

## Property Lifecycle – Asbestos

Asbestos is a natural, fibrous mineral with many desirable properties such as thermal and electrical resistance, non-flammable, high tensile strength and sound absorption. These properties made it an ideal building material and it was hailed as the ‘wonder material’. When its fibres become airborne however, they can be inhaled or ingested causing cancers such as mesothelioma, asbestosis and lung cancer.

It was used in a wide range of industries such as engineering, construction, rail, power and shipping, particularly in the UK and imports peaked in the 1960’s and 1970’s. However over time, the health effects of asbestos could not be ignored and its use was finally banned in the UK in 1999.

The Control of Asbestos Regulations (CAR) 2012 place specific duties on Duty Holders to proactively manage the asbestos present in their buildings. The Regulations give minimum standards for protecting employees from risks associated with exposure to asbestos.

Asbestos can present a risk at every stage of a property’s lifecycle.

## Acquisition

It is essential to assess the financial and health risks posed by Asbestos Containing Materials (ACMs) in a building prior to purchase. Refer to the following [article](#) which highlights the importance of considering asbestos in pre-contract enquiries and the issues faced when purchasing a commercial property. If the acquisition includes purchasing a company in addition to property assets, a useful article explaining asbestos liability can be read [here](#).

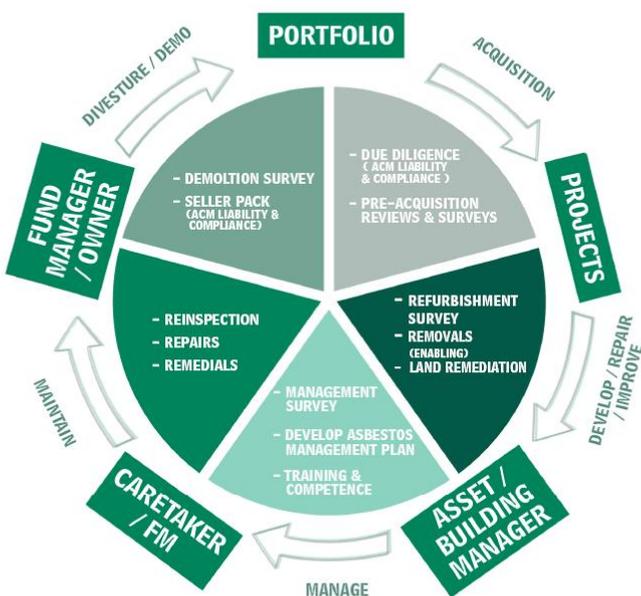
**REMEMBER:** Always request Asbestos Survey and Management Plan information when conducting commercial property standard enquiries (CPSEs). There is a legal requirement for the previous owner to have been managing the asbestos present in the building and have the appropriate documentation in place.

Land Remediation Relief (LRR) can provide tax relief in all commercial property sectors where companies are subject to corporation tax. Unlike capital allowances, LRR is available to property investors and developers. Qualifying costs include the remediation of contaminated land and the removal of asbestos from buildings. Relief can be available on developments, regeneration projects, fit-outs and refurbishments. A useful article explaining LRR can be found [here](#).

Enquin Environmental can undertake a review of available asbestos documentation to evaluate the potential risk and advise on legal requirements. This ensures our Clients are aware and can make informed decisions.

## Develop/ Repair/Improve

Once purchased, the new owner may need to refurbish or repair aspects of the building in order to maximise the capital investment on the property.



Regulation 5 of CAR 2012 requires employers to identify the presence of asbestos and its type and condition before any building, maintenance, demolition or other work. It also sets out the requirement to arrange a survey if existing information on the presence of asbestos in the premises is incomplete or appears unreliable. This may have been highlighted at the acquisition stage. If asbestos is identified which is liable to be disturbed it must be removed prior to the maintenance or refurbishment works.

### **Manage**

Regulation 4 of CAR 2012 - The Duty to Manage, puts responsibilities on any 'Duty Holder' (every person who has, by virtue of a contract or tenancy, an obligation of any extent in relation to the maintenance or repair of non-domestic premises or any means of access or egress to or from those premises), requiring them to manage their asbestos, including:

1. Identifying the location and condition of asbestos in non-domestic premises (conduct surveys)
2. Manage the risk to prevent harm to anyone who works on the building or to building occupants (have an effective management plan in place).

Regulation 4 also explains what is required of people who have a duty to co-operate with the main Duty Holder to enable them to comply with the Regulation.

A brief guide for managing asbestos in buildings (INDG223) produced by the HSE is available to download [here](#).

Regulation 10 of CAR 2012 requires employers to make sure that anyone liable to disturb asbestos during their work, or who supervises such employees, receives the correct level of information, instruction and training to enable them to carry out their work safely and

competently and without risk to themselves or others.

### **Maintain**

Maintaining ACMs in good condition is also part of Regulation 4 The Duty to Manage and can include monitoring the condition of ACMs within the premises, repairing or remediating ACMs which deteriorate in condition. An effectively implemented Asbestos Management Plan is key to controlling the premises and managing the asbestos successfully.

### **Divestiture and Demolition**

At some point the property may be leased, sold or demolished for re-development.

If the property is being leased or sold, the tenant or buyer will require information as outlined under the acquisition section above and want documentary evidence to prove the asbestos is in good condition and being appropriately managed.

CAR 2012 also states: *"In the case of demolition or major refurbishment, the plan of work must specify that all asbestos is removed before any other major work begins..."*

Our team of highly experienced Consultants can provide technical advice on any remedial works required, from writing the technical specification, to managing asbestos tenders and evaluating tender returns to ensure our Client gets the best quality service at the right price.

Enquin Environmental offer specialist services which can benefit the Duty Holder throughout every stage of a property's life cycle, helping Duty Holders effectively manage the asbestos in their buildings. Our Consultants provide reliable and pragmatic advice to help the Duty Holder clearly understand the actions required.

We have over 14 years of experience in the industry, performing UKAS accredited services to a variety of sectors, including Local Authorities, Housing Associations, Property Management, Commercial, Industrial, Education, Construction, Health, Agricultural and Religious sectors.

Enquin provide a full range of Asbestos Management Consultancy Services to help you with compliance:

- Pre-Acquisition Consultancy Services
- Management Surveys
- Refurbishment and Demolition Surveys
- Bulk Sampling and Analysis
- Re-Inspection Surveys
- Development of Asbestos Management Plans & policy documentation
- Project Management and Consultancy Services
- Air Monitoring
- UKATA & Bespoke Asbestos Training