

Shell U.K. Limited

Legal Division



870

Mr R Fox
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our ref UKLG/11/7594

your ref

27 March 1997

Dear Mr Fox

RE: 337 WOKINGHAM ROAD READING

I refer to your letter of 6 February. I have now heard from my Company's engineers enabling me to respond.

A comment was made by your Consultants concerning the storage of samples. I can advise that the samples were indeed stored in cool boxes up to their delivery to the Laboratory where they were refrigerated prior to analysis. Analysis was undertaken within three days of sampling, well within the maximum seven day holding time recommended by the US Environmental Protection Agency. This procedure and the use of PTFE lined screw-capped glass sampling jars would have eliminated the loss of volatiles either by volatilisation or biodegradation between the time of sampling and analysis.

Any suggestion that the results were in any way significant is in my Company's view misleading. By reference to the stringent Dutch guidelines, the levels of hydrocarbons detected were so low as to be insignificant in terms of human health and plant growth, and they could well be due to natural sources. Your Consultants will no doubt have noticed that the hydrocarbon concentration sample point 2 in the front garden exceeded that in any sample from the rear garden. They will also have noticed that the sampling indicated a lack of water in the upper metre of soils around the oak tree which will have inhibited the growth of shallow rooted plants.

In my Company's view, having completed a thorough investigation we cannot see any basis for a claim that damage has been caused by oil products.

This letter is written without prejudice to our contention that we do not consider we have caused contamination to your garden and without admission of liability. I feel that my Company has taken the matter as far as it can and we and they now consider the correspondence as closed.

Yours sincerely

M H Files
Solicitor

Registered User of Trade Marks
Registered in England No. 140141
Registered Office: Shell/Mex House
Strand London WC2R 0DX

30 April 1997

337 Wokingham Road
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Shell Legal Division
Shell Mex House
Strand
London. WC2R ODX

For the attention of Mr M Files

Your Re: UKLG11/7594

Dear Sir,

Re: Contamination at 337 Wokingham Road Reading.

Thank you for your letter of 27 March 1997 for which we have passed to monitor environmental for their further comment.


I apologize for the delay in replying, this is due to my present health and hospitalization over the past four months. We have received notification that a planning application has been applied for by erection of 42 No dwelling on your land,

May we have your assurance that you will resolve our problems of contamination prior to disposing of this land. I would also request that you send a representative of your company to inspect the trees at the bottom of the garden and explain why they have now died or are about to along with my garden. Quite frankly I find it hard to believe that a reputable company of your size fails to face up to its responsibility and put right what is clearly contamination from your depot.

My health at present is not good and this whole affair does nothing more than cause unnecessary stress. I have asked Wokingham District Council planning committee for there assurance that no planning will be granted until the pollution issue is addressed.

I await your reply and date for a visit by your Company and proposal for remedy to my land.

Yours sincerely


Mr R Fox

cc John Redwood MP

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UKLG

2 May 1997

Dear Sir

I refer to your letter of 30 April. Mr Files is currently on holiday. I have reviewed the papers and I am satisfied that the independent report we commissioned confirms that **your horticultural problems** cannot be attributed to escape of product from this Company's premises. If you have any evidence different from that revealed in the reports, of which we have sent you copies, please let me know. Otherwise, I must regard this correspondence as at an end.

Yours faithfully

A handwritten signature in blue ink, reading 'R M Wiseman', is written over a faint 'CHARACTER' watermark.

R M Wiseman
General Counsel

cc: John Redwood, MP

17/5/97

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Legal Division



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our ref UKLG

your ref

16 May 1997

Mr R Fox
337 Wokingham Road
Earley
Reading
Berkshire
RG6 7EB

Dear Mr Fox

CONTAMINATION AT 337 WOKINGHAM ROAD READING

Mr Files has passed me your letter of 6 May. I am afraid that we do not share your interpretation of the results of the surveys that have been carried out. Nor is your opinion shared by your own experts. I may remind you that in their letter of 4 February 1997, they state "...the investigation has not shown a clear indication of widespread migration of contamination on to the rear garden of 337 Wokingham Road." It is difficult, therefore, to see what scientific evidence you are basing your claim on. As you will have seen from our laboratory's own interpretation of the evidence, there is a strong possibility that your soil is too dry to support plant growth and that the most likely explanation for this is severe soil water deficit caused by the adjacent oak tree.

I note your concern about the drain. We do not believe it poses a threat. However, as a non-technical person, I understand your concern and I have suggested to the Company that as a gesture of goodwill we carry out work to the drain by inserting a sleeve to allay your fears (whether they are well-founded or not).

You will appreciate that in view of all of the evidence we cannot accept any legal liability for the condition of your garden where the failure of your planting has simply nothing to do with the Company's previous activities on the neighbouring site. Accordingly, the offer to do this work is made on the basis that this will bring matters to a close and that no further claims will be made. If you accept this, we will arrange for the work to be put in hand and I will let you have the appropriate papers for signature. I would welcome your taking independent legal advice on those papers when you get them so that there should be no misunderstanding about their effect.

Yours sincerely

NEVER RETURNED PAPERS

R M Wiseman
General Counsel & Company Secretary

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(For information
BBC Thames Valley fm.)
(P.R.D. WILKINSONS, ASS.)

Mr & Mrs Fox
337 Wokingham Road
Earley
Reading
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Tel: (0118) 9668051
Fax: (0118) 9626789

FAX TRANSMISSION

TO: Mr Files

(shell)

FROM: Mrs S Fox

REFERENCE: My husband is very seriously ill in a German Clinic with serious Toxin poison which we believe emanated from your former site at Earley Rise, (Which you still own) Dr Kees urgently need to know information of what product was stored on site and passing through our garden which is slowly killing my husband and our dog.

It would be greatly appreciated if a senior shell employee could fax this information to me on 0118 9626789 today in order that I may take this information with me to Germany later today. I will be grateful if you treat this with great urgency which will allow my husbands treatment to be expedited to enable a rapid return to good health which is our No one priority.

DATE: 24/10/97

TIME: 10.15 am

NO OF SHEETS: 1

cs BAA Thames Valley FM/ P.R.D Wilkingson Associates

BBC.

0118 524344