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Solicitor
Legal Services, Resources
Cumberland Council
Cumbria House
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Carlisle
CA1 1RD

Your Ref:
Our Ref: [REDACTED]
Doc No: 41307255v1
Date: 12 October 2023

By post and by email: [REDACTED]@cumberland.gov.uk

Dear [REDACTED]

High Close Quarry ROMP Application 2/19/9010

As you will be aware we have been copied into Burnetts' letter of 5 October on behalf of Thomas Armstrong (Aggregates) Limited to [REDACTED] Cumberland Council's Minerals and Waste Team.

The Council's previously acknowledged position is that there is a reasonable argument that the "in principle" element of the 1954 does not constitute a "relevant planning permission" for the purposes of the 1995 Act. You have confirmed that the Council would review the position once Thomas Armstrong's response was received. Our client has been led to understand that would include the Council itself taking Counsel's opinion. I should be obliged if you would confirm that remains the Council's intention.

In addition you advised in your email of 30 June to me that you would "reply ... further and provide answers to your four points set out above once the Council has received and considered any representations made on behalf of the applicant". I look forward to receiving that reply in due course and to be afforded an opportunity to respond.

In any event notwithstanding the applicant's request it would not be appropriate for the Council to determine the application pending the ongoing legal consideration and correspondence.

Yours sincerely

[REDACTED]
Consultant
For Ward Hadaway LLP

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