

**CONTAMINATED LAND:
MAXIMISING the POTENTIAL
and MINIMISING the LIABILITY**



It is the introduction of several statutes in the 1990's which has led to significant changes in the way issues of land contamination are viewed. We have been involved as part of a team including specialist environmental consultants in assisting clients in dealing with land and property affected by contamination. Whilst we do not provide any environmental advice to clients we are, none the less able to assist them in their decisions over how they can maximise the potential of their assets whilst taking steps to minimise their potential liabilities.

Examples of our work in relation to contaminated site surveys include: -

1. Clients retained us to negotiate the terms of their acquisition of a site in Liverpool which was known to be affected by ground water and soil contaminants.

Environmental consultants were appointed to assess the likely clean-up costs and those costs were allowed for in the purchase price.

Subsequently the area which was the source of contamination was sold to another party along with the clean-up liability, leaving a residual site in excess of 10 acres without contamination issues.

Contracts have been exchanged in the sale of the residual site yielding a six figure profit to our client.

2. We have been retained to negotiate the acquisition of a 27 acre contaminated site in which the Environment Agency are taking an interest due to active pollution of adjacent controlled waters.

Our work as part of a professional team is to secure a fixed price remediation contract, insurance for "on and off site past and future environmental liabilities", negotiate the acquisition at a substantial "negative value" on the most favourable possible terms.

The site is to be pre-sold, subject to planning permission for redevelopment, cleaned up in phases, sold in phase over a defined time scale.

The vendor will have their environmental liabilities extinguished, the site will be satisfactorily cleaned for re-use. The sale will realise a profit to my client for tackling the project.