

Shell UK Limited

Legal Division

3 October 1998

Alex Sones Esq AIP RP 26

Lawday Place Lane

Farnham Surrey GU9 OBT

Our Ref UKLG/11

Dear Mr Sones

Mr Fox – READING

Me Wiseman has asked me to thank you for your copy letter to John Redwood of 4 August.

I have investigated the matter and must apologise for the time this has taken. I have not seen any evidence to substantiate the claims made by Mr Fox and do not accept that any of this Company's activities have caused his condition much as I sympathise with his predicament.

The site was owned by Shell U.K. Limited in 1986 and **Shell has been the owner since 1976.**

Polyaromatic Hydrocarbons (PaHa) were located adjacent to the rail sidings which were located along the boundary of the opposite side of the site to that of Mr Fox. These would arise as a result of small spillages from rail cars on unloading. It is not likely that PaHa would be created as by products of the fire in 1986. The fire as we advised Mrs Fox some time ago occurred by product igniting on an overheated brake. Little or no product because of the ignition would be lost to the ground. We, too, have been trying to obtain a copy of the fire report from all the relevant authorities and have recently been advised that there are no copies. A previous owner of 337 Wokingham Road transferred to Shell-Mex and B.P. Limited a proportion of the garden to form part of the terminal. That transfer set out rights for the Terminal to drain through an interceptor by means of a short pipe into the surface water drainage pipe running across Mr Fox's rear garden. This is a communal drain used by numerous properties. **Our connecting pipe had a slightly loose fitting connection** but Shell's use of the system has always been in accordance with statutory requirements. As you are aware, we carried out tests to Mr Fox's garden. This concluded that the garden was not contaminated. Messrs Claytons who Mr Fox employed at our expense, to monitor the investigation and agree its scope did not disagree.

You make comment in your letter of the fact that certain readings indicate contamination above threshold levels particularly referring to Appendix D to the 1994 report. It is to be expected that a few readings would show levels which would be higher than threshold **but the readings and the site have to be looked at as a whole** and as such the totality shows an acceptable level.



The drainage trench to which you refer was installed on the Northern and Eastern boundaries to create a means of site drainage following remediation and prior to any site development.

We have provided copies of our reports to Wokingham Council and to the Environmental Agency. Wokingham Council requested information on 5 December 1997 and we provided answers to the questions they raised with reports on 8 December. It was not appreciated that a full set of reports was required and these were sent to them in June. Aside from clarifying points for the Council in July we have not received any further requests for information.

I will try and deal with the points you make on the reports. Firstly, I am not aware of any inadequacies in the 1994 report. This report shows the site following remediation. Only those areas which were not affected by the remediation work were included in Appendix C and because of the large area only a few results are shown. Water was not encountered at all sample locations. Six water samples were taken in total for analysis. This was considered appropriate in all the circumstances.

The 1994 report does not give details prior to remediation but addresses its scope including references to ground contamination. Values for contamination are shown in the pre-remediation 1992 report.

I have not been a party to your conversations with Fairhurst and cannot comment on these save to say that I am sure you will appreciate as expected of any professional adviser they would be reluctant to discuss a client's business with a third party.

Again, I cannot comment on the "recently delivered document" to which you refer. As so far as your comments on planning are concerned these are matters for the local Authority and the current owner, Persimmon Homes.

As a result of my investigations previously and to reply to the comments in your letter I do not see any reason for my company to change its stance.

Yours sincerely

MH Files

Solicitor

LETTER ENDS

THIS IS A RETYPED COPY OF A FADED FAXED LETTER FROM SHELL AS PER DATE AND AUTHOR DISPLAYED:

#### **COMMENTS ON THE CONTENT.**

- 1. Deception by omission: Mr Files was being economical with the truth when he indicated Shell had been the site owner since 1976, yet failed to disclose Shell had been the co-owner of the site for many years earlier, when the activity which involved radioactive material occurred.**
- 2. We note that the letter contains admissions of a leaking drainage pipe running across Mr Fox's garden and that contamination levels were above threshold in some areas.**
- 3. When Mr Files referred to "remediation" was he using this term as a preferred alternative to "decontamination"?**