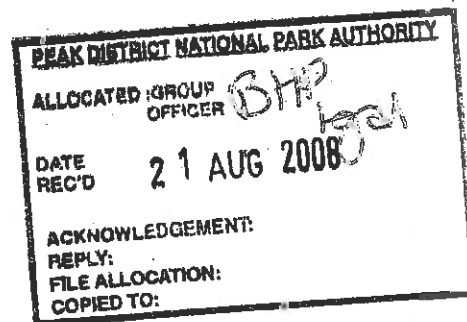


Our Ref: JPW/JC/B1084-005
Your Ref: M2382
Date: 20 August 2008

Sixth Floor, Silkhouse Court,
Tithebarn Street, Liverpool L2 2LZ
Tel: 0151 227 1301
Fax: 0151 227 1300
E-mail: post@bremners.com
MDX 14119 Liverpool

Mrs B. H. Primhak
PDNPA
Aldern House
Baslow Street
BAKEWELL
DE45 1AE



Dear Mrs Primhak

Re: Land at Wagers Flat, Longstone Edge, Great Longstone, Derbyshire

Thank you for your letter of 12 August with its enclosure. BIL has been closed for the annual holiday and we have only just been able to obtain instructions. Mr Withinshaw is now away until 1 September 2008.

The timescale proposed for the additional information is unduly short given the extent of the information which has been requested and the time and expense which will be incurred in providing it. You have clearly recognised that others have to be consulted in connection with this notice and the information requested by it. The factors governing the reasonableness of the period for response include the following (by no means exhaustive):-

1. The outstanding PDNPA Appeal to the Court of Appeal, which is bound to have a material bearing on the ROMP Application. Even if Mr Justice Sullivan's Judgment is upheld there will probably have to be resolved issues relating to the ROMP Application which are predicated by your latest Notice.
2. The request by PDNPA for an adjournment of the Small Dale Head Section 289 Appeal to abide the outcome of the Authority's Appeal to the Court of Appeal in the Backdale case, a clear recognition of its importance.
3. The service of the notice on 12 August at the height of the holiday season, which renders total compliance virtually impossible.

Nonetheless every effort will be made to produce and submit as much as possible of the requested material within the time specified. We will have a clearer idea of the extension of time required once the collation work has been got under way.

It seems to us that, once the Court of Appeal has handed down its decision, it will be possible then, but only then, to identify the extent to which the ROMP Application may require modification. In the meantime, it seems to us that the effect of the Sullivan Judgment is generally reflected in what had been proposed originally in the Application itself.

Bremners
Solicitors

Accordingly, we seek an extension of time, initially for say 28 days to enable such of the information which can be produced (having regard to the pending appeal) to be collated, with a view to any additional extension which may reasonably be required to address:-

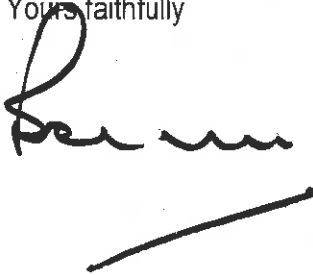
- (1) Information which cannot be produced before October 2008; and
- (2) Any information whose production and/or collation cannot reasonably be undertaken until the Court of Appeal's decision has been handed down.

This request is made without prejudice to the right of BIL to challenge the Notice under Regulation 5 (3) of 12 August 2008 in an attempt to avoid the inevitable costs, uncertainty and delay of yet another damaging round of litigation which, to date, has cost both public and private purses undue expense.

Would you please confirm, by return, the initial extension sought.

We look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to be 'P. M.', followed by a horizontal line.