



RECEIVED

13 MAY 2010

The Community Law Partnership  
4<sup>th</sup> Floor  
Ruskin Chambers  
191 Corporation Street  
Birmingham  
B4 6RP

Our ref:  
Your ref: CJ/VO/7590/3

Date: 11 May 2010

Dear Sirs,

### Environment Agency (Inland Waterways) Order 2010

Thank you for your letter dated the 4 May, enclosing a copy of your letter dated 23rd April sent to DEFRA. I understand that DEFRA will be responding to you separately and this letter is to ask you to note the Environment Agency's interest.

In an attempt to address your clients concerns, I would be pleased if you could convey the following to Mr. Brown and the Bargee Travellers Association who I assume will share a common interest in some of the issues raised in your correspondence.

#### 1. PAYMENT OF FEES BY INSTALMENTS

The Environment Agency already routinely accepts payment by monthly instalments over a six month period. By exception, the Environment Agency has also extended these to payments to a 12 month period. This provision has been made in response to submitted written requests that outline individual personal circumstances that the Agency considers are appropriate for such extended payments. Boat owners who receive housing benefit have been afforded some such consideration on a case by case basis. Your clients circumstance will be considered if he submits them in writing with his application to register his craft. The Agency is producing an internal Implementation Guidance Note for the Environment Agency (Inland Waterways) Order, (referred to hereafter as "the Order") that will inform it's officers on how such extended payments can be considered and offered.

#### 2. CONSULTATION.

Guidance will be written that deals with how Article 16 will be exercised, particularly with regard to residential boats, and such guidance will then be consulted on with Mr Brown having an opportunity to put forward his views.

Until this process has been completed, the powers contained in the Order which you have drawn attention to, will not be implemented.



### 3. APPEALS PROCEDURE UNDER ARTICLE.16

The Environment Agency will consider a procedure which may incorporate an independent appeal in relation to residential boats as part of the aforementioned guidance.

I believe these assurances address all of your clients concerns and that this should avoid the necessity of proceeding with Judicial Review of the Secretary of State's decision to make the Order.

I await to hear from you.

Yours faithfully

*pp. [Signature]*  
**ANTHONY WEARE**  
**SENIOR LEGAL ADVISOR**  
**ENVIRONMENT AGENCY**