



Ministry of Housing,  
Communities &  
Local Government

Paul Haggin  
Manager Development Control and  
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Environment and Regulatory Services  
Cumbria County Council  
County Offices  
Busher Walk  
KENDALL  
LA9 4RQ

**Please ask for:** Gerry Carpenter  
**Tel:** 0303 4448135  
**Email:** gerry.carpenter@communities.gov.uk  
**Your ref:** 4/17/9007  
**Our ref:** PCU/RTI/H0900/3255949

By email

**Date:** 11 March 2021

Dear Mr Haggin

**Town and Country Planning Act 1990 – Section 77  
Town and Country Planning (Development Management Procedure)  
(England) Order 2015  
Town and Country Planning (Inquiries Procedure) (England) Rules 2000**

**Application for development of a new underground metallurgical coal mine and associated development at Former Marchon Site, Pow Beck Valley and area from Marchon Site to St Bees Coast, Whitehaven, Cumbria, by West Cumbria Mining Ltd  
(Application no: 4/17/9007)**

1. I am directed by the Secretary of State to refer to the above planning application.
2. The Government places a strong emphasis on localism and decentralisation, and the general approach of the Secretary of State is, therefore, not to interfere with the decision-making process of democratically elected local councils on planning matters. We consider this only right as Parliament has entrusted local planning authorities with the responsibility for day-to-day planning. Local authorities are expected to make planning decisions promptly. The Secretary of State's power to call in a case will be used very selectively, and in general only if planning issues of more than local importance are involved. Further information about the call-in policy is available at <https://www.gov.uk/government/collections/planning-applications-called-in-decisions-and-recovered-appeals>.

Planning Casework Unit  
Ministry of Housing, Communities and Local Government  
5 St Philips Place  
Colmore Row  
Birmingham B3 2PW

Tel:  
PCU@communities.gov.uk

3. This has guided the Secretary of State's approach to this matter. It is noted that the planning application for this development was first submitted to Cumbria County Council in May 2017 and has been considered by your planning committee on three occasions, without a final outcome being reached. Four years later, it is now being reconsidered a further time.
4. There are occasions when it is appropriate for Secretary of State to use his call-in powers, and he considers that this application should be called in for his own determination. The Secretary of State accordingly directs, under his powers in section 77 of the 1990 Act, that the application shall be referred to him instead of being dealt with by the Local Planning Authority.
5. The Secretary of State does not normally give reasons for call in decisions, but in this case exceptionally he considers it appropriate to explain why he is calling the application in. This is because there is live litigation concerning this planning application and it is appropriate in those circumstances that the court and the parties know why the application is being called in. The Secretary of State is announcing this decision now, rather than awaiting the outcome of the litigation, in order to make progress with determining the substantive planning application.
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.
7. To consider all the relevant aspects of the proposed development, the Secretary of State has decided to hold a local inquiry. For the purposes of the 2000 Rules this letter is the "relevant notice" that an inquiry is to be held and the date of this letter is the "starting date". All the arrangements for holding the inquiry will be made by the Planning Inspectorate in Bristol.
8. The Planning Inspectorate will write to you shortly about the procedure for determining the called-in application.
9. The original application, together with any plans and other documents accompanying it which have not already been supplied to this Office (including any related certificates and correspondence), should now be sent to the following address:  
The Planning Inspectorate  
c/o Mark Boulton  
Rm 3/J Kite Wing

Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

10. Should you have any questions please contact the Planning Inspectorate (email [Mark.Boulton@planninginspectorate.gov.uk](mailto:Mark.Boulton@planninginspectorate.gov.uk) or telephone 0303 444 5239).
11. On the information so far available to the Secretary of State, the matters which he particularly wishes to be informed about for the purposes of his consideration of the application are:
  - 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 NPPF (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 (NPPF Chapter 17);
  - c) the extent to which the proposed development is consistent with the development plan for the area; and
  - d) any other matters the Inspector considers relevant.
12. This is to be taken as the Secretary of State's statement under rule 6(12) of the 2000 Rules.
13. In accordance with rule 6(1) and (2), the local planning authority shall ensure that two copies of a statement of case are received by the Secretary of State, and one copy has been received by any statutory party as defined in rule 2 within six weeks of the starting date (unless the Planning Inspectorate notifies you otherwise - you may wish to contact them). Your attention is drawn to rule 6(11). The Secretary of State will comply with rule 6(4).
14. You will be required to submit a statement of case, and the Planning Inspectorate will write to you about this. The statement of case should contain the full particulars of the case which you propose to put forward at the inquiry and a list of any documents to which you intend to refer or put in as evidence. If you are proposing to give evidence, or call another person to give evidence, at the inquiry by reading a written statement (i.e. proof of evidence), your attention is drawn to rule 13.
15. Your attention is drawn to rules 4 and 6(2), in particular to the requirement upon your Council to inform forthwith the Secretary of State of the names and addresses of any statutory parties.
16. Your attention is also drawn to the provisions in rule 14 of the 2000 Rules that the local planning authority and the applicant shall together prepare an agreed statement of common ground and ensure that a copy is received by

the Secretary of State and by any statutory party within 6 weeks of the starting date (unless the Planning Inspectorate notifies you otherwise – you may wish to contact them).

17. In pursuance of Article 31 of the 2015 Order, the Secretary of State hereby directs the Council not to grant planning permission, without specific authorisation, for any development which is the same kind as that which is the subject of the application referred to above on any land which forms part of, or includes, the site to which the application relates until the Secretary of State has issued his decision on this application.

Yours sincerely

*Andrew Lynch*

**Andrew Lynch**  
**Decision Officer, Planning Casework Unit**

This decision was made by the Secretary of State and signed on his behalf