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To: Mr Robert Latimer
By email: robert@latimers.com

(No hard copy sent)

16 April 2012

Dear Mr Latimer

Thank you for your email to me of 22 February and your emails to Mr Beard of 6 and 10 February and 9 March. In line with the approach previously outlined to you, I am replying to you only on points that we have not addressed before.

The evidence available to me suggests that the original system was designed to pass forward around 4.5 times dry weather flow before discharge through the CSOs. These CSOs now discharge into the interceptor tunnel. I have looked at the permit, including the material that Mr Bennett sent you. I can see no attempt to mislead you and Mr Beard is correct in his statement flows in the permit are expressed in litres per second and not with reference to multiples of dry weather flow. As Mr Beard stated, you should approach the Environment Agency if you wish to discuss the detail around this.

The Advocate General's Opinion does appear to confuse some of the figures which were put before the Court. Storage at Whitburn would have to be increased **by** 10,800 cubic metres rather than **to** 10,800 cubic metres. The UK has written to the Court to draw attention to this: it is not attributable to any statements by the UK..

I do not agree that volumes pumped out of the interceptor tunnel back into the sewer for treatment should be included in the volumes that were discharged to sea via the long sea outfall as quoted in paragraph 72 of the Advocate General's Opinion.

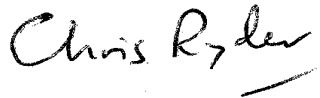
I agree that the statements which you quote from the Agency appear to be incompatible with the view that the system operates at 4.5 times dry weather flow. I suggest you

approach the Agency to explain this discrepancy if it has not already been addressed in previous correspondence.

I do not consider that any of our pleadings in the case are wrong and it is therefore not necessary for me to contact the Commission as you suggest.

Please address future correspondence to Mr Beard and we will note its content but only respond to points which we consider to be substantively new.

Yours sincerely

A handwritten signature in black ink that reads "Chris Ryder". The signature is written in a cursive style with a horizontal line underneath the name.

Chris Ryder

Head of Water Quality