



Town and Country Planning Act 1990, section 77
Town and Country Planning (Development Management Procedure) (England)
Order 2015/595
Town and Country Planning (Inquiries Procedure) (England) Rules 2000/1624

Application for planning permission for a new:

- underground metallurgical coal mine and associated development, including coal processing buildings, at the former Marchon site (High Road) Whitehaven**
- coal loading facility and railway sidings linked to the Cumbrian Coast Railway Line and associated development on land off Mirehouse Road, Pow Beck Valley, south of Whitehaven and**
- underground coal conveyor to connect the coal processing buildings with the coal loading facility**

Applicant:	West Cumbria Mining Ltd
Local planning authority:	Cumbria County Council
Application reference (PINS):	APP/H0900/V/21/3271069
Application reference (MPA):	4/17/9007
Date of inquiry:	7 September 2021

Rule 6(6) Statement of Case
Friends of the Earth Ltd
6 May 2021

1. INTRODUCTION

1.1. Friends of the Earth England, Wales and Northern Ireland¹ (**'Friends of the Earth'**) is a campaigning organisation dedicated to protecting the natural world and the wellbeing of everyone in it. As a grassroots organisation it is made up of over 130 local campaigning groups, over 250 Climate Action Groups and over 250,000 individual activists across England, Wales and Northern Ireland, including in Cumbria. It is the largest grassroots environmental campaigning community in the UK.

1.2. Many of our groups and activists are engaged in local planning, to deliver more sustainable places. Using evidence-based analysis of environmental problems, we work with communities locally and internationally to protect our natural resources, champion the move to clean energy and industrial processes, and safeguard the right of every person to have a healthy place to live.

1.3. The applicant, West Cumbria Mining Ltd (**'WCM'**), seeks permission for: (a) a new underground metallurgical coal mine and associated development at the former Marchon site, Whitehaven; (b) a coal loading facility and railway sidings linked to the Cumbrian Coast Railway Line and associated development on land off Mirehouse Road, Pow Beck Valley; and (c) an underground coal conveyor to connect the coal processing buildings with the coal loading facility. The application and the proposed sites are described more fully in the application documents and officer's reports.

1.4. Friends of the Earth has been a long-standing opponent of the mine, primarily on climate grounds. We first objected in July 2017, and most recently in March 2021.

1.5. On 25 March 2021 Friends of the Earth was granted Rule 6(6) status. This statement sets out why Friends of the Earth considers permission ought to be refused.

1.6. We reserve the right, if necessary, to change the detailed aspects of our case as relevant material is reviewed, and to respond to any supplementary material submitted by others during the inquiry process. This includes adapting our arguments if and when WCM provide further information on the scope of their application, as important aspects remain unclear. These include the expected lifetime of the mine and what controls WCM will propose, if any, to regulate the specification of the coal that will be produced².

1.7. For clarity, we note that one of our local groups, West Cumbria & North Lakes Friends of the Earth, is also a long-standing opponent of the mine, and has written to the Planning Inspectorate separately and in its own capacity as an objector.

¹ Friends of the Earth England, Wales and Northern Ireland comprises two separate legal entities operating under a regulated dual structure: Friends of the Earth Ltd, a not-for-profit company limited by guarantee; and Friends of the Earth Charitable Trust, a registered charity and company limited by guarantee. Our local groups (including West Cumbria & North Lakes Friends of the Earth) operate separately and are affiliated to Friends of the Earth England, Wales and Northern Ireland as unincorporated associations.

² It may be that some or all of these matters are clarified in WCM's statement of case, received very shortly before this statement was submitted, and not in time for this statement to respond to. We will review WCM's statement in due course.

2. PROCEDURAL HISTORY

2.1. The application was submitted on 31 May 2017 to the minerals planning authority, Cumbria County Council (“**the MPA**”). The MPA has considered the application on three occasions, most recently on 2 October 2020 when it resolved to grant permission subject to, amongst other matters, WCM and others entering a section 106 legal agreement.

2.2. On 9 December 2020 the Climate Change Committee (“**CCC**”), being the government’s independent expert body on climate change, issued advice on the sixth carbon budget.

2.3. On 29 January 2021 Lord Deben, Chairman of the CCC, wrote to the Secretary of State concerning WCM’s application. This letter is discussed in more detail below.

2.4. On 9 February 2021 the MPA decided to return the application to its Development Control and Regulation Committee, for a meeting anticipated to be held in April 2021.

2.5. However, on 11 March 2021, in a letter from government officials to the MPA, it was confirmed the Secretary of State had called in the application for his own determination. The letter stated:

“6. The Secretary of State has decided to call this application in because of the further developments since his original decision. The Climate Change Committee’s recommendations for the 6th Carbon Budget have been published since he was advised on this decision. The Secretary of State recognises that proponents and opponents take different positions on that matter, and considers that this should be explored during a public inquiry. Furthermore controversy about the application has increased. Overall the Secretary of State considers that this application raises planning issues of more than local importance, and further considers that the limbs of the call-in policy relating to potential conflict with national policies in Chapters 14 and 17 of the Framework and substantial cross-boundary or national controversy are satisfied.”

2.6. The letter also set out, at paragraph 11, the matters on which the Secretary of State particularly wished to be informed about. These were:

- a) The extent to which the proposed development is consistent with government policies for meeting the challenge of climate change, flooding and coastal change in the National Planning Policy Framework (**‘NPPF’**), Chapter 14).
- b) The extent to which the proposed development is consistent with Government policies for facilitating the sustainable use of minerals in the NPPF, Chapter 17.
- c) The extent to which the proposed development is consistent with the development plan for the area.
- d) Any other matters the Inspector considers relevant.

3. PLANNING POLICY

The development plan

3.1. The starting point for the determination of the planning application is the policies in the adopted development plan. The development plan comprises the Cumbria Waste and Minerals Plan 2015-30 (adopted 2017), the Copeland Core Strategy and Development Management Policies (adopted 2013) and the Proposals Map and relevant saved policies of the Copeland Local Plan 2001-2016.

3.2. As to which policies are most relevant to the application, Friends of the Earth broadly agrees with the October 2020 officer's report at paragraphs 6.2 to 6.23 (and we also agree the relevant material considerations are those set out at paragraphs 6.24 to 6.54). This is subject to the following comments:

- 3.2.1. No mention is made of 'saved' Policy EMP3 of the Copeland Local Plan 2001-2016. That concerns 'Employment Opportunity Sites' including 'Areas of land at Whitehaven, Cleator Moor and Egremont'. The supporting wording states: *"The Council and its regeneration partners are committed to seeking outcomes which improve the environment of the former Marchon site and contribute to sustainable regeneration."*
- 3.2.2. The officer's report for the October 2020 meeting refers to the emerging Copeland Local Plan. The recent preferred options consultation included Policies DS5PO and CC1PO, in respect of climate change, and Policy N10PO, in respect of woodlands, including ancient woodlands.
- 3.2.3. The same emerging plan also includes several relevant Strategic Objectives, including Climate Change Mitigation, Protecting and Enhancing Biodiversity and Landscapes and Built Heritage. The draft Plan's vision includes: *"...[making] the most of our natural and built environment" and "protecting, enhancing and promoting our magnificent landscapes, cultural heritage and biodiversity..."*

Key policy tests

3.3. Friends of the Earth will argue the application conflicts with the development plan, and specifically with the key policy tests in Policy DC13 which states:

"POLICY DC 13 Criteria for energy minerals

[...]

Coal

Planning applications for coal extraction will only be granted where;

- the proposal would not have any unacceptable social or environmental impacts; or, if not
- it can be made so by planning conditions or obligations; or, if not
- it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

For underground coal mining, potential impacts to be considered and mitigated for will include the effects of subsidence including: the potential hazard of old mine workings; the treatment and pumping of underground water; monitoring and preventative measures for potential gas emissions; and the disposal of colliery spoil. Provision of sustainable transport will be encouraged, as will Coal

Mine Methane capture and utilisation.”

3.4. Policy DC 13 largely aligns with national policy in the NPPF, paragraph 211 of which states:

“Planning permission should not be granted for the extraction of coal unless:
a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).”

3.5. Whilst Policy DC 13 and NPPF paragraph 211 are worded slightly differently, we will argue it does not matter which test is applied, as both indicate permission ought to be refused. (That said, in respect of the first limb of the Policy DC13 test, our arguments will focus on why the proposed mine is *environmentally* unacceptable, not on what its social impacts might be.)

Material considerations

3.6. Friends of the Earth will argue there are no other material planning considerations indicating development should be permitted. We will refer to other provisions of the NPPF, as appropriate.

3.7. We will rely on applicable international, national and local policies and relevant statutory duties and material considerations, including:

- Climate Change Act 2008 (as amended)
- EU 2020 Climate and Energy Package
- UK Low Carbon Transition Plan (2011)
- Paris Agreement (November 2016)
- Cumbria County Council’s Climate Change Statement
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework (2019 - v3)
- Planning Practice Guidance (2012-2021 – Minerals)
- Climate Change Committee - Sixth Carbon Budget (2020)

Interpretation of planning policy in coal developments

3.8. We note the direction of travel in national policy has rightly been towards a more restrictive approach to new coal developments, and that this trend is likely to continue.

3.9. In respect of thermal coal, which we accept is not directly relevant to this application, government has recently consulted on bringing forward the deadline for phasing out unabated coal-fired generation in Great Britain to 1 October 2024.

3.10. In respect of coal developments generally, CCC Chair Lord Deben, in his 29 January letter, urged the Secretary of State to “*consider further the UK’s policy towards all new coal developments, for whatever purpose*” (underline added). This exhortation was made specifically in the context of the CCC’s concerns with the climate impacts of WCM’s proposed coal mine, which at that stage the MPA had resolved to grant permission for.

3.11. In his letter Lord Deben went on to note the MPA's decision highlighted the "*critical importance*" of decision makers "*considering fully the implications of their decisions on climate targets*". He offered the CCC's assistance in providing "*guidance to local authorities*" in undertaking this task.

3.12. We will argue that Lord Deben's comments are highly material to the interpretation and application of current planning policy, and that they should carry great weight given they are made by the government's independent climate experts, and specifically in the context of the current application. They show that existing policy ought to be interpreted restrictively, against the grant of new coal developments (for whatever purpose). They also show it is critically important for those tasked with deciding planning applications, including the Secretary of State, to fully consider the implications of their decisions on climate targets.

4. CLIMATE IMPACTS

Impacts of greenhouse gases

4.1. We will bring evidence on the far-reaching and long-lasting impacts of climate change, including at the local level in Cumbria.

The global carbon budget

4.2. The internationally agreed target, defined under the Paris Agreement, is hold the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognising that this would significantly reduce the risks and impacts of climate change.

4.3. To meet this target, we will bring evidence on the remaining ‘global carbon budget’, being the maximum amount of CO₂ that may be emitted to stabilise warming at a particular level – such as the Paris Agreement’s 1.5°C target. The current best estimate of the remaining carbon budget for 1.5°C is 440 GtCO₂ from 2020 onwards, with a range of 230-670 GtCO₂ that reflects a 67 to 33% chance of not exceeding the temperature target. This in turn means *at least* 80% of known and recoverable resources of fossil fuels, including coking coal, must be left in the ground. “*Known and recoverable*” refers to fossil fuel resources that would be profitable to extract. We will argue there is no room for the extraction of new resources such as the Cumbrian coking coal if the internationally agreed targets are to be met.

The substitution error

4.4. The “substitution” error refers to WCM’s argument that, if extraction was permitted at the Cumbrian site, an equivalent amount of coal would not be extracted at other sites that currently exist outside of the UK. (We note WCM’s expert has identified no such sites in practice that would limit extraction in this way.)

4.5. We will say the argument relies on the false assumption that there will be a reduction in production elsewhere. As Professor Paul Ekins and others have noted, basic economic theory related to supply and demand and to price elasticities tell us that this is not true. Expansion of global coal extraction will reduce the price of coal, increase demand for coal and reduce the competitiveness of coal free alternatives.

4.6. WCM assert³ the metallurgical coal market and the steel industry are not subject to these basic principles of economic theory. Friends of the Earth will bring evidence to refute that assertion.

4.7. WCM assert⁴ that Cumbrian coal would replace an equivalent volume of coal that is used in the UK and Europe which is currently being imported, primarily from the east coast of the USA. We will interrogate the assumptions and analyses underlying that assertion.

³ See, for example, ‘*Rebuttal of key issues raised by objectors*’, 9 September 2020, Appendix 2: ‘*Objections to WCM Planning Application: A Response by Dr N J Bristow*’, paragraphs 20 to 22.

⁴ See, for example, the Environmental Statement, Chapter 19, paragraphs 6 and 10(ii).

4.8. WCM go on to assert⁵ the USA would not continue to mine the same grade of coal for sale to other countries because there is no proven market for them to do that, and because shipping to alternative major steelmaking countries in Asia and India involves such high transport costs that ‘*could*’ render it economically unviable.

4.9. We will bring evidence to refute that assertion. We will show evidence that U.S. metallurgical coal has established markets in Asia and of recent increases in metallurgical coal flows from the USA to China. This re-alignment of metallurgical coal trade flows happened quickly, following China’s recent ban on imports of coal from Australia, the world’s largest exporter of seaborne coking coal. The re-alignment demonstrates the ease by which US coal can find markets in Asia in response to demand changes there, overcoming distance and transport costs.

4.10. Further, the Chinese import ban and the realignment that followed was not an isolated trade flow realignment incident. This occurs frequently, for example when weather events in Australia – by far the world’s largest exporter of seaborne metallurgical coal - disrupt coal exports. Cyclones in Queensland - the main coking coal producing state in Australia - are annual events.

4.11. We will also show that, whatever the need may be in WCM’s intended UK and European markets, the Asian market for metallurgical coal is growing and is predicted to continue doing so.

4.12. In this context we will argue it is untenable for WCM to assert that any US coal, which otherwise would have entered UK and European markets but for the Cumbrian mine, will instead stay in the ground. Instead, the likely result of allowing Cumbrian coal to enter the global market is that there will be an equivalent increase in coal on the market, with the emissions and climate consequences which follow. This is supported by Lord Deben’s 29 January letter which states opening the new mine “*will increase global emissions*”.

4.13. We will argue that even if the coal only added a very small amount of coal to the market, this would be likely to outweigh any possible GHG savings from transportation of the coal.

Emissions from the construction, operation and decommissioning of the mine

4.14. WCM commissioned AECOM to assess the GHG impacts of construction, operation and decommissioning of the mine. This is Appendix 2 to Chapter 19 of the Environmental Statement. Friends of the Earth will review that assessment and interrogate its assumptions, analyses and conclusions.

4.15. The mine is projected to increase UK emissions by 0.4Mt CO₂e per year. This is greater than the level of annual emissions the CCC has projected from all open UK coal mines to 2050. This, we will argue, is an adverse environmental impact which should be given great weight.

Emissions from the onward transmission and use of the coal.

4.16. It is not disputed between the parties that end-use emissions are capable of being a relevant consideration. The Secretary of State will therefore need to assess

⁵ *Ibid.* paragraph 42

the weight to give to such emissions. To do this we will argue that he must form a view on the scale of end-use emission, and that this is possible for him to do.

4.17. We will put in evidence on the quantity of end-use emissions using the following approach. Total maximum output is estimated by WCM to be 2.78 million tonnes of coking coal per year. Conversion factors published annually by the Department for Business, Energy & Industrial Strategy give a factor of 3.22204 for coking coal. Applying that to the estimated annual output, that is, multiplying 2.78mtpa by 3.22204, shows the mine's end-use emissions when at peak production will be 8.957 million tonnes of CO₂e per year. This will be an underestimate given WCM have also omitted to quantify likely emissions from transporting the coal, beyond its initial point of distribution.

4.18. We will argue, for the purposes of this planning application, it is reasonable to use this annual figure for each of the mine's 50 years, adjusting as necessary for the initial years where the mine is not at full production. That shows the mine's total end-use emissions will total nearly 450 million tonnes of CO₂e.

4.19. WCM argues emissions caused by the subsequent use of its coal should be given limited or no weight⁶. Its reasons for this (in summary), along with what we will say in response (again in summary), are as follows:

4.19.1. WCM argues Cumbrian coal will substitute for US coal, which in turn will likely be left in the ground. We will dispute this argument.

4.19.2. WCM argues subsequent use of the coal is beyond WCM's control. Emissions at EU-based steelworks will be subject to the EU Emissions Trading Scheme. Reductions from blast furnaces can only be brought about by more regulatory control and mitigation at the steel works themselves, such as carbon capture and storage. We will argue the global carbon budget means there is no room for the extraction of new resources such as the Cumbrian coking coal, if the internationally agreed targets are to be met. Rather than relying on unproven CCS technology, or on the market to reduce emissions over time via the ETS, emissions should instead be avoided at source, by leaving fossil fuels in the ground.

4.19.3. WCM argues UK carbon budgets do not require assessment of overseas emissions. We will argue that carbon budgets are only one element of the UK's domestic and international climate obligations. The CCC has also made it clear that while the UK is reducing its emissions, it should avoid increasing emissions elsewhere.

4.19.4. WCM argues that using the BEIS conversion factors for the mine's 50-year lifespan is 'highly inaccurate', as emissions from heavy industry will fall over time. We will dispute the degree to which emissions from industrial processes likely to use Cumbrian coal will fall to the extent predicted by WCM. In any event, this should not prevent WCM arriving, at the very least, at an expected range of likely lifetime emissions, taking a worst-case scenario approach as it did with operational emissions. That is all that is required for

⁶ For example, see: the revised '*Planning Statement*' of May 2020, paragraph 4.2.27; the '*Response to the Green Alliance Report*', also May 2020, paragraphs 14 to 22; and the '*Rebuttal of key issues raised by objectors*' of 9 September 2020, paragraph 49.

present purposes, in order for the Secretary of State to undertake his critically important task of considering fully the implications of his decision on climate targets.

4.20. There has previously been a dispute between WCM and objectors as to whether the Environmental Impact Assessment Directive required WCM to assess end-use emissions. Friends of the Earth does not intend to argue that WCM is in breach of the EIA Regulations in this respect.

Inconsistency with carbon budgets and the net zero target

4.21. We will argue that opening the mine is inconsistent with the UK's domestic and international climate targets.

4.22. We will say it is beyond doubt that opening the mine will have an appreciable impact on the UK's legally binding carbon budgets, as confirmed by the CCC in its 29 January letter.

4.23. Further, consenting the project would be inconsistent with newly adopted UK climate target by 2035. Now that the Government has adopted the Sixth Carbon Budget to reduce GHG emissions by 78% in 2035 based on 1990 levels, this creates a pathway of substantial reductions that gives very little space for further extraction. We intend to draw evidence from the CCC's Sixth carbon Budget reports to support this argument, along with relevant government responses to the recommendations in those reports. We note that the Secretary of State's reasons for calling in this planning application included the CCC's recommendations for the Sixth Carbon Budget.

Damage to the UK's global leadership

4.24. WCM's mine, if permitted, would be the UK's first new deep coal mine in 30 years. As the Lord Deben noted, this would give a negative impression of the UK's climate priorities in the year of COP26. We will bring evidence showing how this would undermine the UK's climate leadership, and showing how this would harm efforts on the global stage towards combating the threat of climate change.

5. NEED FOR COAL AND DECARBONISATION OF THE STEEL INDUSTRY

5.1. Friends of the Earth notes that Lord Deben, in his 29 January letter, stated that *“coking coal should only be used in steelmaking beyond 2035 if a very high proportion of the associated carbon emissions is captured and stored”* and that the CCC has recommended that *“UK ore-based steelmaking be near-zero emissions by 2035”*.

5.2. This means that, in WCM’s original proposal, the Marchon mine would produce coal for 35 years after this near-zero emissions target date. This risks the mine becoming a stranded asset with no readily available market for the coking coal it would produce.

5.3. Friends of the Earth will bring evidence to show that the steel industry in continental Europe – the likely market for the c90% of WCM coal that, from the start of mining operations, will not be bought by UK firms – is developing strategies to decarbonise steel production, in line with targets for carbon-neutrality by 2050.

5.4. We will show that these strategies involve both planning and starting to move away from coal use in steel production, with many pilot projects underway or announced; and that the pace of change is likely to increase in the next few years as investment decisions are needed, given the lead-times involved.

5.5. We will bring forward evidence from both the steel industry and leading market analysts to show that the likely routes for steel decarbonisation in Europe - direct reduction initially using natural gas and subsequently hydrogen instead of coal, together with increased use of scrap steel – are currently seen as technically feasible.

5.6. We will bring evidence to show that it is technically possible to produce high grade steel using methods which do not require coking coal.

5.7. We will argue that all of this undermines WCM’s case that there is a need for Cumbrian coal in the UK and in continental Europe.

6. LANDSCAPE AND VIEWS

Introduction

6.1. This section sets out our case in relation to the effects on landscape and views. It falls under the following headings:

- Applicant's LVIA;
- Changes in Information Base;
- Landscape Character;
- Designated Landscape;
- Recreational Amenity;
- Residential Amenity; and
- Climate Change.

6.2. We reserve the right, if necessary, to change the detailed aspects of our case as relevant material is reviewed and fieldwork is completed, and to respond to any supplementary material submitted by others during the course of the inquiry process.

Applicant's LVIA

6.3. Our initial review of the applicant's landscape and visual impact assessment (LVIA) suggests that it broadly complies with the relevant guidance. However, this does not mean that we necessarily agree with every definition, judgement or use of terminology within it, and we shall be highlighting any points of difference. In doing so, we shall be considering aspects of its methodology such as whether:

- the viewpoints it uses are comprehensive and representative;
- any key views have been omitted;
- the number of visualizations is sufficient;
- the proposed mitigation will be as effective (and beneficial) as claimed;
- the ZTV and montage methodologies are robust;
- the in-combination effects (mine + RLF) have been adequately assessed;
- sensitivity and magnitude of change have been assessed fairly and consistently; and
- significance has been properly defined in accordance with good EIA practice.

Landscape Character

6.4. The LVIA assesses the development in relation to two landscape character types (LCTs) from the county landscape character assessment: 5d - Urban Fringe (in which the mine is located) and 4 - Coastal Sandstone (in which the RLF is located). It concludes that the effect on the former would be beneficial, whilst the effect on the latter would not be significant.

6.5. We intend to interrogate the assumptions underlying these conclusions, particularly in terms of the extent to which mitigation may achieve a net benefit, and the significance of impact on the Coastal Sandstone.

6.6. We also intend to consider whether the landscape character assessment has adopted a sufficiently detailed frame of reference, in accordance with that presented in the Copeland Landscape Settlement Study. This might suggest, for example, that

the Pow Beck Valley should be considered as the primary context for assessing the impact of the RLF, rather than the overall LCT.

Designated Landscapes

6.7. The LVIA concludes that the development would have no effect on the St. Bees Heritage Coast or on the Lake District National Park, and that any effect on the Landscape of County Importance would not be significant. We intend to review the assumptions underpinning these conclusions, with a view to confirming whether we consider them to be appropriate and in accordance with the NPPF requirement to protect “valued landscape”.

Recreational Amenity

6.8. The LVIA identifies the potential for significant adverse effects on the Coast-to-Coast Walk (CCW) and local footpaths. We intend to review these effects in terms of the sequential amenity of these routes for local residents as well as longer-distance walkers. We note that only one of the assessment views (14) relates to the CCW, and that this is located at a substantial distance (c5.5km) from the nearest part of the development (the RLF). We will also consider potential effects on any specific recreational locations such as defined viewpoints or visitor accommodation.

Residential Amenity

6.9. The LVIA identifies significant effects on residential properties along High Road, north of Sandwith and in the Pow Beck Valley (i.e. essentially those closest to the development), and states that the effects on all other residential receptors would not be significant. We will review these effects, with particular regard for whether the significance threshold has been properly applied. It should be emphasized that we do not intend to carry out a specific recreational amenity assessment (as is typically applied to windfarms, for example).

Landscape Impacts of Climate Change

6.10. Other parts of our case will be dealing with climate change, in so far as we do not accept the applicant’s argument that the market for metallurgical coke is inelastic and that any saving of GHG emissions associated with shipping from overseas suppliers amounts to a benefit. The adverse effects of climate change include harm to the special qualities of valued landscapes such as the St. Bees Heritage Coast and the Lake District.

6.11. The Lake District Management Plan states that “Climate change will have a direct impact upon what the Lake District looks like and how its environment, society, and economy function in the future.” Such impacts go to the heart of its designation as a National Park and World Heritage Site, and we will be making this point in evidence.

7. ECONOMIC BENEFIT

7.1. We will interrogate the assumptions and conclusions underlying WCM's assessment of the economic benefits of the mine, including its claims regarding job creation. On this we endorse the arguments made to date by South Lakes Action on Climate Change ("**SLACC**"). We will also present evidence about future opportunities for climate-friendly jobs in West Cumbria, which we understand are actively being investigated by a number of relevant bodies.

8. PLANNING CONDITIONS AND OBLIGATIONS

8.1. It is unclear what planning conditions and obligations WCM will contend for before the Inspector. We reserve our right to comment on these in due course.

8.2. As to the conditions and obligations proposed to date, we will argue that they do not make what is an environmentally unacceptable development acceptable. They do not, therefore, meet the second limb of Policy DC 13, or the first limb of NPPF paragraph 211. On this, Friends of the Earth endorses the arguments made to date by SLACC.

9. THE PLANNING BALANCE

9.1. We will argue the planning balance is that set out in our letter of 9 March 2021 to Cumbria County Council, at paragraphs 33 to 42. It clearly favours the refusal of planning permission.

DOCUMENTS TO WHICH FRIENDS OF THE EARTH WILL REFER

In addition to relevant national planning policy and practice guidance Friends of the Earth will make reference to the following documents (in addition to those referred to above):

- All application documents, environmental statement documents, consultation responses and other submissions, and committee and decision documents for application 4/17/9007 created or submitted prior to the call-in decision of 11 March 2021 (including, where relevant, material referred to or cited in such documents).
- Agora Energiewende and Wuppertal Institute (2021): *'Breakthrough Strategies for Climate-Neutral Industry in Europe: Policy and Technology Pathways for Raising EU Climate Ambition'*.
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