include refreshments and delegate materials

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