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December Meeting

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Meeting Venue

December 5th Meeting

Legal aspects of ground engineering

What can go wrong & how to avoid it

Paul Mountain, SGH Martineau

The law of soil, spoil and slippage

In this presentation Paul Mountain will consider the way in which English law views the risks and defines and enforces the responsibilities that accompany ground engineering – whether to do with the investigation of sub-soil conditions, or the subsequent decontamination, stabilisation, excavation or re-profiling of the ground.

Paul will consider first the common law position – what are the implications of a landowner a parcel of land that is, from a geotechnical point of view, hazardous - and what are the implications of his seeking to use or develop it? What duties does the owner have towards occupants, neighbouring owners and the wider community?

Secondly, how does legislation affect or qualify those basic common law duties? How do the Environmental Protection Act 1990 and Town and Country Planning legislation affect what landowners can do, with regard to the use and management of land which is, from a geological or environmental point of view, potentially problematic?

Thirdly, how should these problems get solved in practice? What professional and technical duties can landowners (or developers, or financiers) sensibly and reasonably place upon the specialist consultants and contractors they employ to advise on problematic land, and then to reclaim and redevelop it? Who drafts the contracts? What should the contracts say, and how are the conflicting interests of the different parties to be balanced and reconciled? What remedies should a disappointed client have, and what role does insurance have to play?

Paul Mountain is a partner with Birmingham and London law firm SGH Martineau. He qualified as a solicitor in 1988 and spent the first five years of his career with Rowe & Maw (now Mayer Brown) and Macfarlanes, two City of London firms who were renowned as being among the first to develop Construction Law as a specialist discipline. After a further 5 years in West

Lectures start: 7pm

Location: HAWORTH BUILDING, University of Birmingham B15 2TT

Refreshments are available prior to the meeting in the Shell lounge, Department of Mechanical and Civil Engineering, from 6:15 onwards

Registered Charity Number: 514610

Yorkshire , he founded Martineau's Construction Practice in 1998 and was Team Head until May 2010. Paul continues to work as a Construction Partner in the team, focusing particularly upon regeneration and renewable energy projects

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APPLIED GEOLOGY