

Property developer sentenced following excavation collapse

The sole director of a Norfolk based property development firm has been sentenced for the unsafe excavation of land beneath occupied properties.

Norwich Crown Court heard how Lyng Developers Ltd was contracted to excavate a disused railway track, carrying out the work between November and December 2017 to make space for a development of five new properties in Great Eastern Way, Fakenham. The company failed to take measures to prevent the collapse of the excavated walls, which began to gradually crumble at the beginning of 2018.

Although no one was injured as a result of the unsafe work, the tops of the excavated banks were joined with the back gardens of existing properties. The collapse led to substantial loss of property and exposed elderly residents and children to the risk of becoming buried by the collapsing walls.

An investigation by the Health and Safety Executive (HSE) found that the job was not planned properly and carried out using only an excavator and two dump trucks. No safe system of work was followed, and no structures were put in place to support the risk of collapse. In addition, the company failed to fully cooperate with the HSE during the investigation and did not remedy the collapsed banks.

Director of Lyng Developers Ltd Timothy Peter Wegg of The Broadway, Scarning, Norfolk pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc Act 1974. He has been sentenced to four months in prison suspended for 15 months and ordered to carry out 120 hours of unpaid work. He was also ordered to pay compensation of £12,000 to a member of public who lost property due to collapse and pay costs of £12,000.

Speaking after the hearing, HSE inspector Kasia Urbaniak said: "This incident could so easily have been avoided by simply assessing the risk from working with large and complex excavations and then implementing control measures and safe working practices that are well-known in the construction industry. There is freely available HSE guidance on how to work safely with excavations.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards and irrespective of whether injury has arisen."

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing

behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. www.hse.gov.uk

2. More about the legislation referred to in this case can be found at: <https://www.hse.gov.uk/construction/safetytopics/excavations.htm>
3. HSE news releases are available at <http://press.hse.gov.uk>

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