

Services to the Insurance Industry

Appraisal of Investigative Work and Legal Claims from an Alleged Pollution Incident

Ecologia were appointed by insurers representing a construction group to conduct a detailed review of a consultant's reports and legal documentation.

The case was related to construction of a road as part of a major UK infrastructure initiative in the Midlands, involving an alleged misuse of land resulting in ground contamination.

Construction engineers had entered into a contractual agreement with a local landowner to use farm land for temporary storage of aggregates. The landowner subsequently claimed that the contractor had stored non-permitted substances on the land, resulting in contamination and long-term damage. Furthermore, the landowner alleged that the contractor had removed subsoil from the land. The sum total of claims against the main contractor amounted to approximately £1.1 million.

Ecologia initially undertook a review of 59 separate pieces of documentation and prepared a chronological summary of key events to clarify matters for our client.

Ecologia were able to identify a number of major discrepancies between the claims being made by the landowner and the data produced by his own consultants. At this stage, we were able to advise our client of appropriate requests for further information, that the magnitude of the claim was highly disproportionate to the extent of contamination reported by the claimants own consultants. Ecologia also advised that the contamination claim was unlikely to be substantiated on the basis of environmental legislation.

Ecologia have subsequently been involved in appraisal of further documentation and are currently assisting solicitors in preparation of a Defence.