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Mr J Withinshaw
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Liverpool
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Your ref: JPW/JC/B1084-005

Our ref: BP/M2382

Date: 19 September 2008

By email and post

Dear Mr Withinshaw

Longstone Edge – Review of Old Mineral Permissions

Thank you for your letter of 12 September.

On behalf of your clients you have requested an extension of time for the provision of the information requested in the Authority's letter of 12 August 2008 until 3 months have expired from the final determination of the interpretation of the 1952 permission. The Authority is sympathetic to your request for an extension of time but is not prepared to agree to an open-ended date. Given the likely dates for the Court of Appeal hearing, we have decided to agree an extension of time to 31st March 2009. This can be reviewed as necessary, taking into account the progress of the court proceedings.

You state in your letter that the Authority has equivocated in relation to the application of the 1999/2000 EIA Regulations to this ROMP application. I do not understand the basis for this statement. However we consider that, as a matter of law, those regulations did not apply to it until the 2008 Stalled Sites Regulations came into force.

Your letter covers a wide variety of assertions and it should not be assumed that by not addressing them the Authority necessarily agrees with them.

In the Authority's letter to your clients of 12 August we asked the company to confirm the basis for their claim to be an applicant in relation to the ROMP. Please note that this extension of time is without prejudice to the question of whether or not they are in fact an applicant. I would, therefore, ask that your clients address this at an early stage.

Yours sincerely

B H Primhak (Mrs)
Head of Law