



Councillor Stewart Young
Cumbria County Council
Cumbria House,
117 Botchergate,
Carlisle,
Cumbria
CA1 1RD

18th February 2021

Dear Stewart,

We write with concerns around Cumbria County Council's recent decision to consider the application for Woodhouse Colliery for a fourth time which, regardless of the decision, now represents a serious risk to Cumbria's economic growth, diversification of the West Cumbrian jobs market, and inward investment to Cumbria.

The application was previously approved on 19 March 2019, 31 October 2019 and 2 October 2020.

Your press office issued the following statement:

"After the receipt and consideration of new information, Cumbria County Council's Development Control and Regulation (DC&R) Committee will now reconsider the planning application by West Cumbria Mining to create a metallurgical coal mine off the coast near Whitehaven.

This decision has been taken because in December 2020, the Government's Climate Change Committee released its report on its recommendations for the Sixth Carbon Budget, a requirement under the Climate Change Act.

The report, among other things, sets out the volume of greenhouse gases the UK aims to emit during 2033-2037. This new information has been received prior to the issue of the formal decision notice on the application. In light of this the Council has decided that the planning application should be reconsidered by DC&R."

But the email sent to MPs and members of the Development Control and Regulation Committee sets a different tone:

"Following the recent threat of legal challenge relating to the determination of the West Cumbria Mine, and having received formal planning and legal advice on this challenge and given full due consideration, it has been decided to return the West Cumbria Mining planning application back to Committee for a redetermination. This is in order to take into account the recommendations of the Committee for Climate Change which published its report (the Report) on its recommendations for the UK sixth carbon budget in December 2020, two months after Development Control and Regulations Committee made its last decision, but before the Secretary of State (MHCLG) lifted the Article 31 Holding Direction. The recommendations of the Report have yet to be considered by the UK Government but may have implications for the planning merits of this case."

This is, of course, not true and is immaterial to the application – it is not for the Council to 'take into account' recommendations that the Government is yet to consider, and may not adopt. Should they adopt them there is still no material impact on this development, and we are concerned that there is a level of misunderstanding around the report which could leave the council susceptible to legal challenge.



It is not for Cumbria County Council to determine national policy.

The Climate Change Committee published their Sixth Carbon Budget on 9th December 2020, setting out a number of pathways to reducing emissions. The budget is clear that the pathways are for guidance only, and that each sector has multiple options.

Coking coal is mentioned just once in the report, and neither the report or the accompanying 'Policies for the Sixth Carbon Budget' present a viable alternative to coking coal in the steel-making process.

On the 7th January 2021, Richard Buxton Solicitors wrote to Cumbria County Council on behalf of South Lakes Action on Climate Change – Towards Transition. In their letter they seek to suggest that sectoral pathways offer fixed emissions targets, with coal mining having a 'budget' that the opening of the Woodhouse Colliery would then exceed. This is, as you know, categorically not the case.

Richard Buxton also assert that the conclusions from your officers run contrary to the report from the Committee on Climate Change, which again can be seen in the figures that they provide to be untrue.

No one disputes that the requirement for coking coal will reduce as we decarbonise the steel-making process. But your officers remain absolutely correct in their assertion that there is no commercial alternative to coking coal in some parts of the steel-making process, and that current large scale trials for substitution relate only to one part of the process – and as the figures that Richard Buxton rely on show, that accounts for only 5% of the reduction. Other reductions come from substitution – such as the switch to EAF that still requires the addition of coke – or from CCS, which does not reduce the need for coking coal but mitigates the impacts.

As you will know, the budget is also clear that while it recommends that the UK's share of International Aviation and Shipping emissions should be properly accounted for in the sixth carbon budget, they are not.

On the 29th January 2021 Lord Deben wrote, as Chair of the Climate Change Committee, to Robert Jenrick setting out his opinion on the Woodhouse Colliery. That opinion, which is not supported by any accompanying methodology or data for his assertions, is contrary to multiple expert opinion on import substitution. It also fails to account for shipping emissions.

His opinion is contradictory in that he acknowledges, as does his sixth carbon budget, that coking coal will continue to be used in steelmaking past 2035, while its impact should be mitigated. But he goes on to say that his report has the following implication for coking coal use in the UK:

"Coking coal use in steelmaking could be displaced completely by 2035, using a combination of hydrogen direct reduction and electric arc furnace technology to meet our recommendation that UK ore-based steelmaking be near-zero emissions by 2035."

As we have clearly set out, this is demonstrably untrue. It is also not what the report says, which is that:

"Government should target near-zero emissions from ore-based steelmaking in the UK by 2035. This could include CCS applied with high capture and application rates."

Lord Deben also says in his letter that the mine will have an 'appreciable impact' on UK carbon targets, West Cumbria Mining assert that, through their expected emissions reductions, their resulting emissions will contribute to less than 0.1% to the UK's sixth carbon budget.



The report specifically acknowledges ongoing use of coking coal but suggests CCS to mitigate the impacts. For clarity, electric arc furnace technology does not remove the requirement for coking coal – either in new steel or in wholly recycled steel, and expert reports commissioned by all sides in the planning application attest to that. While the coking coal from Whitehaven is destined for steelmaking, it is also worth pointing out that UK usage of coking coal is much wider, from cement production to electric vehicle car batteries – and even the electrodes for the electric arc furnaces on which we'll rely.

This letter, alongside others, brought national and international interest to bear. This included the Shadow Business Secretary Ed Miliband, appearing on Andrew Marr on Sunday on Sunday 7th February to tell us that Labour's position is that this mine should not go ahead.

As of last week, sources from inside and outside your council tell us that the formal grant of planning permission was just hours away. Despite having had two months to consider the impacts of the sixth carbon budget, and a month to consider the threat of legal challenge from SLACC – which has in any case endured throughout – and having had significant recent national and international interest, there was no sign of redetermination.

This can only lead us to the suggestion that this was a political decision relating to a quasi-judicial process. We know that you will be keen to disprove this, so are therefore asking you to provide us with, or publish, the legal and planning advice that your internal emails tell us have been received.

We call on Cumbria County Council to now issue the formal grant of planning permission to West Cumbria Mining following the decision of the Development Control and Regulation Committee on October 2nd 2020 – which was the third such granting of approval by the council for the this project, as you will know.

Yours sincerely

Trudy Harrison MP

Member of Parliament
Copeland

Mark Jenkinson MP

Member of Parliament
Workington

Simon Fell MP

Member of Parliament
Barrow in Furness

John Stevenson MP

Member of Parliament
Carlisle

Councillor Mike Johnson

Deputy Leader
Allerdale Borough Council

Mayor Mike Starkie

Elected Mayor
Copeland Borough Council

Richard Holden MP

Member of Parliament
North West Durham

Jacob Young MP

Member of Parliament
Redcar

Ben Houchen

Tees Valley Mayor

Dehenna Davison MP

Member of Parliament
Bishop Auckland

Paul Howell MP

Member of Parliament
Sedgefield

Heather Wheeler MP

Member of Parliament
South Derbyshire

Yours sincerely



Matt Vickers MP

Member of Parliament
Stockton South

The Rt Hon Jake Berry MP

Member of Parliament
Rossendale and Darwen

Craig Mackinlay MP

Member of Parliament
South Thanet

Lee Anderson MP

Member of Parliament
Ashfield

Ben Bradley MP

Member of Parliament
Mansfield

Scott Benton MP

Member of Parliament
Blackpool South

Brendan Clarke-Smith MP

Member of Parliament
Bassetlaw

Philip Davies MP

Member of Parliament
Shipley

Paul Bristow MP

Member of Parliament
Peterborough

Paul Maynard MP

Member of Parliament
Blackpool North and Cleveleys

James Daly MP

Member of Parliament
Bury North

Imran Khan MP

Member of Parliament
Wakefield

Chris Green MP

Member of Parliament
Bolton West

Dr Kieran Mullan MP

Member of Parliament
Crewe and Nantwich

Damien Moore MP

Member of Parliament
Southport

Ian Levy MP

Member of Parliament
Blyth Valley

Craig Whittaker MP

Member of Parliament
Calder Valley

Karl McCartney MP

Member of Parliament
Lincoln

Aaron Bell MP

Member of Parliament
Newcastle-under-Lyme

Johnathan Gullis MP

Member of Parliament
Stoke-on-Trent North

Alec Shelbrooke MP

Member of Parliament
Elmet and Rothwell

Andrea Jenkyns MP

Member of Parliament
Morley and Outwood

Nick Fletcher MP

Member of Parliament
Don Valley

The Rt Hon Robert Goodwill MP

Member of Parliament
Scarborough and Whitby



James Grundy MP

Member of Parliament
Leigh

Craig Tracey MP

Member of Parliament
North Warwickshire

Holly Mumby-Croft MP

Member of Parliament
Scunthorpe

Crispin Blunt MP

Member of Parliament
Reigate

The Rt Hon Robert Halfon MP

Member of Parliament
Harlow

Mark Menzies MP

Member of Parliament
Fylde

Christian Wakeford MP

Member of Parliament
Bury South

Andrew Percy MP

Member of Parliament
Brigg and Goole

Mark Eastwood MP

Member of Parliament
Dewsbury

Simon Baynes MP

Member of Parliament
Clwyd South

Anthony Higginbotham

Member of Parliament
Burnley

The Viscount Ridley DL

The Rt. Hon the Lord Lilley

The Rt Hon. the Lord Henley