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Your ref:

19 December 2018

When telephoning please ask for: Patrick Robinson

Dear Sirs

Judicial Review Pre-action Protocol

We refer to our letters of 28th November and 3rd December 2018, neither of which have been answered or even acknowledged by the Council.

The present position remains that you are on notice of serious concerns about the manner in which the Council's Masterplan has been progressed. To date we have seen no indication of any step by the Council to remedy those concerns.

You have the opportunity now to engage with our Clients and to throw light upon the reasoning behind the Council's actions. If the Council does so, it may lead to a narrowing of the issues between our respective clients and avert future judicial review proceedings.

If, however, the Council continues to ignore these requests for information, then should it attempt to adopt or in other ways rely upon its flawed Masterplan or its flawed consultation process then as part of the judicial review application that will be made to restrain that action, there will also be reference to this unanswered correspondence and the unwillingness of the Council to disclose any supporting information to explain its actions.

As the Council has not adopted our suggestion of producing a list of documents it has relevant to these matters of concern it may assist you now, at least initially, to narrow that scope even further to just these simple categories:-

- a) **In respect of the Council's choice of its favoured option:** please provide any previous draft of the Masterplan and any commentary on them by consultant or Council officers.
- b) **In respect of the consultation exercise:** please provide correspondence passing between the designers of the survey and the Council prior to its finalisation for use. We note that the current "full and detailed analysis" of the consultation responses that was reported to the Council Executive meeting on 4 December is being undertaken by the same organisation that designed what has been criticised as a misconceived and misleading consultation questionnaire.
- c) **In respect of the impartiality of the Council's advisers:** please provide the supporting correspondence by which a conclusion was reached (para 3.5 of the committee report of 5 December) that LUC's previous involvement for a local land owner was judged not to raise any barrier to them advising the Council.

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Classification: Confidential

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The Keep Penrith Special petition is to be debated by the Council on 10 January. The information we request above will assist our Clients in preparing for that debate where they are allowed to make presentation. Withholding or delaying release of the information will reduce the opportunity they have to advance their case in front of the Council.

In those circumstances that we request that this information is sent to us as early as possible prior to 10 January, even if it has to be sent in piecemeal fashion.

Yours faithfully

Burges Salmon LLP

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