

DEVELOPMENT CONTROL AND REGULATION COMMITTEE

Minutes of a meeting of the Development Control and Regulation Committee held on Tuesday, 19 March 2019 at 10.00 am at Council Chamber - County Offices, Kendal.

PRESENT:

Mr GD Cook (Chair)

Mr A Bowness	Mr AJ Markley
Mrs HF Carrick	Mr W McEwan
Mr F Cassidy	Mr FI Morgan
Mr N Cotton	Mr D Wilson
Mrs BC Gray	Mr CP Turner
Mr D English	Mr K Hitchen
Mr LN Fisher	Mr M Wilson
Mr KR Hamilton	

Also in Attendance:-

Ms R Brophy	-	Planning Officer
Mr R Bruce	-	Legal Adviser Freeths
Ms P Christie	-	Solicitor
Mrs J Currie	-	Professional Lead - Democratic Services
Mr G Kenyon	-	Programme Lead, Infrastructure Planning
Mr P Haggin	-	Manager - Development Control and Countryside Management
Dr H Adams	-	Item 6 – Planning Application 4/17/9007
Dr R Balogh	-	Item 6 – Planning Application 4/17/9007
Ms M Birkby	-	Item 6 – Planning Application 4/17/9007
Mr K Cartner	-	Item 6 – Planning Application 4/17/9007
Mr D Douglas	-	Item 6 – Planning Application 4/17/9007
Mr T Lodge	-	Item 6 – Planning Application 4/17/9007
Ms M Mason	-	Item 6 – Planning Application 4/17/9007
Mr L Michaelis	-	Item 6 – Planning Application 4/17/9007
Ms S Moisha	-	Item 6 – Planning Application 4/17/9007
Mr S Parkinson	-	Item 6 – Planning Application 4/17/9007
Mr M Starkie	-	Item 6 – Planning Application 4/17/9007
Mr C Whiteside	-	Item 6 – Planning Application 4/17/9007
Mr M Kirkbride	-	Item 6 – Planning Application 4/17/9007
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PART 1 – ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

123 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr R Bingham, Mr J Holliday, Mr A McGuckin, and Mr M Worth.

124 CHANGES IN MEMBERSHIP

It was noted that Mr P Turner replaced Mr D Whipp as a member of the Committee on a permanent basis.

It was also noted that Mr M Wilson replaced Mr A McGuckin, and Mr K Hitchen replaced Mr R Bingham for this meeting only.

125 DISCLOSURES OF INTEREST

Mr F Cassidy declared a pecuniary interest under the Members Code of Conduct in Agenda Item No 6 (A) – Application Reference No 4/17/9007, as on a closer reading of the report he noted it made reference to a letter of support for the planning application from Mr J Woodcock, MP for Barrow, and Mr Cassidy works for Mr Woodcock. Mr Cassidy left the meeting at the point of his declaration and took no part in the debate, nor did he vote.

126 EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be not excluded during consideration of any items of business.

127 MINUTES

RESOLVED, that the minutes of the meeting held on 22 February 2019 be agreed with the following amendments:-

Page 8 – Minute No 108 – Changes in Membership change Mr Kitchen to Mr Hitchen.

Page 15 – Minute No 117 – Resolution b, at the end, Application Ref No should read 3/18/9005.

128 REPORTS ON APPLICATIONS FOR PLANNING PERMISSION

- (A) **Application Reference No. 4/17/9007. Proposal: Development of a new underground metallurgical coal mine and associated development including: the refurbishment of two existing drifts leading to two new underground drifts; coal storage and processing buildings; office and change building; access road; ventilation, power and water infrastructure; security fencing; lighting; outfall to sea; surface water management system and landscaping at the former Marchon site (High Road) Whitehaven; - a new coal loading facility and railway sidings linked to the Cumbrian Coast Railway Line with adjoining office / welfare facilities; extension of railway underpass; security fencing; lighting; landscaping; construction of a temporary development compound, and associated permanent access on land off Mirehouse Road, Pow Beck Valley, south of Whitehaven; and - a new underground coal conveyor to connect the coal processing buildings with the coal loading facility.**

Mr F Cassidy declared a pecuniary interest under the Members Code of Conduct in this item. Mr Cassidy left the meeting at the point of his declaration and took no part in the debate, nor did he vote.

Members had before them a report and an update report from the Acting Executive Director – Economy and Infrastructure which detailed a planning application for the development of a new underground metallurgical coal mine and associated development including: the refurbishment of two existing drifts leading to two new underground drifts; coal storage and processing buildings; office and change building; access road; ventilation, power and water infrastructure; security fencing; lighting; outfall to sea; surface water management system and landscaping at the former Marchon site (High Road) Whitehaven.

Members also had before them a copy of the late representations and objections received.

The application included a new coal loading facility and railway sidings linked to the Cumbrian Coast Railway Line with adjoining office/welfare facilities; extension of railway underpass; security fencing; lighting; landscaping; construction of a temporary development compound, and associated permanent access on land off Mirehouse Road, Pow Beck Valley, south of Whitehaven; and a new underground coal conveyor to connect the coal processing buildings with the coal loading facility.

The Manager – Development Control and Countryside Management referred members to the update report, which included an updated recommendation based on information received in relation to Natural England's representation on the shadow Habitats Regulations Assessment. Members noted the update, and amended recommendation.

The Manager – Development Control and Countryside Management and the Programme Lead - Infrastructure Planning Officer then took members through their assessment based on the report as updated by the update report in detail, beginning with an introduction, followed by the project description and the issues for members to consider.

The applicant, West Cumbria Mining (WCM) was a company that had been specifically created with the objective of developing the metallurgical coal resources in West Cumbria. The company had 3 licences granted by the Coal Authority, including 2 large offshore licence areas and a smaller onshore licence area.

The proposed development was for a large underground metallurgical coal mine. Metallurgical coal was also commonly known as ‘coking coal’ and was used in the process for the manufacture of steel. The initial phases would mine relatively small amounts of coking coal from under the land at Whitehaven, however the minerals would be predominantly mined from under the sea and then brought to the surface for processing indoors, within a new facility located on the former Marchon site in Whitehaven. Processed coal would then be transferred by underground conveyor to trains at a new loading facility and sidings in the Pow Beck Valley.

Whilst the principal mineral development proposed was for the extraction of coal under the sea bed off-shore and would require a licence from the Marine Management Organisation, the onshore elements of the proposal and the extraction of coal from underneath the land (taken as the point above the mean low water mark) require planning permission.

There were two restored landfill sites adjacent to the main site, which retained some associated infrastructure in association with their post closure management. An underground conveyor link was proposed to transfer processed coal to a Rail Loading Facility (the “RLF”) in the Pow Beck Valley. The route was mainly pasture land used for grazing.

The proposed rail loading facility and sidings would be constructed on a greenfield site adjacent to the existing railway in the Pow Beck Valley. However, the proposed access to the RLF would be through the access to the former Main Band Colliery.

The Manager – Development Control and Countryside Management and the Programme Lead - Infrastructure Planning Officer showed members a series of photographs and plans of the application site, which contained detailed plans of the main mine site, the proposed rail loading facility, and the underground conveyor and included landscaping plans and visualisations.

They outlined a series of issues for members to consider, including:-

- Need for coal
- Climate change
- Location re planning policy
- Landscape
- Ecology
- Transport
- Contamination

- Water and drainage
- Amenity
- Economic benefits

The Officers then summarised the statutory basis for determining the planning application in accordance with the development plan unless material considerations indicate otherwise. The Officers reminded Members of the development plan documents and identified policy DC13 of the Cumbria Minerals and Waste Local Plan as a key policy on the consideration of the planning application. The Officers outlined that there were 3 stages to the test in policy DC13 that Members had to consider and address in the order set out below. Under policy DC13, planning permission for coal extraction would 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.

The Manager – Development Control and Countryside Management then detailed the proposed Section 106 agreement which was planned to secure the mitigation set out in the report and to obtain agreement from all landowners.

Mr Robert Bruce from Freeths explained to Members the restoration security proposed as outlined in the report and that enough money would be in the restoration security to carry out restoration at the site and the aftercare in the event of the company's failure or default on relevant provisions to be contained in the agreement. This would be via a bond, a cash deposit or other security to be agreed with the County Council. The security would cover each phase of the works and be in place for around 60 years until completion of the aftercare. It was unlikely that a continuous single restoration security would be in place for the full 60 years, and it was probable that the security would be provided on a phased approach, but that would be covered under the terms of the S106 agreement. Robust provisions would be included in the S106 agreement to cover the risks if any restoration security was time limited. Freeths considered that the proposed mechanism to be included in the S106 agreement to secure restoration and aftercare without cost to the County Council was a robust and effective mechanism.

In conclusion the officer confirmed the proposal complied with policy DC 13 and the development plan as a whole. There were no other material considerations that indicated that the application should be determined otherwise, therefore officers were recommending that planning permission be granted.

The meeting broke at 11.15am and reconvened at 11.25am.

One of the Members asked about the permissive footpath going through the site and whether this would be an additional public right of way. The Officer confirmed that this was an additional permissive route, but linked closely with the coastal path and other public rights of way in the area, including the Coast to Coast footpath.

The Member also mentioned restoration bond securities and the need to protect the County Council and rate payers. Mr Robert Bruce from Freeths explained the proposed restoration security further as set out in the report and confirmed that Freeths consider it to be robust and effective.

The Member also raised a question regarding the Byerstead Fault. The Officer explained where this was located in relation to the proposed new drifts.

A Member asked whether alternative locations had been considered for the Rail Loading Facility. The Officer explained that a route between Marchon and Corkickle had been considered by WCM but that this had been dismissed as not being a feasible option.

Members asked whether there would be a need for any improvements to the railway line which would serve the facility. The Officer said that improvement would be likely to be required, but this would be a matter that Network Rail could secure and did not necessitate Cumbria County Council to secure it.

Members were concerned about the visual impact of the new building and the impact on the landscape of this. They asked if there were any plans to take a more measured attempt to blend the building into the surrounding area. Officers explained the landscaping proposals around the perimeter of the site and reference was made to the planning condition proposed for imposition which would require the submission of details of colour, finish etc of all buildings to be submitted to the County Council for approval in order to ensure that the impacts of the buildings were minimised as far as possible.

A couple of Members commented that they would like to see the Community Liaison Group involved in monitoring some of the conditions of the application, if it was approved.

A Member asked about potential noise associated with the operation of the RLF, and impacts this could have on the amenity of those in the vicinity. The officer made reference to the proposed planning condition that would apply noise limits at properties in the vicinity.

A Member asked who would be responsible for dealing with the contamination on the Marchon site, and assumed that this would be a shared responsibility. The officer responded by advising that the proposed planning condition would require detailed site investigations and remediation works and that the County Council would liaise with the Environment Agency as regards compliance with these requirements.

A Member enquired as to whether the use of solar energy had been considered as a means of creating energy to power the site. The officer responded by advising that the proposed buildings would occupy most of the Main Mine site and so there would be little scope for the inclusion of photovoltaics or other renewable proposals.

One of the Members asked about the plans for lighting the site. The officer confirmed that all lights would be downward facing and there would also be low level bollard lighting at the RLF site to mitigate the impact of the additional lighting, but also pointed out that health and safety would need to be a consideration.

A Member asked whether the height of the building on the Main Mine site could be lowered. The Officer advised that this would probably not be possible.

Members asked about the replanting of trees to accommodate the loss of woodland and whether these could be replanted over the conveyor. The officer confirmed this to be the case.

The Chair then opened the meeting to public participation, with the following representations being heard: (Note: to follow are some of the notable points made by speakers, not a complete summary of all comments made)

Dr Henry Adams - strongly objected to the application on behalf of South Lakes Action on Climate Change (SLACC). This was on the basis that the carbon emissions the proposal would add would be so significant as to prevent Cumbria from declaring a *meaningful* Climate Emergency, (ie on track towards net carbon zero by 2030), and would result in unacceptable damage to our life support system, resulting in many thousands of deaths.

Dr Adams calculated the CO₂ emissions from WCM's production figures - over 8 million tonnes of CO₂ per year; 400 million tonnes of CO₂ over 50 years – before adding upstream emissions and other greenhouse gases, likely to be significant because of the high methane content of the strata. Such emissions would undermine Cumbria's chances of reaching zero carbon emissions by 2030 which is what the UK has to do to have a good chance of keeping global average temperatures below 1.5 degrees C. He explained that it is necessary to keep to below 1.5 degrees (as opposed to 2 degrees which was the target) because of the publication last October of the Intergovernmental Panel on Climate Change (IPCC) Special Report which showed the harms at plus 1.5 degrees are very bad and get much worse at plus 2 degrees than previously thought. He explained this means there is a need to rapidly reduce carbon emissions immediately, yet this proposal does the opposite.

Dr Adams was concerned that the Committee Report supports WCM's claims that producing coking coal would result in CO₂ savings from shorter shipping routes. He considered this to be a 'red herring' because savings would be about 1% of the size of the combustion emissions for the same weight of coal, so for WCM to produce any global reductions in CO₂ it would have to replace 99% of equal weight of coal from a nation further away from Europe such as the US. He asked how other nations could be required to leave an equal weight of coal in the ground to enable their coal to lead to emissions reductions. He pointed out that there are no global means of capping the rate of coal supply/demand, and that this assumes the global market is more solely determined by demand, which is contrary to basic economics. Dr Adams considered it obvious that if a new source of fossil fuel is added to the global market, this will add to the total in the global market; add to global carbon emissions and threaten the economic viability of new methods being developed to

get steel from iron ore. Dr Adams explained that Committee Report gives more weight to WCM's claims than climate change groups with relevant expertise.

He also referred to a High Court judgement (March 2019) on the NPPF with reference to fossil fuels where a judge ruled that the government was acting illegally when it failed to consider the latest climate science when it transposed into a paragraph in the 2018 revised NPPF a 2015 Written Ministerial Statement concerning onshore oil and gas extraction, including fracking. This precedent implies that the NPPF paragraphs on fossil fuels, including coal, need to be re-examined and updated with regards to additions to climate change science, and that the NPPF paragraph on coal could be illegal too. Dr Adams further implied that the Committee Report could also be illegal because it omitted the fact that claimed CO2 savings from shorter shipping distances are only about 1% of the combustion emissions of the same weight of coal. Dr Adams concluded that because policies will have to change, and the proposal covers many years, councillors must be prepared to look beyond the current planning rules.

The Members then heard from Dr Ruth Balogh from Friends of the Earth (FoE) West Cumbria and North Lakes who welcomed the opportunity to object to the mine in front of the Committee. On behalf of FoE England, Wales and Northern Ireland (EWNI), who were unable to present the points in person, having not been notified of the committee hearing, Dr Balogh drew Committee members' attention to the Aarhus Convention, which the UK was a signatory. This aimed to ensure fair public participation in decision-making, especially for EIA applications. FoE felt strongly that Cumbria County Council should have found the means to individually notify all previous respondents of their opportunity to speak at committee, which FoE states is standard procedure for other authorities. FoE's concern extended to other objectors who may also have been denied their right to speak.

Dr Balogh said FoE EWNI maintained 3 key objections to the application and was disappointed with officer recommendation to approve the application. The key objections were:

- The need to consider the impact of the proposal on climate change, given the UK targets under the Climate Change Act 2008, NPPF para 148 and the UK signing of the Paris Agreement in 2015. Dr Balogh explained that coal has the highest carbon intensity of all fossil fuels and despite the proposed use for steel making and not energy generation, mining on the proposed scale and for 40 years conflicts with the above;
- Compatibility with the Cumbria Minerals and Waste Local Plan (2017) and NPPF approach to coal, given the removal from the NPPF (since the submission of the application in 2017) of the 'great weight' previously given to the benefits of coal extraction and reference to the tests in para 211, and
- The incompatibility with government announcement on coal phase out, given coal phase out for unabated coal powered generation and with diminishing weight given to coal in the NPPF – It is clear that coal has had its day. FoE acknowledged the intent for coal in steel making, but considered the scale of extraction, including extraction of middlings coal to be incompatible in light of wider government approaches.

Dr Balogh questioned the weight given in the committee report to the assessment of environmental and economic impacts. FoE trusted that the application would be refused on the above grounds, and that the council realised the employment benefits and “need” identified would not outweigh significant environmental impacts that such a scheme would have.

Robert Bruce at Freeths LLP explained that there was no legal requirement in UK legislation to notify individuals of a Committee meeting. The requirement in the legislation was to post a public notice. The County Council followed its usual process in posting a public notice of the Committee meeting. The Aarhus Convention was an international treaty that the UK Government had signed and referred to the public concerned being informed by public notice or individually as appropriate of a public hearing. The Aarhus Convention was not directly enforceable in UK law and the UK Parliament had considered it appropriate to enact legislation that required a public notice. The County Council must comply with the UK legislation.

Mr Bruce also explained that FoE EWNI did not register before the deadline to speak at the Committee meeting. However, officers offered FoE EWNI the opportunity to speak notwithstanding the deadline had expired, with the agreement of the Chair of the Committee. Mr Magnus Gallie at FoE EWNI said that he was unable to attend, but officers agreed to the FoE local branch also speaking on behalf of FoE EWNI and addressing their points. Mr Bruce advised that on this basis he also did not see how there was any difficulty in practice on the issue in regard to FoE EWNI.

Ms Marianne Birkby spoke on behalf of Keep Cumbria Coal in the Hole Campaign and asked members not to let Cumbria be the first place in 30 years to open a deep coal mine in the UK. She referred to concerns/objections raised by opponents to the proposal, including CO2 emissions and the impacts on climate change, also given the proposed duration of the mine; lack of information provided by the applicant regarding the excavation of the new drifts; the robustness of the analysis of the potential for seismicity and subsidence, in relation to the proximity of Sellafield, Drigg and other facilities and the significant risks of subsidence offshore, where there are known to be layers and chemical and radioactive pollution on the sea bed; the potential for liquefaction at Sellafield; and the potential adverse impact of the application of St Bees Head SSSI through disturbance to breeding and wintering birds.

Ms Birkby asked that the County Council listen to the objections and refuse the planning application.

Ms Birkby presented a petition containing 1157 signatories objecting to the planning application.

The Committee then heard from Mr Keith Cartner on behalf of the Mirehouse Residents Group (Community Involvement Co-ordinator), who wished to register their full support for the proposed mine development at Woodhouse Colliery. The points he made were about the fact that the community currently sits high on the

index of multiple deprivation with consistently high rates of unemployment, low income and limited opportunities for its residents. South Whitehaven desperately needs these jobs and the economic stability it will bring to families in the area. Mr Cartner said that throughout the application process West Cumbria Mining had been approachable, open and honest with local communities.

The meeting broke for lunch at 12.30pm and reconvened at 1pm. There were 15 members present after lunch.

Mr David Douglas spoke in support of the application for the following reasons:-

- The need for coal
- Devastation of former coal communities
- Future employment and regeneration opportunities
- Positive impact of locally mined coal in terms of reductions in fuel usage and environmental pollution

Mr Tony Lodge – Political and Public Policy Advisor to WCM - spoke on the markets of the WCM project and government policy presently governing coal. He asked members to note that his role had been to ensure everything which WCM had undertaken and sought to do had been fully in line and in agreement with national legislation and in line with what the Government and its Ministers wanted to see from such an industrial project. He explained that WCM has worked to engage with Cabinet Ministers, Ministers of State, Members of Parliament and local councillors to explain the project and how it would support the Government's Industrial, export and Northern Powerhouse strategies and improve regional transport plans.

Mr Lodge explained that none of the coal extracted by WCM would be used to generate electricity because it was specialist high grade metallurgical coal. He detailed the national and international policy landscape which had fundamentally steered and helped develop this industrial project and why the use of alternative thermal coal for electricity generation would very soon be history in Britain. Mr Lodge concluded by stating that the Government and its policy makers support the project.

The Members then heard from Ms Maggie Mason, who has an Architecture Degree and post graduate qualification in Town Planning and was a senior Minerals and Waste planner in Kendal for 10 years. Ms Mason felt the committee report in front of members was misleading in relation to:-

- climate change impacts;
- the UK need for metallurgical coal; and
- the national, local and community benefits.

Ms Mason also felt that the proposal does not provide "benefits" that clearly outweigh the impacts; NPPF para 211 tests fail; the presumption against coal extraction stands; and the application should be refused. Ms Mason considered that the likely Climate Change impacts directly attributable to the mining development were significantly negative, not balanced, and that other adverse environmental impacts were significant. She also felt that significant national economic benefit had

not been demonstrated; and local employment benefits were medium to short term and would be offset by enduring negative impacts on tourism. Ms Mason concluded by stating that even if climate impacts are ignored, the proposal does not conform with NPPF para 211 or relevant policies in the Local plan, and asked for the planning application to be refused.

Members then heard from Mr Laurie Michaelis, speaking against the application, on behalf of Living Witness, who has worked for over 35 years on climate-related issues; has been lead author for several reports of the IPCC and provided analysis and policy advice for UK Government, Europeans Commission, OECD environment ministers and the UN climate negotiators. His concerns were in relation to climate change, including the lack of quantification in the Environmental Impact Assessment of greenhouse gas emissions from the mining operation or from using coal, methane emissions, and that the application runs counter to Cumbria County Council's Climate Change Strategy. Mr Michaelis stated that major efforts are needed globally to reduce raw steel demand and decarbonise production, and made reference to alternative technologies, and stated that the mine risks becoming a stranded asset. He stated that there was a moral responsibility to stop the mine going ahead, and that the application exposed the Council to a risk of future litigation if it knowingly took a decision that contributed to future climate change on a large scale.

Ms Sam Moisha then spoke against the application, on behalf of Radiation Free Lakeland (RFL), and raised the following points with members:-

- the economic sustainability of the application
- the community benefit of the application
- the financial viability of producing coal for the steel industry market
- the non-local investment model
- the effect of global divestment from fossil fuels on the application
- the safety aspects of the application including seismicity
- the inability of the applicant to guarantee jobs
- the failure of the application on planning grounds of sustainable economics and environmental sustainability
- alternative models of secure job creation

Members then heard from Mr Stuart Parkinson, an environmental scientist, with over 25 years' experience of research and advocacy work on climate change and energy issues (with a PhD in climate change science from Lancaster University; 5 years as a post-doctoral research fellow in climate and energy policy at Surrey University; a year as an expert reviewer for the UN advisory body the IPCC and 15 years as executive director of Scientists for Global Responsibility, based in Lancaster). The main grounds on which he objected to the planning application for Woodhouse Colliery was that it would fuel global climate change, including undermining the UK's commitments under the 2008 Climate Change Act (CCA) and the 2015 Paris Agreement on Climate Change. He made specific points about the following:-

- Coal extraction and carbon emissions
- Methane emissions that would be emitted from the mine which

- would further exacerbate climate change
- Less carbon intensive production methods are slowly being developed and this mine would not help the transition
- Additions from this mine to global coal supplies would be more likely to increase use of coal internationally, rather than saving carbon emissions
- Medium/long term plans for the phase out of coal
- UK Carbon pollution targets
- Environmental concerns – that some environmental regulations are poorly enforced in the UK
- Seismic activity and proximity to Sellafield

Mr Mike Starkie, Elected Mayor of Copeland then spoke in full support of the proposal, to say that he had taken a close interest in, and closely followed the progress of West Cumbria Mining since his election as the elected mayor in 2015. He raised the following points with members of the Committee:-

- Through his engagement with local people, Mr Starkie reported an awareness of a consistently high level of support for the new mine. Noted that local people want jobs for their families and children with security and opportunities.
- Acknowledged the employment opportunities and wider socio-economic benefits that the new mine would bring to some very poor areas close to the proposed mine where there are high levels of deprivation, and to Copeland and West Cumbria in general.
- Emphasised the support from Copeland Borough Council for the proposal which suggests a belief that the mine would not have negative impacts and fits with the development plans of the area.
- Praised WCM's approach to public and stakeholder engagement
- Need for diversification from nuclear industry is apparent with changes at Sellafield and the loss of Nugen's Moorside Project. The mine offers this opportunity and it is important that new projects such as this are supported.
- Disagreed with the views of the opposition groups, and could not see how the mine with all of the controls, planning conditions and regulations which would be imposed could result in the negative impacts claimed.
- Noted the support of the proposed mine by many other local businesses, including Sellafield.
- Asked Members to look favourably on the benefits to Copeland and Cumbria and approve the application.

The Chair then invited the Local Member for Egremont North and St Bees to speak, and Mr Chris Whiteside, speaking in support of the proposal, made the following points:-

- Acknowledged the enormous potential benefits of the application for West Cumbria as well as the substantial concerns for the environment which needed careful assessment, together with the complexity of the application, hence the time taken to get to Committee.

- Noted the main impact in his division would be from the Rail Loading facility on the countryside south of Whitehaven; on amenity of local residents, but that this should be seen in the context of the existing impacts of the A595, the main strategic road in the area. Investment in improved railway capacity is preferable to using the A595 which is unable to cope with existing demand.
- Impacts on health services – He considered that by bringing jobs and people to the area, the application would make the local NHS more sustainable, not less.
- He hoped that the conditions/S106 Agreement would be imposed/enforced to ensure the height levels of the RLF buildings would be kept to a minimum; hours of operation/noise impacts minimised and highway improvements implemented.
- Convinced that provided every effort made by applicant and Cumbria County Council to minimise environmental impacts, the benefits to the community and the strategic gain to the country in supporting the steel industry, outweigh the environmental impacts.
- Urged committee to support the application with a S106 agreement and strong conditions.

The Chair then invited the applicant to address the Committee.

Mr Mark Kirkbride, the Chief Executive of West Cumbria Mining addressed the Members. As a fully qualified and chartered mining engineer, with more than twenty-five years' experience in the industry, and a Fellow of the Institute of Materials, Minerals and Mining, he believed he was suitably qualified to provide robust evidence based information to this committee.

Mr Kirkbride said it was apparent that the UK needed its own strong and sustainable industrial skills to provide long term economic benefits. He said it had taken more than five years of development, with an investment in excess of £30 million, to get the project to this stage and that the mine would generate over 500 real jobs, delivering a major boost to the economy at local, county and country levels, helping to reduce the UK balance of trade deficit.

He fully supported the view that renewables were the way forward for energy generation and that coal should no longer form part of the UK energy mix. However, this was an industrial project, wholly focussed upon providing specialist coking coal for steelmaking. He stated that this was a rare form of coal found in very limited locations around the world; outlined the demand for steel; detailed the amount of coking coal currently imported by the UK and Europe each year; explained that two large UK steelworks (at Scunthorpe and Port Talbot) have expressed a desire to buy their product, and that major steelmakers in Europe have expressed a wish to source coking coal locally instead of imports coming from afar, including the USA.

West Cumbria Mining was very much aware of the climate aspects of the project with the high level of focus upon climate change and greenhouse gas emissions, and Mr Kirkbride asked members to note that a key element of the project was that there was no net increase in CO2 emissions. He outlined the benefits of the

proposal; referred to the controls that would be in place if approved; referred to the high levels of support for the project, and asked for Members to support approval of the proposals.

Members asked Mark Kirkbride the following:

- The potential for methane capture/escape. Mr Kirkbride explained how the process would work at the mine.
- How the conveyor would be constructed; whether it would be manufactured in Cumbria, and how it would be ventilated. Mr Kirkbride advised that WCM has identified three potential suppliers in Cumbria and this includes one in Maryport, and that the conveyor would be fully ventilated without the need for any further inspection units.
- How WCM would ensure there would be socio-economic benefits. Mr Kirkbride explained that WCM would continue to run a Liaison Committee, which has 14 key commitments, including an annual contribution into a community fund. The Manager for Development Control and Countryside Management advised that WCM's commitment to a community fund could not be taken into account by Members in making a decision on this planning application.
- Why WCM proposed a 50 year life for the mine. Mr Kirkbride advised that there is sufficient resource to mine for a much longer period and that they would not be developing a mine for it to close in 5 years' time.

The Chair thanked all of the participants for their contributions.

Upon conclusion of the debate it was moved and seconded that the recommendations contained in the update report be agreed. This was then put to a vote, with 15 for and 0 against. It was therefore

RESOLVED that, having first taken into consideration the environmental information as defined in the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application and the shadow Habitats Regulations Assessment which concludes that there is no adverse effect from the project on the integrity of any European site, alone or in combination with any other plan or project and having taken into account all other material considerations that:

Planning permission be **GRANTED** subject to:

- i. the Development Control and Regulatory Committee first considering any representation received before the Committee meeting from Natural England (which the Committee considered at the Committee meeting);
- ii. the Committee determining the planning application on the basis of the reasons set out in the Committee Report as updated by the Update Report for the Committee meeting (which was agreed by the Committee at the Committee meeting);

- iii. the Acting Executive Director of Economy and Infrastructure after the Committee meeting adopting the shadow Habitats Regulations Assessment (HRA) as the Council's HRA under Regulation 63 of the Conservation of the Habitats and Species Regulations 2017;
- iv. the conditions set out in Appendix 1 to the Committee Report as updated by the Update Report for the Committee Meeting;
- v. the applicant (West Cumbria Mining) and other relevant interest holders first entering into a Section 106 legal agreement with the County Council to cover:
 - ◆ HGV Routeing;
 - ◆ Public Rights of Way Contribution;
 - ◆ Highways Contribution;
 - ◆ Travel Plan Monitoring Fee;
 - ◆ Council S106 Administration Costs;
 - ◆ Extension to the Aftercare Period;
 - ◆ Heritage Asset Enhancements;
 - ◆ Pedestrian and Cycle Path;
 - ◆ Restoration of Main Band Colliery
 - ◆ Restoration Bond / Securities;
 - ◆ Drain Surveys & Maintenance; and
 - ◆ Residential Land Restriction (Lake View and Stanley House properties).

129 DATE AND TIME OF NEXT MEETING

The next meeting will be held on 5 April 2019 at 10am at County Offices, Kendal.

The meeting ended at 1.55 pm