

06/05/2020

Dear Mr Haggin

West Cumbria Mining: Planning Application Ref 4/17/9007: Woodhouse Colliery, High Road, Whitehaven

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.

West Cumbria Mining [WCM] submitted a planning application in May 2017 for the development of a new metallurgical coal mine and associated infrastructure including rail loading facility near Whitehaven. The application was determined at Committee on 19 March 2019, with the decision ratified by Committee in October 2019.

In my letter of 10<sup>th</sup> March 2020, I outlined a change to the internal coal processing technique which would result in the removal of the by-product middlings coal. The by-product middlings coal was an unwanted, lower value material generated by the original processing plant design, which WCM had found a market for.

Using the most recent results obtained from offshore coal sampling, WCM has undertaken a review of the coal processing plant process with the objective of minimising or eliminating the by-product material.

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This feasibility work has resulted in a refined process with a minor adjustment to the original internal design of the processing plant. This process adjustment will enable 100% of the coal recovered from the Run of Mine (RoM) material to meet the classification requirements for our target product, premium metallurgical coal.

Therefore, 100% of the processed coal exported from the site (i.e. 2,780,000tpa at full production) will be premium metallurgical coal for use in steel making. To clarify, there is no change to the proposed quantum of coal produced from the mine, which remains consistent with the original application. Processes have, however, been refined to eliminate the production of middlings coal. These processes are explained in the following paragraphs.

### Process change

In the original process plant design, all of the coal would have been crushed to 3mm topsize before being passed through a series of cyclones, sieves and screens, as it was washed to produce the premium metallurgical coal product. At that stage, test data showed that the process design would also produce middlings coal as a by-product (along with the reject material, which is rock overburden, and which WCM proposed, and still proposes, to return to the mined-out void spaces). The middlings coal by-product did not meet the specification for premium metallurgical coal because it exceeded the maximum sulphur content required for that specification.

In the refined process design, which is aimed at reducing sulphur in the coal, all of the coal will be crushed to 6mm topsize before being passed through a similar series of cyclones, sieves and screens, however there will be an additional process to enhance the separation and removal of pyritic sulphur matter, in order to ensure that all the coal achieved from the processed RoM material meets the desired specification for premium metallurgical coal without the need to separate out higher sulphur material.

Essentially, we have introduced an additional step in the treatment process which improves the cleaning efficiency so that we do not need to have a proportion of coal which does not meet the specification for premium metallurgical coal.

Since this adjustment relates only to the internal processing of the product within the coal handling and processing plant, with no difference to the external appearance of the site or the overall quantity of coal that is being mined or exported, it is not considered that it will give rise to any material difference in the effects of the proposal.

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### Update to members

The description of the development remains consistent with the original application. A number of updates are thus being made to the ES to take into account some changes proposed to the internal coal processing. This means that consideration of the proposed development will, in any event, return to relevant committee of the minerals planning authority for consideration.

In addition, judicial review proceedings have been brought [Claim Number CO/4880/2019] against the Council's previous resolution to confirm the decision to grant consent to the Proposed Development. Permission to proceed with those proceedings has been granted by the court [by order dated 4 February 2020] but no date has been presently set for a substantive hearing. Both the Council and WCM are defending the proceedings and consider the challenge has no merit.

However, notwithstanding and without prejudice to the parties' respective positions, the high court practice encourages parties to consider whether there are alternative ways in which their disputes can be addressed outside the court. Accordingly, given the above circumstances, and without prejudice to WCM's position in those proceedings, the opportunity has been taken by WCM to provide further updates and clarification on greenhouse gas emissions, amongst other things, in order to help to eliminate, or in any event, to minimise, areas of possible dispute.

It may also help to address some of the misunderstandings present in some of the objections to the approach adopted in respect of this application; some of which have been carried through in the claim for judicial review in the high court challenge to the resolution to confirm the grant of consent for the Proposed Development. As well as being in accordance with the principles of judicial review being a last resort and encouraging disputes resolution out-with litigation this approach is also entirely in keeping with the iterative approach encourage by the EIA process.

Accordingly, we have reviewed the documentation submitted as part of the application and have identified those documents which have been updated as a result of the proposed amendment and/or which have been expanded upon and clarified. Suggested amendments to proposed draft planning conditions have also been identified in the appendix to the Planning Statement.

We have set out below a list of the updated documents:

- An addendum to the Environmental Statement (ES) comprising updated chapters of the ES and a new Greenhouse Gas Assessment Chapter [Chapter 19] with appendices;
- A non-technical summary of the ES;
- A revised Planning Statement appending a list of updated conditions;

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- Updated drawings as appropriate;
- Updates to the Design and Access Statement; and,
- Updated Phase 1 Habitat Survey Report.

As part of the process described above, we are also providing a response by way of “Expert Statement of Dr Bristow” [“Response”] to a report prepared by the Green Alliance and dated January 2020 [“the Green Alliance Report”], [“The Report”] which we understand has already been provided to the Council.

The Report was not plainly put before the Committee by objectors or indeed was not produced to the planning application consultation process, but although its relevance to the proceedings is a matter of dispute, it has since been relied upon by the Claimant in the judicial review proceedings.

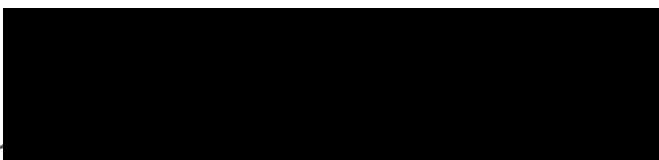
We enclose with this letter the following further pieces of information –

- A summary response to the Green Alliance Report appending:
  - A complete copy of the Green Alliance report [included for the purposes of convenience only, since the Council has of course already been given the Report by the claimant’s legal representative in the course of the judicial review proceedings]; and,
  - An Expert Statement prepared by Dr Neil Bristow an expert in forecasting accuracy and market analysis in the steel and metallurgical coal markets which comprehensively addresses the points raised in the Green Alliance Report.

We understand that this matter is intended to be considered by Planning Committee on 8 July 2020 and we look forward to receiving further information from you regarding the arrangements for that Committee.

Please let us know if there is anything further that we can do to assist.

Yours sincerely



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