



N A B A R R O

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Our ref: PH/RHR/W2280/00003

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Dear Sirs

**Mr Arthur Scarisbrick v Secretary of State for Communities and Local Government and Whitemoss Landfill Limited as an Interested Party (CO/3070/2015)**

As you are aware from previous correspondence, we act on behalf of Whitemoss Landfill Limited in the above matter.

We have been made aware that the agenda for the Council's Cabinet meeting on 10 January includes a request for funds from ARROW Northwest, apparently to support the claim brought by Mr Arthur Scarisbrick against our client's authorised development.

As we have previously made clear, Mr Scarisbrick has applied for costs protection as part of the proceedings on the basis that he is a private individual with limited means. It would appear that Mr Scarisbrick is in fact supported by other parties, including ARROW Northwest, and potentially including the Council, which may affect the status of his costs protection.

In the circumstances, and in particular by reference to paragraph 4.4 of the cabinet report, please clarify the Council's interest in these proceedings. It would at least appear that the Council is seeking to benefit from litigation whilst hiding behind the costs protection of Mr Scarisbrick. We therefore reserve the right to make representations to the Court regarding the Council's apparent involvement in the proceedings and Mr Scarisbrick's cost protection at the forthcoming hearing. Please draw this letter to the attention of members of Cabinet before they make their decision on this agenda item.

A copy of this letter has been forwarded to the solicitors acting for the Claimant and the Secretary of State for Communities and Local Government.

Yours faithfully

*Nabarro LLP*

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