



Councillor Peter Mason
Leader of the Council
Labour Member Southall Green Ward

Clean Air for Southall & Hayes



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Dear Cash,

Thank you very much for your letters of 19 and 24 May 2021. As I mentioned in my own letter of 19 May, I want to establish a constructive and collaborative relationship with members of CASH, so we can take steps to provide reassurance and improved quality of life for residents around the Gasworks site.

I am looking forward to meeting with yourself and other CASH members at the walkabout you have arranged on 8 June, which will hopefully provide an opportunity to further discuss the steps I have taken since becoming leader and further action that I want to take.

In advance of that, I wanted to seek to briefly respond to the questions you have raised in your two letters. A small number of these relate to discussions or decisions that I was not involved with, so my response to those will reflect that. I hope the below is helpful.

To turn firstly to the questions in your letter of 19 May:

1. Please share why the negotiations with Berkeley Group regarding funding for Independent Monitoring took much longer than you expected.

I was not involved in these negotiations. I have been told that the length of time taken reflected both the time taken for Berkeley to come forward with an offer, and the competing demands on time and staff in Ealing's regulatory team arising from extra responsibilities during the pandemic.

It is clearly disappointing that this took so long and I am seeking to ensure that we progress with award and implementation as swiftly as possible so that there are no further delays in getting independent air quality monitoring in place.

2. Please forward a copy of the written agreement that you have reached with them.

I have attached an email from Berkeley advising of their commitment to fund the installation, commissioning and monitoring of independent AQ for a two year period with the costs capped at £200,000.





- 3. Please clarify what is meant by "soft market testing" - what exactly was the procedure that Ealing followed?**

A soft market test is a purchasing exercise designed to test commercial markets' capability of fulfilling this type of project , as well as to understand the likely ballpark level of costs and timescales..

The procedure involved the council identifying a number of leading players in the area of emissions monitoring and assessment and holding informal discussions regarding the requirements of an independent air quality monitoring programme for this site. This is standard practice for local authorities, especially when commissioning in new areas of work.

- 4. Please provide full details of the outcome from the soft market testing, and the company that was identified.**

As part of this exploratory exercise only one supplier indicated that they would be interested in submitting a bid if the council proceeded with formally tendering for this piece of work.

The market testing enabled the Council to identify what could be potentially feasible, and provided the council the opportunity to refine its requirements and approach to the market in order to then invite formal tenders.

Unfortunately, details of the company who indicated they would put in a bid as part of the formal tender process is commercially sensitive and the Council is legally obliged to treat this information as private and confidential.

- 5. Once the proposal is received from this company, please forward a copy.**

As noted above, this is subject to commercial confidentiality, however I am keen to explore what elements of each of the bids can be anonymised and shared with you.

- 6. Please provide details of Ealing's assurance that Berkeley Group will have no input over the selection of a contractor and no ownership over the data produced.**

Berkeley Group has had no involvement in this process beyond reaching the agreement over funding They have not been involved in the soft market testing, the process of going out to tender, the evaluation of bids, shortlisting, or subsequent interviews with shortlisted bidders.

They will also have no involvement in the selection of the successful bidder. The data produced through the air quality monitoring process will be solely owned by Ealing Council and will be made available to the public.





- 7. Please confirm that all reports be shared directly with the Council and CASH without first being sent to Berkeley Group.**

Berkeley Group will have no advance access to the data and will have no more access to data than a member of the public. The exact means of publishing the data will be agreed with the successful bidder, but will either involve the contractor publishing it directly themselves, or the council receiving the data and publishing it ourselves. If the latter, I am very happy to discuss with yourselves routes for CASH to also receive the data directly from the contractor.

- 8. Please confirm that the data will be immediately made public once it is produced and the method for this.**

As soon as data is made available to us, we will publish it. As set out in the tender specification, we are asking that we will receive raw data to be published no less frequently than once every month, and for a timely update report based on the period of analysis to be completed after every 6 months of collected data. These reports will also be made public by the council.

- 9. Please update us on the number of applicants after the tender process has ended on 21 May.**

Eight tenders have been received.

- 10. In CASH's public meeting in July 2020, Julian Bell said that air quality monitoring would begin in August 2020. Why has there been such a significant delay?**

I can't really comment in depth on what my predecessor has said in public meetings. Nevertheless, as I mentioned above, I am disappointed at how long it has taken to get agreement on independent air quality monitoring, and I am determined that there are no further delays in getting this in place.

- 11. As you are aware, many residents living around the former gasworks site have complained that their health has been significantly affected. Are you willing to undertake a health equality study to identify the causes of their health problems?**

I have raised this suggestion with public health officers in the council and asked that they consider what is feasible on this issue, including potentially linking up with work being undertaken locally by Imperial College on health impacts and equalities.

- 12. During the pandemic, many residents have complained to CASH that they have been unable to report odour nuisance due to considerable delays on the telephone, deterring residents from reporting. This has led to underreporting of the problem. Would you be willing to commission the OdourCollect app or a similar one to ensure all complaints are logged and investigated?**





I think that the OdourCollect app is potentially very useful and council officers have been engaged with Mapping for Change – the developers of the app – on how we can best work together to provide useful data and make it easier for residents to report odours. We currently have an arrangement in place for monthly data sharing from the app, but I hope we can go further.

In order to be useful as a tool to enable us to investigate reports of odours we need to secure a swift investigation after each report, which needs real-time reporting from the app. This has been discussed with Mapping for Change and we are awaiting a proposal from them for automatic notifications to the Council of complaints. I have also commissioned work to understand how quickly response officers are able to attend the gasworks site on receipt of complaints.

13. Is the council willing to commission independent soil tests to reassure residents that the soil has been properly decontaminated and no longer presents a risk to human health?

I have asked that officers scope out potential independent testing of soil.

In the meantime, I have been provided with the below information on the process that has been undertaken to oversee soil testing by both Ealing Council and the Environment Agency.

The made ground and impacted soils have been excavated in some places down to the groundwater table, some 4 metres below ground level. At a minimum, soils were removed to formation level to allow the placement of marker layers and clean soil capping layers. This was witnessed by both Ealing Council (LBE) and the Environment Agency (EA). The excavation is complete. At the base of the excavations, basal samples were taken by the remediation contractor and remaining soils in the unsaturated zone had to meet the controlled water remedial targets. The samples were taken and submitted to a laboratory in accordance with best practice and chain of custody paperwork was completed. Sample taking was witnessed by LBE and the EA.

The excavation has since then has been backfilled with material from the site. These were either natural sands (found under area 6 and area 5 in particular), site-won soils that were not impacted, and soils stabilised and solidified in the soil hospital. All soils that were placed were tested to confirm controlled water remedial targets were met. The placement was witnessed by LBE and the EA. An orange marker layer was then placed. Over this a 100mm layer of crushed concrete (meeting human health and controlled water remedial targets) was placed. This was also witnessed by LBE and the EA.

As the development continues, the final design levels will be achieved. This involves raising the levels up above the orange marker layer / concrete crush. Over 600mm of clean top and





sub soil will be placed in the areas of soft landscaping. The soil is tested prior to import by the landscape contractor and then retested by Atkins once placed.

The placement in phase 1 has been witnessed by LBE and the EA. Currently placement is taking place in the central park area just south of building J.

Future users of the site are protected from any material under the marker layer by the marker layer, the layer of crushed concrete and over 600mm of clean soil.

14. Please share plans to ensure that the new primary school on the site will be safe for the children who attend.

I have asked that we scope out any further independent testing that might be necessary. The independent air quality monitoring will also assist in providing reassurance or alerting to any issues.

15. Please explain why Ealing Council is not in possession of air quality monitoring data for the period 7/1/2020 to 14/4/2021 from Berkeley Group? It is unacceptable that Ealing Council have had no data in over 12 months to scrutinise. How can the council be an effective regulator, without access to this data?

The Council has received air quality data (PM10 and noise) up to April 2021 and VOC data up to September 2020.

The delays in providing the Council with data in a timely manner is deeply disappointing. This has been escalated to senior management level at Berkeley Group and we are awaiting a response.

To turn now to the questions asked in your letter of 24 May 2021:

1. We welcome the commissioning of new legal advice. When will this be commissioned, and will this advice be shared with CASH?

Expert Counsel has been commissioned to provide this advice and I have asked that it be provided in a form that can be shared publicly, including with yourselves. My officers have underlined the urgency for the advice to be received from Counsel.

2. CASH do not support your plan to put on hold the tendering process for independent air quality monitoring. As you will be aware, we were informed by Cllr Julian Bell in July 2020, AQ monitoring was set to begin in August 2020. We demand that the tendering process continues, and that due diligence ensures that the appointed contractor has no past or current links with Berkeley Group, Atkins and laboratories used for analysis. We stress that Atkins must not be involved, and all real-time data must be shared directly with the council





and on a platform accessible by the public, before being shared with Berkeley Group. Sharing a weekly action plan with CASH, on the AQ procurement and implementation process and when action points are completed, will help to rebuild trust in the community.

For the sake of clarity, I only offered to put on hold the tendering process if CASH agreed. As I set out in my letter, this was in order for the Council to review the tender specification in partnership with CASH. Thank you for confirming that you would prefer for the existing tender specification to be used. The tender process has not been delayed or put on hold as a result of this offer. As mentioned in previous answers, 8 bids were received by the closing date for the tender, and 3 were subsequently shortlisted. Interviews with the shortlisted bidders were undertaken in w/c 31 May 2021. I would be very happy to share with you an anonymised analysis of the strengths and weaknesses of each bid for your information and consideration. The companies shortlisted have declared they have no conflict of interests with Berkeley, or their consultants, Atkins. It is possible, however, that bidders may use the same laboratories as Berkeley or Atkins for VOC analysis, as there are a limited number of such facilities in the UK. All monitoring results will be shared directly with the Council and will be published on a dedicated webpage. One of the consultants short listed can provide near-real time data, but all can meet or exceed the tender specification of providing raw data at a minimum of monthly intervals.

- 3. In response to drawing up a plan involving CASH and the wider community, we would like to see the plans submitted to the council by Ricardo AER relating to the Air Quality Strategy, Air Quality Implementation and Monitoring and the Low Emissions Strategy which Ricardo AER was commissioned to draft last year. Please provide these documents week commencing 31st May 2021.**

Ricardo AEA were engaged to develop a Low Emissions Strategy for the gasworks development. They have not been engaged to develop an Air Quality Strategy or Air Quality Implementation and Monitoring. As previously outlined, I would have preferred for this to have been developed in partnership with the community.

We expect the draft Low Emissions Strategy within the next two weeks and I would be very happy to share this with you once it is available and to arrange a meeting to discuss and get your feedback on the proposals within it.

- 4. We regard the council's Air Quality Action Plan 2017-2022 as a complete failure to accurately assess and anticipate problems in relation to the remediation of the gasworks. Monitoring needs to be open, transparent, accessible, and off-site in schools, homes, hot-spots, indoors and out. Baseline and comparative monitoring are needed, so monitoring air quality along the gasworks' fence line is required.**

The Air Quality Action Plan is due for renewal in the near future and this will be an important piece of work which I want to improve community engagement on.





Air quality has rightly risen substantially up the agenda in recent years, both on health and climate change grounds, and we clearly need to be more ambitious and to take residents with us on that journey. Land remediation, being regulated by the Environment Agency, perhaps did not focus high enough in the 2017-22 plan, and that is something I want us to address in its successor document.

5. **On the issue of air quality monitoring data, your predecessor Cllr Julian Bell informed Dr Onkar Sahota in a letter dated 26th April 2021 that the council received air quality data from Berkeley Group on 21st January 2021. A response to an EIR request dated 17th May 2021 stated that for the period from 7/1/2020 to 14/4/2021, that air quality data has not yet been received from the developer. This disparity between the information provided to Dr Sahota and the response to the EIR request, further undermines any trust in the integrity of the council. Who is correct, Cllr Julian Bell or the council officer who provided the information in response to the EIR request?**

Unfortunately, it appears that the information provided in the EIR response was incomplete and it should have clearly stated that data was not available for the full period being requested, not that data was not available for any portion of that period. I apologise for this.

Air quality data has been received from Berkeley Group as set out in the answer to Q15, including data received on 21 January 2021.

6. **In our meetings, residents have reported how difficult it is to report odour nuisances on the telephone in a timely manner. We know that the council has engaged in discussions with Mapping for Change about the OdourCollect App. We know from recent communication from Mapping for Change, they were working on trying to introduce an email notification system within OdourCollect based on comments from Ealing during the last meeting. Communication to CASH from Cllr Julian Bell, notified us that work was taking place to build in real-time reporting into the app. As part of their next steps, they would like to arrange a round-table meeting with all concerned, to agree on what some acceptable terms of use and response could be in terms of reports received via OdourCollect. CASH would like to receive the date of this meeting and the action plan for the roll out of the app and usage by council officers.**

See the answer to Q12 above. While development of the app is not directly in our control, we are working with Mapping for Change on achieving real-time reporting. Real-time reporting is incredibly important in ensuring that we are able to have response officers inspect any potential statutory nuisance, and I am hopeful that we can make this work.

We would be very happy to widely promote and encourage the use of OdourCollect for this purpose, including any round table meetings that might be useful.





7. **We wholeheartedly endorse a meeting with Centric Lab and serious consideration given to the recommendations made in the Southall report. It will be of benefit for you to read a recent essay on gaslighting communities which references the experience of residents in Southall. We note that you haven't addressed our call for detailed health research which is one of Centric Lab's recommendations and independent soil analysis. Residents who walk by the canal have experienced odour from the soil at an excavated site, so to provide reassurance that this is not a risk to human health, we ask you to conduct independent soil tests as a matter of urgency. Please inform us of the date of your meeting with Centric Lab.**

See answers to previous questions on testing. My office is working to set up a meeting with Centric Lab in the near future.

8. **We welcome your review of Berkeley Group's sponsorship of council events and activities and confirmation in writing when sponsorship has ceased, will help to address concerns about conflicts of interest.**

Officers are progressing this review and I will happily provide that confirmation once available.

9. **Regular emails from you and copies of your emails to government as part of your lobbying strategy would be helpful for us to receive. On what date will you commence lobbying and which government minister will you write to?**

I will make communications with ministers on this subject public.

I will be looking to establish a broad political coalition, including other local authorities with substantial brownfield sites in their areas, to engage in lobbying of government to include measures to provide resources and powers to councils and/or other regulatory bodies over brownfield remediation. One immediate opportunity to do this is as part of the forthcoming Planning Bill. I'd be particularly keen on engaging with Gasworks Communities United to consider how we can compliment existing campaigning.





I look forward to discussing these matters further with you, not only on Tuesday, but also in the coming months as we seek to build a collaborative relationship with CASH and all residents of Southall on issues around the Gasworks site.

Yours sincerely,

A handwritten signature in black ink, appearing to read "P. Mason", written in a cursive style.

Cllr Peter Mason
Leader, Ealing Council

