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Mrs Louise Hunt
Senior Coroner for the City of Birmingham and the Borough of Solihull
Coroner's Court
50 Newton Street
Birmingham
B4 6NE

By post and email to coroner@birmingham.gov.uk

our ref: CAL0019
Date: 14th August 2014

Dear Madam

We are writing on behalf of our client, Clean Air in London ("CAL"), which is run by Mr Simon Birkett.

CAL is a well known and respected organisation which campaigns for an end to dangerous air pollution in London and beyond. It has been recognised and awarded for its pioneering work, which has contributed to an understanding of the serious problem of excessive air pollution and its effects. We attach, as **Appendix 1**, a brief summary of CAL's work.

One of the problems of air pollution is that it is dangerous and can cause premature death. This is well documented. Less recognised is the fact that air pollutants can be dangerous to asthmatics, those with respiratory or cardiovascular problems and otherwise healthy people undertaking strenuous exercise. CAL gained and shared expert information on this issue in relation to the London Olympic and Paralympic Games with the aim of ensuring that air pollution levels in London would not present a danger to competitors. In that context the danger was recognised by officials and considered, but sadly, although it is likely that excessive air pollution, in particular high Ozone levels, causes or contributes to sudden deaths, this is not generally recognised or well known.

With that in mind, our client has followed closely the media coverage of the tragic and unexpected deaths of three soldiers resulting from their participation in a SAS selection training exercise on the Brecon Beacons on 13 July 2013.

We attach to this letter a summary of the information our client has ascertained as follows:

Appendix 2 Background

Appendix 3 Information on Ozone, including concentration in mountainous regions and health effects

Appendix 4 Information showing the concentrated levels of Ozone at the relevant time.

From press reports, CAL is aware that there will be an inquest into the events of 13 July 2013. It is also clear from press reports that the Coroner has quite properly acknowledged that the soldiers' right to life under Article 2 of the European Convention on Human Rights ("ECHR") is an important part of the inquest. As a result, the Coroner has stated that there will be a wide-ranging inquest, investigating, for example, how the training exercise was run.¹

In the light of what is known about the dangers and effects of Ozone, particularly in mountainous regions, and information our client has gathered about the Ozone levels recorded on 13 July 2013, as well as other material background evidence, he believes that Ozone levels may have caused or contributed to the deaths of the three soldiers. At the very least, this possibility should be thoroughly investigated so that, if it is established that air pollution contributed to the deaths, then steps can be taken, through an understanding and control of the effects of pollution, which would ensure that a similar tragedy could not happen again. Such an investigation may involve, for example, consideration of the systems in place to forecast potentially harmful Ozone levels and to take account of that information in the organisation of training exercises, including by having appropriate safeguards to address any increased risk of harm flowing from Ozone levels.

As noted above, while we understand that there will be an inquest, the public interest which our client represents is not automatically provided for in the rules governing inquests. For that reason, our client's efforts to engage the authorities who are immediately concerned in the investigation, in particular the Coroner, have not, to date, been successful. In **Appendix 5** to this letter, we have summarised CAL's previous efforts to provide the Coroner and other investigating bodies with the evidence provided with this letter.

We therefore write to request that:

- (a) an investigation, consistent with the UK's obligations under Article 2 of the ECHR, able to investigate and determine the part played by air pollution in these tragic deaths and able to identify steps to be taken to avoid any recurrence of this tragedy be carried out;
- (b) consideration be given to making our client, CAL, an interested party for the purposes of the inquest; and
- (c) a copy of this letter be provided to all parties to the inquest.

We look forward to a response to this letter by 12 September 2014.

Yours faithfully,



Harrison Grant

¹ <http://www.telegraph.co.uk/news/uknews/defence/10886901/SAS-soldiers-face-manslaughter-charges-over-Brecon-Beacons-deaths.html>