

Corby Group Litigation v Corby District Council [2009] A cautionary message about “dig and dump”

How It Started

Corby District Council, now Corby Borough Council ("CBC") acquired the greater part of the British Steel site near the town centre and undertook reclamation works between 1983 and 1997; at the time possibly the largest reclamation operation in Europe. The works involved the "dig and dump" of 2 million cubic tonnes of heavily contaminated material in a disused quarry some miles away.

Where It All Went Wrong

Vehicles transported the contaminated material on public roads without any wheel washing of vehicles, without sheeting on the lorries and without any appropriate supervision in regards to dealing with the contaminated material.

The Claim

It was claimed that, between 1986 and 1999 some children were born with birth defects as a result of negligence, breach of statutory duty and public nuisance on the part of CBC. It was claimed that the birth defects were due to expectant mothers inhaling or ingesting harmful substances (cadmium, chromium, nickel, dioxins and polycyclic aromatic hydrocarbons, on their own or in combination) generated by the reclamation.

The Court's View

The Court found in favour of the claimants, accepting the expert opinion that those responsible for the reclamation works at CBC had seen the project as simply an 'engineering' operation involving often unspecified material, rather than as a highly complex remediation and reclamation process.

The Moral

The case is a reminder of the liability associated with site remediation. Employers should ensure that those involved in the works are competent, that the works are properly scoped and the methods adopted are appropriate for the specific site and surroundings. Consultants, contractors and developers need to bear in mind they have a duty to the public to exercise reasonable skill and care during remediation works. These projects need to be viewed in the round, not just in terms of the removal of a problem from site "A". All foreseeable pathways by which contaminants could cause harm need to be considered. If it is foreseen that harmful substances could be dispersed to the wider environment and population then appropriate mitigation must be undertaken. It may be too late to wait until specific harm from specific contaminants can be demonstrated.

The above are, of course, just “edited highlights”, designed solely to create awareness and are not for guidance. If you would like to discuss either the issues raised or a specific project please contact me, Peter George either on 077 6523 2995 or at pdg@gosolve.co.uk