

Response to Ms/Mr Birgit Schoer, GEI . 4/9/2014

For the sake of clarity I will use the term "Crest" to refer to Crest Nicholson (SE) and all its contractors and agents such as AD Bly, GEI et al.

I have numbered the response paragraphs to tie this to those responses.

Para 1. I submitted a report to the Inspector at the LDF about contamination I knew to be in what is now known as Area 1. Hanson were present at that inquiry, and subsequently placed the spoil from the Hornet Access road in the areas I had highlighted as contaminated, including the old ARC diesel point and tarmac plant. URS note that the Hanson stockpiles prevented sampling of that covered land. They took samples around the stockpiles, they took samples of the stockpiles, but they could not take samples under the stockpiles and required that those samples be taken when the stockpiles had been removed.

Para 2. Most digital pictures carry date/time information in the code, and most windows software will note that information when the picture is accessed. That date will change if the picture is edited. Whilst I have edited many of those pictures, I still retain the source folders as downloaded, which together with the picture serial numbers, is sufficient to allow these pictures as dated evidence. I am quite happy to supply those source pictures to whoever wants them.

Para 3. This is categorically wrong. Sample BG2 was taken adjacent to Plot 17/19, on the south side of the Hornet Estate, and is quite clearly marked on the ADBly plan. It is also recorded in the Observation Validation Report as taken in the "buried machine area", which again is in Area 3 south of the Hornet site. Such a fundamental error by a supposedly competent person does throw a different light on the rest of their assertions.

It is admitted by Crest that samples BG3,4,& 5 were taken on 26/11/2013 from surcharge stockpiles in Area 3. Fine. If as alleged, all excavations were carried out much later, and the picture dated 17/12 purports to show this, and as no material had yet been imported, where did these "surcharge stockpiles" come from?

Para 4 - I suggest the responder reads my statement again- I was pointing out that someone from outside could see the spread of sampling across the site as shown in 002, and presume it was comprehensive. But the analysis of the sampling paying regard to the timing shows that areas of contamination were not sampled prior to their removal, but that geographic point was sampled later, possibly on clean subsoil. I am not alleging incompetence, I am not even alleging that the eventual validation may not be deemed to prove the site safe. What I am stating as a fact is that the sampling was not comprehensive, unless there are further samples outside the current supplied list.

I would suggest that you refrain from vague threats of litigation -

- I have received many similar threats, none of which have resulted in action
- I would welcome this whole sorry mess going in front of a judge
- Such threats made by a Corporation against an elected representative could be construed as intimidation
- Libel requires a false statement.

Para 5 - forgive my naivety, but I presume that if someone marks a contamination remediation plan with the legend "Contamination Area", it suggests there is known contamination in that area, why else put it on such a plan? Areas where contamination is not known to exist would presumably be left unmarked.

You also support my suggestion, denied vehemently elsewhere, that this area was sampled after excavation, or as you call it, and I quote "reprofiling". As I understand it reprofiling means altering a landform from its existing state to a new level. So the samples by your own admission were not taken in the pink area, but after reprofiling/excavation in the ground underneath the pink area.

So BG 6,7,8,15,19 14,16,18 & 17 by your own admission were taken in housing areas after reprofiling. By your own admission BG6,7 & 8 were contaminated, but taken after "regrading". Curiously, according to my own assessment of the sampling results, and Albert's table supplied in the Observation Validation Report states that BG 16,17, 18 & 19 were "not used" so perhaps you have samples that no-one else does.

Para 6 & 7 -Soil colour. Please do not treat me like an idiot- whatever time of day or weather, dark material as seen in that picture is demonstrably darker than other spoil visible behind it in the same picture. Furthermore in my time working for ARC at Stangate and Isles, I handled 1000's of tonnes of quarry waste, also known as hassock, and am very aware of its colour as a pale beige whatever the weather and light.

I do appreciate that the two pictures are taken from different angles, but they are clearly the same area. Interestingly the second picture shows heavily tracked darker material in the foreground, all of which tends to reinforce my suggestion. You cannot use the borehole rings as a measuring device, because their height varies across the site, and the rings visible in each shot are different.

Para 8 I repeat my point about the evidence value of my pictures, and that it does show the same area of clean reprofiling as in your picture of 10.27 on the 5th ..

Photos page 4 - I do not know when the reprofiling of Area 1 was completed, just that it was commenced in November and had progressed significantly by your pics on the 5th Dec and mine on the 8thDec. Your pictures here taken on the 17th also shows the bank against the Hornet estate where the level has been lowered.

Para 9,10, 11 & 12. I repeat the point about the validity of my pictures. The aerial taken of the bund on the 8th December show the partial construction of the bund walls, and that reinforces the picture of the 5th showing the broken digger where the bund will be. Even if we stretch imagination and say that you put some contaminated material in the bund before its completion, where is the black sheet required under EA rules? You cannot put the sheet in afterwards, and it should be clearly visible on the bund walls on the perimeter, and on the open concrete at the "entrance". I agree the contrast is not great in that corner, but it is good enough to identify the difference between a shiny black plastic sheet, muddy grey concrete, and the pale beige wall of the bund. If the sheet were in place, the walls would not be so clearly and completely visible

You also forget that I spent a lot of time in the workshop compound when I worked there, and afterwards as an owner driver. I know where the fence line runs, and shouting loudly that I am wrong does not constitute evidence to the contrary.

Para 13. I used the term "swore" loosely to express Albert's strong attempt to convince me that the bund had been built earlier than 5th Dec, and that he had photos to prove it, and that he promised to send them. They have still not materialised. I note that in the same conversation I promised to send him a copy of the Celcon report that I had not seen for a couple of years, and that I found it and sent it that same day.

Para 14 15 I need to clarify that by "heavy oil contamination " I mean heavy deposits of oil, not deposits of heavy oil. I have noted several times in the past that the contamination I reported seeing in the 70s was so heavy the ground was like treacle pudding, and that I accept by now that will have dissipated somewhat through the surrounding soil , but it didn't disappear. I know that none of your recent results shows any oil contamination now, because you didn't sample the area of the site where it existed, as discussed endlessly above. Whilst I cannot supply hard facts in the form of pictures, samples or test results from that contamination in the 70s, the very fact that I was happy to attest in writing to a quasi-judicial planning inquiry implies a strength to the evidence that you will find hard to contest 7 years after the fact.

your final paragraph suggesting that I chose the wrong area for my sampling is frankly a bad joke. I accepted the offer in good faith by Peter when it was made , but surprise, surprise, when I arrived at the area in question, it was buried under 2 metres or so of surcharge, a fact that must have been known to Crest when the offer was made. The small area adjacent to the Hornet bank was the only part of that site I could see that might have been within the area of dark material from the 5th December - a very long shot at best. Still waiting sample results.

Para 16 - I note that I have read carefully through the delivery notes when the material was taken off site, and note it is all marked "inert" and referenced BG32,33,34 &39. So that in itself rather defeats your claim that contaminated material has left site. Had we any test results from the surface of Area 1 it would have been useful to compare them with 32,33,34,& 39, but sadly too late now.

Para 17 Despite the inconsistencies noted previously, you state that Crest, T&M and EA made their assessment of the material in the bund based on the results from Area 1, but there were no samples from area 1 at the beginning of the excavations, save BG1 which was well away from the suspect area. So what test results did they base their decision on? It is also relevant that at that time T&MBC and the EA were unable to supply any test results demanded under FOI.

Para 18 moves from fact into speculation - so allow me the right to speculate as well. I agree it is costly to remove material from site and into landfill. And the contamination I am talking about is oil, and as Albert has told me endlessly, (and in front of witnesses) that oil is not really contamination, because it is insoluble, there is no pathway between source and receptor, so it's almost safe really, so it wouldn't really hurt to bury it under a few feet of cleanish material and save all those export costs - no-one is harmed, are they. But then that noisy Mike Taylor starts shouting his mouth off, we've got all this mildly contaminated stuff in the bund, waiting for sun and fresh air to turn it into re-useable pristine loam; if we send that to landfill, we can swear it's Mr T's contamination, and all is well.

Para 19. Celcon contamination. I raised this issue at the March 2013 committee hearing, because as the same material source at Isles/Stangate was used to both fill the Isles lagoon, and the Celcon Pit and Bypass base, it is inconceivable that one shovel full would be clean, and the next contaminated. There is clear evidence that the material on the Celcon site was contaminated, and with the few bits of information I still have many years later, a conscientious developer would have a starting point in the investigation. It is not beyond the bounds of possibility that the contamination in the material used for Celcon was also present when the lagoon was filled at Isles. It all came from the same source, it was all moved at the same time, and I presume those designing this work thought it was all hassock, quarry waste. It just goes to demonstrate the dangers of applying today's thinking to history. The past is a different country, they do things differently there.

Page 6 - The words "disposal samples" in my notes on the extract of 002 refer to the adjacent sample numbers 32,33,34 & 39, a shorthand way of noting that those samples were taken from the bund and earmarked for disposal. Interestingly, it is noted that BG3,4,& 5 were taken from surcharge stockpiles, not Area 1 - again, if excavations had not then been carried out in area 1, where did these stockpiles come from?

Page 7 The main purpose of the table on the last page of my EA report is to note the dates of sampling, I was extremely surprised at how few samples were taken in the early days of excavation, and as time went by, other information releases including this document, show that the bulk of those few early samples were taken elsewhere, and not from Area 1. I have made the case for many years that Area 1 was highly contaminated, and URS warn that further investigation needs to take place when Hanson's flytipped stockpiles are removed. This investigation did not happen, and all the evidence provided shows that only one sample was taken in this area during the main excavation work.

In conclusion

I see no evidence that the contamination here was investigated, and if it has not been investigated and recorded, how do I know it has been removed. And more importantly, how do T&MBC, the EA, and future residents know it was been effectively dealt with?

I repeat, it is not for me to prove that you haven't remediated, it is up to you to provide evidence that you have. You assert that this site is safe, I want to see the evidence that is the case, and I am still waiting.

Mike Taylor

