

Your Contact: Mr D. Jackson
Tel. No. (01453) 754469
Ref: DJ/ACCOMM

25th June, 2001.

Davies Arnold Cooper,
Solicitors,
6-8, Bouverie Street,
London,
EC4Y 8DD.

Dear Sirs,

Environmental Protection Act, 1990 – Part IIA.
Accommodation Lane (RUPP MCH91), France Lynch, Glos.

I write further to your correspondence of both 7th and 8th June, 2001 in which you gave notice of a formal appeal against a Remediation Notice dated 17th May, 2001 served on your client, Cape Architectural Products Limited.

As you will be aware, the formal appeal against the Remediation Notice serves to suspend the requirements of that Notice until the resolution of the appeal. However, it is the opinion of Stroud District Council that remediation of the contaminated areas of RUPP MCH91 is required as a matter of urgency. A combination of warm, dry weather conditions and continued use of the RUPP have led to a situation where asbestos fibres present on and in its surface may be rendered airborne very easily, thus markedly increasing the risk of receptor exposure via inhalation of such fibres. It was with such a possible scenario in mind that the Remediation Notice required remediation of the contaminated areas by 30th June, 2001.

This Council is therefore of the opinion that there exists an imminent danger of serious harm being caused as a result of the suspension of the required remediation actions. Furthermore, it would appear that the only feasible way to prevent that harm is for Stroud District Council to urgently carry out the required remediation itself. Thus, Stroud District Council has decided to prevent the imminent danger of serious harm by itself bearing the cost of urgent remediation of the contaminated land. In this instance such prevention will entail the carrying out of all of the required remediation actions specified in the Remediation Notice of 17th May, 2001.

The decision of Stroud District Council to carry out urgent remediation itself clearly renders the requirements of the Remediation Notice superfluous. **Thus, Stroud District Council hereby formally withdraws the said Remediation Notice on the grounds that the urgency of the required remediation actions must override the inevitable delays implicit in the resolution of the appeal.**

It must be pointed out that Stroud District Council is of the opinion that Cape Architectural Products Limited remains a class A appropriate person in respect of this contaminated land. You should note that it is likely that Stroud District Council will seek to recover from your client the reasonable costs it incurs in carrying out the urgent remediation. Therefore, despite the withdrawal of the Remediation Notice, Stroud District Council would welcome an opportunity for the parties to meet to discuss this matter further.

I look forward to hearing from you in the near future.

Yours sincerely,

Environmental Health Technician.