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8 January 2010

Dear Sirs

Communication to Compliance Committee ACCC/C/2008/23

Thank you for your letter of today.

In reply to the Committee's point of clarification: no, the communicants will not be entitled to claim the £5,130 to the Agency and Council from the operator.

This *may* have been possible with the Order of 2 March 2009 left un-amended as it was silent on this point. However, the Agency and Council wrote to the Court and insisted the Order be amended to ensure that the Communicants had to pay *in any event* and that this sum could not later be claimed back. The Court of Appeal, wrongly in our view, chose to amend the Order as requested by the Agency and the Council.

We attach the amended order and the representations to the Court of Appeal on behalf of the Communicants.

Yours faithfully

Richard Buxton

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cc Jane Barton, Defra