

Shell U.K. Limited

Legal Division



169

The Rt Hon John Redwood MP
House of Commons
London
SW1A 0AA

Shell/Mex House
Strand
London WC2R 0DX

DX 473 London

Telephone 0171 257 1866

Facsimile 0171 257 3303

Switchboard 0171 257 3000

our ref UKLG

your ref

11 July 1995

Dear Sir

Your letter to Mr Files of 10 July has been passed to me. Your constituent's complaint has been the subject of extensive investigation. As Mr Files has explained, the condition of the interceptor at Shell U.K.'s terminal is irrelevant to your constituent's problem and has in any event been properly maintained.

Mr Fox seems to believe that the fact that hydrocarbons have leaked from the public sewer on to his land and that those hydrocarbons may have come from Shell U.K.'s Reading terminal makes Shell U.K. liable for the contamination. As Mr Files has explained, no hydrocarbons have left Shell U.K.'s site illegally. The escape on to Mr Fox's land is entirely due to the broken sewer which is the responsibility of Thames Water.

I am afraid that I do not understand the second paragraph of your letter. Although I am sure that you do not mean to give this impression, you seem to be suggesting that, rather than defend itself, Shell should compensate your constituent for contamination for which it has no responsibility; there can clearly be no justification for such a suggestion.

I urge you to advise your constituent to take this matter up with Thames Water where the responsibility really rests.

If I can be of further help, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in cursive script that reads "Richard Wiseman".

R M Wiseman
General Counsel and Company Secretary

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Shell U.K. Limited

Legal Division



120

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10 October 1995

Dear Mr Redwood

READING TERMINAL

I apologise for the delay in following up my letter of 4 September. I was unsatisfied with the replies I was receiving to the enquiries I had made and I thought it sensible to ensure that as thorough an investigation as possible was made before replying.

Despite careful investigation and dialogue with Thames Water, it is still not clear whether the drain is public or private, despite the fact that Thames Water had previously indicated that it was a public drain.

It is clearly unfair to your constituents that matters should be delayed pending the resolution of this controversy and accordingly, Shell U.K. Limited will investigate and clean the drain. In doing so, Shell U.K. neither admits that there is any contamination in Mr Fox's garden or that if there is any such contamination, it has come from our site.

Furthermore, we understand from Thames Water that they did not carry out soil sampling in Mr Fox's garden as was indicated to you. We do not know how Mr Fox came to be misinformed.

We are writing to Mr Fox to explain the situation and to gain access to his land to clean the drain.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R M Wiseman', is written over the typed name.

R M Wiseman
General Counsel and Company Secretary

Shell U.K. Limited

Legal Division



Mr and Mrs R Fox
337 Wokingham Road
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Reading
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Telephone 0171 257 3883

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our ref UKLG/11/7594F

your ref

10 October 1995

Dear Mr and Mrs Fox

READING TERMINAL

I refer to your letter of 28 September. I apologise for the delay in replying but I thought that it would be sensible to investigate the matter thoroughly before embarking on more correspondence.

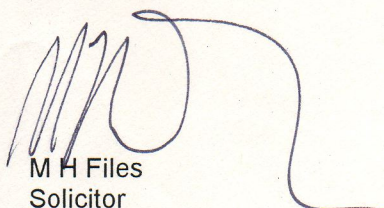
Neither Thames Water nor Shell U.K. Limited is certain as to whether the drain is public or private. We agree that it would be unfair to you if matters were delayed further while we are trying to sort this out. Therefore, as a matter of goodwill we will investigate and, if necessary, clean the drain.

For this purpose, it will be necessary to gain access to your property so that we can carry out an examination via the manhole on your land and to carry out any necessary cleaning work from there.

There is at present no indication that any contamination in your garden is attributable to anything having escaped from our land and we are carrying out this work entirely without prejudice to your contention in this regard. Contrary to the information we were previously given, Thames Water deny that they have taken soil samples in your garden.

My Company's Engineer will contact you direct to fix a time for a site visit.

Yours sincerely



M H Files
Solicitor

Shell U.K. Limited

Legal Division



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our ref UKLG/11

your ref Sh1095

19 October 1995

Mr R Fox
337 Wokingham Road
Earley
READING
Berks
RG6 2EB

Dear Mr Fox

CONTAMINATION AT 337 WOKINGHAM ROAD ROAD READING

Thank you for your letter of 13 October.

Firstly, let me point out that ownership of the pipe is still to be resolved. However, my Company does not wish the cleaning of the drain to be delayed whilst arguing the point as to whether it is a public or private drain. We feel it would be in all parties' interests to deal with it now.

I appreciate your concerns about the contents of the drain but as you have had your own samples taken as have Thames Water, I would have thought you could feel comfortable with the proposal.

Our intention is to clean the drain and pressure test it. If that indicated any problem, we would investigate further by close circuit cameras inside the drain. This would only take a day and to avoid inconveniencing you as far as possible, we propose to reach the site across your rear boundary. We would of course make good any damage which might occur during the operation but will make every effort to minimise any disturbance to your property. It is not necessary for this work to contact the Health and Safety Executive.

In the circumstances I feel it is premature to address the question of excavation and the other matters referred to in your letter until the work I have outlined has been carried out and condition of the drain established.

My Company wishes to avoid delay in the inspection and cleaning of the drain and although it is our view that any contamination in your garden is not attributable to my Company and this would be carried out without prejudice to that, as a responsible Company and as a gesture of goodwill we are happy to begin work at once. If you come back to me on this letter I can organise arrangements with our Engineer.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M H Files', is written over the 'Yours sincerely' text.

M H Files
Solicitor

Shell U.K. Limited
Legal Division



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our ref UKLG/11/7594F

your ref

26 October 1995

Mr R Fox
337 Wokingham Road
Earley
READING
Berkshire
RG6 2EB

Dear Mr Fox

CONTAMINATION AT 337 WOKINGHAM ROAD READING

Thank you for your letter of 20 October.

Firstly, may I repeat that Shell has agreed to investigate the drain as a gesture of goodwill. We do not dispute the analysis of the samples taken from the drain by your expert and Thames Water. There is no evidence that any contamination in your garden is the responsibility of this Company and for that reason our proposals to carry out the cleaning and investigation are without prejudice to that. Also there is no confirmation that the drain itself belongs to this Company and is its responsibility. The question of compensation does not therefore apply.

However as I said in my last letter we wish to take the matter forward as soon as we can and would like to investigate the drain and clean it at the earliest opportunity.

In view of this I think it would be helpful if we spoke. I had to be out of the office on Friday last when you called and I will telephone you on Monday 30 October to ensure this letter has reached you.

I understand that the gypsies which came into the Terminal will be removed within the next two weeks if they do not voluntarily vacate before then, following the necessary legal moves we undertook to achieve this as soon as we were aware of their presence.

Yours sincerely

M H Files
Solicitor

*I HAVE SPOKE TO FILES THIS MORNING
HE WANTS ME TO CONSIDER HIS
LETTER AND PHONE HIM MONDAY
WHAT DO YOU THINK. (STILL NO ADMISSION)*

Mr M Files
Shell U.K Ltd
Legal Division
Shell Mex House
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Mr & Mrs R Fox
337 Wokingham Road
Earley
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Berks
RG6 2EB
Tel; 01734 668051 Eve
Tel; 01734 391126

27th October 1995

Dear Mr Files,

REFERENCE: Contamination at 337 Wokingham Rd, Reading.

I refer to our telephone conversation of earlier today, and have received your faxed letter and comment as follows;

Based on the fact that you have finally, under pressure, admitted contamination in the drain, we now require our own advisors, Clayton Environmental Consultants, to be in attendance to work with your engineer Mr Allen Adams, in removing the contamination at your Companys' expense. They will be over-seeing your camera survey and inspection of suspect areas in your drain run from the interceptor to Thames Waters' main sewer on our behalf, to ensure that we are not misinformed by your Company.

I will also require you to fence off my garden while the work is carried out to prevent my children or dog being able to get in contact with this most dangerous substance deposited down the drain and to ensure that no vapour escapes. Are we to assume that this will be attended to?

In addition, all works are to be made good once the contamination in my garden has been found, which it has. Your Company will then reimburse ourselves for our costs to date and compensate for the losses over the past years. Perhaps we can discuss the above on Monday 30th?

Yours faithfully



R J Fox

Ref: Sh1095

Shell U.K. Limited

Legal Division



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our ref UKLG

your ref

9 November 1995

Dear Mr Redwood

Mr Files has passed me your letter of 1 November. We have spoken to Mr Fox but as you would have judged from his letter have yet to agree access arrangements. We have written to him indicating that we have no objection to his consultant viewing the work and that access will be gained from our terminal with his garden being temporarily fenced while the work is carried out.

I would point out that there is no question of our having admitted liability and that we still do not regard the problem as ours. As previously explained, we are prepared to help your constituent on a good neighbour basis by arranging for the drain to be cleaned and inspected at our expense while the legal situation is clarified. In these circumstances, the conditions he seeks to impose are unacceptable.

It is unfortunate that our offer to do this work, whilst without prejudice to his or our legal position, has provoked yet further correspondence of this nature from Mr Fox. I hope that our latest letter to him will enable him to accept the offer in the spirit in which it has been made. If Mr Fox cannot agree to our proposals he must pursue any remedies he considers he may have against us. He will of course be free to do this even if he accepts our offer. It would be a pity if he did not take this opportunity to seek a resolution of the problem.

I enclose for your information a copy of Mr Files' letter to Mr Fox.

Yours sincerely

A handwritten signature in blue ink, reading "Richard Wiseman", is written across the middle of the page.

R M Wiseman
General Counsel

Shell U.K. Limited

Legal Division



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our ref UKLG/11/7594F

your ref

9 November 1995

Dear Mr Fox

READING TERMINAL

I refer to your letter of 27 October. I have spoken to my Company's Engineer.

I have already made a comment on the use of the drain (see my letter of 28 June). The use of the drain for the discharge of effluent is an acceptable use of such a system and would not constitute contamination of the drain.

At the risk of repeating the points made in my earlier letters, I would re-emphasise that Shell wishes to be of assistance and has agreed to investigate the drain as a gesture of goodwill. There is currently no confirmation that the drain is the responsibility of this Company. There is no evidence that any contamination in your garden is the responsibility of this Company and our proposals are made and the work will be carried out, as you are aware, without prejudice to that position. The question of compensation therefore does not arise.

In carrying out the works, we are happy that a representative from Clayton Environmental is present as an observer. We would also ensure that there was temporary fencing at the location to separate it from the remainder of your garden while the work is carried out.

Would you confirm that I can arrange for my Company's Engineer to contact you to make the necessary arrangements.

I have your letter of 3 November.

To deal with the points made in Messrs Claytons' letter using their numbering:-

1. We agree that Closed Circuit Television will indicate the state of the pipework.
2. We would pressure test the drain to check its integrity.
3. We are not aware of surveys by others indicating ground contamination.
4. We agree their comment. The purpose of the work is also to investigate.

Mr M Files
Shell U.K Ltd
Legal Division
Shell Mex House
LONDON
WC2R 0DX
14th November 1995

Mr & Mrs R Fox
337 Wokingham Road
Earley
READING
Berks
RG6 2EB
Tel; 01734 668051 Eve
Tel; 01734 391126

Dear Mr Files,

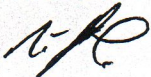
REFERENCE; Contamination at 337 Wokingham Rd, Reading.

I refer to your letter of 9th November 1995, and after having also spoken to my engineers. The use of the drain is for the discharge of effluent, not sludge oil that has been discharged and proven to be in evidence by Claytons and Thames Water after testing. The drain, according to the enclosed copy letter from Thames Water, definitely appears to be Shells'. It is certainly not mine. I would prefer you to remove it totally and direct it elsewhere.

Reports passed to you last year clearly confirm contamination to my land. I consider that this issue of contamination does arise. Due to my expenses to date, I require that the cost of acquiring the services of Clayton Environmental Services to advise me, to be at your Company's expense and do not consider your constant 'good faith' and 'good will' comments just in the light that your Company has clearly contaminated the drain and my garden. Surely, as a caring Company, you must agree to our request for your Company to pay the costs towards Claytons advice, in what is clearly your Companys failure to maintain their interceptor and drains?

I look forward to your written agreement to pay for Claytons attendance, along with your engineers method statement, by my return from holiday on 27th November 1995. By then we may assume that the gypsies will vacate the site anyway to allow you access to the rear of my land, so that you can put right the damage caused and compensate us accordingly.

Yours faithfully



R J Fox

Ref.; Sh1195

Shell U.K. Limited

Legal Division



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our ref UKLG/11/7594F

your ref

17 November 1995

Dear Mr Fox

CONTAMINATION AT 337 WOKINGHAM ROAD READING

Thank you for your letter of 14 November. I will respond fully as soon as possible.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'M H Files', is written over the typed name.

M H Files
Solicitor

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Shell U.K Ltd
Shell Mex House
LONDON
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Mr & Mrs R Fox
337 Wokingham Rd
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Tel; 01734 668051 Eve

28th November 1995

For the attention of Mr Wiseman

Dear Mr Wiseman,

REFERENCE; Contamination 337 Wokingham Road, Reading.

I refer to your letter passed to ourselves by Mr John Redwood. You are attempting to obscure the issue and are unfortunately misleading Mr Redwood. It is almost certain that there is no further contamination emanating from the Shell land through the drain and into the River Kennet, or indeed possibly into my garden now, because of the works that Shell has carried out to their own land to restore it.

Almost certainly what is left in the pipe is the residue of the contamination which leaked from Shells' land and which they allowed to take place by failing to adequately maintain the interceptors on their land. Accordingly, the cleaning of the drain will merely wash away evidence that exists of contamination emanating from Shells' land. Indeed, that exercise is almost pointless, because I think you are prepared to accept that the tests that I had my specialist consultants carry out are correct, and that there is contamination in the drain. It is highly unlikely that it came from anywhere other than Shell land, and therefore that point is probably not in dispute.

My argument is that the same contamination that came from Shell land through the drain or by other means, has contaminated the soil in my back garden. As a result of that, nothing will grow in that area of my garden which immediately abuts the Shell land. What Shell are trying to do is obscure the real issue. You are not interested in investigating why nothing grows on my land. All you want to show is that there is no further contamination coming from your land. As soon as you have done that, you will wash your hands of my problems and leave me with contaminated land, which could only have come from Shell, but which they deny as being their responsibility and liability, as a result of which I would have to lay out substantial sums to bring my claim against Shell so that they put right what they have done.

Continued.....

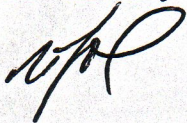
I hope you now understand why I am taking the stand that I am. I am not being obstructive. I want to resolve the matter, but I want Shell to take responsibility for investigating what has caused the pollution to my land and, on the assumption that it is their land, then put my land back in good order.

Having laid out a lot of money to find out that contamination and pollution was leaking from their land through the drains in the first place, I really do not think that is fair or reasonable for me to have to bear the further cost of examining the soil on my land, carrying out analyses, and then proving my case against Shell. Surely Shell ought to appreciate now that the likelihood is that they have damaged my land and offer, on a goodwill basis, to investigate the damage at their expense. Merely confirming that the contents of the drain includes contamination, which I have already established exists, does not help. If there is a breakage in the drain then it merely shows that the contamination will almost certainly have damaged my land. Would it not be simpler and easier if they tested the soil on my land and we then review the results of that study? That would be a better use of the cost of the investigation than merely flushing out drains and disposing of the evidence.

Wokingham Drainage Dept. capped off the drain run from the interceptor some four weeks ago. The heavy rain in the past two days has caused flooding to my garden and our neighbours. This is proof that your drain is broken. The water is running in our shed and will doubtless cause damage. This has never previously occurred prior to the drain being capped.

Finally, can you now come clean with Mr Redwood and myself and admit your failure to maintain your drainage so my family may enjoy the safe use of our garden once the contamination is cleared fully at your expense and not mine, say in the next seven days?

Yours sincerely



Mr R J Fox / Mrs S Fox

Copies to;

S.W.M Shuter Wokingham District Council

W J Alexander Thames Water

John Redwood M.P. House of Commons

Shell U.K. Limited

Legal Division



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our ref UKLG

your ref

30 November 1995

Dear Mr Fox

Thank you for your letter of 28 November.

My company's engineer cannot usefully comment on the flooding you allege without access to your land as I am sure you will appreciate.

Mr Files first wrote to you on 10 October requesting access, but to date you have not felt able to agree. As you know we agree to gain access from our site to reinstate any damage to your boundary, and land, as a result of access being given.

Also, we have agreed to your consultant's presence. In view of the point you make in the penultimate paragraph it is clearly in everyone's interest for an inspection to be carried out quickly and cleaning dealt with. Shell would be prepared to provide up to £500 towards the costs of your Consultants for their presence for the day needed for the work.

The land will not be disturbed by this exercise and the matter can be considered and pursued further once the investigation has been carried out.

We would require a site visit to ascertain what is required and then a day for the work.

I realise that you consider Shell is responsible for the matters you complain of but there is no evidence that it is liable for any contamination in your garden. For this reason we do not admit liability. Our proposals and intentions for inspection and cleaning whilst without prejudice to our view are for everyone's benefit in ascertaining the status and condition of the drain.

Would you contact Mr Files to organise the arrangements.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R M Wiseman', is written over the typed name.

R M Wiseman
General Counsel

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Mr M Files
Shell U.K Ltd
Legal Division
Shell Mex House
LONDON
WC2R 0DX
4th December 1995

Mr & Mrs R Fox
337 Wokingham Road
Earley
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Berks
RG6 2EB
Tel; 01734 668051 Eve
Tel; 01734 391126

Dear Mr Files,

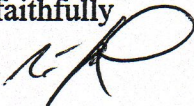
REFERENCE; Contamination at 337 Wokingham Rd, Reading.

Thank you for your letter of 30th November 1995 from Mr Wiseman. Your offer to pay £ 500.00 towards the costs of our Consultant is at last a way forward. I look forward to the date when you propose to visit.

I have contacted Claytons' Mr Derek Hair and am awaiting the dates when he can attend. I have also given Mr Hair the telephone number of your Engineer Mr Adams. I have taken down the rear fence panel for access. I assume Mr Adams will contact me and discuss the way he intends to carry out the investigation and cleaning to the drain, or discuss with Mr Hair.

I note your comments regarding liability as to contamination to my garden, but assume that when this issue is proven that your company will take the responsible course and admit liability and repair and compensate ourselves, instead of the lengthy correspondence that has occurred in the past.

Yours faithfully,



R J Fox / Mrs S Fox

Copy to; R.H. John Redwood MP

Ref.; Sh1295

Shell U.K. Limited

Legal Division



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our ref UKLG/11/7594F

your ref

4 December 1995

Dear Mr Fox

READING TERMINAL

Thank you for your letter of 4 December faxed today.

We have spoken. I have asked Mr Alan Adams, the Shell Engineer, to contact you at the 'phone to fix up the initial inspection visit so that you can be present. I have advised him you are available Thursday and Friday mornings this week.

Yours sincerely


M H Files
Solicitor

Shell U.K. Limited

Legal Division



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your ref

7 December 1995

Dear Mr Redwood

Thank you for your letter of 29 November (which was only, in fact, received on 4 December). Mr Wiseman has asked me to respond to you in his absence abroad on business.

I am pleased to say that we have been able to come to a suitable arrangement with Mr Fox for access and inspection of the drain. We are taking the matter forward from there.

Yours sincerely


M H Files
Solicitor

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Shell U.K. Limited

Legal Division



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21 December 1995

Mr R Fox
337 Wokingham Road
Earley
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Berks RG6 2EB

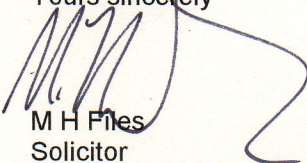
Dear Mr Fox

READING TERMINAL

As you are, of course, aware, the agreed cleaning and inspection was carried out last week.

The report and video is not yet to hand. As soon as it is received I will be discussing the matter with the Company's Engineer and be back to you.

Yours sincerely


M H Files
Solicitor