

DEVELOPMENT CONTROL AND REGULATION COMMITTEE

19 March 2019

A report by the Acting Executive Director for Economy and Infrastructure

Application Reference No. [4/17/9007](#)

Application Type: Full Planning Permission

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.

Location: Former Marchon Site, Pow Beck Valley and area from Marchon Site to St Bees Coast, Whitehaven, Cumbria

Applicant: West Cumbria Mining Ltd

Date Valid: 31 May 2017

Reason for Committee Level Decision: EIA development with significant impacts outside the site boundary

1.0 RECOMMENDATION

1.1 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 **EITHER**:

1.2 A) **Recommendation if Natural England representation received before Committee meeting**

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;

- ii. 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;
- iii. the conditions set out in Appendix 1 to this report;
- iv. 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).

OR

1.3 B) Recommendation if Natural England representation not received before Committee meeting

If a consultation response has not been received from Natural England on the shadow Habitats Regulation Assessment before the Committee meeting, authority is hereby delegated to the Acting Executive Director of Economy and Infrastructure to consider any representations received from Natural England after the Committee meeting within a reasonable period specified by the Acting Director and as the Acting Director considers appropriate to then **EITHER**:

- i. **GRANT** planning permission subject to paragraphs (ii) to (iv) set out above; **OR**
- ii. **REFER** the application back to the Development Control and Regulatory Committee for further reconsideration.

2.0 BACKGROUND AND CONTEXT

- 2.1 This report follows a slightly different format from previous reports to the planning committee and is structured so that much of the background detail regarding the application and consultee responses is contained in appendices, with the body of the report focussing primarily on the assessment of the planning merits of the proposed scheme.

- 2.2 The applicant, West Cumbria Mining (WCM) is a company that has been specifically created with the objective of developing the metallurgical coal resources in West Cumbria. The company has 3 licences granted by the Coal Authority, including 2 large offshore licence areas and a smaller onshore licence area.
- 2.3 The proposed development is for a large underground metallurgical coal mine. Metallurgical coal is also commonly known as 'coking coal' and is 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 will 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 using a new loading facility and sidings in the Pow Beck Valley.
- 2.4 Whilst the principal mineral development proposed is for the extraction of coal under the sea bed off-shore and will 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.
- 2.5 The main mine head and surface processing facilities would be located on the southernmost 52 hectares of the former Marchon chemical works (the "main site"). At its peak, the chemical works was a major producer of sulphuric acid and other chemical detergent ingredients and employed around 2,500 people. The site closed in 2005 and was cleared over the following year. However, some historic contamination associated with the former uses is known to remain.
- 2.6 Access to the mine itself is proposed along the existing drifts built for access to the former anhydrite mine. The existing drifts are proposed to be extended in cross section to facilitate access. Further access would then be formed in the geology above the old drifts to pass above the old mine workings before accessing the coal seams.
- 2.7 There are two restored landfill sites adjacent to the main site, which retain some associated infrastructure in association with their post closure management. An underground conveyor link is proposed to transfer processed coal to a Rail Loading Facility (the "RLF") in the Pow Beck Valley. The route is mainly pasture land used for grazing.
- 2.8 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.
- 2.9 This planning application has been subject to a Planning Performance Agreement (PPA). A PPA is a voluntary agreement between an applicant and planning authority to work on major projects in a collaborative, structured manner and to an agreed timetable. Importantly, PPAs are made without prejudice to the outcome of the determination of the application and enable the planning authority to recover some of its costs. In this instance, the PPA has extended from discussions at the pre-application stage in 2016 through to the current time.

3.0 SITE DESCRIPTION

Main Mine Site

- 3.1 The main mine site is an area of brownfield land extending to approximately 23 hectares and designated for employment use in the Copeland Local Plan (CLP). Much of the site is covered with concrete hardstanding which is in poor condition and colonised with scrub vegetation and some vegetated soil bunds. The site is surrounded by metal security fencing associated with the previous use.
- 3.2 There is a raised area to the west of the site, on top of which is a footpath that runs along the side of the site and then descends towards the restored Hutbank landfill site. The northern part of the Marchon site where housing is potentially being proposed is currently in a similar condition to the main site. However, beyond the site boundary to the north are several coastal paths, including the Cumbria Coastal Way and an area of grassland clifftop habitat.
- 3.3 The sea to the north has recently been designated Solway Firth potential Special Protection Area (pSPA), which extends the existing Upper Solway Firth and Marshes SPA. The cliff habitats are designated as St Bees Head Site of Special Scientific Interest (SSSI). The coast is also designated as a Marine Conservation Zone (MCZ) and the area of St Bees is designated as St Bees Head Heritage Coast.
- 3.4 New housing has recently been built to the east of the main mine site, which is separated from the Marchon site by High Road. There are also a number of residential properties on the periphery of the Main Mine site and within the boundary of the underground mine element of the proposal projected to the surface. The most notable of these include properties within the villages of Sandwith, Rottington and at Tarnflat Hall, Cabbage Hall and the northernmost part of St Bees.

Conveyor Route

- 3.5 The proposed conveyor route is primarily through grazing pasture land, although there is a section where the conveyor would travel underneath High Road and St Bees Road, and a section where the alignment transects a small area of ancient woodland which also contains a gully and beck. New housing has recently been built and is continuing to be built opposite the northern section of the proposed route of the conveyor, along and off Wilson Pit Road.

Rail Loading Facility (RLF)

- 3.6 The proposed RLF would be constructed on a greenfield site adjacent to the existing railway line. The proposed RLF would be in a rural location in the base of the valley and would be visible across from High House Road and Egremont Road (A595) Whitehaven. The Coast to Coast footpath from St. Bees to Robin Hoods Bay crosses underneath the railway line, and across the RLF site where the sidings are proposed. Close up views would be available from the sections of footpath either side of the RLF.
- 3.7 Access to the RLF would be through the former Main Band Colliery site. Operations at the former colliery ceased at least ten years ago. The site remains unrestored and comprises concrete hardstanding, soil mounds, a concrete settlement tank containing a pond and areas of self-seeded vegetation and

scrub.

- 3.8 To the east of the railway new workers accommodation was proposed to serve the proposed Moorside power station, although developer NuGen is in the process of being wound-up and the future timescale for this project is uncertain. To the east of the railway line is floodplain and to the south of the proposed sidings is a hedge which demarcates that boundary of the RLF adjacent to the end of the sidings.
- 3.9 There are several individual residential properties in the Pow Beck Valley area in relatively close proximity to the proposed RLF site. The closest of these are Lake View and Stanley House, located within and immediately adjacent to the planning application boundary respectively. It is proposed that, from the commencement of development until production ceases, occupation of these properties would be restricted to persons solely or mainly employed by the proposed development.

4.0 THE PROPOSAL

- 4.1 The proposal is for the mining and processing of metallurgical (coking) coal from underneath an onshore area of 302 hectares located between Whitehaven and the St Bees coast. Metallurgical coals have a chemical composition which makes them suited to use in the process of steel manufacture. There are no metallurgical coal mines currently operating within the UK, and this product is currently imported, from other parts of the world, such as the Eastern United States, Australia and Russia.
- 4.2 Planning permission is sought to operate for a period of 50 years. At the end of its operational life all the mine buildings, RLF buildings and access points for the underground conveyor would be decommissioned and removed. The rail sidings would also be removed, together with the fill material and the land returned to its current profile. Works would be undertaken on the site to create suitable conditions for ecological creation and recreation, prior to implementation of a final restoration scheme approved under a planning condition.
- 4.3 Onshore, the coal outcrops in the north near the former Main Band Colliery and dips to the southwest to reach depths of 200m – 400m beneath the surface. There is also a significant area of extraction proposed under the sea, which will be the subject of a separate application to the Marine Management Organisation (MMO). Offshore, the target seams are 400m – 700m below sea level. The target coal measures would be accessed via drifts which would initially utilise and improve the existing first few hundred metres of the drifts to a redundant anhydrite mine, before constructing completely new drifts to access the coal measures below.
- 4.4 During the first year the proposed mine would produce 410,000 tonnes per annum (tpa) of coking coal, rising to 2,430,000tpa at full capacity in year 5. The principal market for the product is expected to be the steel industry in the UK and western Europe. The overall scheme would extract coal from both onshore and offshore areas (although the overwhelming majority of the coal resource is offshore). However, the planning application boundary is restricted to the landward side of the mean low water mark, as this is the boundary of regulation under the planning system. Coal from both onshore and offshore areas would be

handled through the main processing facility.

- 4.5 Middlings coal is a lower quality coal produced as a by-product of the washing process. It is estimated that 70,000tpa of middlings coal would be produced initially, rising to around 350,000tpa. Middlings coal is proposed to be sold for non-energy generating uses such as cement manufacture.
- 4.6 Coal would be processed on the surface within the buildings on the main mine site. Coal would be subject to a washing process to remove impurities and pass through a series of stages to treat finer portions of the crushed coal, maximising the recovery of high quality coking coal.
- 4.7 Reject material would be turned into a paste using a plant within the main building. This material (a blend of waste rock, water and cement) would then be pumped back underground into worked out areas of the mine. The return of this material underground would mean it could be disposed of without requiring transport off-site and would also assist in the overall strategy to manage subsidence, by part-filling voids.
- 4.8 Capital investment for construction of the mine and all associated infrastructure is estimated by the applicant to be around £165 million. When at full production the applicant anticipates that the mine would employ in excess of 500 people.
- 4.9 The proposed development would comprise separate elements located in four different locations. the Main Mine site, the underground mine, the buried conveyor and the Rail Loading Facility site. Construction would take approximately two years to complete. The 'Main Mine Site' would accommodate the majority of above ground structures for the storage and processing of the coal, facilities management and servicing of the underground mine.
- 4.10 The Rail Loading Facility (RLF) and its associated sidings and infrastructure comprise the other principal above ground development. The conveyor linking the Main Site to the RLF would be underground, but its construction and installation would involve substantial surface operations and disturbance over the construction period. Two buildings along the route of the conveyor are also proposed to facilitate access and maintenance of the plant.

Main Mine Site

- 4.11 The largest proposed building would be the Coal Handling and Process Plant (CHPP). The central dome would be 126.5m across with arms extending to the northwest and southwest. The south western arm (raw coal store) would be 147m in length and 78.5m wide, and the north western arm (clean coal store) would be 149m in length and 78.5m wide. The central dome would be the tallest part of the structure (34m above ground level) with the arms proposed to be 27m above ground level at their highest points. The building would be constructed using a three dimensional structure of steel tubes to create a skeleton upon which galvanized steel or aluminium panels would be installed. The clean coal store would hold this material prior to onward transportation to the RLF via the underground conveyor.
- 4.12 The middlings store would be of a similar design to the CHPP, 125.5m long, 59m wide, and 20m high. Middlings are produced during the washing and processing of the coking coal. The middlings store would hold this material product prior to

onward transportation to the RLF via the underground conveyor.

- 4.13 There would be an office and changing rooms building. The office component would be 37m by 35m by 11m high and would provide three storey accommodation for approximately 50 staff. The changing room element would be a single storey structure with a footprint of 46.5m by 28m. The building would be metal clad in dark colour.
- 4.14 The workshop building would be 20m by 36m with a height of 7.5m. The fan house would have a footprint of 48m by 30m with a maximum height of 10.4m. The south drift access canopy would be 46m by 26m, with a maximum height of 7.6m, and the north drift access building would be 6m by 7.6m with a roof height of 3.1m. There would also be a water storage tank, gas and diesel backup generators and electricity sub-station.
- 4.15 The drifts would provide the means for staff to access the mine and for the transportation of plant machinery and supplies to mining areas. The Drift Canopy Overbuilding would provide a sheltered area for staff entering and leaving the mine at shift change. A covered walkway is proposed from the change building to the drift canopy overbuilding.
- 4.16 Vehicular access to the Main Mine site would be via the existing entrance from High Road at the southern end of the site. The existing access would be upgraded and marginally re-aligned providing a semi-circular entrance/exit. The existing gatehouse building located on the eastern side of the access road would be demolished and a new gatehouse constructed on its western side. The new gatehouse would be broadly oval in plan form; dome shaped in elevation, and a maximum of 9.2m wide, 14.8m long and 5.5m high. A new 11 space car park is proposed on the western side of the access road leading to the site, for visitors and gatehouse staff, along with 2 HGV laybys adjoining the access road.
- 4.17 Initial works would involve conducting a site investigation (SI) and the removal of the old concrete slabs. Large temporary canopies would be erected over areas opened up to protect the working area from weather and to prevent water ingress. Each canopy would be dark green in colour and measure approximately 100m long, 40.2m wide and up to 14m in height. The canopies are anticipated to be required for around 6 months after which they would be removed. Surface water would be managed using a system of temporary lagoons and pumps.
- 4.18 Perimeter landscape mounds would be formed using materials created through cut/fill from the construction of the facility. The mounds would rise to a maximum height of 99m AOD to the north-west side, 103m AOD to the north-east and 102m AOD due east. These would soften the appearance of the site and provide some screening and framed views of the large buildings housing the surface facilities, in combination with the proposed tree and shrub planting as it became established and incorporate wetland areas, trees, managed grassland and dwarf scrub. The landscaped mounds would be publicly accessible greenspace. New paths / trails would be incorporated along the landscaped mounds within the north and east of the site. Seating and viewpoints with information boards would also be provided.
- 4.19 Access to the coal seams would be gained initially by improving the upper sections of the drifts from an old anhydrite mine before excavating new drifts to

the coal seams. A pit bottom area would be built within the lower mine to be used for welfare facilities, supplies storage, workshop, electrical substation etc. From the pit bottom, an access tunnel to the target off-shore coal seams would be created, which would extend approximately 700m south east to the onshore coal resources and 1,700m to the south-west to the offshore coal resources. This longer access is required to prevent any undermining in the area of the Marine Conservation Zone which extends offshore for 1km to protect marine habitats along part of the Cumbrian coast.

Conveyor Route

- 4.20 Construction of the conveyor would commence in phase 2 of the construction works which would be around eight months after the site investigation works begin. The conveyor would start at the northern end of the clean coal storage area within the CHPP building and follow a direct line to the RLF, with a total length of approximately 2,300m.
- 4.21 The conveyor would be installed using a “cut and cover” technique involving the excavation of a flat-bottomed trench with 45 degree batters and access tracks either side. The excavated material would be stored within adjacent mounds approximately 6m high and 19m wide. The material would be returned to the excavation to cover the conveyor with the surplus material being taken to the main mine site to form part of the new landscape mounds.
- 4.22 Concrete box sections 5m wide by 2.8m high would then be installed and joined to create a continuous culvert. The vertical alignment of the conveyor would generally follow the terrain with the top of the culvert typically 2m below the surface. The typical width of the corridor on the surface during construction is estimated to be around 45m, however, it would be wider in some areas where the construction is deeper. The corridor would also be narrower in areas where sheet piling support is proposed, such as the proposed crossing of the Bellhouse Gill.
- 4.23 The conveyor construction would include mitigation measures to ensure that impacts on roads, watercourses and ecological receptors along the route remain within acceptable levels, as outlined briefly below.
- 4.24 The conveyor would be constructed beneath two roads – High Road just south of its junction with Wilson Pit Road, and St Bees Road. Traffic management measures are proposed to maintain access routes for traffic during construction.
- 4.25 During construction of the crossing of Bellhouse Gill, the watercourse would be over-pumped, and then returned to its former line on completion. The area of ancient woodland lost would be replanted, together with some additional areas of new woodland to provide compensation.
- 4.26 Precise details of the specific measures taken in respect of mitigation of impacts from conveyor construction would be set out in schemes which would need to be submitted to the Mineral Planning Authority for approval via conditions recommended to be imposed should permission be granted.
- 4.27 Construction of the conveyor is estimated to take two years. Once installed, the conveyor would be contained underground. However, two “Intermediate Station” buildings are proposed along the route of the conveyor to provide access and

allow changes to the alignment of the conveyor as it feeds into the RLF section of conveyor. These buildings are proposed to have a footprint of 14.3m x 15.4m and be just under 8m in height to ridge. The structures are proposed to be surrounded by 2.4m high chain-link fencing and gates. One of the buildings would be adjacent to St Bees Road, with the other proposed to the north of the RLF site.

Rail Loading Facility

- 4.28 The RLF would provide the infrastructure necessary to load the coal products onto trains and is proposed to be located on the western side of the Cumbrian Coast railway line in the Pow Beck Valley. The facility would comprise new twin track railway sidings on a new embankment, a building housing the loading equipment, and a small office and welfare facilities.
- 4.29 The proposed sidings would be approximately 1,500m long and between 20 and 25m wide and have been designed to accommodate the six trains per day that would be necessary to service the mine when working at peak capacity. To construct the sidings, construction fill will be imported by rail to bring the land up to the current level of the existing railway line.
- 4.30 The building housing the train loading equipment would be 75m long by 9m wide and have a pitched roof with a maximum height of 15m. Different finishes (rubble stone plinths, timber cladding and composite deck roofing) are proposed to be used to break up the mass of the building and present an agricultural type appearance. Both the roof and walls are proposed to be insulated for sound.
- 4.31 The proposed office at the RLF would have a footprint of 7.4m by 10.5m and a height of 4.7m to the ridge and is proposed to be finished in the same materials as the main RLF building.
- 4.32 The timescale for construction of the RLF is estimated as 22 months.
- 4.33 As part of the proposed scheme, the surface of the former Main Band colliery will be restored following construction of the RLF, as a substantial part of the Main Band colliery site forms part of the development and comprehensive restoration of the colliery site is considered reasonable and necessary on the basis set out later in this report. The site was abandoned some years ago, but the site is still to be restored under planning permission 4/88/0064. The works proposed under the current scheme will involve the importation of soils, breaking up of concrete hardstandings and planting. These works will be secured via an obligation within the proposed Section 106 Agreement.

Development Timescale

- 4.34 Overall, the construction phase for the whole scheme is anticipated to take 24 months, with actual mining commencing in year three after the start of construction.

Operational hours

- 4.35 It is proposed that construction activities would be limited to the hours of between 0700 and 1800 Monday to Friday and between 0800 and 1300 Saturday (with no working on public holidays). Once operational, the mine is

proposed to operate 24 hours per day, 7 days per week with the RLF operating between 0600 and 2200 hours Monday to Saturday although trains are only proposed to depart and arrive during daytime hours (0700 – 2200), this will be controlled by condition.

5.0 THE CONSULTATION PROCESS AND RESPONSES

- 5.1 A wide range of stakeholders have been consulted, including all statutory consultees, along with the carrying out of the usual public consultation. West Cumbria Mining has undertaken a number of their own stakeholder events and workshops and taken appropriate measures (commencing in July 2014) to update and inform members of the local community and other stakeholders on progress with the application.

Application History

- 5.2 This application was originally submitted on 31 May 2017. Taking into account the requirements of the EIA Regulations; the scale and nature of the planning application; the need for the applicants to submit significant further information and clarification to the Council (and consultees) following the validation of the original application; and the subsequent revisions to the scheme submitted by the applicants in December 2018, it has taken time to enable officers to be in a position to present the application to Committee.
- 5.3 An initial consultation was undertaken in June 2017, following receipt of the original planning application. This resulted in a number of objections and concerns being raised, including from statutory consultees (the Environment Agency, Natural England, Network Rail, the Coal Authority, Highways England and Cumbria County Council (CCC) as Highways and Lead Local Flood Authority), and the subsequent need for CCC to issue a formal request for WCM to provide further information/clarifications. Further information was requested (in August 2017) on an extensive range of matters including traffic and highways, footpaths, rail transport, drainage and hydrology, ecology, landscape and visual impacts, and seismicity and subsidence. Further information was submitted by WCM and the County Council publicised and consulted on this in September 2017, following the requirements of the EIA Regulations.
- 5.4 Following this round of consultation, it was necessary for the County Council to issue a further formal request for WCM to provide additional information to address outstanding concerns raised by consultees and themselves. Further information was requested on a range of matters again, including most significantly, the need to address the potential impacts of dewatering the anhydrite mine to address concerns raised by a number of consultees, including Natural England and the Environment Agency. Further information was submitted by WCM and the County Council publicised and consulted on this in January/February 2018, again following the requirements of the EIA Regulations.
- 5.5 In April 2018 the applicant decided to amend their scheme to remove the elements related to the anhydrite mine and requested that the planning authority defer further consideration of their application until after they had made the required updates to their planning application and EIA. WCM spent the rest of the year making the necessary design updates and reviewing their assessments,

and the amended scheme was finally submitted with a consolidated revised Environmental Statement in December 2018. The elements associated with the use and dewatering of the former anhydrite mine were removed and an alternative scheme for connecting the drifts to the coal seams was proposed.

- 5.6 As this was an amended scheme, accompanied by a revised Environmental Statement and submitted just prior to the Christmas Bank Holiday 2018, it was necessary to provide an extended period for consultation and publicity in order to also comply with the County Council's Statement of Community Involvement 2017. A further consultation was therefore undertaken during December 2018 and into January 2019.
- 5.7 As indicated above, since the submission of the original planning application in May 2017, this planning application has been publicised and consulted on four times.

Consultation Responses

- 5.8 The key statutory stakeholders in respect of Environmental Impact Assessment (EIA) development are the Environment Agency, Natural England and Historic England. Following the various amendments to the scheme and further information submitted, the Environment Agency and Historic England consider that with the application of appropriate conditions, they would have no objection to the scheme. Natural England's response to the latest shadow Habitats Regulation Assessment is awaited and the Committee will be updated if it is received before the Committee meeting.
- 5.9 Another key element in considering a development of this scale are the landscape impacts. Specialist technical advice has been sought from WYG on the landscape impacts, which are significant. However, subject to the application of conditions, the technical consultee did not object to the planning application.
- 5.10 The proposed development would rely heavily on the rail network for its successful operation, and all coal products produced from the mine would have to be exported by rail. Network Rail have reviewed the application and consider it is acceptable in principle, however, upgrades on the section of line used would be required before the mine can reach full capacity. Network Rail have confirmed they have legal powers to secure any developer contributions which might be required to fund these upgrades outside of the regulatory control of the planning system.
- 5.11 Network Rail had also raised a number of issues including a lack of any detail in relation to how the construction of the extended underpass for the Coast to Coast footpath is designed and constructed, the unsuitability of the proposed planting adjacent to the railway line, and a lack of detail in relation to the construction interface with the existing railway line (including drainage and the integrity of the railway embankment). Although not submitted formally as part of the planning application, WCM have put forward initial ideas for measures which have been reviewed by both Network Rail and Cumbria County Council (CCC), and it is understood these issues can be overcome in an acceptable way, by a requirement to submit various detailed schemes under planning conditions.
- 5.12 Highways and hydrological impacts have been considered by Cumbria County Council's internal specialist teams. The issues, particularly in respect of

hydrology, are complex, because there is a recent history of flooding in this area. Again, following assessment, Cumbria County Council considers the proposals can be made acceptable through the imposition of planning conditions.

- 5.13 The application was considered by Copeland Borough Council (CBC) originally on 27 September 2017 and again on 23 January 2019, and they were satisfied that the environmental impacts of the development had all been fully considered. The Council considered that the proposal would, on the whole, be environmentally acceptable, but acknowledged that it is inevitable that a scheme of this nature and scale will have some adverse impacts locally. Concerns were expressed in respect of the landscape impacts that would result from the rail loading facility, although it was acknowledged that this is a functional requirement to enable the product from the mine to be transported by rail.
- 5.14 On balance, the Borough Council considered the significant benefits which would result from the scheme in terms of investment in the local economy and job creation would outweigh the adverse impacts of the scheme. However, they were keen to ensure that these impacts are mitigated by the use of appropriately worded planning conditions and obligations to limit their significance. The amended application was considered again.
- 5.15 Whitehaven Parish Council expressed unequivocal support for the application, listing job creation, its compliance with the CBC Local Plan and the environmental mitigation and benefits that would result. They also referred to the proposal's synergies with historic mining activities that have occurred in this area.
- 5.16 St Bees Parish Council fully supports the proposal and considered the application on 19 June 2017 and 21 January 2019. They commented favourably on the comprehensive package of information submitted to support the application. The Parish Council believes that the development of a new mine will bring major economic benefits for the area and provide much needed long-term employment and training opportunities. Transportation of the coal using rail is welcomed, as was the proposal to help facilitate creation of a cycle track through the Pow Beck Valley.
- 5.17 The detail of the consultation replies received is discussed further in the appropriate technical sections of this report. Appendix 3 provides a list of all those consulted and a summary of responses received.

Public Representations

- 5.18 This application has been publicised and consulted on in accordance with EIA Regulations and the County Council's Statement of Community Involvement. Each consultation stage has been advertised in the local press and by site notice, as well as individual notifications to neighbouring properties and local members representing the relevant divisions relating to the application site area.
- 5.19 During the initial consultation period for the application (advertised in June 2017) a total of **255** public representations were received. **190** of these responses expressed support for the scheme; **64** objected and **1** provided comments.

- 5.20 The further information received in response to the Council's first formal request was advertised in September 2017 and a total of **33** public representations were received. **27** of these responses expressed support for the scheme; **6** objected.
- 5.21 The further information received in response to the Council's second formal request was advertised in January 2018 and a total of **59** public representations were received. **27** of these responses expressed support for the scheme, **32** objected.
- 5.22 Following further amendments to the proposals and the submission of a consolidating Environmental Statement, the application was most recently advertised in December 2018/January 2019 and a total of **301** public representations were received. **251** of these responses express support for the scheme; **50** object.
- 5.23 In response to the last consultation round, 94 postcards were received (delivered by WCM following a recent consultation event) from members of the public supporting the planning application. As only postcodes were provided on the postcards, however, these generally cannot be given the same weight as the representations made above. Similarly, a number of representations were received who provided only postcodes and failed to provide full address details when asked. Of these, **32** were supportive and **6** objected.
- 5.24 In summary, the reasons for supporting the planning application relate to the economic benefits that the development could bring to the local area, including job creation, diversification of the local economy away from reliance on the nuclear industry, the opportunity for skills enhancements and training, the opportunity for long term investment in the area, and the support to the supply chain both locally and further afield. Other reasons stated are that there is a need for coking coal to support the steel making industry; reduction in CO₂ emissions by reducing coal imports; the development could potentially lead to rail infrastructure improvements, restoration of a brownfield site, help restore mining heritage, and bring health and wellbeing benefits to the local community.
- 5.25 Support has been received from a number of MPs, including the Rt Hon Dr Liam Fox MP, Secretary of State, Department for International Trade and President of the Board of Trade and Anna Turley, MP for Redcar. A joint letter of support has also been received from a number of local MPs: Trudy Harrison, MP for Copeland; John Stephenson, MP for Carlisle; Rory Stewart, MP for Penrith and Borders; John Woodcock, MP for Barrow in Furness. Letters of support have also been received from Mike Starkie, the Mayor of Copeland, Cllr David Riley, Cleator Moor South Ward, Copeland Borough Council and Cllr Ged McGrath, Newton Ward, Copeland Borough Council.
- 5.26 Support has been received from the business community/potential supply chain companies and from other organisations such as the Coal Industry Society for Wales and the Rail Freight Group, Redcar Bulk Terminal Ltd, the LLWR Ltd and Lakes College West Cumbria and Copeland Rail Users Group which was overall in support.
- 5.27 The reasons for objecting to the planning application include impacts on landscape and visual amenity, particularly of the RLF in the Pow Beck / St Bees Valley area; impacts on local amenity in relation to noise, dust, visual intrusion;

lack of consideration of alternative locations for the RLF; negative impacts upon the rights of way, including the Cumbria Coast to coast; impacts upon ecology, nature conservation and the designations in the vicinity (pSPA, MCZ, SSSI, Heritage Coast); negative impacts of traffic and implications for highway safety; use of a fossil fuel and impacts on climate change; issues relating to subsidence, seismicity and safety; the need for the coal and viability issues; concerns over site remediation; concern that the scale of the operation has changed with the submission of the amended scheme and impacts not adequately considered in ES; scepticism regarding local job creation; impacts on human rights; negative impacts upon the health and wellbeing of workers, the local community and impacts upon local health services; and inadequate publicity and consultation, particularly for those living adjacent to the rail corridor.

- 5.28 Other comments include a request for Section 106 planning obligations and/or Community Infrastructure Levy (CIL) to be imposed to benefit the local community and Whitehaven parish in particular; inconsistent, confusing and changing information.
- 5.29 Objections have been received from a number of individuals and organisations including Coal Action Network, Radiation Free Lakeland/Keep Cumbrian Coal in the Hole Campaign, Greenpeace, South Lakeland Action on Climate Change (SLACC), Living Witness Quakers for Sustainability, Allerdale and Copeland Green Party and Ulverston Green Party.
- 5.30 A detailed summary of the representations received is included at Appendix 4.

6.0 PLANNING ASSESSMENT

Policy Context

- 6.1 In November 2016 the government consulted on proposals to end unabated coal powered electricity generation in Great Britain by 2025. As result it was decided that the most appropriate means to guarantee the closure of unabated coal fired power stations by 2025 was to set a new emissions intensity limit to generating units. The emissions intensity limit is intended to apply from 1 October 2025 with coal powered generation capacity in the UK expected to continue to reduce.
- 6.2 However, the purpose of this mining proposal is for the extraction of metallurgical 'coking coal' which is used as an essential ingredient in the steel manufacturing process. I am not aware of any UK government or EU proposal to end the use of metallurgical coal in steelmaking. The coking coal from the site is proposed to be taken by rail to steel production plants in the UK or would be moved by rail to the port of Redcar and from there transported onwards to steel manufacturing plants in Europe. The planning policy context in considering this application is therefore primarily centred around the needs of the steel industry and the acceptability of the extraction of minerals for these purposes at Whitehaven.
- 6.3 The development site lies entirely within the administrative area of Copeland Borough Council (CBC). Cumbria County Council is the Mineral Planning Authority. The development plan for this application comprises:
- The [Cumbria Minerals and Waste Local Plan 2015-2030](#) (CMWLP) - adopted

on 6 September 2017;

- The [Copeland Local Plan 2013-2028 – Core Strategy and Development Management Policies DPD](#) (adopted 5 December 2013) (CLP);
- The [Copeland Local Plan 2013-2028 – Proposals Map; and The Copeland Local Plan 2001-2016 'Saved' Policies](#) (June 2015).

- 6.4 Unless otherwise stated it should be assumed that all the policies referenced in this report are within the Cumbria Minerals and Waste Local Plan (CMWLP).
- 6.5 I consider the principal relevant policies of the Development Plan to be the following:

Cumbria Minerals and Waste Local Plan (2015-2030):

SP13 Climate change;
SP14 Economic benefits;
SP15 Environmental assets;
SP16 Restoration and aftercare;
DC1 Traffic and transport;
DC2 General criteria;
DC3 Noise;
DC5 Dust;
DC6 Cumulative environmental impacts;
DC13 Criteria for energy minerals;
DC15 Minerals safeguarding;
DC16 Biodiversity and geodiversity;
DC17 Historic environment;
DC18 Landscape and visual;
DC19 Flood risk;
DC20 The water environment;
DC21 Protection of soil resources; and
DC22 Restoration and aftercare.

Copeland Local Plan (2013-2028):

ST1 Strategic Development Principles;
ST2 Spatial Development Strategy;
ST3 Strategic Development Priorities;
ST4 Providing Infrastructure;
ER10 Renaissance through Tourism;
ER11 Developing Enterprise and Skills;
ENV1 Flood Risk and Risk Management;
ENV3 Biodiversity and Geodiversity;
ENV4 Heritage Assets;
ENV5 Protecting and Enhancing the Borough's Landscapes;
ENV6 Access to the Countryside;
DM3 Safeguarding Employment Areas;
DM10 Achieving Quality of Space;
DM11 Sustainable Development Standards;
DM24 Development Proposals and Flood Risk;
DM25 Protecting Nature Conservation Sites, Habitats and Species;
DM26 Landscaping; and
DM27 Built Heritage and Archaeology.

- 6.6 The [National Planning Policy Framework](#) (NPPF) published in February 2019 and its associated Planning Practice Guidance (PPG) is a significant material consideration. Relevant paragraphs from the NPPF are referenced throughout this report. Emerging planning policy is also a material consideration.
- 6.7 The West Whitehaven Supplementary Planning Document (SPD) Issues and Options Consultation Report (CBC, November 2012) is also a material consideration. However, since it appears not to have been progressed further, it will carry very limited weight.
- 6.8 Policy DC13 (Criteria for energy minerals) of the Cumbria Minerals and Waste Local Plan is the key policy in assessing the overall acceptability of the development. This policy states:

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.

- 6.9 Policy DC13 is largely, but not entirely, consistent with the NPPF and instead refers to an assessment of whether the proposal has any unacceptable environmental or social impacts, whereas the paragraph 211 of the NPPF only refers to environmental acceptability. Given this inconsistency, I am of the opinion that this policy should be afforded reduced weight to the extent this inconsistency.
- 6.10 Policy SP15 of the Cumbria Minerals and Waste Local Plan is important in assessing the overall acceptability of the development and sets out a number of requirements. In particular, developments should:
- Protect and enhance quality of life and the natural, historic and other distinctive features that contribute to the environment of Cumbria and its landscape;
 - Conserve the settings of these environmental assets;
 - Improve linkages between assets and provide buffer zones where appropriate;
 - Realise opportunities for expanding and increasing environmental resources, including adapting and mitigating for climate change;
 - Help secure movement from net loss of biodiversity towards achievement of net gains;
 - Help secure new green infrastructure, and to conserve and manage where it is existing, and enhance its functionality, quality, connectivity and accessibility.

- 6.11 Policy SP16 requires that the restoration and aftercare proposals for mineral sites should demonstrate that best practicable measures have been taken to help deliver the sustainability objectives of the Plan. This policy requires consideration of, where appropriate, the potential for biodiversity, geodiversity and landscape enhancement, flood risk mitigation and water quality, maintaining agricultural land quality, ameliorating contaminated land and securing land stability.
- 6.12 Policy DC2 is the overarching development management policy, which requires minerals proposals to demonstrate that appropriate assessments have been undertaken to address potential impacts on the natural and historic environment or human health. Proposals should not give rise to significant adverse impacts upon local air quality, not adversely affect public rights of way, show that the carbon footprint has been minimised and address issues of ground stability (including mining subsidence).
- 6.13 When determining planning applications for mineral extraction the NPPF [para 205] states that great weight should be given to the benefits of mineral extraction, including to the economy. However, the NPPF makes it clear that the policy of affording great weight to the benefits of mineral extraction, including those to the economy, do not apply to proposals for the extraction of coal and instead the policy at paragraph 211 of the Framework applies.
- 6.14 Paragraph 211 of the NPPF is effectively a two stage test and states that planning permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or 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 (taking all relevant matters into account, including any residual environmental impacts).
- 6.15 The Council's approach to the two stage test for paragraph 211 of the NPPF is as follows:
- i) at the first stage, to consider whether the proposal is environmentally acceptable, taking into account only environmental effects, both adverse and beneficial or whether the proposal could be made environmentally acceptable by planning conditions or obligations, before the "need" case or "national, local or community" benefits fall for consideration under the second stage if required; and
 - ii) if the policy is not satisfied at the first stage, to go to the second stage and consider whether the national, local and community benefits clearly outweigh the likely impacts, taking into account all relevant matters, including any residual environmental impacts, by taking into account all of the environmental effects, both adverse and beneficial, after mitigation again, which in effect takes account of the extent of the residual environmental impacts, along with any other national, local and community benefits and any other impacts that are not environmental.
- 6.16 The NPPF states at Paragraph 209(d) that minerals planning authorities should indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable. The Cumbria Minerals and Waste Local Plan (CWMLP) refers to the West Cumbria Mining proposals and identifies coal as an important strategic resource which requires safeguarding. The plan states that rather than making a

strategic allocation policy defining “acceptable areas” for coal extraction, the planning authority considers such developments would be best considered on their own merits using relevant development plan policies.

- 6.17 The NPPF Glossary [Annex 2] also defines coal as a mineral resource of local and national importance, necessary to meet society’s needs.
- 6.18 The former Marchon site is brownfield land and designated for employment use within the Copeland Local Plan 2013-2028 Proposals Map. The route of the conveyor, and the site of the rail loading facility are designated as countryside with the exception of the Main Band colliery site which is still to be restored under planning permission 4/88/0064.
- 6.19 The Copeland Local Plan 2013-2028 is currently being reviewed. The Council has produced and consulted upon an Issues and Options document. The purpose of the document is to identify key topics which would be taken forward into a further consultation based upon Preferred Options. The consultation period for the Issues and Options expired in November 2017 and the Preferred Options document is awaited.
- 6.20 The West Whitehaven SPD (Issues and Options) identifies a number of potential development options for the Marchon site including mixed use development related to the Energy Coast, renewable energy and temporary housing associated with future nuclear developments.
- 6.21 I have had regard to the above Development Plan policies and all other material considerations in assessing the proposed development.

Environmental Permit & Marine Management Organisation (MMO) Consent and inter-relationships

- 6.22 The proposal involves underground winning and working of mainly metallurgical coal from both onshore and offshore areas, including construction of the necessary infrastructure. The elements of the mine on or under the land require planning permission. However, the offshore elements of the proposal, the drift mines under the sea below mean high water limit, require a licence from the MMO. The MMO licence application also requires Environmental Impact Assessment (EIA), and an application is being currently being prepared for submission. The MMO will also need to conduct a Habitat Regulations Assessment of a licence application. The ES had made an assessment of the “likely significant effects” that would result from the development as a whole, including those aspects which fall outside of the regulatory control of the planning system. Updated EIA Regulations came into force in May 2017. However, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations 2011) apply to this application because the Scoping Opinion was issued on 1 June 2016 when the 2011 Regulations were still in force. The transitional arrangements apply and therefore the EIA Regulations 2011 apply to this application.
- 6.23 The MMO licence application has yet to be submitted. The development cannot proceed without both the necessary planning permission and MMO licence. A Grampian condition is proposed to be imposed should permission be granted, which prevents development commencing until the MMO Licence has been issued.

- 6.24 This development involves recontouring works to part of the Hutbank landfill site, in order to accommodate the underground conveyor to / from the mine. The detail of these works would need to be agreed with the Council under a planning condition. However, a variation to the environmental permit for that site will need to be sought and approved. There will also be some impacts on the Marchon / Ufex landfill site, in respect of landscaping and the proposed mounds on the main site. Again, the Environment Agency has requested a condition be attached, and a variation to the permit is also likely to be required.
- 6.25 In order to operate, the proposed mine requires an Environmental Permit from the Environment Agency. This will cover discharge of water from the Main Site to the sea during storm events and other discharges as required, together with placing controls on the management of any wastes as appropriate. The impacts of the proposed discharges and associated mitigation measures have been set out in the ES.
- 6.26 The proposal has the potential to impact upon European designated wildlife sites, most notably the Solway Firth pSPA, and a shadow Habitats Regulations Assessment (along with SSSI and MCZ assessments) has been undertaken by the applicant. Following several rounds of advice from our ecological consultants at WYG, this was updated and sent to Natural England by the County Council advising them that we are 'minded to adopt' the document as our own HRA so as to discharge our duties under Regulation 63(1) and 63(3) of the Conservation of Habitats and Species Regulations 2017 in determining this planning application. The shadow HRA concludes that the WCM project will not have an adverse effect on the integrity of any European site either alone or in combination with any other plan or project. This is discussed in more detail in the section of this report dealing with ecology.
- 6.27 Natural England's comments are awaited on the shadow HRA, as the consultation period has not expired. The Council will need to adopt an HRA prior to determination of the application.
- 6.28 The MCZ and SSSI assessments are separate processes to the HRA, but all of those assessments have been taken into account in considering this application. Formal assessments of the proposed development on the conservation objectives of the Cumbria Coast MCZ and the notified features of the St Bees Head SSSI both concluded that no significant effects would arise. This is discussed in more detail in the section of my report dealing with ecology.
- 6.29 An outline Health Impact Assessment has also been undertaken as part of the planning process. This will be updated and reviewed for the duration of the development.
- 6.30 New licences will be required from the Coal Authority for WCM to extract coal.

PLANNING ISSUES

- 6.31 Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision-making process.

- 6.32 Policy SP1 (Presumption in favour of sustainable development) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 6.33 The NPPF previously stated that great weight should be given to the benefits of mineral extraction, including to the economy. However, the current NPPF makes it clear that this does not apply in the case of the extraction of coal, where instead paragraph 211 of the NPPF applies.
- 6.34 However, the NPPF does define coal as a mineral resource of local and national importance, necessary to meet society's needs.
- 6.35 In respect of coal, NPPF paragraph 211 makes it clear under the 2 stage test that planning permission should not be granted for the extraction of coal unless the proposal is environmentally acceptable, or if not, 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).
- 6.36 Policy DC13 has similar objectives but includes reference to whether the proposal is environmentally and socially acceptable in the first stage of the test.
- 6.37 I consider that the key questions that need to be answered in order to determine the acceptability of the proposal include the following:

Environmental effects

- [Are the proposals acceptable in respect of climate change, sustainability and energy use?](#)
- [What are the environmental impacts of the extraction of the by-product \("middlings" coal\) and is there a need for coking coal?](#)
- [Is the location acceptable in principle?](#)
- [Will the impacts in respect of ecology and biodiversity be acceptable?](#)
- [Is the proposed development likely to result in any unacceptable impacts to landscape character or visual receptors?](#)
- [Are the impacts of the development in relation to the rail network capacity, transportation, highways and paths acceptable?](#)
- [Will the development have unacceptable impacts in respect of contaminated land?](#)
- [Will the development have unacceptable impacts in respect of hydrology or hydrogeology?](#)
- [Will the impacts in respect of noise be acceptable?](#)
- [Will the impacts in respect of dust and air quality be acceptable?](#)

- [Will be impacts upon the historic environment be acceptable?](#)
- [Will the impacts upon amenity be acceptable?](#)
- [Cumulative Impacts](#)

National, local and community benefits

- [Is there a likely need for coking coal?](#)
- [What are the socio economic effects, such as the creation of new jobs?](#)

6.38 The planning arguments in respect of the proposal are all addressed and assessed separately in the relevant sections of this report below. The following section is structured to deal with each question on a topic by topic basis. Each section explains what is proposed, summarises the feedback from the consultations, and then sets on my overall view, taking into account development plan policies and other material considerations.

ENVIRONMENTAL EFFECTS

Are the proposals acceptable in respect of climate change, sustainability and energy use?

Climate Change

- 6.39 The application is for the extraction of metallurgical ('coking coal') for use in the manufacture of steel. Up to 15% middlings coal would also be produced as a by-product from the processing of the coking coal.
- 6.40 Coking coal is used in the steel manufacturing process as a reducing agent (through its oxidation), a source of energy to drive the manufacturing process and a source of carbon to incorporate in the steel. The coal therefore needs to meet particular specifications in terms of its quality to be effective and is a distinct product from industrial or thermal coal, which is of lower quality and has historically been used as a fuel.
- 6.41 Steel is manufactured in Western Europe (including the UK). However, the current principal sources of coking coal for UK and other Western European steel manufacturing plants are primarily the eastern United States, Russia and Australia.
- 6.42 In this context the extraction of these resources more locally saves on carbon emissions associated with the importation of coal, and so the planning balance in respect of any adverse environmental impacts need to be weighed in this context. Whilst the extraction and processing of the coking coal would result in the production of some middlings coal, this arises as a by-product of the process and is not the purpose of the development. The elements of the proposal related to the middlings coal by-product are included in the section below.
- 6.43 The applicant has attempted to estimate the approximate savings in CO₂ emissions as a result of the operation of the mine over a 50 year period in relation to emissions associated with transportation. Any calculation of this nature would necessarily rely on many assumptions, and so at best could only

form a very approximate estimation of the potential order of magnitude of the savings. However, the applicant estimates the figure to be 5.3 million tonnes, which I consider weighs in favour of the proposals when assessing its overall impact as considered above. It should be noted that Friends of the Earth and others have raised objections in respect of the arguments made about potential CO₂ savings, which I have addressed below. Objectors have also made representations that climatic factors, which require assessment through EIA, lack sufficient assessment.

- 6.44 Conversely, CO₂ emissions will result from the extraction and processing of the coal and their impact upon climate change must be taken into account.
- 6.45 Representations (including Friends of the Earth) have raised a counter argument, that the case made within the application for this mine reducing importation of coking coal is not sufficiently detailed, and that wider factors such as geopolitical or economic arguments might disrupt potential carbon savings. Living Witness also raise the issue that iron ore is imported for steel making (in addition to the coking coal) and so it might make more sense environmentally to manufacture steel close to iron ore mines. An argument has also been put forward by objectors, that rather than act as a substitute for coal produced further away, the impact of the mine would be to depress international prices for coal, and therefore actually increase the use of coal internationally.
- 6.46 I consider that although the environmental case in respect of likely carbon savings of coal transportation using Whitehaven coal in preference is far from simple, in principle, if coking coal is supplied to European steel manufacturers from the application site in preference to coal mined in the US, Australia, or other major global producers, some carbon savings must exist from reduced transportation distances. In the event that markets change and wider circumstances mean the that future European coking coal demand is being met from the US or other sources, it is difficult to envisage how a mine a Whitehaven could continue to operate commercially, or export products to markets in the rest of the world, if it is uncompetitive in its local markets.
- 6.47 I consider these wider arguments around CO₂ generated from the transportation of iron ore and the ideal locations for steel mills for the process complicate the matter still further. This is part of a much wider issue of global steel production and markets, that cannot be addressed through the determination of this planning application. However, opening of a mine would be unlikely to create additional demand for coking coal as the demand for coking coal is led by the demand for steel. Therefore, it is reasonable to assume that coking coal produced from a mine in the proposed location is very likely to end up as a substitute for coking coal produced further away.
- 6.48 Representations have also been made that argue that any coal extraction is at odds with the 2015 Paris Agreement on Climate Change, the UK's Climate Change Act (2008) and the government targets to reduce greenhouse gas emissions by at least 80% by 2050 from 1990 levels; the recent Intergovernmental Panel on Climate Change (IPCC) report, and the County Council's own Carbon Reduction Plan and Climate Local programme. Greenpeace UK expressed a similar view, as did Living Witness, that due to the fact coal is burnt during the steel making process, this will lead to the creation of greenhouse gases. Living Witness calculate the mine would generate 1.24Mt

CO₂e. Other representations have been received expressing the view that fossil fuels should remain in the ground and the country should be concentrating on renewable energy sources, and that continued reliance on fossil fuels will lead to catastrophic consequences for the global climate.

- 6.49 Representations have also been received which argue that there is global over-capacity in steel, and also that the international steel market has been notoriously unstable in recent years. The representations state that future steel needs can be met by smart recycling of the existing stock of steel scrap (instead of exporting this scrap steel at minimum value) and using electric arc furnace technology which can be powered by renewable energy rather than using coal dependent blast furnaces. Shifting from importing coking coal to sourcing the coke within the UK, is a short-term attempt to reduce costs in a long declining dirty method of producing unrequired new steel and would not deal with the real problems behind the decline in the industry or the devastating impacts on the environment.
- 6.50 Again, I consider these points have some validity, but these issues are far broader than can be addressed or influenced through consideration of this planning application. If future demand for steel falls through substitution of environmentally preferable alternatives, increased regulation, or developments in technology which allow a reduction in the volumes of coal required as a raw material, it is likely that output from the mine would drop correspondingly. This would mean unextracted coal would remain in the ground, as there would be no demand to meet which would make the coal uneconomic to produce. In the current circumstances, were planning permission refused, I consider it is highly likely sources of coking coal will continue to be found in the US and other parts of the world as they are now, and so the stated environmental benefits in respect that there will be savings in CO₂ are genuine, although the precise quantum is very hard to determine.
- 6.51 Representations have been received which question the long-term viability of the company due to the local geology, the level of investment required before coal could be sold, world steel demand, and the volatility in coking coal prices. It has been suggested within representations that the company could be changed into a gas extraction company using a coal liquefying process.
- 6.52 I acknowledge these concerns. However, this is not part of the submitted scheme and the Council can only consider the proposals presented to it. Any material changes to the scheme would require a fresh planning application with the planning merits of any such future proposal being considered at that time. The issues around the long-term viability of WCM (or another future operator) and how this uncertainty might be managed are dealt with in the Restoration section of this report.
- 6.53 Some representations have been received in support which state these proposals to be preferable to fracking, and a good fit with West Cumbria's mining and steel making heritage. The need for steel to manufacture essential things like cars, tools, screws, nails, bolts, ball bearings and cutlery was also highlighted. In contrast other representations have been received which point out how natural and beautiful this area is, and stress how important it is we preserve it for future generations. Whilst the continued manufacture of steel and new jobs were acknowledged as positive, these would come at a cost, and the

proposed mine would in principle be unsustainable.

- 6.54 The CMWLP contains policy on coal mining and refers to coal as an energy mineral due to its historical uses but mentions the WCM proposals for coking coal extraction as “currently being developed”. The plan states within paragraph 5.98 that the key issues with deep mining proposals would be the siting of surface facilities, transport and other infrastructure, disposal of colliery spoil, as well as the associated impacts on populations, landscape and natural environment.
- 6.55 The CMWLP does not contain any strategic allocations for coal extraction but paragraph 5.104 states it is appropriate to consider all applications on their merits, and in the light of detailed proposals. Policies DC13 (Criteria for energy minerals) and DC15 (Minerals safeguarding) are highlighted as particularly relevant.
- 6.56 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.

Energy

- 6.57 The applicant states that the mine processing and coal storage buildings will be heavily insulated ensuring that they are energy efficient. Lighting will be of a low lux level, making it both energy efficient and low impact, and as much of the mine machinery as possible is intended to be electric rather than diesel. The office would be designed in accordance with BREEAM principles to ensure energy efficiency and use of natural daylight.

Representations

- 6.58 Friends of the Earth acknowledge these measures, but do not consider them sufficient to offset the wider climate change impacts of the scheme in respect of its carbon footprint and the potential for release of greenhouse gases (such as methane). I acknowledge these concerns, but on balance I consider that these measures are appropriate and could be secured by means of a planning condition.

Sustainability and energy use

- 6.59 National planning policy states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions. The NPPF states [para 153] that in determining planning applications, local planning authorities should expect new development to comply with Local Plan policies on local requirement for decentralised energy supply unless this is not feasible or viable.
- 6.60 National policy requires planning authorities to encourage the capture of methane from coal mines in active and abandoned coalfield areas [para 209(e)]. West Cumbria Mining have investigated this possibility, and methane capture measures will be included within the design of the mine. Keep Coal in the Hole

have raised the wider point that methane release may also have health and safety implications in relation to potential explosions.

- 6.61 Policy SP13 states that proposals for minerals and waste developments should demonstrate that energy management, carbon reduction and resource efficiency have been determining design factors in the development; water use and the requirement for wastewater treatment have been minimised and their location will minimise the “minerals and waste miles” involved in supplying the minerals.

CCC view

- 6.62 Notwithstanding the above, geological investigations are understood to be at a relatively early stage, and the mine has a planned lifetime of 50 years. It is therefore possible that circumstances may change as new geological data or developments in technology occur and that the potential for methane recovery can be further improved periodically throughout the lifetime of the mine. These measures (both the installation of the initial system and future upgrades as required) could be secured by means of a planning condition.
- 6.63 The coal processing plant would recycle an anticipated 98% of surface water from the site and rainwater would be harvested for use in toilet flushing. Sustainable drainage systems have been considered, however, the historic contamination of the site makes these inappropriate for use on the main mine site. Nevertheless, opportunities will exist at the RLF, and I consider appropriate measures could be secured by means of a planning condition.
- 6.64 Policy DC20 states that proposals that minimise water use and include sustainable management will be favoured and overall, I consider the proposals accord with this and policy SP13.

Conclusion

- 6.65 I consider that whilst it is clear that the development of new processes and infrastructure to allow the economic manufacture of steel with a lower carbon footprint than a process that uses coking coal would be environmentally beneficial, this is not an issue which could be significantly influenced by the determination of this planning application. I have also set out that in respect of the principle, the operation of a new mine in this location would result in an overall environmental improvement in respect of emissions from coal transportation. However, although the scale of this improvement is difficult to determine with any precision, I consider it is likely to be significant.
- 6.66 In terms of sustainability and energy use, I consider that the proposals are in accordance with the relevant Development Plan policies and can be managed by suitably worded conditions.
- 6.67 My assessment of the more specific environmental and social impacts are considered in the following sections of this report.

What are the environmental impacts of the extraction of the by-product (“middlings” coal)?

- 6.68 The process produces two main by-products, “middlings coal” and waste (predominantly rock). Middlings coal is produced through the washing process

as the coal is separated into the high quality coking product and lower quality middlings coal. Middlings coal is expected to constitute about an eighth of the overall coal production. It is proposed that rather than dispose of the middlings coal as waste, that this is used as a replacement fuel source in non-energy generating industries such as cement manufacture.

- 6.69 Waste material would be disposed of in the voids created within the mine. Rock extracted during the washing process would be mixed with water and cement to create a paste which would be pumped back into the mine via a pipeline.
- 6.70 WCM have stated that middlings coal would not be suitable for burning in thermal power stations due to its inherent characteristics and the nature of the boilers. Furthermore, since government policy is to move away from coal as an energy source, the likely markets for this product will be industrial processes such as cement manufacture. Since the middlings coal would otherwise be disposed of with the waste rock material, I consider that if markets are available for this product for non-energy uses, this is potentially a beneficial use of a product that would otherwise be disposed of as waste.
- 6.71 Since the middlings coal is extracted as a by-product of the main mining operations, I do not consider its use a substitute for other products for non-energy generation uses in processes such as cement manufacture would result in unnecessary environmental or social impacts. There are valid arguments made in respect of climate change, but I consider these issues could be better managed by applying regulatory controls at the point of use. The planning system has no direct control over the eventual uses to which this product is put, but it would be expected they are used in accordance with government policies and regulations which are requiring a shift away from the use of coal as an energy source. If there was not demand for the middlings coal, it would be disposed of within the mine in the same way as the rock.
- 6.72 It is nevertheless important, in respect of considering the environmental impacts, to consider the overall level of production of the by-product of middlings coal relative to the primary output of the coking coal. This is particularly the case, since the detailed geology for the entire area proposed to be mined is not fully known, and the quality of coal encountered might vary upwards or downwards from what might have been expected following initial investigations.
- 6.73 Objections (including by Friends of the Earth) have been received on the basis that the extraction of 335,000tpa of non-metallurgical middlings coal would put an additional burden on existing carbon budgets and remains incompatible with government objectives of a coal phase out.
- 6.74 The proportion of middlings coal expected to be produced as a proportion of total mine output, is stated in the application to be slightly below 15% of total output. I therefore consider it necessary to restrict the maximum output of middlings coal from the mine to a maximum of 15% as proposed in the planning application and assessed by EIA, with a planning condition. With the imposition of this strict limitation on output of middlings coal from the site, I am of the view that the extraction of the middlings coal as a by-product is acceptable.

Is the location acceptable in principle?

- 6.75 This application is unusual in that it covers a very wide area and multiple sites

which have different planning designations, meaning some policies against which the proposals should be assessed will apply only to specific aspects whilst others will apply to the whole development.

- 6.76 The proposals covered by the planning application boundary have three key geographical locations, the Main Mine (Marchon) site, the conveyor route and the RLF. The main site is an industrial site and is designated in the Copeland Local Plan as employment land. The NPPF at Paragraph 118(c) states that planning decisions should give substantial weight to the value of brownfield land within settlements to meet identified needs and support appropriate opportunities to remediate despoiled, derelict, contaminated or unstable land. The underground conveyor route and the RLF are designated in the Copeland Local Plan as Countryside and so different policies will apply in respect of their development. In general terms there is a presumption against development on greenfield countryside sites. The development of the underground conveyor will also have different environmental impacts primarily associated with its construction, whereas the main mine site and rail loading facility have significant built elements which will remain during the operational phase of the mine. The main mine site is within the West Whitehaven Key Regeneration Site designated in the CLP.
- 6.77 The conveyor would be constructed below ground, but on greenfield land designated as countryside in the Copeland Local Plan. While under construction, significant excavation works would be occurring on the surface. However, once construction is complete after approximately two years, with the exception of the two Intermediate Station buildings the conveyor will not be visible (although the route will still need to revegetate). The final key element of the proposal is the RLF. This is a significant development of sidings and a loading building on land which is designated Countryside. Some excavation work will be required to the valley side to level the land sufficiently for the infrastructure to be built, and a considerable volume of engineering fill is proposed to be imported by rail to raise the sidings to the level of the adjacent railway line.
- 6.78 In principle therefore, the development is a mix of brownfield and greenfield sites and is also in part covering an area still to be restored under planning permission 4/88/0064 following historic mining activities.

Representations

- 6.79 Representations have been received in respect of the inappropriate nature of the RLF site in particular for development, on the basis that it is currently a countryside site that will be industrialised. It has also been suggested that the original 2016 scheme proposed the use of the Mirehouse Mine site for the RLF, which was stated to be brownfield and easily capable of accommodating additional landscaping, and that there has been a lack of consideration of potential alternative locations.
- 6.80 Friends of the Lake District strongly support the reuse of the Marchon site as they consider it to be an area of brownfield land well suited for this large-scale industrial operation, and the site is well placed to minimise impacts on important wider landscapes such as the Lake District National Park and the St Bees Head Heritage Coast. However, representations have been received from local

residents objecting to the industrialisation of the site.

CCC view

- 6.81 Policy support is strong for redevelopment of the main mine site, but weaker for the conveyor route and rail sidings. This is due to the brownfield designation of the main site and its designation for employment use compared to the countryside designation of the remainder of the scheme where build development should generally be avoided. However, without the RLF and the conveyor, the mine could not operate, and there are no realistic alternatives for the location of these elements when the proposal is considered as whole.
- 6.82 Balanced against this in locational terms, it is accepted that minerals are essential to provide the infrastructure, buildings, energy and goods that the country needs, but they are a finite resource and can only be worked where they are found (NPPF Paragraph 203).
- 6.83 The development covers a significant timescale of 50 years but with the land being fully restored once the operation of the mine has ceased. The planning system does recognise the general locational constraints associated with the working of minerals, and the national and local planning policy framework reflects this. Most minerals developments are in locations with a countryside planning policy designation. However, this does not mean that unacceptable impacts from minerals developments can be considered acceptable, just because they are for a limited period of time. This is particularly so, in respect of this proposed development which has a 50 year timescale.
- 6.84 In addition, policy ST2 “Spatial Development Strategy” criteria “c” of the CBC’s Local Plan contains a provision to allow essential infrastructure in locations outside settlement limits. The RLF is required to move coal by sustainable transport and to facilitate the regeneration of the former Marchon site, I consider this infrastructure as essential to the development proposal as a whole, and to facilitate the remediation and redevelopment of the main Marchon site.
- 6.85 Inevitably there are some elements of the proposed development that will fall within land designated as open countryside. Whilst I accept that this causes a degree on tension with policies designed to protect the countryside, on this occasion, I believe that the redevelopment of the main site provides justification, planning policy acknowledges countryside locations are frequently necessary for mineral development and the proposal complies with development plan as a whole. Overall, I consider that the location of the mine and associated infrastructure is acceptable in principle, and that the proposal accords with the development plan as a whole, and in particular DC13 (Coal).

Will the impacts in respect of ecology and biodiversity be acceptable?

- 6.86 I consider that it is necessary to assess the impacts of the whole scheme, but only those elements of the proposal above mean low water mark are regulated under the planning system. This section of the report therefore primarily addresses terrestrial ecology.
- 6.87 The majority of the site comprises improved grazed grasslands, hardstanding and small areas of open mosaic habitat on previously developed land.

6.88 The Environmental Statement and the shadow Habitats Regulations Assessment (HRA) have considered potential effects on the following designated sites within the defined Zone of Influence of the proposed scheme:

- Solway Firth Proposed Special Protection Area (pSPA) – 1.16km to the north-west of the main mine site;
- River Ehen Special Area of Conservation (SAC) – 3.00km east of the main mine site;
- River Derwent and Bassenthwaite Lake SAC – 10.03km north-east of the main mine site;
- Lake District High Fells SAC – 10.18km east of the main mine site;
- Drigg Coast SAC – 14.45km south-east of the main mine site;
- Morecambe Bay and Duddon Estuary Special Protection Area (SPA) – 17.07km south-east of the main mine site;
- The Cumbria Coast Marine Conservation Zone (MCZ); and
- St Bees Head Site of Special Scientific Interest (SSSI).

6.89 Morecambe Bay SAC and Wast Water SAC also fall within the defined Zone of Influence of the proposed development (being, respectively, 18.7 km south-east and 18.8 km south east of the main mine site). However, both of these designated sites have been scoped out of the shadow HRA on that basis that there is no mechanism whereby either site could be impacted by the proposed development. No significant effect is likely even in the absence of mitigation (and so screening out in this case is consistent with the recent HRA judgment, 'People Over Wind and Sweetman', 12 April 2018, C-323/17).

6.90 The ES and shadow HRA assess potential effects at the different stages of the proposed development.

6.91 Potential effects from the proposed development which have been addressed both in the Environmental Statement (ES) and the shadow HRA are described below.

During pre-construction remediation and construction phases:

- Direct loss of or damage to terrestrial habitat;
- Disturbance of marine or terrestrial qualifying species (visual/noise/vibration);
- Direct loss of or damage to marine habitat or disturbance to marine species from scouring and/or sedimentation from existing surface water drainage via the Saltom Bay outfall;
- Direct loss of or damage to marine habitat or disturbance to marine species from scouring and/or sedimentation from discharges via Pow Beck;
- Deterioration of marine water quality as a result of sediment-laden surface water run-off via the Saltom Bay outfall;
- Deterioration of marine water quality as a result of sediment-laden surface water run-off via Pow Beck;
- Deterioration of marine water quality as a result of disturbance of contaminated land and mobilisation of pollutants during construction (including remediation works) (including changes in pH, temperature, salinity, and dissolved oxygen) via the existing outfall pipe into Saltom Bay;
- Deterioration of marine water quality as a result of as a result of disturbance of contaminated land and mobilisation of pollutants during construction (including changes in pH, temperature, salinity, and dissolved oxygen)

discharged via Pow Beck;

- Dust and other airborne contamination of marine and terrestrial habitats;
- Subsidence under the terrestrial environment as a result of sub-surface mining activities; and
- Subsidence under the marine environment as a result of sub-surface mining activities.

During the operational phase of the proposed development:

- Disturbance of marine or terrestrial qualifying species (visual/noise/vibration);
- Direct loss of or damage to marine habitat or disturbance to marine species from scouring and/or sedimentation from any discharges from the Saltom Bay outfall;
- Direct loss of or damage to marine habitat or disturbance to marine species from scouring and/or sedimentation from discharges via Pow Beck;
- Deterioration of marine water quality as a result of sediment-laden surface water run-off via the Saltom Bay outfall;
- Deterioration of marine water quality as a result of sediment-laden surface water run-off via Pow Beck;
- Deterioration of marine water quality as a result of mobilisation of pollutants (including changes in pH, temperature, salinity, and dissolved oxygen) discharged via the existing outfall pipe into Saltom Bay;
- Deterioration of marine water quality as a result of mobilisation of pollutants (including changes in pH, temperature, salinity, and dissolved oxygen) discharged via Pow Beck;
- Dust and other airborne contamination of marine and terrestrial habitats;
- Subsidence under terrestrial environment as a result of sub-surface mining activities; and
- Subsidence under the marine environment as a result of sub-surface mining activities.

6.92 Environmental impacts during the decommissioning phase are expected to be similar to those listed above for the operational phase with the exception of subsidence, which will only happen during the operational phase of the development.

6.93 Due to the proximity of the application site to European protected sites, WCM have prepared a shadow HRA to accompany their planning application. Following comments from the County Council as the Competent Authority this was updated and sent to Natural England with a proposal that it be adopted by the Council (who are the Competent Authority) as their formal HRA. As of 11 March 2019, Natural England's comments are awaited as the consultation period has not expired.

6.94 The screening stage of the shadow HRA found that the proposed development alone is considered likely to have a significant effect on the following European sites in the absence of mitigation:

- Solway Firth pSPA;
- River Ehen SAC; and
- River Derwent and Bassenthwaite Lake SAC;

through a combination of one or more of the following impact pathways:

- Disturbance of marine or terrestrial qualifying species by way of noise and/or vibration;
- Direct loss of or damage to marine habitat or disturbance to marine species from scouring and/or sedimentation from any discharges via Saltom Bay;
- Direct loss of or damage to marine habitat or disturbance to marine species from scouring and/or sedimentation from any discharges via Pow Beck catchment;
- Deterioration of marine water quality as a result of sediment laden water run-off via Saltom Bay;
- Deterioration of marine water quality as a result of sediment-laden surface water run-off via Pow Beck catchment;
- Deterioration of marine water quality as a result of disturbance of contamination and/or mobilisation of pollutants (including changes in pH, temperature, salinity, and dissolved oxygen) discharged via existing Saltom Bay;
- Deterioration of marine water quality as a result of mobilisation of pollutants (including changes in pH, temperature, salinity, and dissolved oxygen) discharged via Pow Beck catchment;
- Subsidence under the terrestrial environment as a result of sub-surface mining activities; and/or
- Subsidence under the marine environment as a result of sub-surface mining activities.

- 6.95 In reaching this conclusion consideration has been given to the implications of the judgment released from the Court of Justice of the European Union ‘People Over Wind and Sweetman’, 12 April 2018, C-323/17. This judgement made clear that mitigation (avoidance or reduction) measures may not be taken into account at the screening stage of HRA. Any potential effects of the proposed development on the integrity of these European sites were therefore made subject to an appropriate assessment.
- 6.96 No likely significant effect was identified via any impact pathway at the screening stage on the Lake District High Fells SAC, the Drigg Coast SAC, or the Morecambe Bay and Duddon Estuary SPA. Nevertheless, due to potential uncertainties created by the People Over Wind decision, the shadow HRA has taken a precautionary approach and nevertheless considers every impact pathway in relation to all of the six European sites at the appropriate assessment stage.
- 6.97 The potential impact mechanisms (as listed above in this report) have therefore been evaluated and appropriate mitigation measures considered in the appropriate assessment to determine whether the development may have an adverse effect on the integrity of any of the European sites, whether alone or in combination with other plans or projects, during the construction, operation and decommissioning phases of the development.
- 6.98 The appropriate assessment has considered impacts on all qualifying habitats and species associated with the relevant European sites and also other habitat and species necessary to their conservation. This takes into account the direction provided by a second recent HRA judgment (Holohan & Ors. v An Bord Pleanála, 7 November 2018, C - 461/17).

- 6.99 As part of the appropriate assessment, other plans and projects with potential to have 'in-combination' impacts on European sites together with the development have also been considered (as required under Regulation 63 of the Conservation of Habitats and Species Regulations 2017).
- 6.100 With regard to all identified impacts, the shadow HRA concludes that, in view of the European sites' conservation objectives, the WCM project will not have an adverse effect on the integrity of any European site either alone or in combination with any other plan or project.
- 6.101 An assessment of impacts on SSSIs and the MCZ have also been submitted. The MCZ assessment considered potential impacts on the MCZ conservation features including: Direct loss of or damage to marine habitat or disturbance to marine species from scouring arising from drainage flows to the existing outfall location; Deterioration of marine water quality; Operational phase discharges; Dust and other airborne contamination of marine and intertidal habitats; Subsidence; Sound and vibration; Post-Mining Decommissioning Phase; and Cumulative and In-Combination Effects. The assessment concluded that *"the predicted effects are of such a small scale and magnitude that the conservation objectives of the features for which the MCZ was designated will not be compromised."*
- 6.102 The Council considers there is no significant risk of the WCM project hindering the achievement of the conservation objectives of the MCZ."
- 6.103 The SSSI assessment considered the potential for impacts associated with subsidence, air quality, noise and vibration, and surface water discharges, as well as any in-combination effects with other development. The assessment concluded that *"the predicted effects are of such a small scale and magnitude that the key management principles will not be compromised for the SSSI interest features, i.e. 'coastal cliffs and foreshore', 'maritime slope and soft cliffs' and 'breeding birds on sea cliffs'."*
- 6.104 To ensure protection of the MCZ and SSSI features both assessments recommended that a monitoring regime be implemented for the duration of the development. This would involve the regular analysis of water quality to ensure compliance with discharge consent standards and mapping of MCZ features to detect potential changes. If non-compliance is detected, remedial action may be taken by the Environment Agency to ensure that discharge consent standards are met. I am recommending the imposition of a planning condition to cover monitoring of the discharge should Members decide to approve the application.
- 6.105 NE have been consulted regarding MCZ and SSSI assessments and have confirmed they have no objections.

Representations

- 6.106 Local residents have raised objections on the grounds of damage to ecology, including the natural habitat and wildlife of the Pow Beck Valley and that there is inadequate ecological survey information.
- 6.107 Representations (including by the RSPB and Friends of the Earth) have raised concerns about the potential impacts in terms of disturbance to nesting birds on St Bees Head SSSI. Potential impacts identified include noise, subsidence,

blasting and boring.

- 6.108 Friends of the Lake District note that the proposals will result in the loss of Ancient Semi-Natural Woodland and would wish to see soil resources remain in situ where possible, or preserved, with comprehensive plans put forward for translocation of the soil as turves. They also state that replacement trees should be sourced locally and grown from locally sourced seed. Further measures in respect of reducing the adverse impacts upon hedgerows are also suggested.
- 6.109 Our ecology advisors WYG conclude that subject to the imposition and discharge of suitably worded planning conditions relating to biodiversity, the scheme will not have any significant residual effects on ecology, and therefore raise no objections to the proposed development.
- 6.110 When originally submitted, the application proposed to dewater the former underground anhydrite mine. However, this led to fundamental objections that this had the potential to result in harm to the integrity of European sites.
- 6.111 The scheme was subsequently revised by the applicants to take account of these objections and the current proposal avoids the dewatering of the former anhydrite mine.
- 6.112 Further ecology related information was requested from the applicant during the consultation process and the applicant has provided what I consider to be a robust assessment of the potential ecological effects of the scheme, contained in both the Environmental Statement and the shadow HRA.

CCC views

- 6.113 Policy DC16 (Biodiversity and Geodiversity) states that development will be required to identify potential impacts on important biodiversity assets, their potential to enhance, restore or add to these resources and to contribute to national biodiversity objectives. Proposals within or affecting the features of such resources should demonstrate that the need for and benefits of the development and the justification for its location (as opposed to alternatives) has been chosen, appropriate measures have been taken to mitigate any adverse effects, where adverse impacts cannot be mitigated, that appropriate compensatory measures have been identified and secured, and that these measures are compatible with the characteristics and features of Cumbria.
- 6.114 Policy ENV3 (Biodiversity and Geodiversity) of the Copeland Local Plan states that the Council will contribute to the implementation of the UK and Cumbria Biodiversity Action Plan within the plan area by seeking to improve the condition of internationally, nationally and locally designated sites; ensuring that development incorporates measures to protect and enhance any biodiversity interest, enhancing, extending and restoring priority habitats and looking for opportunities to create new habitat; protecting and strengthening populations of priority or other protected species; boosting the biodiversity value of existing wildlife corridors and create new corridors, and stepping stones that connect them, to develop a functional Ecological Network; and restricting access and usage where appropriate and necessary in order to conserve an area's biodiversity value.
- 6.115 Policy DM25 (Protecting Nature Conservation Sites, Habitats and Species) of

the Copeland Local Plan states that development proposals should protect biodiversity value and minimise fragmentation of habitats as well as maximising opportunities for conservation, restoration, enhancement and connection of habitats. The policy also confirms that any likely significant effects on internationally important sites within the Borough and a 20km radius of the Borough boundary must be taken into account, as well as those sites are hydrologically linked to the development plan area.

- 6.116 NPPF (Paragraph 170) states that planning decisions should contribute to and enhance the natural and local environment.
- 6.117 The NPPF also states (paragraph 170(d)) that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.118 NPPF (Paragraph 175(c)) states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 6.119 Paragraph 177 of the National Planning Policy Framework (NPPF) dated February 2019 states that: *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*
- 6.120 Based on the findings of the shadow HRA, paragraph 177 does not, in this case, result in the removal of the presumption in favour of sustainable development in respect of this decision, as the appropriate assessment in the shadow HRA has concluded that the project will not adversely affect the integrity of any European site.
- 6.121 On a more local scale, I consider that the ecological issues associated with the main mine site are limited, as it is previously developed land with significant areas covered with concrete hardstanding.
- 6.122 The construction of the conveyor route would involve the crossing of a small section of ancient woodland and a watercourse. It is proposed to use engineering techniques which minimise the impacts of construction at these points and provide compensation for the ancient woodland lost on an area of land nearby within Benhow Wood, to the north-east of the existing woodland. On completion of the conveyor construction work, the areas of disturbed woodland are proposed to be replanted. The conveyor culvert would run beneath the stream bed, which would return to its original course above on completion of the construction work.
- 6.123 The construction of the Rail Loading Facility (RLF) also has scope for ecological impacts. The proposals involve the construction of a significant length (around 1.5km) of sidings, landscaping, buildings, a haul route and a temporary construction compound. A significant element of the work (railway sidings, construction compound and new haul road) would impact upon the Main Band

Colliery site which has the potential to support species such as reptiles. Detailed surveys have been carried out by the applicants to establish the presence or otherwise of protected species. The findings of these surveys were that residual impacts for amphibians, invertebrates and otters would be neutral.

- 6.124 There is also the potential for wider impacts on the Pow Beck Valley (particularly in relation to birds) as a result of noise and disturbance. Some additional landscaping is proposed on the eastern side of the valley in order to mitigate visual impacts from the RLF building, but this has the potential to result in ecological impacts if not undertaken sensitively.
- 6.125 Proposals for landscaping within the Pow Beck Valley include a band of trees along the eastern side of the railway near Pow Beck and hedgerow along the western boundary of the RLF site. Ecologically, the planting to the east of the railway is not considered to be an entirely appropriate habitat to introduce into this open valley, which has wetland habitats supporting birds and could also impact on otter holts along the watercourse. The trees could also affect the hydrological conditions of the valley and in the future provide perches for birds of prey which would predate valley wetlands. The ES states that this planting may provide additional bird habitat - but this does not take the existing wetland bird species into account.
- 6.126 Therefore, I consider that the principal issues remaining to be considered are the irreplaceable loss of ancient semi natural woodland and the potential adverse impact on important wetland habitats and impacts on species such as otter and amphibians from the planting along the Pow Beck Valley.
- 6.127 Whilst the ancient semi natural woodland habitat is an irreplaceable habitat, the area of loss is relatively small in area (284m²), there is a lack of alternative routes for the conveyor to the RLF and there are considerable local and national benefits of the wider scheme.
- 6.128 I consider that there are wholly exceptional reasons in this case as outlined above. However, when weighing up the loss of ancient woodland for the purposes of paragraph 211 of the NPPF, the considerable local and national benefits of the wider scheme will have to be taken into account at the second stage test for that paragraph if applicable.
- 6.129 The compensation strategy is also considered at least suitable, but probably more than suitable as the applicant is proposing to plant at least twice the area of loss. The woodland species seedbank likely to be present in the soil is also proposed to be retained for spreading following installation of the conveyor.
- 6.130 Mitigation measures are proposed, including comprehensive planning conditions to manage any works within the area of ancient woodland, are proposed to be imposed should permission be granted. They require a survey of any trees to be removed, detailed methodologies for the works and full details of the replanting. The area of loss is also minimised by the selected route of the underground conveyor.
- 6.131 I consider that potential ecological impacts from the proposed band of tree planting within the Pow Beck Valley could be satisfactorily managed through the use of a planning condition to approve the details of the landscaping. It will be important to ensure that the approved scheme adopts measures to mitigate

adverse impacts on existing wetland habitats. However, the sensitivity of this location and the size of the proposed RLF building are such that any scheme will need to be led by landscape considerations.

- 6.132 I note that there is predicted loss of a total of 80 metres of hedgerow during the construction of the conveyor and RLF. However, no details are provided of any mitigation for the loss of 80 metres of hedgerow – despite the residual effects section of the application making reference to replacement on a like-for-like basis. Again, I consider mitigation for the hedgerow loss could be managed acceptable through the use of a planning condition to secure compensation planting.
- 6.133 In terms of overall biodiversity, with the imposition of conditions requiring ecological management plans, I consider that any residual effects can be mitigated and that there would be no net loss in biodiversity as a result of the development. However, whilst a net gain in biodiversity may be achievable long term, particularly taking into account the proposals to restore large parts of the main mine site to ecological areas, I cannot conclude that there would certainly be or reach the view there is likely to be net gain in biodiversity value under paragraph 170(d) of the NPPF and policy SP15.
- 6.134 Finally, I also acknowledge the comments made in respect of blasting and boring by consultees and the potential for impacts upon ecological receptors such as birds. However, the applicant states that the proposals will not involve blasting. I am proposing that if permission is granted that there should be a condition ensuring that no blasting shall take place to address these comments.

Conclusion

- 6.135 It is evident that the majority of temporary and permanent losses would be of improved grazed grasslands, hardstanding and small areas of open mosaic habitat on previously developed land. However, there will be a small loss of ancient woodland along the route of the conveyor – notwithstanding that the route has been moved slightly to take this through the most disturbed part of this linear valley woodland thus avoiding loss of most of the mature trees and diverse ground flora. The NPPF makes it clear that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. I am of the opinion that harm would result from this loss, but there are wholly exceptional reasons and a suitable compensation strategy as outlined above.
- 6.136 I consider that potential ecological impacts from the proposed band of tree planting within the Pow Beck Valley could be satisfactorily managed through the use of a planning condition to approve the details of the landscaping. It will be important to ensure that the approved scheme adopts measures to mitigate adverse impacts on existing wetland habitats. However, the sensitivity of this location is such that any scheme will need to be led by landscape considerations.
- 6.137 In conclusion, I consider the information submitted by the applicants is reliable and sufficient to enable a sound decision to be made in terms of the ecological effects from the proposed development. Where any additional assessment, detail or management measures are required, this can be satisfactorily

addressed through the imposition of planning conditions, apart from the loss of ancient woodland.

6.138 I conclude that adverse impacts would result from the proposals. I am therefore proposing a number of ecology and biodiversity related conditions which I consider necessary to ensure that most residual effects are mitigated and also that there is no net loss in biodiversity as a result of the development.

6.139 I therefore consider that, on balance and with the imposition of appropriate planning conditions, the proposed development can be considered to be in accordance with policies DC16 of the Cumbria Minerals and Waste Local Plan and policies ENV3 and DM25 of the Copeland Local Plan.

Is the proposed development likely to result in any unacceptable impacts to landscape character or visual receptors?

6.140 The proposal has three broad elements with landscape and visual impacts – the main site, the RLF, and impacts from construction of the underground conveyor linking the two. A Landscape and Visual Impact Assessment (LVIA) of the scheme has been undertaken as part of the EIA.

6.141 The scope of the LVIA was agreed with CCC, including viewpoints to be used in the assessment of visual effects and the approach to assessing cumulative effects. The landscape proposals and LVIA (and subsequent updates) have been reviewed by CCC and I am advised that sufficient information has been submitted to enable the nature of the development and its effects on landscape and visual amenity to be judged. As part of the assessment, potential significant effects were identified and mitigated as far as possible. In general, the LVIA sets the large scale of both the proposed built development and the landscape strategy in context appropriately, with a systematic review of the proposals against the key characteristics, guidance and vision for the Landscape Character Types set out in the Cumbria Landscape Character Guidance and Toolkit (CLCGT).

Visual Effects

6.142 As noted above, visual receptors and representative viewpoints were agreed with the Council at the EIA Scoping stage. A total of 13 viewpoints were used, of which photomontages were provided for six, at completion of construction, year 5 and year 15. The visual receptors (people whose views might be affected by the development proposals) were identified as: residents in individual dwellings and settlements, road users; users of long-distance recreational routes and core paths, and tourists and users of outdoor recreational areas.

6.143 The following is largely extracted from the LVIA and provides an assessment of effects on the visual receptors.

Residents of Settlements and Dispersed Dwellings

6.144 The residential receptors below are considered to have high value in respect of their views and high susceptibility, leading to high sensitivity, unless noted otherwise.

Residents along High Road – Opposite Main Mine Site

- 6.145 Residents along High Road opposite the main mine site are the closest to the development. During construction, operations would be clearly visible and prominent. The landscape mounds at the east of the site would not be formed during the first phase of construction which would also include the presence of large temporary walled covers for around 6 months. The scale of the change would be large, and given the close proximity to the site, the extent would also be large. The effects of this phase would be short term however, resulting in a moderate magnitude of change and major/moderate significant adverse effects.
- 6.146 During the first year of the site operating, the proposed development would result in the removal of the security fencing, derelict security gatehouse by the site entrance and brownfield wasteland beyond comprising concrete pads and rank grassland. The LVIA remarks that these are all existing visual detractors and create a derelict character to the site, and their removal is a beneficial aspect of the change. In their place a newly designed and public landscape would be introduced, comprising managed grassland and shrub planting on landscape mounds, paths and trees along the frontage of the site with High Road frontage. This would introduce a positive managed character to the site and would again be a beneficial aspect of the change.
- 6.147 The LVIA recognises the adverse aspects of the change that would arise due to the introduction of the large scale, built form, and the consequential reduction in the long distance views towards Sandwith and St Bees Head which are currently possible.
- 6.148 Assessing the worst-case scenario, the LVIA concludes that, on balance, the adverse aspects of change (introduction of large scale built form and blocking of pleasant long distance views) would result in a major/moderate significant adverse effect.
- 6.149 Longer term as tree planting and vegetation slowly matures, the LVIA concludes that views of the main site would be largely screened and the resulting designed landscape would result in enhancements to the visual quality of the local area. However, adverse change resulting from the removal of long distance views to the south west would remain.

Residents along High Road – North

- 6.150 Residents further north along High Road have existing views of the northern parts of the Marchon site, a small new housing development on the west side of High Road and views to the sea to the west. During construction, operations within the main mine site would be visible although seen at oblique angles. The walled covers would be clearly visible but would screen some of the construction activity for the 6 months that they would be present. The landscape mounds along the northern site boundary would be formed in the second of three construction phases so would provide some visual screening for residents at these dwellings and limit many of the adverse effects of the construction phase, although some views across the lagoons would remain possible. The scale of change would be medium. Considering the distance to the site and oblique angles of view, the extent of change would be small. It would be short term, resulting in a slight magnitude of change. This would represent a moderate effect which would not be considered significant.

- 6.151 During the first year of the site operating, the proposed development would be seen beyond derelict brownfield land (part of the former Marchon site but to the north of the main mine site) which would remain, so the removal of more distant detractors would not be particularly noticeable. The planted landscape mound along the northern site boundary would be visible with the potential for views of the very tops of the CHPP and coal storage buildings beyond. The LVIA states that within these views the landscape mound would not exceed the height of the adjacent high ground of the Hutbank landfill and cliffs at St Bees.
- 6.152 Currently, long distance views towards the south west are currently partially obscured from ground floor windows by the Marchon site fencing, so the blocking of long distance views to the south west would have little influence upon the view. Existing westerly views from these dwellings towards the sea would remain unaffected. The scale of change would be medium/small. Considering the distance to the site and oblique angles of view, the extent of change would be small, but long term. With regard to the nature of the effect, there would be both beneficial and adverse aspects. The LVIA considers the removal of some distant visual detractors from view and their replacement with a newly designed landscape to be beneficial. Obscuring the longer distance views to the south west is considered to be adverse however this effect would be limited. Existing westerly views to the sea would remain unaffected.
- 6.153 Overall the magnitude of change would be slight. This would represent a moderate adverse effect which would not be considered significant in the context of the existing Marchon site opposite the dwellings and considering that the existing valued views to the sea would be retained.
- 6.154 Longer term, as much of the screening effect would be provided by the landscape mounds, the establishment of the planting, whilst having a softening appearance, would provide minimal additional screening. Thus, the magnitude of change and non-significant level of effect would remain through the long term.

Residents of New Housing - West of High Road

- 6.155 The southernmost row of properties face due south across the Marchon site. During construction, from south facing ground floor windows, visibility towards the site would be largely restricted by higher ground in the immediate foreground. From first floor windows open views across the whole Marchon site are possible and construction stage operations would be visible beyond existing disused brownfield land in the foreground. The walled covers would be visible and would screen some of the construction activity for the 6 months that they are present. The landscape mounds along the northern site boundary would be formed in the second of three construction phases so visual screening for residents at these dwellings would limit the adverse effects of the construction phase, although some views across the lagoons would remain possible. The scale of change would be medium. Considering the distance to the site the extent of change would be medium/small. It would be short term resulting in a slight magnitude of change. This would represent a moderate effect which would not be considered significant.
- 6.156 During the first year of the site operating, the proposed development would be seen beyond derelict brownfield land which would remain, so the removal of more distant detractors would not be particularly noticeable. The planted

landscape mound along the northern site boundary would be visible with the potential for views of the very tops of the CHPP and coal storages buildings beyond. The LVIA confirms that the landscape mound would not exceed the height of the adjacent high ground of the Hutbank landfill and cliffs at St Bees.

- 6.157 The scale of change for these residents would be medium/small. Considering the distance to the site, the extent of change would be medium/small and long term. With regard to the nature of the effect, there would be both beneficial and adverse aspects: the removal of some distant visual detractors in the view and their replacement with a new designed landscape would be beneficial. Obscuring of the longer distance views to the south west is considered to be adverse. Overall the magnitude of change would be slight. This would represent a moderate adverse effect which would not be considered significant in the context of the existing Marchon site.
- 6.158 Longer term, as much of the screening effect would be provided by the landscape mounds, the establishment of the planting, whilst having a softening appearance, would provide minimal additional screening. Thus, the magnitude of change and non-significant level of effect would remain through the long term.

Residents of Dwellings along Wilson Pit Road

- 6.159 Oblique views towards the main mine site would be possible from these dwellings and direct views towards the construction works associated with the installation of the underground conveyor would be possible.
- 6.160 During construction, operations on the main mine site would be visible although seen at oblique angles and direct views towards the underground conveyor construction would be possible. Construction stage operations would be clearly visible and prominent, including vehicles movements, the building of access roads, large-scale earthworks and the construction of the buildings and other structures. The walled covers would be visible but would screen some of the construction activity for the 6 months that they are present. The scale of the change would be large, and given the close proximity to the site, the extent would also be large. The effects of this phase would be short term however, resulting in a moderate magnitude of change and major/moderate significant adverse effects.
- 6.161 During the first year of the site operating, from most dwellings, only the tops of the CHPP, coal storage buildings and potentially the gatehouse and top of the office building would be visible, with ground infrastructure and activity on the site being screened by landform. Long distance views towards the south west would not be affected. With regard to the nature of the effect, the introduction of built form into a largely undeveloped view would be considered adverse, although the built form would be perceived as contemporary and iconic. The scale of change would be large/medium. Considering the distance to the site and oblique angles of view, the extent of change would be medium for dwellings at the north-west end of Wilson Pit Road, to small for dwellings at the south east of the road (due to the falling land to the south east and limited visibility).
- 6.162 The proposed development would result in a partial change in character and composition of the baseline views due to the introduction of the new built form. The overall magnitude of change would be moderate or less (from dwellings further down the hill to the south east). This would represent a major/moderate

significant adverse effect.

- 6.163 Longer term, as the proposed planting establishes, the proposed development would better integrate with its surroundings. Even assuming a worst-case scenario, on balance the beneficial aspects of change (removal of foreground detractors and introduction of well-designed mature landscape setting) would by year 15 outweigh the adverse aspects (introduction of large scale built form), resulting in a slight magnitude of change and a moderate beneficial effect which would not be considered significant.

Houses to the north of Sandwith

- 6.164 This group of houses, including Townhead, have open northerly views which look across local fields towards the site. The existing Story Homes development on High Road is visible and forms the local horizon, and the consented dwellings of the Story Homes Phase Two development will be visible slightly in front of the existing dwellings at Woodhouse. Also visible is the rising ground and associated facilities of the Ufex landfill site to the right of the view.
- 6.165 During construction, views into the site would be partially unscreened. Vehicle movements, the building of access roads, large-scale earthworks and the construction of the buildings and other structures on site would be visible, occupying a relatively large extent of the view. The walled covers would be visible and would screen some of the construction activity for the 6 months that they are present. The scale of construction activities would be moderate, however the duration would be short term. The magnitude of change would be moderate/slight, leading to a moderate adverse level of effect on residential receptors and footpath users. During the later stages of the construction period, a landscaped mound would be formed which would reduce the views into the site.
- 6.166 During the first year of the site operating, beyond a large landscape mound, the coal storage buildings and top of the CHPP would be prominent within the views from the northern side of these dwellings. The office building and other lower level buildings would be largely if not entirely screened by the landscape mound. The designed landscape setting around the eastern site boundary would be visible and would largely block views of the existing and consented housing along High Road. The scale of change would be large and the proposals would occupy a relatively large extent of the view. The duration would be long term. Whilst the development of a brownfield site and the designed landscape setting of the proposals would be beneficial, the introduction of large scale built form into the landscape in open views is the most notable change which is considered adverse. Overall the magnitude of change would be substantial/moderate resulting in major – major/moderate significant adverse visual effects upon residents.
- 6.167 Longer term, as the proposed planting establishes, the development would integrate better with the landscape, and the coal storage buildings and CHPP would become well screened in summer months, with filtered views possible in winter when trees are not in leaf.

Sandwith

- 6.168 Sandwith is located on lower ground and well enclosed by tree cover. With the

exception of the dwellings to the north of the village, visibility towards the site would be predominantly restricted and significant effects are not predicted to occur.

Whitehaven

- 6.169 Distant views of the top of the CHPP and coal store would be possible from the wider Whitehaven area including Hensingham and Rosebank which are on rising ground to the eastern side of the town. Views would typically be from first floor windows past adjacent built form. The development would be seen as a minor feature in the view within the context of the urban area and wider landscape. The scale of change would be small and the extent of change from these areas would be negligible resulting in a slight/negligible magnitude of change and minor effects.

Individual dwellings within Pow Beck valley

Lake View

- 6.170 From Lake View views would be possible towards the access road and rail sidings, welfare/office building and RLF loading building. These features would add new development into an existing rural view which comprises limited existing development (the railway line). The applicants are proposing that, from the commencement of the development until the end of production, the Lake View property will only be used by persons solely or mainly employed on the development to mitigate any impacts. This is proposed to be covered by an obligation within the Section 106 Agreement.

Stanley House

- 6.171 Stanley House is located on the steep hillside west of the RLF loading building and set within mature tree cover. Views from the dwelling are across the valley at a higher level than the RLF loading building and rail line. The applicants are proposing that, from the commencement of the development until the end of production, the Stanley House will only be used by persons solely or mainly employed on the development to mitigate any impacts. This is proposed to be covered by an obligation within the Section 106 Agreement.

Woodend and Woodend Gardens

- 6.172 Woodend and Woodend Gardens are located to the north of the RLF to the west of the existing train line. The very northernmost tip of the proposed new sidings as they gradually split from the existing line would be located to the east of these dwellings. South easterly views from these dwellings are heavily filtered by existing mature vegetation and tree cover within the gardens and along field boundaries south east of the dwellings. Views of the existing train line are very limited.
- 6.173 During the construction phase construction activities would be well screened by the existing tree cover. Some filtered views may be possible if construction takes place in winter months when the trees are not in leaf. The scale of change would be small, the extent small and the duration would be short term. The resulting magnitude of change would be slight, resulting in a moderate adverse non-significant effect at most. If the construction takes place when the trees are in

leaf the effects would be reduced.

Operational Phase

- 6.174 The new siding would be indiscernible from the existing line as it gradually splits from it. The scale of change would be negligible, and the extent of view affected negligible. The duration would be long term. Overall the magnitude of change would be negligible and the effect would be negligible and non-significant effect.

Linethwaite

- 6.175 From the cluster of dwellings at Linethwaite the RLF building would be perceived as a minor component in long distance views across the valley and to higher ground beyond to the west and north west. Tree cover around the dwellings would filter or limit views. The location of the RLF loading building adjacent to the much larger steep hillside and woodland would reduce the perception of its vertical scale. For the construction and operational phases, the scale and extent of change would be small. The overall magnitude of change would be slight, resulting in a moderate adverse non-significant effect.

Houses on High House Road

- 6.176 There is a small cluster of dwellings on High House Road between 800m – 1km south of the proposed Rail Loading Facility (RLF). Most of these dwellings are orientated broadly westwards and look across the Pow Beck valley to the high ground of St Bees Head, and so views towards the RLF would be at oblique angles. The only dwellings oriented north are the most southerly dwellings of the cluster. The RLF building would be the most noticeable element of the proposed development. Whilst a large scale feature, its material palette reflects the local agricultural vernacular. It would be seen against the large scale steeply rising land immediately to its west and would not conflict with the scale of the landform. Whilst located within the rural Pow Beck valley, it would also be seen in the context of the Whitehaven urban area which spreads across the horizon. Mirehouse would be seen beyond the RLF building on the more distant hillside horizon. In either oblique or more direct views, whilst the RLF would represent a new feature, the character and composition of the long distance wide views up the valley would remain similar to the baseline existing view. The scale of change would be small, but for long duration, resulting overall in a slight magnitude of change and moderate effects which would not be significant.

Mirehouse

- 6.177 From dwellings to the south of Mirehouse visibility towards the RLF facility would be largely restricted by tree cover along the Pow Beck valley. The access road would be visible from some dwellings but only as it joins Mirehouse Road so would not result in any notable change to the character of the view. The LVIA concludes that no significant effects would occur from dwellings within Mirehouse.

Road Users

High Road

- 6.178 These road users are considered to be of medium sensitivity (medium value of

the view and medium/low susceptibility). As road users travel along High Road in both directions of travel they would approach and then pass directly past the Marchon site.

- Construction phase

- 6.179 During this phase construction operations would be visible including vehicle movements, the building of access roads, large-scale earthworks including creation of the earth mounds and lagoons, and the construction of the buildings and other structures. The walled covers would be large new features on the site, obvious due to their scale, however they would conceal much of the visual clutter of moving plant, machinery and general construction activities for the 6 months that they are present.
- 6.180 Given the close proximity to the site that road users pass, the scale of change would be large/medium (affecting views to one side of the road only). The geographic extent of the route affected and duration would be very short due to both the short length of road which would be affected and the short-term construction phase. The overall magnitude of change would be moderate/slight and the effect moderate-moderate/minor adverse and not significant.
- 6.181 Once the site was operational, as the road user approaches and passes the site the views would transition between being screened by the landscape mounds to occasional framed views of the CHPP and edge of the coal storage buildings where dips in the mounds have been included within the design. When passing from the south, one of these designed views include the view past the gatehouse down the entrance drive towards the CHPP.
- 6.182 The removal of the existing visual detractors and the introduction of a designed landscape, as well as occasional views of large scale built form beyond would result in a large-scale change affecting a medium extent of the view (one side of the road only). The views would be experienced from a short length of road and therefore the extent would be small. The overall magnitude of change would therefore be moderate resulting in a moderate effect which would not be significant. There would be both beneficial and adverse aspects: the removal of the existing visual detractors in the view and their replacement with a new designed landscape would be beneficial. Obscuring the longer distance views and the introduction of large scale built form at this proximity, despite it being contemporary and iconic, is considered to be adverse. Longer term, as the proposed planting establishes, the proposed development would better integrate with its surroundings.

Wilson Pit Road

- 6.183 These road users are considered to be of medium sensitivity (medium value of the view and medium/low susceptibility). Views would only be possible towards the main mine site when travelling north west up Wilson Pit Road, although the construction of the underground conveyor would be visible in both directions of travel.
- 6.184 During the construction phase the most obvious works would be the construction of the underground conveyor. Construction activities on the main mine site would be largely screened by topography until the road transitions into High Road as described above. The scale of change would be medium. The views

would be experienced from a short length of road and therefore the extent would be small and the duration would be short, resulting in a moderate/slight magnitude of change and moderate-moderate/minor effects which would not be significant.

- Operational Phase

- 6.185 Once the site is operational, only the tops of the CHPP, coal storage buildings and potentially the gatehouse and top of the office building would be visible, with ground infrastructure and activity on the site being screened by landform. The scale of change would be large/medium and the extent of change would be small, affecting only a short section of the route. The duration would be long term resulting in up to a moderate magnitude of change and moderate effects which would not be significant. The scale and overall magnitude of change would reduce as the proposed planting establishes and matures.

St Bees Road / B5345

- 6.186 From St Bees road visibility towards the development within the main mine site would be possible from high ground between Bell House and Abbey wood when travelling north, but only the tops of the CHPP and coal storage buildings would be visible as minor features in the view for a short duration. The RLF in the Pow Beck valley would not be visible. Due to the limited visibility of the proposed development no significant effects would occur from this road.

High House Road

- 6.187 High House Road connects St Bees with the A595 through the Pow Beck valley. Views would be possible towards the RLF in the valley in both directions of travel, and also towards the very tops of the CHPP and coal storage buildings on the Marchon site when travelling south west from the A595 for a short stretch of the road.

- Construction & Operational Phases

- 6.188 The construction and operational of the RLF building would be noticeable in the view as the road passes to the east of it, and it would represent a medium scale change, over a short section of the route. It would not however distract from the views through the valley. The intended design and finish of the RLF building will further reduce its visual impact in the valley. The rail sidings themselves would not appear out of character with the existing rail line and would quickly be assimilated into the landscape resulting in very little notable change. The welfare/office building would appear as another small scale agricultural building within the valley. It would not appear out of scale or out of character with the landscape. From greater distance the RLF would comprise a minor component of the view as would be CHPP and coal storage buildings. The medium scale change would occur over a small extent of the view for a short duration. The magnitude of change would therefore be slight resulting in a moderate/minor non-significant effect.

A595

- 6.189 From the A595 both the RLF and development on the Marchon site would be perceived as relatively minor features in the view, seen in long distance views

across the Pow Beck valley towards St Bees Head. The wider context of the Whitehaven urban area is apparent. Whilst the scale of change would be large/medium, the extent and duration of change would be small, and no significant effects would occur.

Recreational Routes

- 6.190 Recreational receptors are considered to have a value and susceptibility to change based on the degree to which views of the landscape are important. Views from long distance walking and cycling routes and from local public rights of way and core/promoted paths are considered to have a high value and their users are considered to have high susceptibility to change (high sensitivity overall). Where the view is considered secondary to the pursuit, the value and susceptibility are considered to be high/medium (high/medium sensitivity overall).

Coast to Coast path

- 6.191 The Coast to Coast long distance path extends across the study area from North Head to Moor Row to the south-east. At its closest points to the main components of the proposed development, it is located c.280 metres from the southern section of the main mine site boundary, c.45 metres from the underground conveyor site boundary (at its most southerly position) and it passes under the RLF through an existing underpass beneath the rail line. The Zone of Theoretical Visibility (ZTV) predicts almost continual theoretical visibility of the proposed development between the lane to the west of Sandwith and Moor Row to the east of the A595. However, actual views and the extent to which the change would be considered significant would be variable, depending upon local screening, proximity to the proposed development and the nature/extent of the change.

- Construction Phase

- 6.192 Between the coast and Sandwith, views of construction activities at the Marchon site would be limited to partial views of temporary site cranes and in some instances, the tops of the larger buildings. This is due to intervening local landform and an area of small-scale strip enclosures, lined with mature hedgerows and trees to the west of the village, which screen or heavily filter views towards the site. Views from the route within the village would be screened by built form.
- 6.193 Given the limited availability of views, and the limited degree of construction activities visible, the magnitude of change along this section of the route would be Slight/Negligible, leading to a moderate/minor level of effect, which would not be significant. Between Sandwith and High Road, there would be some open views across fields towards the site, especially where the roadside hedgerow is absent or gappy. While a linear group of trees close to the site's southern boundary would provide some screening of ground-level operations, there would be clear views of the CHPP and other buildings as they are being built. The tops of the covers would likely be visible. Whilst they would appear as large new features on the site, they would conceal some of the visual clutter of moving plant and machinery. While the extent of the view affected would be limited, the new buildings would become increasingly visible as they are being built, and there would be views of tall cranes on site. The limited extent of the view would

result in a slight magnitude of change, leading to a moderate level of effect, which would not be significant.

- 6.194 Between High Road and Bell House, views of construction activities at both the main mine site and along the conveyor route would be variable depending on the type and level of screening. Local landform and tall hedgerows would limit views of activities within the main mine site and along the conveyor route as far as Demesne. Beyond Demesne, woodland would screen views towards the main mine site however there would be views of the cranes and/or lifting equipment along the underground conveyor.
- 6.195 Between Bell House and Stanley Pond (i.e. in those fields immediately surrounding the RLF and as the route passes through the site), there would be closer proximity and largely uninterrupted views of construction activities associated with the RLF and the conveyor route. Although occupying a wide angle of the view, the extent to which the existing view would be transformed would remain very limited. Elevated views from the north would still be long-ranging, while views from the valley bottom would remain characteristically curtailed by local hedgerows and trees.
- 6.196 The magnitude of change where the proposed development would be prominent would be moderate, leading to a major/moderate level of effect, which is considered significant. Further east between the valley bottom and the dismantled railway to the west of A595, low level views would be subject to variable degrees of screening and filtering by hedgerows and trees. The RLF building would be perceived as a minor component in long distance views across the valley and to higher ground beyond to the west and north west. The location of the RLF loading building adjacent to the much larger steep hillside and woodland would reduce the perception of its vertical scale. The scale and extent of change would be small. The overall magnitude of change would be slight, resulting in a moderate adverse non-significant effect.

- Operational Phase

- 6.197 Between the coast and Sandwith, there would be very limited partial views of the CHPP due to screening or heavy filtering by local trees. In terms of the change from the existing view, the proposed development would be seen in the context of the urban fringe setting within which it is located, while more rural views to the east, south and west would remain unchanged. Given the limited availability of views, and the limited scale of the proposed development in those views, the magnitude of change would be slight, leading to a moderate adverse effect which would not be significant.
- 6.198 Between Sandwith and High Road, where there are open views across fields towards the site there would be clear views of the CHPP and coal storage buildings, while ground-level operations would be screened by the landscape mounds. While the extent of the view affected would be limited, the new buildings would be obvious. However, views of the proposed development would be set within a view of the urban fringe, while more rural views to the east, south and west would remain unchanged. The limited extent of view affected, combined with a slight prominence of the taller buildings, would result in a moderate magnitude of change, leading to a moderate level of effect, which is not significant.

- 6.199 Between High Road and Bell House, views of the proposed development would be limited to intermittent views of the CHPP building due to screening from intervening hedgerows and trees.
- 6.200 Between Bell House and Stanley Pond close proximity views of the RLF and associated infrastructure would be possible, especially as the route passes through the site. Tree planting along the southern edge of the existing railway embankment would not provide any screening at the beginning of the operational phase.
- 6.201 The welfare building would have an agricultural design aesthetic and would not be out of scale with the surrounding landscape. The RLF loading building would have an agricultural design aesthetic but would appear larger scale than other comparable buildings in the valley. The overall magnitude of change along this section of the route would be moderate resulting in a moderate significant adverse effect.
- 6.202 From sections of the route further east, as it passes through the Pow Beck valley and up its eastern slopes, the RLF building would be perceived as a minor component in long distance views across the valley and to higher ground beyond to the west and north west. No significant effects would result on these parts of the route.

England Coast Path

- 6.203 Views towards the main mine site from this route (part of which is pending designation as the England Coast Path) are limited by screening by local landform. Despite the prediction of theoretical views, actual views of the proposed development from this route would be predominantly restricted by landform. As a result, the magnitude of change would be no greater than negligible and there would be no significant effects on views from this route during any stage of the proposed development.

National Cycle Route 72

- 6.204 There are theoretical views of the proposed development from NCR 72 to the east, between Low Hall and Moor Row. However, actual views are very unlikely because the route follows the dismantled railway for almost its entire passage through the ZTV, which is mostly within a cutting with extensive trees. As a result, no significant effects on view from this route are foreseen at any stage of the proposed development's lifetime.

Local footpaths

- 6.205 From the local footpath which runs along the top of the Hutbank landfill to the west of the main mine site, clear views down into and across the site would be possible. During construction, all construction related activities within the site would be visible, seen in the context of the wider Whitehaven urban area. The magnitude of change would be moderate resulting in a major/moderate adverse effect. When the proposed development becomes operational, the large scale, built form, of a unique architectural style, would be introduced in close proximity, however it would be seen in the context of the wider Whitehaven urban area and large scale wind turbines to the north along the coast. Views towards the Lakeland Fells would be unaffected. The magnitude of change would be

moderate and the effect major/moderate adverse and significant.

- 6.206 From other footpaths in the vicinity of the main mine site, visibility towards the proposed development would often be curtailed by intervening landform or existing vegetation, and open views would usually only be experienced for intermittently and for short durations. The potential for significant visual effects to occur would therefore be limited.
- 6.207 From footpaths that pass in close proximity to the RLF, including the footpath along the rail line between the RLF site and St Bees, and those to the immediate north-east of Stanley Pond, some open views towards the RLF building, welfare office and rail sidings would be possible. Within close proximity, a moderate magnitude of change and major/moderate significant effects would occur during construction and upon completion, primarily as a result of views of the RLF building. As the proposed planting establishes it would aid the integration of the development into the landscape and would limit visibility of the rail sidings and lower parts of the RLF building from the east, reducing the overall effect to moderate and not significant. However, the coalescence of hedgerows across the flat valley floor would quickly filter and restrict visibility of the RLF building and limit the potential for significant effects.

Cumbria Coast Line

- 6.208 The Cumbria Coast Line runs through the Pow Beck valley directly past the RLF. Passengers on this train line would be considered high sensitivity as this train line is a promoted tourist route, passing through scenic countryside including the Pow Beck valley.
- 6.209 The construction and operation of the RLF building and associated works would be noticeable in the view as the rail line passes directly past the RLF site. This would represent a medium scale change, over a short section of the route. It would not however obscure easterly views through the valley. The rail sidings themselves would not appear out of character with the existing rail line and would quickly be assimilated into the landscape resulting in very little notable change. The welfare/office building would appear as another small scale agricultural building within the valley. It would not appear out of scale or out of character with the landscape. The medium scale change would occur over a small extent of the view for a short duration. The magnitude of change would therefore be slight resulting in a moderate non-significant effect.

Summary

- 6.210 In summary, the LVIA identified significant visual effects for the closest dwellings along High Road, to the north of Sandwith, and for isolated dwellings near the RLF in the Pow Beck Valley. Effects on other residential viewers were not regarded as significant. No significant effects were identified for travellers on roads within the study area. Visual effects on users of the Coast to Coast path were assessed as significant for a short section either side of the RLF.
- 6.211 The LVIA has been comprehensively reviewed by the landscape advisors and I am advised and of the opinion myself that the LVIA undertaken is robust and that the conclusions drawn are entirely reasonable.
- 6.212 Overall, I am of the opinion that the proposed development would result in an

adverse visual impact of moderate significance.

Landscape

- 6.213 The proposal has aimed to avoid significant adverse impacts on the natural and historic landscape, although some significant effects would remain.
- 6.214 It is clear from the proposals submitted that the main sources of effects on landscape and visual amenity would be from the initial construction processes, including the construction of the underground conveyor and the continuing long-term presence of very large buildings in the landscape at the main site and the large RLF building in the Pow Beck Valley. There would be further adverse effects on landscape character and visual amenity during the demolition phase / restoration works at the end of the project, although to a lesser extent than the construction phase, as landscape features such as the perimeter mounds and planting at the Main Site and the planting at the RLF would be retained.
- 6.215 The stated aim of the landscape proposals is to integrate the proposed development into the surrounding area, with transitions to the neighbouring urban and rural areas, and to address views and visual impact through balancing screening and filtering of views from the adjacent residential areas and providing dramatic views into the site of the “iconic” main building, deploying extensive mounding and planting.
- 6.216 I consider that, taken together, sufficient information has been submitted to enable the nature of the development and its effects on landscape and visual amenity to be judged. Overall, I consider the conclusions of the assessment to be reasonable. An exception to this conclusion is made in the Review regarding the assessment of “not significant” landscape effects of the RLF. Significant effects have been identified and mitigated as far as possible – with the exception of the assessment of “not significant” landscape effects of the RLF.
- 6.217 EIA Regulations require the Environmental Statement to set out the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment. This can be achieved through conditions seeking an integrated landscape scheme at the Main Site, which would also address how the aspirations in the DS would be realised. Such a scheme should adopt a green infrastructure approach that would deliver multiple benefits for the landscape, the environment generally and people, as envisaged by policy DC22.
- 6.218 Overall, I am of the opinion that the proposed development would result in an adverse impact on the landscape character of the area of minor/moderate significance.

Restoration

- 6.219 There is limited detail on the proposals for restoration of the site. Since the mine is expected to operate for a 50 year period however, it would be expected circumstances will change and that preparation of a detailed scheme prepared with regard to current circumstances when the mine closes would be the most effective way to secure a high quality restoration. The main mine site is proposed to be restored to an ecological / recreational use in accordance with the outline restoration plan submitted. A more detailed scheme would be required to be submitted for approval under a planning condition before the

operation of the mine ceases. The RLF and sidings would be removed and restored to their original condition.

Design

- 6.220 Policy DC18 states that proposals for development should be compatible with the distinctive characteristics and features of Cumbria's landscapes and should avoid significant impacts on the natural and historic landscape, ensure that significant adverse visual impacts are avoided, ensure high quality design (in respect of waste facilities) and direct minerals and waste developments to less sensitive locations where possible.
- 6.221 National planning policy in respect of good design is relevant, and para 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (para 130).
- 6.222 The size and scale of the proposed buildings proposed is set out earlier in this report. More detail in respect of precise materials and colours, including their justification, will be required to be submitted to CCC for approval under a planning condition.
- 6.223 Consideration has been given to the design of the larger buildings and the design has aimed for "bold architectural designs" and "a state of the art mine." The stated aim of the proposals is to integrate the development into the surrounding area and, considering the adjacent residential areas, the buildings and layout design should aim for a positive relationship with its local context. The design statement comments that the large-scale dramatic building designs of the main site could be "any colour" and it will be important that the colours chosen are based upon an analysis of the landscape context. The ideal scheme would be best suited to the seasonal colours of the surrounding landscape and the visual amenity of the development's residential neighbours.
- 6.224 I am of the opinion that the proposed buildings for the main mine site, whilst large scale, are of an innovative suitably high quality design. The RLF building whilst also of a large scale in its countryside location, is of a more agricultural style but of a suitably high standard in design terms taking into account its purpose. Whilst this building does not really reflect the character of the area, I consider that this is acceptable because they will be largely self-contained in the landscape or words to that effect.
- 6.225 Overall, I consider that the design of the proposed structures is acceptable, subject to the planning conditions requiring approval of additional detail on colours and materials.

Landscaping

- 6.226 The scheme involves the creation of significant landscaped mounds at the main mine site, principally along the northern and eastern boundaries. They would vary in height and form but would be between 3m and 6m above the level of the

adjacent road (High Road) and set back a distance into the site and include grassland, tree and shrub planting and wetland areas. As described above, the landscaped mounds would be publicly accessible greenspace with footpaths, seating and viewpoints with information boards.

- 6.227 The landscaping details submitted are outline at this stage, and with a scheme of this scale I would expect to see more detail at the planning application stage, particularly due to the sensitivity of its surroundings including those elements within the Pow Beck Valley. An integrated landscape scheme adopting a green infrastructure approach at the Main Site, incorporating measures for ecology and surface water management, would deliver multiple benefits for the landscape, the environment generally and people, (as envisaged by policy DC22).
- 6.228 Cumbria Minerals and Waste Local Plan Policy DC22 seeks the submission of proposals “with sufficient detail to clearly demonstrate that the overall objectives of the scheme are practically achievable, including a vision for overall restoration of the site, and to include proposals for appropriate after-use and the means to achieve it”. The policy sets out requirements for proposals for different after-uses. For proposals for nature conservation and amenity after-use (as in the case of this development), an “aftercare management programme” is required “of at least 5 years, but longer where required to ensure that the restoration scheme is established”. The proposals must be “appropriate for the landscape character and wildlife interest of the area”, practical, of a high quality appropriate to the area, compatible with neighbouring land uses, completed within a reasonable timescale and progressively as far as practicable.
- 6.229 Copeland Local Plan policy DM26 also require landscaping schemes to be maintained for a minimum of five years.
- 6.230 Conditions will be required reflecting the relevant requirements of these policies and to ensure that the aspirations set out in the Design Statement are realised in a fully considered landscape design. All hard and soft elements will need to be specified and located in a detailed design proposal (boundary treatments, street furniture, signage, interpretation, surface treatment etc), routes and links of paths with surrounding networks identified, as well as the planting proposals. The scheme will also need to have regard to points raised by the Police Force Crime Prevention Design Advisor in respect of security.

Lighting

- 6.231 Lighting would be used in winter months to enable work to take place within the proposed hours of working, and for security and health and safety reasons. Details submitted at this stage are limited, and a detailed scheme would need to be agreed and approved under a planning condition.
- 6.232 The NPPF para 180(c) states that decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.233 Night time photomontages of the RLF have been submitted and I have reviewed the impacts of the scheme in terms of its potential for light pollution. When compared with the current situation, the introduction of lighting will undoubtedly have some adverse impact. I note that the RLF would not be in operation throughout the night (only until 2200 hours Monday to Saturday), so that only

low-level security lighting would be needed then, which will help limit lighting effects. It would be important in finalising such schemes to ensure they minimise light spill as far as practicable, and in respect of the RLF to ensure it is particularly sympathetic to its rural location.

- 6.234 Overall, I consider that with appropriate controls on the numbers of lights, their brightness, direction, height and time of operation, these impacts can be controlled to remain within acceptable levels.

Representations

- 6.235 Objections have been received from local residents in respect of a lack of clarity over what might happen to the site and building once operation of the mine has ceased. Others (including Living Witness) have made the point the mine could be abandoned in the future due to changes in the market for steel or developments in technology and become a “stranded asset”.
- 6.236 Friends of the Earth and others object on the basis of the landscape and visual impacts of the scheme as a result of its scale. They argue that the proposed mitigation is insufficient and that the adverse landscape impacts should carry significant weight in the planning balance. They argue that residents of housing developments and users of footpaths in proximity to the two principal development locations will be particularly impacted and as such the proposal is contrary to policy DC18.
- 6.237 Representations have been received in relation to the size and scale of the RLF, particularly the loading building. They argue that the photomontages submitted understate the true impact of this element of the proposals. They also do not illustrate the trains and other elements of the sidings scheme which would have significant impacts in the locality. Views of the RLF from across the Pow Beck Valley have been highlighted as of a particular concern.
- 6.238 Representations have also been received objecting on the grounds of adverse impacts from lighting. These include the impacts of the lighting from the RLF in the context of the night time amenity, which due to the length of the sidings could dominate the area.
- 6.239 Representations were received objecting on the basis that no bund is proposed to attempt to address adverse noise and visual impacts on the three nearby residential properties at Woodend Gardens. The representations stated that views of the RLF are not “heavily filtered” but very close to the rear windows of residential properties. Furthermore, during the construction phase considerable amounts of land involved are not screened from these properties at all. While operational the points system, sidings and shunting locomotives would all be clearly visible and therefore the adverse impacts on these properties would be considerable. A further representation has been received from the properties concerned withdrawing these comments.
- 6.240 Representations were received concerning the negative visual impacts the rail sidings and loading facility would have on Springbank, Linethwaite and other properties in the High Walton area, including on a holiday lodge business.

CCC views

- 6.241 Policy DC22 (Restoration and aftercare) states that proposals for mineral extraction shall be accompanied by restoration and aftercare proposals with sufficient detail to clearly demonstrate that the objectives of the scheme are achievable. The policy encourages restoration schemes which provide environmental enhancements (for example to biodiversity or landscape) and/or meet social objectives or return land to agriculture. All proposals will be expected to demonstrate that aftercare proposals are adequate, the scheme is of high quality and appropriate for the area, is compatible with neighbouring land uses, will be completed on a progressive basis within a reasonable timescale, provision is made for financial and materials budgets during the sites operational life, and the scheme is implemented in accordance with industry best practice.
- 6.242 The NPPF [para 205 (e)] states that planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Policy SP16 states that restoration and aftercare schemes for mineral working should demonstrate that best practicable measures have been taken. This could include consideration of a range of factors such as biodiversity, landscape enhancement, flood risk mitigation, water quality and ameliorating contaminated land.
- 6.243 It is anticipated that the mine would operate for a period of 50 years, before being restored. During this period, it is likely changes will occur in the global demand for steel, in the availability of raw materials, and in locations of operational mines. In the event that demand for the markets for products from this mine changes to the extent it becomes financially unviable prior to the end date, it is necessary to ensure that the mine can be appropriately restored at an earlier date, or acceptably closed on a temporary basis until market conditions improve. I consider this can be secured by means of a planning condition and a S106 obligation requiring restoration bond or other security.
- 6.244 The NPPF states that bonds or other financial guarantees to underpin planning conditions (such as for the restoration of the site) should only be sought in exceptional circumstances [para 205(e)]. Policy SP17 sets out some of the situations in Cumbria which might be considered “exceptional circumstances” which justify the use of a legal agreement to provide financial guarantees. These situations include very long-term new projects where progressive restoration is not possible.
- 6.245 In this case I believe a bond or other security is fully justified, as the development would operate for a significant timescale and opportunities for progressive restoration of the onshore elements are very limited.
- 6.246 The applicants, WCM, have accepted that the use of a bond or other security is appropriate and proposed to offer a bond or other security to cover the costs of restoring the surface elements of the mine and making the underground elements safe. This value of the bond or other security would change depending on the stage of the project and the extent of restoration liabilities at the time.
- 6.247 WCM have proposed that the precise mechanism for the bond or other security be controlled through a section 106 agreement and our legal advisors at Freeths LLP have drafted Heads of Terms which they believe would form an effective framework for maintaining a restoration bond or security for the WCM project.

This is addressed in more detail in the section of this report that covers the Section 106.

- 6.248 At the conclusion of operations, the mine will be fully restored in accordance with an approved scheme and all the visible surface infrastructure (including the railway sidings) removed.

Conclusion

- 6.249 The LVIA assesses effects on the landscape of the Pow Beck valley as moderate adverse and not significant. I consider this an under-estimate resulting from considering the development in the wide context of the overall Landscape Character Type in which it is located, rather than in the local landscape context of the Pow Beck valley. Its effect on landscape character of the Pow Beck valley would be mitigated to some extent by the architectural treatment (which is neutral, not attracting attention), its siting alongside the rising landform to the west, and by the planting proposed along the eastern side of the rail tracks but, although lesser in scale than the Main Site buildings, the RLF would remain a large-scale building, clearly larger in scale than agricultural buildings in the surrounding area.
- 6.250 The Pow Beck Valley area remains largely tranquil and undisturbed. It is an area where the landscape dominates the railway and isolated farms. It is also identified as open countryside in the Copeland Local Plan where development is restricted unless there is an exceptional need. I appreciate that the advice of landscape architects is that both the RLF and sidings will not have a significant adverse effect on the wider landscape. However, I think the building and associated sidings will have a significant impact on the local landscape particularly when viewed from the footpath where it passes either side of the RLF, even with the landscape planting proposed and the restoration of Main Band colliery.
- 6.251 In terms of visual impact, I consider that the LVIA is correct in identifying significant visual effects for the closest dwellings along High Road, to the north of Sandwith, and for isolated dwellings near the RLF in Pow Beck Valley. I agree that effects on other residential viewers are unlikely to be significant. No significant effects were identified for travellers on roads within the study area. Visual effects on users of the Coast to Coast path were assessed as significant for a short section either side of the RLF.
- 6.252 There are undoubtedly significant effects that will result from the proposed development, particularly in relation to visual effects upon some of the closest dwellings to the site along High Road, the dwellings to the north of Sandwith and isolated dwellings within Pow Beck Valley. In my opinion, the RLF building and associated sidings will also have a significant impact on the local landscape, particularly in the context of the footpath where it passes either side of the RLF, even with the landscape planting proposed.
- 6.253 Overall, I consider that the proposed development would result in adverse impacts upon visual receptors and the local landscape.

Are the impacts of the development in relation to the rail network capacity, transportation, highways and paths acceptable?

- 6.254 This development would overwhelmingly rely upon rail transportation, and all the mine products would be exported by rail. There would be some use of road during the construction phase (250 car movements per day (125 in / 125 out) and 114 HGV movements (57 in / 57 out), for employee travel while the mine is operating (254 car movements per day (127 in / 127 out) in 2019, growing to 1,010 per day in 2029 (505 in / 505 out) and 12 HGV movements (6 in / 6 out), and to carry out restoration following the closure of the mine.
- 6.255 In terms of rail transport, initially the development would use one train per day, but as production builds over time, it is expected that at peak output, six trains per day will be used to export the coal to markets.
- 6.256 Rail and highway issues are discussed separately in this section before I draw a conclusion in respect of transport issues.

Rail capacity

- 6.257 It is proposed to transport coal by means of an underground conveyor to the RLF where it will be loaded into train wagons within the RLF building using a gravity fed system. All of the coal produced from the mine would be exported by rail. The majority would be moved to the Port of Redcar, but some may move to other facilities or places (such as Port Talbot for example) depending on the demand for coal.
- 6.258 Due to the volumes of material involved, the exportation of coal other than by rail would be neither economically or environmentally viable. It is therefore essential that significant capacity exists on the rail network, to manage the number and size of trains involved. The application states that initially the development will require one train initially, raising to four trains (8 paths) per day, then later rising to six (12 paths) when the mine is operating at full capacity.

Representations

- 6.259 Representations have been received that a rail study has not yet been undertaken and that WCM have not yet agreed to fund additional freight traffic studies. Furthermore, insufficient information has been supplied to determine whether locomotives and wagons can be acceptably “parked” when not in use. Objections have also been made in respect of impact of freight trains in respect of property damage, reductions in air quality, noise and health risks. The County Council has been asked to pay substantial compensation to residents living adjacent to the railway line if the scheme goes ahead. It has also been requested that if the development is permitted stone is laid to allow the Cumbrian Coast Rail to be converted to dual tracks at some time in the future.
- 6.260 Network Rail have confirmed sufficient capacity currently exists on the line to accommodate the one to four trains necessary to commence operations, but that upgrades (such as signalling improvements to improve capacity on the Wigton to Maryport section of the line) are likely to be required to facilitate the six trains. A rail capacity study has been undertaken to assess the improvements necessary to facilitate increased use of the line associated with major developments in West Cumbria.
- 6.261 Network Rail is supportive of the application and acknowledges the wider economic benefits the development will bring to the area. However, their support

is subject to the receipt of developer contributions required to provide the capacity improvements for the proposed number of train movements.

- 6.262 Network Rail have confirmed that should upgrades be required, they would be able to undertake this work and secure an appropriate financial contribution to any costs from West Cumbria Mining. WCM have agreed in principle to contribute to the funding of these upgrades.

CCC view

- 6.263 There is currently no reason to foresee that the additional train movements cannot be provided for and since a condition is proposed to be attached to ensure that no minerals, products or wastes can be exported by road, I consider this secures appropriate control to avoid the environmental impacts from traffic that would arise in the unlikely event that the additional train paths cannot be secured.
- 6.264 Whilst there will be impacts upon amenity arising from operation of the trains, these are considered to be limited in the context of an existing operational railway line. Restrictions on the hours of working of the RLF are also proposed to be imposed to limit impacts at night.
- 6.265 The development accords with the minerals and waste local plan in respect of the fact it relies on rail transportation for exportation of the products and will therefore minimise “minerals and waste road miles”. A planning condition is proposed limiting production at the mine to a level which could be accommodated with the six trains per day as proposed in the application and assessed in the EIA.

Highways & Paths

- 6.266 There are some highways safety impacts from the development, during the construction and restoration phases, and through impacts from employees travelling to work. In order to off-set and mitigate these impacts, improvement measures are proposed.
- 6.267 The specific improvements proposed (to be funded via the S106 obligation) are traffic calming measures within a 1.5 mile radius of the main mine site boundary, including: the installation of four pedestrian crossing points, with dropped kerbs, central refuges and “Keep Left” bollards; traffic calming features and general signage; textured surfacing in specific locations and revised/enhanced road markings in the vicinity of the development. The funding of these measures would include consultation and the legal advertisement process for revised Traffic Regulation Orders and traffic calming features. The cost of design, audit, commissioning and contingency would also be met by the applicant. Works would also be carried out to the Mirehouse Road / St Bees Road junction where the turning radius will be adjusted to improve the operational safety of the junction.
- 6.268 The location of the main site so close to the settlement of Whitehaven makes the possibility of travel to work using alternative means to a car a realistic possibility. The applicant has proposed a new local footpath on the northern part of the main site and a pedestrian/cycle path on the access to RLF, which could potentially increase the ease with which some employees might walk or cycle to

work or provide additional recreational opportunities.

- 6.269 The application proposes to add permissive footpaths / heritage trails within the main mine site. Interpretation boards would also be provided. It is also necessary to consider impacts on the Coast to Coast path which runs through the RLF and ensure that any impacts are satisfactorily managed. It is proposed to route this path in a tunnelled section beneath the railway sidings, although there may be some realignment of the path.
- 6.270 Measures are proposed to be put in place whilst the construction work is underway. These include the programming of works to the underpass outside the busiest walking seasons, installation of signage either side of the railways to 'hold' walkers until they can be safely escorted through the site and through the underpass (depending upon stage of construction).
- 6.271 The applicant has been asked to provide a range of improvements to footpaths in the vicinity of the site, in order to off-set the detrimental impacts of the scheme on the local rights of way network. These improvements would be undertaken by the County Council, with funding secured from the applicant by way of a s106 agreement. They include improved route alignment, surface and drainage works, signs, gates and boundary treatment and better route definition on specific footpaths.
- 6.272 In order to accommodate the proposed new sidings, it is proposed to route that section of the Coast to Coast path running through the RLF in a new section of underpass beneath the lines. The introduction of an additional length of underpass and the presence of the RLF would inevitably detract from the experience of footpath users following this footpath. There are also views of the Marchon mine site from footpaths and the Coast to Coast path, where the processing building would become a major feature in the landscape.
- 6.273 The development also requires the importation of approximately 3m depth of fill (and other works) to construct the railway siding, immediately adjacent to, and over the top of, the route of the current Coast to Coast path. The measures currently proposed in the application would not be an acceptable way to manage this. However, informal discussions have taken place between WCM, Network Rail and CCC Countryside Officers, and it is believed an acceptable solution could be developed and approved under a planning condition.

Representations

- 6.274 Some objections have been received from local residents on grounds of its impacts on highway safety, amenity, and the unsuitability of the local road network (including High Road and the town centre) to accommodate the HGVs and other traffic generated. Traffic calming between Snaefell Terrace and Taylors Way has been specifically requested if the scheme goes ahead.
- 6.275 The Local Highways Authority consider the proposals are acceptable in terms of highway capacity and safety. However, we require that the construction route to the rail sidings from Mirehouse Road (currently shown to be tarmac road between 5m and 6m wide) be available for use by cyclists, in order to maintain the potential for a future cycleway connection from Whitehaven to St Bees. The route would also be available for use by employees cycling to work and for pedestrians/walkers providing a link to the Coast to Coast path (FP 422011).

- 6.276 In the view of the Local Highway Authority, without the above measures there would be a severe risk of harm to the safety of pedestrians and motorists travelling to and from the site, and a severe risk of additional accidents and collisions.
- 6.277 Network Rail raised a number of issues with the proposed scheme, including the interface with the existing railway embankment, the drainage system, the works being undertaken in respect of the footpath underpass, landscaping proposals, lighting, their boundary fence, and overhead power lines.
- 6.278 These measures have been discussed with Network Rail and they have confirmed that this can be satisfactorily addressed through the imposition of planning conditions which requires additional information to be submitted and approved.
- 6.279 Cumbria's Countryside Access Team comment that there are number of errors of the plans submitted in respect of the legal alignments of footpaths. Most significant is FP 422012 for which the definitive alignment runs well within the application boundary, passing through the proposed RLF office building and not outside the boundary as depicted on WCM's plan. This path will require diverting under Section 257 of the Town and Country Planning Act 1990, and the diversion process must be fully completed before the commencement of any works that might block / obstruct the current alignment.
- 6.280 However, the RLF proposed plan shows FP 422012 running adjacent to the RLF office and then outside the boundary. It is apparent in comparing this "proposed" drawing with the existing alignment that it proposes diversion of the footpath and, whilst it may have been set out clearer, there does not appear to be an error in the drawings. The precise route of the diversion will need to be agreed with the Council who may require any diversion to remain within the red line planning application boundary. This would also be required to be considered via a S257 Order before any development that could block the path could commence.
- 6.281 The Local Highway Authority have requested a S106 legal agreement to cover the funding of traffic calming measures on the surrounding road network, improvements to the local Public Rights of Way (PRoW) network and funding towards monitoring implementation of the Travel Plan. They also request conditions to cover means of access, cycling measures, run-off controls, parking and access requirements, a Construction Method Statement and a Construction Traffic Management Plan.
- 6.282 In the view of the Local Highway Authority, considering its reliance on non-motorised transport and shift timings, I consider all the improvements discussed above are essential. In addition to the physical measures Travel Plans would be required, to ensure that travel to work in relation to both the construction and operational phases of the development are as sustainable as possible.
- 6.283 Highways England have no objection to the proposal.

CCC view

- 6.284 Policy DC1 requires that mineral developments should be located where they have potential of rail transport and minimise operational "minerals and waste

road miles”.

- 6.285 Overall the development is acceptable in highways terms and will use of the rail network for the transportation of products to markets. Mine waste will be managed on site, being returned back into the mine using the conveyor. The extensive use of rail is highly sustainable in transportation terms, and effectively eliminates “minerals and waste road miles”.
- 6.286 Adverse impacts arising from road transport are appropriately mitigated as described above.
- 6.287 Local traffic would be managed by means of Travel Plans during both the construction and operational phase, and measures have been put forward as part of the proposal to improve travel to work. The Travel Plans should minimise the impacts for employee travel and traffic associated with the mine construction.
- 6.288 Copeland Local Plan policy ENV6 (Access to the Countryside) states that opportunities should be sought to provide or improve access on routes to and from settlements and to secure the implementation of improvement measures with key partners and developers.
- 6.289 The NPPF [para 98] states that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 6.290 In respect of the Coast to Coast footpath, a long and protected temporary alternative route avoiding the work site would be detrimental to users and the visitor experience.
- 6.291 The ‘obvious’ alternative route would be to start at St Bees and immediately take a route along the east side of Pow Beck. However, the initial clifftop walk to St Bees Head is a major attractor and an ‘essential’ starting section of the Coast to Coast route. Alternatively, if users walking the clifftop section have little alternative but to follow the west side of Pow Beck back to St Bees only to return along its east side to re-join the main route, it would be very unpopular and would add a substantial distance to an already long first day of walking.
- 6.292 With the above in mind, every attempt should be made to keep footpath 422011 open and available throughout the construction phase. The proposal to escort users through the work site should be considered as the default option, and alternative routes only offered at very exceptional and unavoidable times. As the public will not be free to pass through the site without an escort a Temporary Traffic Regulation Order (Section 14, Road Traffic Regulation Act 1984) will be required and needs to be in place before, and throughout, any restricting of public access.
- 6.293 Should there be any occasions when public access through the construction site needs to be denied (footpaths 422011 and 422012) under the aforementioned TTRO, any provided alternative will need to be safe and convenient to use. Road walking sections, as stated, must be assessed as safe and may require additional measures as recommend by CCC Highways before being promoted. Additional works may also be required on any PRoWs used by the alternative route due to the increased usage. It would be unfair to assume that the

landowner would have to endure any additional cost or work.

- 6.294 Disruption could be kept to a minimum by avoiding closures during the holiday season or at particular busy times – as this is at the start of the Coast to Coast, most of the west-east usage is during the first half of the week. However, this is an extremely popular path and usage should be expected at all times. Keeping the route open on its current alignment is by far the preferred option, maintaining a convenient, well signed alternative access across the rail line during the construction works on the occasions when footpath 422011 needs to be closed is considered essential to avoid confusion and disappointment to path users.
- 6.295 In order to avoid the proposals detracting overall from the local rights of way network, as described above, I consider that the improvements proposed to the surrounding rights of way network which would be secured through a S106 agreement and conditions (as applicable) are necessary and justified. The proposed cycleway and footpath referred to in the highways section, will provide additional compensation for impacts on the public rights of way network along with the new paths on the Marchon site from High Road.
- 6.296 I have recommended that a planning condition be imposed to require schemes to be submitted related to the management of footpaths during construction in order to minimise any potential impacts.
- 6.297 Temporary Traffic Restriction Orders (TTRO) under the Road Traffic Regulation Act 1984 S14(2) will be required on any paths where works deem the path unsafe for public use during construction.
- 6.298 Following discussions with officers of the Countryside Access team, I am satisfied that relying upon the PROW legislation detailed above, and by engaging with the applicants at the earliest opportunity, the necessary diversion orders and associated TTROs can be undertaken, managed and completed so that the affected public rights of way are adequately protected.
- 6.299 Overall, I consider the impacts of the proposal in respect of footpaths and impacts upon the local tourism industry would not result in such significant harm as to justify refusal of the planning application on those grounds alone.
- 6.300 I also consider that the development minimises minerals and waste road miles and accords with policy DC1 of the CMWLP, subject to the conditions and a S106 legal agreement requested by the Local Highway Authority.

Will the development have unacceptable impacts in respect of contaminated land?

- 6.301 The main Marchon site has a long history of industrial uses, including coal mining, a coke works, an alabaster and gypsum works and most recently a chemical works. There are also two historic landfill sites adjacent to the site. The site has been previously designated as contaminated land and a Special Site by the regulatory authorities. Work has since been carried out to enable the designation of the land as a Special Site to be removed, however, the Environment Agency believe historic contamination remains and would be disturbed during the construction works.
- 6.302 Work was undertaken on the site between 2008 and 2013 and sufficient risk

assessment and mitigation to be completed to allow the contaminated land determination to be removed on the basis that the “source-pathway-receptor” linkages originally identified had been addressed or further assessed to confirm the absence of risk. Existing soil sources of contamination may however remain beneath the remaining slabs and areas of hardstanding which were not identified during the previous investigations.

- 6.303 Contaminants known to be present on the site include Total Petroleum Hydrocarbons (TPH), naphthalene, surfactant, Copper, Vanadium, Selenium and Phosphate.
- 6.304 In addition, in order to facilitate access to the drifts, it would be necessary to excavate the southern toe of Hutbank landfill site. This material would be removed to an appropriately permitted waste disposal site and the working area sealed to prevent future leaching, and a variation to the environmental permit for the landfill will also be required to allow the works to proceed.
- 6.305 The applicant has proposed a range of mitigation measures including intrusive investigation, remediation and monitoring of the contaminated main Marchon site, prior to the commencement of the development. Large temporary structures would also be erected during the works to cover excavations and avoid ingress of rainwater which might otherwise transmit contaminants.
- 6.306 Four main residual impacts of major/moderate adverse significance were identified through the EIA which could all be reduced to minor/moderate adverse in significance with further mitigation (and would therefore not be considered “significant” in EIA terms). Three impacts related to the construction phase, and the fourth to the operational phase.
- 6.307 Potential loss of and damage to the St Bees Head SSSI geological resource would be mitigated by review of the design and proposed construction of the mine to avoid coal extraction and thereby minimise loss of support beneath the SSSI.
- 6.308 Risks to the environment, development workers and neighbouring residents associated with the creation (or exacerbation of) exposures to residual contaminants on the main Marchon site would be mitigated through site investigation, additional testing and formulation and implementation of an appropriate strategy to manage these risks.
- 6.309 Risks to controlled waters from the creation (or exacerbation of) residual pollutant linkages would be mitigated through the careful use of water, consideration of temporary surface water drainage measures, completion of piling risk assessments to minimise the creation of new pathways and the careful staged removal of existing slabs beneath the temporary covers on the main Marchon site to minimise the area of exposed soils.
- 6.310 Finally, during the operational phase of the development a detailed hydrological model would be developed to assess potential below ground pathways for deeper groundwater, and neighbouring surface water bodies monitored carefully during any dewatering activities.

Representations

- 6.311 Representations have been received objecting on the basis that impacts as a result of pollution and groundwater quality will be unacceptable.
- 6.312 The Environment Agency objected to the proposals as originally submitted on the grounds that there was insufficient information to demonstrate that the risks of pollution posed to surface water and groundwater quality could be safely managed. A significant amount of additional information was submitted directly to the Environment Agency to address this issue at the beginning of November 2017.
- 6.313 Following the latest consultation, the Environment Agency have confirmed that they have no land quality objection subject to the inclusion of appropriately worded conditions. The conditions need to define the scope of the works for ground investigation, risk assessment, remediation and validation of remedial works to verify no unacceptable risks. Copeland Borough Environmental Health have also been consulted on the additional information and have raised no objections.
- 6.314 The Environment Agency require that remediation strategies are prepared for the main site, the conveyor route and the RLF that set out the risk associated with contamination of that part of the site. The strategies would include preliminary risk assessments, site investigations, options appraisals and remediation strategies based on the results of the site investigations and the detailed risk assessments.
- 6.315 The Environment Agency point out the development impacts upon the Hutbank landfill (including the leachate pipework) and that landscaping proposals for the southern boundary bund extend over the Marchon / Ufex landfill. Conditions are proposed to ensure any proposed works impacting upon these existing landfills are carried out in an acceptable way.

CCC view

- 6.316 The NPPF at paragraph 118(c) states that planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, derelict, degraded, contaminated and unstable land.
- 6.317 Copeland Local Plan policy ENV6 requires proposals to ensure access to the countryside by investigating opportunities for reclaiming contaminated and derelict land for recreational purposes. The main Marchon site meets several of these criteria and would benefit from the remediation of historic contamination that this development would help facilitate.
- 6.318 The mitigation set out in the ES and summarised earlier in this section are all issues which I consider could be appropriately controlled through the use of planning conditions. A Construction and Environmental Management Plan (CEMP) will also be required to be approved setting out details of environmental control measures, including those related to the protection of land quality.
- 6.319 Overall, I consider that proposal accords with policy ENV6 providing conditions are attached to ensure adequate mitigation measures are implemented.

Will the development have unacceptable impacts in respect of hydrology or hydrogeology?

Hydrology

- 6.320 The application site lies in Flood Zone 1 which has low (<1 in 1,000 annual probability) risk of flooding. The Sequential Test identifies that land within Flood Zone 1 is considered suitable for all development types. The majority of the site is considered to be at a low risk of pluvial flooding, with some pockets of medium and high risk in depression features.
- 6.321 The submitted Flood Risk Assessment confirms that flood risk to the site from groundwater is considered to be low / negligible.
- 6.322 The assessment shows that the proposed development will increase runoff at both the Main Mine Site and RLF owing to increases in impermeable surface area and climate change induced increases in rainfall intensity. Post restoration, runoff from the former Marchon site is predicted to decrease as a result of the change in surface cover from fractured hardstanding to grassland across much of the catchment. Runoff from the restored RLF would return to greenfield rates and volumes. The applicant considers that the underground conveyor is not expected to cause any change in flood risk owing to the minimal impact expected on surface water flows. Any minor drainage features intersected during the construction of the conveyor are proposed to be re-established to maintain their functionality.
- 6.323 It is proposed that runoff from the Marchon site area will be passed through oil interceptors and silt traps. Some of the resulting runoff is proposed to be discharged to the sea to the north of the Marchon site although the majority of the runoff will be used for on-site processes. Attenuation of surface runoff is required and has been included within the proposed scheme to ensure that the rate of discharge to the sea will not exceed 25 litres/second and be restricted to four hours either side of high tide in normal conditions when the outfall is submerged. Any such discharge would also require a new Discharge Permit. Exceedance volumes are proposed to be accommodated on-site to prevent any discharge of surface water to the Sandwith Beck.
- 6.324 Drainage of the RLF is not possible using infiltration methods and a surface water management design has been submitted which would restrict discharges to the Bellhouse Gill and Pow Beck watercourses to less than the greenfield rates for the 1 in 100 annual rainfall event with a 40% allowance for climate change. The settlement and treatment of surface water from the RLF is also proposed.

Hydrogeology

- 6.325 In the upland areas, groundwater flow is largely topographically driven. Groundwater initially flows downwards and then slowly westwards through the fractures in the rock. The proposed development would access the coal measures both on-shore and beneath the Irish Sea (subject to separate MMO consent) initially via the existing former mine drifts and then, where these reach a point approaching or just below the groundwater table, via newly constructed drifts to greater depths. The drifts are proposed to be lined progressively as they are advanced (effectively becoming impermeable behind the open section).

Grouting techniques would be used to manage water inflow into the access drifts when they are driven through faults / permeable zones.

Landfills

- 6.326 There are two adjacent landfills adjacent to the Marchon site. Leachate from these landfills is treated at an existing leachate treatment plant at the southern edge of the Marchon site, after which it is discharged to the sea at Saltom Bay. The quality of the discharge effluent is monitored by the Environment Agency.
- 6.327 The proposed design of above ground works includes measures to control surface water and prevent the release of any pollutants into the surface water and groundwater environments. These include:
- impermeable hardstanding to prevent infiltration of contaminants to the sub-surface;
 - Surface Water Management Plans for the remediation, construction, and operational phases of the proposed development;
 - purpose-built storage facilities for materials, chemicals and fuels with enclosed roofs and bunds to contain any spillages; and
 - interceptors around the perimeter and within the interior of the Marchon site and Rail Loading Facility are proposed to prevent the release of surface water runoff to the environment.
- 6.328 The design of the below ground works has been developed to include the following mitigation measures to minimise risk to groundwater and groundwater-dependent receptors:
- sealing off significant fractures and faults and higher permeability zones where intersections occur. This involves probing ahead of the tunnel face to identify these areas followed by the injection of grout material into fractured/faulted areas prior the tunnelling through them. Exploratory holes will be drilled ahead of the tunnel face to scope out areas of high-water content; and
 - sealing up the proposed mine drifts behind the advancing tunnel face to prevent dewatering of any groundwater present in the bedrock.
- 6.329 The removal of water from the mine would require an abstraction licence.

Representations

- 6.330 The Environment Agency have raised two questions in respect of the current level of detail in the Flood Risk and Surface Water Management Plan (whether calculations include the periphery bund and the assumed timescales for the remediation phase) but consider these can be addressed by the imposition of appropriate conditions.
- 6.331 Concerns have been raised by Keep Coal in the Hole and others that the scheme could lead to the pollution of water supplies, and lead to wider adverse impacts on hydrogeology. Amongst other things, these impacts might specifically include increased flooding in the Pow Beck and a drop in the water table due to

dewatering of the mine.

- 6.332 Objections have been received from local residents in respect of drainage around the box culverts and RLF, and the potential for this to cause problems by acting as a new flow path for water.

CCC view

- 6.333 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere [para 163] and developments over 1ha in area should be accompanied by a Flood Risk Assessment. Policy DC19 (Flood Risk) states that development proposals should not be considered without a site-specific Flood Risk Assessment appropriate to the scale, nature and location of the development. It states also that developments should incorporate sustainable drainage systems unless they can be demonstrated to be inappropriate.
- 6.334 CCC's Lead Local Flood Authority (LLFA) and the Environment Agency have been consulted and have no objections to the proposals subject to the imposition of detailed conditions. These conditions should cover confirmation of the right to use the existing sea outfall pipe, the culvert design for the conveyor, and the design of the surface water drainage system.
- 6.335 I consider that with the imposition of the recommended conditions, this will ensure that further detailed schemes will be submitted to the Council to ensure that the final drainage arrangements are appropriate. I am confident that the details provided as part of the planning application, along with the requirement for the submission of further detail via condition will result in no unacceptable impacts on flood risk, surface water drainage or the hydrogeology of the surrounding area. I therefore consider that the proposals are in accordance with Cumbria Mineral and Waste Local Plan policy DC19.

Marine

- 6.336 As previously stated, the onshore elements of the proposal are covered by the planning system, however, the proposed mine extends for a significant distance offshore. These elements of the proposal would be regulated by the MMO through a licence, and the Environment Agency through environmental permits.
- 6.337 Paragraph 183 of the NPPF states that planning authorities should focus on whether the development is an acceptable use of land, rather than the control of processes or emissions where these are subject to approval under pollution control regimes. Local planning authorities should assume that pollution control regimes will operate effectively.
- 6.338 Notwithstanding the above, the development is however subject to both EIA and Habitats Regulations Assessment (HRA), and as a result the planning authority needs to make an assessment of the impact of the whole development proposal, not just those elements which fall under the control of the planning system. In order to facilitate this, a combined EIA was undertaken which assesses the whole proposal including the proposed undersea elements and marine discharges. The shadow HRA similarly assesses potential impacts on the marine environment. The potential for wider impacts relates primarily seabed subsidence and impacts on ecology from the discharge of water from the site to

the sea.

- 6.339 A key point to note, is that a previous version of the proposed scheme involved the dewatering an abandoned anhydrite mine through a pipe into the sea. A number of consultees raised issues with that element of the proposal, and as a result WCM decided to redesign the scheme to remove this. In the following section summarising the representations, I have still noted comments on this aspect unless superseded by a subsequent letter in order to ensure my report is accurate. However, representations in respect of the marine discharge for the anhydrite mine need to be considered in the context that the scheme has recently been revised.

Representations

- 6.340 The Marine Management Organisation was consulted on the planning application and had no comments on the proposals. Natural England's response on the latest shadow HRA is awaited, but previously they had no objection, subject to conditions to require a code of construction and measures to manage foul sewage.
- 6.341 The NWIFCA has raised concerns about the potential water quality of run-off and minewater discharge entering the marine environment from the outfall, and also its impacts upon ecology. We have not received an updated response from the NWIFCA, however, the elements of the scheme that gave rise to these concerns have been removed from the version of the scheme being considered, and so these issues have now been effectively addressed.
- 6.342 Representations have been received which state the proposed sea outfall will adversely impact upon local wildlife, which is still recovering from the impacts of the chemical factory.
- 6.343 The potential for subsidence of the seabed affecting migratory fish or other wildlife was raised the IFCA during the consultation processes. Keep Coal in the Hole added that this could result in the mobilisation of particles of nuclear waste contained in seabed sediments that could then make their way onto Cumbria's beaches.

CCC view

- 6.344 Policy DC20 states that developments should demonstrate that they would have no unacceptable quantitative or qualitative adverse effects on the water environment, both within the application site and its surroundings. This includes coastal waters and groundwater resources.
- 6.345 As set out above, I consider that there are no elements of the wider scheme which would give rise to significant adverse environmental impacts in respect of the marine environment. However, in order to avoid duplication of regulatory control with matters that are appropriately regulated by the MMO and EA, planning conditions and a S106 legal agreement are however proposed for those elements of the development proposal above mean low water mark and within the red line included in the planning application.
- 6.346 Assessment of ecological impacts and HRA in relation to marine aspects are discussed in the ecology section of this report.

Will the impacts in respect of noise be acceptable?

- 6.347 The proposals involve extensive construction and earthmoving operations, particularly in respect of the construction of the conveyor route, as well as activities associated with the movement and operation of mobile plant and rail / road movements.
- 6.348 The development intends to follow best practice in respect of the management of noise and vibration resulting from the development and its impacts upon the local community. This would include measures such as ensuring plant and equipment complies with EU emission limits, stopping machines when not actively working, positioning ancillary plant (such as generators) in locations where they would have least impact and obliging contractors to follow BS5228 codes of practice for construction working and piling.
- 6.349 Where appropriate the developer intends to use temporary noise barriers to limit impacts in the vicinity of Cabbage Hall and High Road. It is also proposed to prepare and submit for approval a detailed methodology for regular noise monitoring and a clear set of actions to be followed in the event of any of the required noise level criteria being exceeded.
- 6.350 Impacts from the backup generators would be expected to exceed noise limits if left unmitigated. These will therefore need to be enclosed and incorporate exhaust silencing measures in order to reduce the significance of the impacts from their infrequent use to slight.
- 6.351 In respect of trains the development would likely result in a 5dB increase at the closest sensitive receptor which would result in a minor/moderate impact of slight/moderate significance.

Representations

- 6.352 Representations have been received objecting on the grounds of the likely noise generated. In particular the noise impacts from operations at the RLF, its industrial character, difficulty in screening and working through the night (particularly the impacts of loading, but also general “clatter”) have been raised. This includes representations from nearby Woodend Gardens requesting that if planning permission is granted that noise levels at the property are monitored and controlled to an acceptable level via planning conditions and working hours for the rail loading facility are conditioned to reflect the normal working week/day.
- 6.353 As a result of consultation, an additional noise monitoring point has been proposed at Woodend Gardens. It has also been requested that Linethwaite should be designated as a noise sensitive property in the same way as Lake View as any noise from the RLF would reflect directly across the valley and the property is of a similar distance. Representations have also been received requesting that any restrictions on working hours should be no less onerous than those applied on the old Mirehouse Mine site. Others have stated that a five day working week needs to be enforced to prevent disruption to the home lives of local residents.
- 6.354 Copeland BC Environmental Health consider that the construction impacts with regards to noise and vibration (based on BS5228 thresholds) and air quality are

acceptable providing appropriate mitigation measures are used. They consider the greatest risk of nuisance is upon the residents of Cabbage Hall from working on the drifts.

CCC view

- 6.355 Policy DC3 requires that proposals for minerals developments shall not exceed background noise levels LAeq 1 hour (free field) by more than 10dB(A) at noise sensitive properties. Different maximum limits are then imposed depending on the day of the week and the time of day.
- 6.356 The NPPF [para 180] states that planning decisions should ensure that new development is appropriate for its location taking into account the sensitivity of the site and wider area to the impacts that could arise. In doing so they should mitigate, and reduce to a minimum, potential adverse impacts resulting from noise.
- 6.357 In order to manage impacts from noise, a specific condition in respect of noise limits at residential properties is proposed, and includes reference to Woodend Gardens, Linethwaite and Cabbage Hall as noise monitoring locations, which would ensure overall impact would be within the limits required under policy DC3. In addition, an operational noise management plan would be required, including mitigation measures for the site and RLF along with procedures for responding to and investigating legitimate noise complaints. Furthermore, it is recommended that a planning condition preventing operation of the RLF between 0600 and 0700 hours until a further noise has been undertaken to demonstrate that night time noise limits for nearby receptors will not be exceeded.
- 6.358 Conditions will also be required to ensure further information is submitted and mitigation provided in respect of both construction works and the operational phase and these procedures followed. Environmental Health have requested a start time of 8am for construction related work, which is consistent with controls they apply on construction activities in the wider Borough. The EIA also assessed only the impact of rotary piling, so a condition to require this method only is also proposed.
- 6.359 Finally, I do not consider this level of noise impacts resulting from trains to be unacceptable in planning terms, as no objections have been received from Copeland Environmental Health.
- 6.360 I consider that, whilst there will be adverse impacts on amenity, these have been technically assessed and found not to be of an unacceptable scale, mitigation is proposed where appropriate.
- 6.361 Overall, I consider that there would be no significant impacts from noise as a result of this development and that the proposal accords with policy DC3.

Will the impacts in respect of dust and air quality be acceptable?

- 6.362 The proposal involves extensive construction and earthmoving works on all three elements (Marchon site, conveyor and RLF).
- 6.363 The EIA has assessed the impact of the development on air quality. The

assessment covered the construction and operation of the mine, vehicle exhaust emissions and the use of emergency back-up diesel generators that would be required in the event there was a power cut.

- 6.364 Once the mine is operational the process would be predominantly enclosed. Coal would be initially processed underground within the mine, before being brought to the surface by conveyor for further processing, including washing. The washing process would leave the coal damp when it is loaded onto the second underground conveyor and subsequently onto trains within the building at the RLF.
- 6.365 The development would contribute to less than 2% of the relevant air quality standard for annual mean NO_x concentrations at Clints Quarry SSSI, however this impact will be temporary and arise only during peak construction works. An assessment was also made of the impact of the backup generators (estimated to be operational for 1.5% of the year) operating for a period of 24hrs during the least favourable meteorological conditions. This would result in a marginal exceedance of the 10% threshold where impacts could be assumed to be insignificant, however, it is unlikely the backup generators would be operational at the same time as meteorological conditions are at their least favourable.

Representations

- 6.366 Objections have been received from local residents on the grounds on the likely dust generated on the operational sites. Some objections have also been received on the basis that dust from the coal will blow out of railway wagons whilst being transported, causing a nuisance for communities adjacent to the railway line.
- 6.367 Objections have been received from local residents in respect of the likely smell generated by the development, including that generated by the “waste treatment centre”. Impacts from dust have also been raised, including the risks associated with the breakdown of any dust extraction systems within buildings, and from dust being blown from loaded wagons within the sidings.
- 6.368 During the operational phase the Copeland Environmental Health note that the background monitoring for nitrogen dioxide and particulates undertaken indicate that current levels are generally well below the national air quality objective values and the development is not expected to have a significant effect on local air quality. The EIA notes that there is a potential exceedance of the EA’s significance criteria for 1hr NO₂ concentration on High Road and Wilson Pit Road if the emergency backup generators were running at the same time and coincided with annual worst 18 hours of weather. However, other than in these exceptional circumstances, the levels would remain well below the national guidelines. Copeland BC Environmental Health consider the development would not have an adverse impact in respect of air quality during the construction period, providing appropriate mitigation measures are used.

CCC view

- 6.369 Policy DC2 requires that proposals must demonstrate there will be no significant degradation of air quality (from dust and emissions) and policy DC5 requires applicants to show that there will be no demonstrable impacts with regard to dust emissions. The NPPF states that planning system should contribute to and

enhance the natural and local environment by preventing development that would contribute to unacceptable levels of air pollution.

- 6.370 Objections have been made in respect of “waste treatment”. However, this relates to the processing of rock and would not result in any impact from odour. Waste will be generated at the site, however, this would be similar in make up to any other employment development and would be managed by a commercial contractor.
- 6.371 Objections were received on the grounds of dust blowing out of railway wagons. However, providing the wagons are loaded safely, the high moisture content of the coal during transportation should effectively mitigate any potential problems with coal dust.
- 6.372 I consider that there would be no significant degradation of air quality as a result of this development and that the proposal accords with the development plan. Conditions will be required to ensure further information is submitted in respect of measures to manage air quality and these procedures followed. The proposals therefore accord with policies DC2 and DC5.

Will be impacts upon the historic environment be acceptable?

- 6.373 The ES states that within 5km of the site there are a total of 62 designated assets, comprising nine Scheduled Monuments and 14 listed buildings at grade I and II*. Furthermore, the ES identifies that there is the potential for unknown archaeological assets to be disturbed by the construction of the proposed underground conveyor and railhead infrastructure. Any assets are likely to be of local significance.
- 6.374 During the construction phase there will be one impact assessed as of more than minor significance which is the setting of Scalegill Hall and adjoining barn (a Grade II listed building). Views towards the application site would only be from the upper floor due to screening from hedgerows along the A595. The distance from the site is 3.1km. No mitigation is proposed.
- 6.375 The development would also have a moderate adverse impact relating to the heritage sensitivity of St Bees Heritage Coast, and minor adverse effects on historic landscape character when taken cumulatively with the approved residential development to the east of High Road, and upon the site of a well near Cabbage Hall. The construction phase would also result in the removal of the Sandwith Anhydrite mine north and south portals and associated shafts and below ground workings resulting in a moderate adverse impact.
- 6.376 The applicant has proposed to document and record the Anhydrite Mine north and south portals to Historic England Building recording level 2. A historic mine expert would be used to undertake this work. Underground workings would also be assessed and appropriately recorded once it is safe to do. This is particularly relevant where the mine workings have the potential to be associated with heritage assets of high value, such as Barrowmouth Gypsum and Alabaster Mine, Saltom Coal Pit and Haig Colliery. These measures could be undertaken and secured by means of a planning condition.
- 6.377 It is also proposed to undertake archaeological trial trenching and detailed excavation where there is a risk of impacting on industrial archaeological sites.

The work would be undertaken prior to construction and focus on sites including Lingydale House, Croft Pit, Ladybrook Works, Fox Pit, Wilson Pit, Benhow Wood Quarries and Lime Kiln and Stanley Pond Engine House. Again, a scheme of archaeological investigation and recording during construction can be secured by means of a planning condition.

- 6.378 As part of the mitigation for impacts upon historic assets the applicant proposed enhancements to local heritage assets of high value such as Barrowmouth Gypsum and Alabaster Mine, Saltom Coal Pit (which is on the Historic England at risk register) and Haig Colliery. It was stated that enhancements could include restoration and enhancement of the condition of the assets and their setting, interpretation boards and heritage trails. The EIA concludes that this will result in positive benefits. The delivery of these benefits would assist in balancing against the adverse impacts on some other aspects of the heritage and is secured by a S106 contribution.

Representations

- 6.379 Historic England state that the proposed development lies within an area which has a strongly industrial character following centuries of mining activity and subsequent chemical production. The ES identified a number of designated heritage assets (including both scheduled ancient monuments and listed buildings) within a 5km radius of the site.
- 6.380 Historic England consider there will be no direct physical impacts on designated heritage assets, although the development has the potential to impact on the settings of some of the nearer ones – although the ES suggests that only the Grade II Scalegill Hall would be affected. In this case Historic England consider the potential harm caused by the proposed development to the historic environment is relatively low, and that the measures proposed within the ES (as set out above) will mitigate this harm to a considerable extent.
- 6.381 Representations have been received which state this proposal, in combination with the nuclear industries further threaten Cumbria's World Heritage Site status. However, both Historic England and CCC Archaeology have been consulted on the scheme and consider that the impacts are acceptable subject to mitigation which can be controlled through planning conditions and a S106 legal agreement.

CCC view

- 6.382 The NPPF [paragraph 197] states how the effect of an application on non-designated heritage assets should be taken into account in determining planning applications. In weighing applications that directly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset. Policy DC17 states that developments, including restoration and afteruse, will where necessary preserve and, where appropriate, enhance Cumbria's heritage assets and settings.
- 6.383 The development has adverse impacts on the historic environment (after mitigation) including a moderate adverse effect upon the listed building of Scalegill Hall and the adjoining barn, for which no mitigation is proposed. There will also be minor adverse impacts upon the listed building of Sandwith

Anhydrite mine portals and a moderate adverse effect relating to the heritage sensitivity of the of St Bees Heritage Coast. These impacts are of considerable importance and weight. There will be a Minor adverse effect on historic landscape character when taken cumulatively with the approved residential development to the east of High Road.

- 6.384 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they possess.
- 6.385 In the instances above where harm is identified of considerable importance and weight in relation to listed buildings or their settings, there is a strong statutory presumption in S66 against granting planning permission but planning permission can be granted if outweighed by powerful material considerations.
- 6.386 The NPPF confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), requires clear and convincing justification. As is the case with the current proposals, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal.
- 6.387 In this case, I consider that there will be benefits which include those resulting from enhanced knowledge of historic industrial mining heritage and enhancements to the setting of a number of high sensitivity assets including Saltom Coal Pit, Haig Colliery and Barrowmouth Gypsum and Alabaster mine.
- 6.388 I consider as a matter of planning judgement that the wider public benefits of the proposal are sufficient for the development to accord with the tests in policy DC17 and NPPF, notwithstanding the statutory presumption and considerable importance and weight given to the harm to the listed buildings and their settings and the harm to other heritage assets identified above. When weighing up the harm to heritage assets for the purposes of paragraph 211 of the NPPF, the considerable national, local and community benefits will have to be taken into account in the second stage test for that NPPF paragraph if applicable.
- 6.389 Conditions are proposed to require recording and cataloguing of the old mine workings and portals to ensure its existence is properly recorded, and the adoption of a scheme of archaeological recording along the route of the conveyor. The wider enhancement work proposed to heritage assets would need to be secured through the s106 agreement.

Will the impacts upon amenity be acceptable?

- 6.390 The scheme has been adapted and improved as a result of stakeholder engagement and community feedback, which included a change for the proposed location of the main mine site in the Pow Beck Valley to the location now proposed at the Marchon site. A variety of measures have been proposed to limit impacts in respect of amenity, some of which are set out below.
- 6.391 The buildings at the main mine site have been designed by Geometrica with the objective of producing a scheme that is as low impact as possible and sensitive to its local environment and neighbours. The primary drivers for design of the

buildings are stated to be the minimisation of impacts from noise, dust, light and visually. Internal cladding with acoustic insulation is proposed to be incorporated into the buildings of all the coal handling and processing buildings to reduce impacts from noise.

- 6.392 Landscape mounds have been incorporated into the design of the main mine site which will partly assist in reducing the impacts on nearby properties. The mounds would be publicly accessible, with paths, seating, etc, and remain in place following closure of the mine and provide an element of both visual and acoustic screening, although their primary purpose is to meeting landscape objectives for the wider site and providing capacity to deposit cut material from construction work.
- 6.393 The RLF buildings have been designed as far as possible to be in-keeping with the local agricultural landscape. This has included adapting the design to have a lower ridge height than the 25m typically associated with similar facilities in less sensitive locations. Enclosure of the loading facility also reduces potential for the generation of dust.
- 6.394 Movement of coal is proposed by underground conveyor to the RLF, and then onwards by rail, which reduces HGV traffic. A new footpath link, the pedestrian / cycle path, recreational footpath improvements and highways improvements will also contribute by varying degrees in offsetting adverse impacts upon amenity.

Representations

- 6.395 The footpath links and proposals for public access to the landscaped mounds along with interpretation are welcomed by the Friends of the Lake District.
- 6.396 Consultation with the local community has been undertaken and views both for and against the design and appearance of the proposed development have been received. More general concerns in respect of detrimental impacts upon amenity have also been raised by people living in the immediate local area and wider surroundings. Objectors have also raised the issue that regulators are inadequately staffed, leading to an over reliance on self-regulation which means controls to protect amenity (and other impacts) may not be properly enforced. Representations have also been received suggesting that there will be difficulties operating the proposed paste plant in an environmentally acceptable way.

CCC view

- 6.397 It is inevitable that this introduction of a major new development creating approximately 500 new jobs will impact adversely on amenity in the locality by way of visual impact from the buildings and infrastructure, freight trains, traffic and increased levels of activity.
- 6.398 Whilst elements of the proposal (highways, noise, air quality) have been assessed in technical terms as not resulting in unacceptable impacts, impacts will still be perceptible, particularly to those living, working, or enjoying recreational activities in the immediate vicinity of the main site and RLF, or who live in close proximity to the railway line.
- 6.399 The closest receptors to the RLF site are the residential properties known as

Lake View and Stanley House. These stand less than 250m away from the proposed RLF to the west, on the lower slopes of the Pow Beck. Both properties are in private hands and overlook the site. I believe that both would be unacceptably impacted by noise, lighting and visual intrusion. As a result, WCM have agreed to purchase both pending the grant of planning permission and will use the properties only for their workforce. This would be secured through the s106 agreement. When the permission expires and production ceases, normal residential use could return.

- 6.400 Elsewhere, there are new residential properties opposite the proposed entrance to the Main site. Their principal view across the former chemical works will change because of the landscape bunds. But whilst I have no doubt that residents will be very aware of the mine works, I, alongside the advice of Environmental Protection, am satisfied that noise, dust and emissions will be suppressed to within acceptable levels.
- 6.401 In a wider sense the permission is also a long term one, and circumstances at the time permission is granted might change in future years. The conditions of the permission would be subject to review every fifteen years, to take account of changing circumstances. This will assist with protecting the amenity of local communities over time, as well as allowing for the regulation of changes associated with wider issues (such as ecology).

Cumulative Environmental Impacts

- 6.402 There are a number of significant developments underway or planned in the immediate vicinity of the site, and slightly further afield.
- Housing development under construction to the east of High Road and Wilson Pit Road;
 - Projects at Sellafield Ltd;
 - Development of the Low Level Waste Repository near Drigg; and
 - United Utilities West Cumbria Water Supply proposals.
- 6.403 Policy DC6 requires that the cumulative impacts of minerals and waste developments should be assessed in the light of other land-uses in the area. These include impacts on local communities and the environment, impacts from plant, vehicles, the wider economy and local amenity, community health and recreation. These elements have all been addressed and assessed earlier in this report, and I consider that the cumulative impacts from all these issues are acceptable and that the proposals are in accordance with this policy.

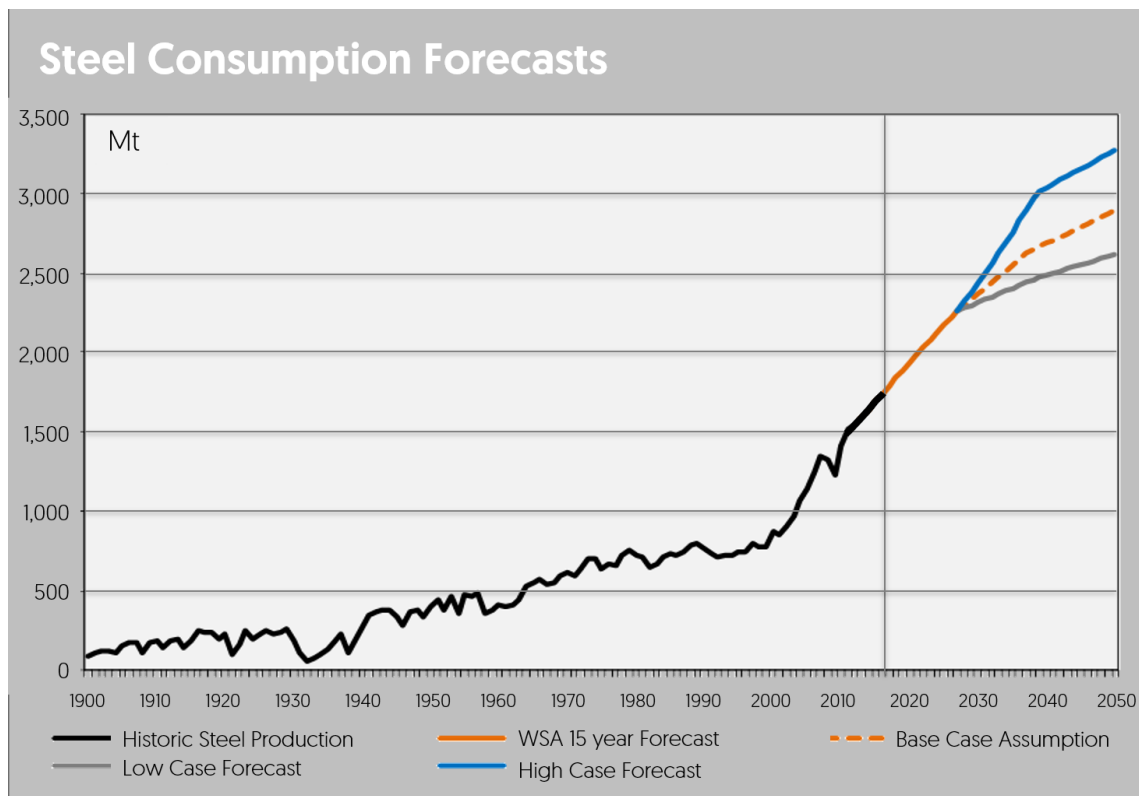
NATIONAL, LOCAL AND COMMUNITY BENEFITS

Is there a likely need for coking coal?

- 6.404 Steel production in the UK had been in decline for the last 25 years, with a particularly steep cut in production in the early 1980s. In 2016 the UK steel industry employed approximately 32,000 people (compared with employing approximately 320,000 people in 1971. The decline in numbers working in the steel industry has in part been caused by technological developments, and in part due to increased steel manufacture in other parts of the world where labour is cheaper. In 2018 major UK steel producers were British Steel, Tata Steel and Celsa, with manufacturing focussed in Wales and northern England.

- 6.405 Coking coal is classed as a critical raw material by the EU (European Commission). NPPF Glossary [Annex 2] also defines coal as a mineral resource of local and national importance, necessary to meet society's needs. Globally, the main producers of coking coal are China, Australia, the US and Russia. The two main importers of coking coal to the EU in 2014 were the US and Australia, which between them made up more than two thirds of the total imports.
- 6.406 A mine located at Whitehaven would therefore provide a more local source of this essential raw ingredient for the European steel industry (including the UK). Since the opening of a new mine is unlikely to have any impact on the overall demand for steel, it is reasonable to assume that the coal extracted would be used primarily as a substitute for (as opposed to in addition to) coal currently extracted in other parts of the world and imported by ship.
- 6.407 It takes around 0.77 tonnes of coal (0.6 tonnes of coke) to produce 1 tonne of steel. The UK is currently almost entirely dependent upon the importation of coking coal. In 2017 the UK produced 39,000 tonnes of coking coal and imported around 2.69 million tonnes. The importation of coking coal has dropped in tonnage terms, from around 6 million tonnes in 2011 due to the closure of several large UK steel plants in recent years.
- 6.408 In 2016, the UK produced around 8 million tonnes of steel. The EU as a whole produced 166 million tonnes of steel during 2015 with the UK being the 5th largest steel producer in the EU after Germany, Italy, France and Spain. UK steel production fell by 30% in 2016, after falling by 10% in 2015.
- 6.409 Total demand for coking coal from UK steel plants during 2017 was just over 3.18 million tonnes. 1.88 million tonnes were used for the manufacture of coke, the remainder (1.3 million tonnes) was used in blast furnaces for steelmaking.
- 6.410 It is reported by Worldsteel (the World Steel Association) - the global organisation that represents steel producers - that global crude steel production in 2018 was 1,809 million tonnes, with Europe accounting for around 11.6% of this – 210 million tonnes. European steelmakers consumed around 70 million tonnes of coal in 2018, importing around 62 million tonnes of coking coal.

6.411 Whilst there are numerous forecasts for predicted worldwide steel consumption, the graph below [source: H&W Worldwide Consulting] shows several scenario forecasts until 2050 which I have no doubt but to conclude are reasonable. This shows that there an increasing demand for steel is likely over the next three



decades.

6.412 The proposed scheme envisages that around 180,000 tonnes of coking coal would be supplied annually to the UK steel plants at Scunthorpe and Port Talbot (360,000 tonnes total), with the remaining tonnage (just over 2 million tonnes) being transported to Redcar for onward distribution and / or export. The applicants state that the coking coal resource they are proposing to work is a high volatile coal which, currently, is all sourced from the USA. The high volatile coal acts as a 'glue' during the chemical process within the furnace which is crucial in maintaining stability during the steelmaking process. As all steelmakers acquire coals from at least 6 different sources and blend them into their own specific blend to suit their steel type and furnace designs, the high volatile coal is also an essential ingredient of this blending process. Given that this grade of coking coal is only currently produced in the USA and that I am not aware of any currently proposed new sources of high volatile coal (other than the current WCM application), I consider that there will be a clear need for a continued supply of this particular type of coking coal.

6.413 There is therefore undoubtedly a current demand within the UK and EU for coking coal. This demand is directly correlated to the demand for steel. However, it is not possible to say with any certainty how demand for steel, and therefore coking coal, will vary during the proposed lifetime of the development.

6.414 What is clear is that the UK government remains keen to support the steel

industry and so I consider it is reasonable to assume that demand for steel and coking coal will continue to exist both within the UK and EU for the foreseeable future. I therefore conclude that there is a current need for coking coal and that this is likely to continue to be the case for the foreseeable future.

What are the socio economic effects, such as the creation of new jobs?

6.415 The impact of the proposal in respect of employment, mining heritage and tourism are discussed below.

Employment

6.416 The construction period is estimated to be approximately two years, and the daily average employment demand is stated as 146 construction workers, with a total capital expenditure for this period estimated at £165 million. Not all of this budget would be spent locally, however, WCM has expressed an intention to use local suppliers where possible.

6.417 During operation, underground production team numbers would build as output from the mine increases, with an anticipated maximum total of 363. The production teams would be supported by an expected 63 additional staff involved in roadway repairs, transport and infrastructure maintenance. A further 38 employees are expected to be required to operate the coal handling and processing plant. Additional roles would also be created in surface support and administration, technical departments and management.

6.418 Overall, by the time the mine reaches peak production after five years the total number of employees is expected to be 518. Of these, it is anticipated that 83% would be underground and involved either directly in production or in support of the production staff. The company also plans to offer 50 apprenticeships.

6.419 In addition to the jobs created directly by the mine, it would be expected that additional indirect jobs would be created in the wider supply chain. Using Office of National Statistics (ONS) multipliers the applicant estimates 370 indirect jobs would be created, although the applicants also believe this figure could potentially be as high as 1,000.

Representations

6.420 A number of representations have been made supporting the proposals on the grounds of employment opportunities. These include issues such the range of long-term well-paid jobs, investments into infrastructure, diversification of the labour market, and socio-economic benefits for the local supply chain. Representations were made that having the opportunity to bring mining back to West Cumbria was “fantastic”, offering local people the chance to find sustainable employment other than from Sellafield. Support for use of local labour for the apprenticeships was also expressed. Some felt that Whitehaven would be brighter, more people would have sustainable employment and therefore have more money to spend, meaning this development would be hugely beneficial to the local area and as also contribute to the national economy.

6.421 Other representations have been received that argue that due to the decline in the West Cumbrian mining industry, there are unlikely to be sufficiently trained

local staff and the company would therefore likely recruit from further afield in order to reduce delays in having to train people prior to operating.

- 6.422 An issue has been raised by Cumbria County Council's Economic Development and Infrastructure team. Whilst they support the creation of new jobs, and the stated intention to recruit as far as possible from the local area, they felt also that these new jobs created by a mine might put pressure on some of the existing businesses locally, by offering higher paid jobs and leave a potential shortfall in labour market available for lower value sectors in the existing local economy.
- 6.423 Representations have been also received which state that WCM is backed by a private equity company based overseas, which may result in the diversion of profits away from the local area. However, the ownership of the company is not a planning issue, as any permission granted would run with the land.
- 6.424 Representations were also made that changes in to NPPF mean the economic benefits of proposals involving coal carry less weight in the planning balance, so adverse impacts (including the landscape and visual impact) mean planning permission should be refused.
- 6.425 Representations have been received objecting to the possibility of purpose-built accommodation/welfare blocks for the new employees on the basis this will impact adversely on opportunities to integrate workers within the local community. These were proposed in respect of the Nugen scheme, however, worker accommodation associated with these proposals would be confined to Lake View and Stanley House, which will be subject to a S106 obligation that the properties will only be used by persons solely or mainly employed on the development from the commencement of development until the end of production.
- 6.426 Health and safety concerns have also been highlighted, stating that the mining industry has a poor safety record and that accidents would have serious consequences for production and jobs as well as the bereaved and injured themselves.

CCC view

- 6.427 The NPPF [para 8] states that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways. In respect of the economic objective it states the planning system should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.
- 6.428 Policy SP14 states that proposals for new minerals developments should demonstrate how they would realise their potential to provide economic benefit, including measures such as the jobs created and the support given to other industries and developments. Relevant adverse impacts will be weighed against the overall economic benefit.
- 6.429 CLP policy ST1 supports the creation of diversity in jobs and training, especially that which creates and attracts new businesses. CLP policy ER11 (Developing

Enterprise and Skills) supports inward investment and diversification of the Borough's economy and ensuring that the benefits of regeneration provide a catalyst for change in the communities living nearby, by improving connectivity, including transport links and securing training and employment agreements.

- 6.430 I consider there is some validity in the potential issue that the proposals could cause difficulties for existing business in respect of competition to staff, particularly in the early years of the mine when large numbers of jobs would be created over a relatively short timescale. However, in mitigation, West Cumbria Mining have stated an intention to work with the County Council to manage the likely impacts as far as possible.
- 6.431 Furthermore, the effective operation of the local labour market is not a core purpose of the planning system (which is primarily about the development and use of land), and the ability to control or regulate this issue through planning is be limited. The overall economic benefits of the proposal in respect of the creation of new jobs, must also be weighed against the potential downsides.
- 6.432 Strong views have been expressed both for and against the likely impacts of the development in respect of the creation of local jobs. However, on balance a significant number of jobs are likely to be created and I consider that the proposal, whilst not without its challenges in the context of how its impact on the local labour market is managed, accords with policy SP14.

Mining Heritage

- 6.433 This part of Cumbria has a significant coal mining heritage, although all the mines are now closed. The last deep mine was the nearby Haig Colliery which closed in 1986 and the last mining operations at Keekle head ceased in 2001. Through the consultation process, there was support expressed by many people in local communities that re-introduction of mining would be a good thing, as they felt it is a "traditional" industry for the area. There were also many objections received, but these related to wider issues such as the environment (and are addressed in other sections of this report) rather the specific issue of the historic importance of mining as a career in the local community.
- 6.434 I consider the reintroduction of a traditional industry for the area could be viewed by many people as a desirable thing. However, it should also be recognised that the world has moved on since the Cumbrian coal mining industry was at its height and so the purpose of the development as well the tradition of the industry is extremely important. This needs to be considered in respect of current planning policies.

Tourism

- 6.435 Representations have been received in respect of the adverse impacts of the RLF, in particular upon the local tourism industry. They argue that the industrialisation of the Pow Beck Valley associated with this element of the scheme will spoil its rural nature and result in light pollution at night. In the view of the owners, this would specifically adversely impact an existing holiday let business.
- 6.436 Objections have been received from local residents on the grounds of adverse impacts on local rights of way, and in particular impacts upon the Coast to Coast

route. They see impacts on this route as particularly significant because the walkers are amongst many visitors to the area. To deter these national and international visitors would have a detrimental effect on local businesses, including also those along the full length of the route, and also upon local residents who enjoy using that route over many years.

- 6.437 In respect of the Coast to Coast footpath a long and protected temporary alternative route avoiding the work site would be detrimental to the visitor experience and could adversely affect local business who benefit from the popularity of the Coast to Coast footpath. Accommodation providers, shops, pubs, cafes etc along the route and baggage transfer companies may see a fall in income whilst the works take place and conceivably for a good while afterwards until visitor numbers return to normal.

CCC view

- 6.438 Copeland Local Plan policy ER (Renaissance through Tourism) states that the council will maximise the potential of tourism in the borough, particularly outside the Lake District National Park Boundaries.
- 6.439 In order to accommodate the proposed new sidings, it is proposed to route that section of the Coast to Coast path running through the RLF in a new section of underpass, underneath the railway lines. The introduction of a longer underpass and the presence of the RLF would inevitably detract from the experience of footpath users following this footpath. There are also views of the Marchon mine site from footpaths and the Coast to Coast path, where the processing building would become a major feature in the landscape.
- 6.440 The development also requires the importation of approximately 3m depth of fill (and other works) to construct the railway siding, immediately adjacent to, and over the top of, the route of the current Coast to Coast path.
- 6.441 The construction works affecting the Coast to Coast path in particular would conflict with the overall aim this policy, particularly if they involve the temporary closure or a significant diversion of the Coast to Coast
- 6.442 Overall, I consider the impacts of the proposal in respect of footpaths and impacts upon the local tourism industry would not result in such significant harm as to justify refusal of the planning application on those grounds alone.

Health Services

- 6.443 Although not statutorily required for this application, the County Council has carried out an outline Health Impact Assessment of this proposal, in consultation with CCC's Public Health and Communities Copeland Manager. A planning condition would be imposed as part of the Community Liaison Group requirement to ensure that this plan was reviewed and updated throughout the lifetime of the operations in order to ensure impacts on health services and health generally are appropriately managed.
- 6.444 Representations have been received that local health services are at breaking point, and the influx of people resulting from the creation of new jobs will pressurise these services further.

6.445 Keep Coal in the Hole and others have also raised an issue with wider health impacts from the mobilisation of contaminants and radioactive particles from both marine and land-based elements of the proposal.

6.446 I acknowledge the comments in respect of mobilisation of contaminants and radioactive particles. However, no objections have been received from either the Environment Agency or Environmental Health that this is considered to be a significant risk.

OTHER CONSIDERATIONS

Section 106 Agreement

6.447 A section 106 agreement will be required if planning permission is granted to address a number of important issues which cannot be controlled through conditions under the planning permission. The key reasons for this requirement are:

- a) The development would be unsafe without off site highway improvements and control of HGV routeing;
- b) Residential amenity for Lake View and Stanley House requires protection;
- c) On and off-site enhancement to the PRoW network to offset the impact upon the Coast to Coast footpath is required;
- d) Extend the aftercare period from 5 to 10 years to ensure the aftercare is effective across the site;
- e) Off-site enhancements to heritage assets are proposed;
- f) Provide a pedestrian/cycle route from Mirehouse Road linking to the Coast to Coast path and in order to potentially form part of a future cycleway connection from Whitehaven to St Bees;
- g) To secure the effective restoration of Main Band Colliery once RLF construction works are complete;
- h) To ensure a financial mechanism is in place to enable the land can be restored should WCM or a subsequent purchaser cease operations prior to restoring the land;
- i) Ensure drains running to outside of the site are capable of carrying the anticipated effluents and effectively managed and maintained;
- j) To ensure CCC can effectively monitor the travels plans, administer and implement the S106 Agreement including the restoration and security provisions and secure reasonable contributions for performing those functions.

6.448 The Section 106 Agreement proposes to incorporate the following obligations (with all contributions to increase in line with an indexation):

HGV Routeing

6.449 The clause requires all HGVs to adhere to the approved route set out within an

approved Construction Traffic Management Plan. This is to avoid the impacts of HGVs using unsuitable local roads.

Public Rights of Way Contribution

- 6.450 The sum of £94,235 is required, to be used towards improvement works to the public rights of way network within the vicinity of the site.

Highways Contribution

- 6.451 The sum of £155,000 is required, to be used towards traffic calming measures within a 1.5 mile buffer of the main mine site boundary. This will fund the installation of four pedestrian crossing points, with dropped kerbs, central refuges and “Keep Left” bollards; traffic calming features and general signage; textured surfacing in specific locations and revised/enhanced road markings in the vicinity of the development.

Travel Plan Monitoring Fee

- 6.452 A fee of £13,200 for the monitoring and reviewing of two Travel Plans is required (£6,600 per Travel Plan).

S106 Administration Costs

- 6.453 This is required to cover the Council’s reasonable costs relating to implementing and administering of the provisions of the Section 106 Obligations.

Extension to the Aftercare Period

- 6.454 An extended period of aftercare to cover a period of 10 years or until the Council issues a certificate certifying that it is satisfied with the aftercare (whichever is the later) is required following the end of the restoration period rather than the statutory 5 year period.

Heritage Asset Enhancements

- 6.455 The applicant is proposing an annual heritage contribution of £5,000 for 10 years (total of £50,000) to promote the enhancement of the industrial heritage assets known as Barrowmouth Gypsum and Alabaster Mine; Saltom Coal Pit and Haig Colliery to include any of the following: restoration and enhancement of the condition of those assets and their setting, the erection of interpretation boards, the laying out of heritage trails, activities that enhance public understanding of the heritage assets (through survey, other fieldwork and research) and activities that promote public appreciation of the assets through outreach projects.

Main Band Colliery

- 6.456 The applicant is proposing to restore Main Band Colliery, a substantial part of which is within the application site, but with CCC contributing to the cost of restoration of parts outside the application site through funds held by CCC from a previous S106 agreement for that purpose. The obligation is considered reasonable and necessary on this basis for comprehensive restoration, given a substantial part of the Main Band Colliery site is needed for the development.

Pedestrian and Cycle Path & Diversions

- 6.457 The applicant is proposing to allow permissive access for pedestrians and cyclists along the RLF access route from Mirehouse Road, with public access and maintenance by WCM and the land owners secured through the S106 obligation, connecting with and terminating at footpath 422011 on the Coast to Coast path.

Restoration Bond / Securities

- 6.458 Financial security is required to ensure that should WCM or another developer fail as a business or otherwise default on relevant obligations in the S106 Agreement there will be sufficient money set aside to carry out the restoration and aftercare without the cost being passed onto the owner or potentially the ratepayer.

Drain Surveys & Maintenance

- 6.459 The obligation requires drain surveys and maintenance schemes to be undertaken for 2 drains that run to the outside of the site prior to commencement of development, with ongoing maintenance.

Residential Land Restriction

- 6.460 This obligation requires the owners of Lake View and Stanley House and WCM, from the Commencement of Construction until Production at the Site ceases, not to allow the properties Land to be occupied other than by persons solely or mainly employed on the proposed development site.

Restoration Bond / Securities – Discussion

- 6.461 Due to the length and nature of the proposed development I consider that financial security is required to ensure that, should WCM or another developer fail as a business or otherwise default on relevant obligations in the S106 Agreement, there will be sufficient money set aside to restore the site and carry out the aftercare without the cost being passed onto the owner or potentially the ratepayer.
- 6.462 Normally this involves the applicant / developer or owner providing:
- money up front to be held by the Council before works commence and repayable on completion of the project (including aftercare); or
 - a bond or other security provided to the Council, with the applicant / developer or owner arranging through an independent bondsman or other security provider to cover the costs of restoration and aftercare should it be needed.
- 6.463 It is accepted that on large mineral developments over many years, often a phased approach to the security is used to ensure that the security provisions are commercially acceptable to allow development to proceed and the benefits to be realised and to provide for the ability for the security amount to be updated should circumstances change.
- 6.464 If the Development Control and Regulation Committee resolve to approve this

planning application, it will be subject to the imposition of conditions and the completion of a Section 106 legal agreement. This will mean that the planning permission will only be issued at that point and no works can commence until after the agreement is signed. In terms of the restoration bond / security, the Agreement requires that:

- an independent mineral valuer be appointed (jointly) to quantify the cost of any phased restoration and aftercare including an appropriate contingency;
- the preliminary works, construction and production phases can only proceed once sufficient security has been provided to cover the cost of that remediation and aftercare. Security for the restoration and aftercare phases will also be assessed and determined by the independent surveyor;
- if the company or its successors fall into insolvency or otherwise default on relevant provisions in the S106 Agreement the security is used to pay for CCC to step in to carry out the restoration and aftercare; and
- if it does not fall into insolvency and complies with the relevant S106 obligations and the land is restored appropriately and aftercare is completed, the security is returned to the company on a phased basis.

6.465 The S106 Agreement will require a significant number of signatories representing different landowners and mortgagees, along with WCM (the applicants WCM do not own the land). The Agreement would be enforceable against both WCM and the landowners (including successors).

6.466 Officers and CCC's advisors have also drawn upon the experience of Keekle Head where the land has not been restored after a security bond lapsed. This came about for a number of reasons, but the main originating factors were the obligations allowed for phased bonds, a dispute arose about a significant increase required in a replacement bond, leaving insufficient bond funds available to CCC, the existing bond at the time expired without a replacement being provided due to the dispute and the financial circumstances that had arisen due to the low value of the coal and high overburden to coal ratios that meant the mining did not become economically viable. Subsequent to this, additional complicating factors arose, but were not the originating factors.

6.467 Keekle Head was also an opencast coal mine on which the risks are considered to be significantly greater. Nevertheless, the restoration and aftercare liability on the WCM development is substantial.

6.468 In the event of a default on the WCM development, the Agreement would provide CCC with a facility to draw down monies to restore the site and carry out the aftercare.

6.469 For each of the preliminary works, construction and productions phases of development, the agreement requires restoration security to be provided before work commences via an Investment Grade Rating Body (BBB rating or higher) in the form of a bond or comprise the deposit of monies into an Escrow account or other security to be agreed by CCC, with the relevant amount assessed and determined by the jointly appointed independent surveyor.

6.470 If any restoration security is time limited, there will be a robust mechanism in the S106 Agreement designed to cover the potential risk that the existing security at the time might expire without a replacement being provided, for example, if the

financial standing of WCM at the time has changed due to a change in mineral prices or other reasons, particularly bearing in mind the relatively long development period. If the mechanism is not complied with, then it will be treated as a default enabling CCC to draw down the existing security before it expires or a similarly robust mechanism will be included. This is considered a reasonable and necessary mechanism, given that it would be open to WCM to provide a single security covering the entire period and liability from the outset if it prefers (including a mechanism allowing for variations in the security amount), rather than deal with the security on a phased approach.

- 6.471 On the completion of restoration and aftercare, CCC are covenanted to release any remaining securities.
- 6.472 We have sought specialist legal advice from Freeths LLP to draw up the heads of terms and provide advice in relation to the S106 obligations. We have also taken advice from specialist minerals valuers Wardell Armstrong in relation to the type and structure of the bond/security. The advisors have confirmed that the mechanism to secure restoration and aftercare without cost to the CCC is a robust and effective mechanism. However, the S106 Agreement will cater for this to be provided by WCM as part of the jointly appointed independent surveyor's assessments and determinations under the S106 Agreement and Freeths LLP are satisfied this is a robust and effective legal mechanism.
- 6.473 I consider that the inclusion of a facility for a restoration bond / security in the S106 Agreement would be necessary here to make the scheme acceptable in planning terms, but its weight in terms of benefits of the scheme is neutral as it is an essential requirement.

Land Stability

- 6.474 The applicant states that mining can generate surface subsidence when abandoned worked out areas collapse or otherwise close up and its extent is very dependent on the original size of the excavation, its depth, design and the type of intervening strata between the mine and the surface. Estimates submitted by the applicant suggest that as a worst-case subsidence of 5cm – 20cm could be expected at an average rate of 1.5mm per annum. Design mitigation measures would be incorporated including “no mine” zones under the Marine Conservation Zone and St. Bees Head SSSI.

Representations

- 6.475 Friends of the Earth have raised concerns in respect of risks from subsidence and subject control through a planning condition would be appropriate. Representations were also received on the basis the mining techniques proposed are unsuitable for use under the sea.
- 6.476 Objectors have raised issues in respect of depth of mining beneath their properties, surface impacts on their house and its immediate surroundings, access requirements to their land by the developer, adequacy of the assessment of the risk of subsidence and vibration to properties, the provision of appropriate insurance by the developer, provision of compensation by the developer and the adequacy of assessment of risks to property values.

CCC view

- 6.477 I acknowledge these issues, but consider appropriate regulations and controls are in place to ensure public safety. The Coal Authority, Environment Agency, the Health & Safety Executive and Environmental Health have all been consulted and have no objections to the proposals. I propose a condition is attached to approved mining methods and the appropriate management of risks of subsidence.

Health & Safety – Coal Workings

- 6.478 The Coal Authority reviewed the original planning application and asked for a Coal Mining Risk Assessment because the proposals encroach upon the Development High Risk Area with historic mine workings, and so potential hazards need to be considered. The risk assessment was subsequently prepared, and forms part of this application. Having reviewed the risk assessment, the Coal Authority has no objection to the proposals. The Coal Mining Risk Assessment has addressed safety concerns in principle and measures suggested (site investigations and remedial works) could be secured by means of a planning condition.
- 6.479 Representations have been received in respect of the risks associated with opening a mine so near Calder Hall / Windscale / Sellafield / ThORP reprocessing and nuclear complex. It has been stated that Cumbria County Council has a duty to protect and enhance public health, and the safety and wellbeing of its citizens, visitors and neighbours, and the proposed mine would conflict with these duties. Furthermore, it has been stated that the coal industry has a poor safety record and any accident at the mine reaching out five miles under the sea would have serious consequences for continuing production/jobs as well as for the bereaved and injured themselves. Potential fire risks from coal dust as a combustible / explosive substance was also raised.
- 6.480 I acknowledge the issues raised in respect to safety generally, and in particular the potential risks to nuclear facilities, but consider appropriate regulations and controls are in place to ensure public safety. The Coal Authority, Environment Agency, the Health & Safety Executive and Environmental Health have all been consulted and have no objections to the proposals. Licences from the Coal Authority are required to allow its extraction.

Gas Networks

- 6.481 The development could potentially impact upon apparatus owned by Northern Gas Networks in the vicinity of the site. Northern Gas Networks and the Health and Safety Executive were consulted on the application.
- 6.482 WCM have submitted a briefing note which sets out discussions which have taken place between Northern Gas Networks and the applicant, which have included a site meeting. WCM state that they are aware of the easement for the pipeline, which they state can be accommodated within the detailed design of the underground conveyor. Northern Gas Networks originally objected to the application but have since withdrawn their objection.
- 6.483 I consider this issue can be appropriately controlled by means of a planning condition requiring submission of more detailed design proposals for the

conveyor and, in particular, its relationship to the gas pipeline. Therefore, a condition requiring the submission of measures to protect the nearby gas pipeline is recommended for imposition if planning permission is granted.

Earthquakes

- 6.484 Underground mines can be a source of minor seismic events and these have been observed in the UK for over 100 years. The applicants have submitted a technical note which addresses this issue and considers that the potential for earthquakes as a result of the mine. The report states that natural seismicity in Cumbria is typically under 2.9 on the Richter scale, with one historical event of magnitude 5.0 in 1786, West Cumbria falls within a relatively low seismic hazard area. The largest event attributable to coal mining was recorded as magnitude 3.1, but almost all were below magnitude 2.0. Seismic events of this magnitude are minor or not felt and would not result in damage.
- 6.485 West Cumbria Mining proposes to use a mining method using panels rather than the more historically traditional “longwall” mining. They state this produces smaller voids and should reduce potential seismicity significantly or potentially eliminate it all together. The mining also does not involve “blasting” to access the coal, limiting these impacts. Any earthquakes which do occur, would also be expected by them to be much smaller in scale than those recorded historically, and generally be below the scale of those occurring naturally.
- 6.486 Throughout the mining operation WCM propose to monitor ground movements as part of day-to-day safety management of the mine. A detailed scheme setting out how this would operate is proposed to be submitted and approved under a planning condition.

Representations

- 6.487 Some objections (including one from Friends of the Earth) have been received in respect of the potential for the mine to cause seismic events. Other representations (including Keep Coal in the Hole) raised the Sellafield site in particular, which was stated to be already built on a geological fault, with much of Cumbria already subject to seismic activity and geologically unsuitable for the underground storage of toxic, radioactive waste. It was also raised that previous coal mining in West Cumbria has been halted mainly due to the release of dangerous gases and the high death rate. A further issue was raised in respect of the potential for these earthquakes to lead to the contamination of groundwater boreholes from radioactive waste at Sellafield.

CCC view

- 6.488 On this basis of the low level of risk from seismic events, the lack of objection from technical consultees, and on the basis that impacts will be monitored and managed whilst the mine is operational, I consider the potential impacts in respect of future seismic events are acceptable. Appropriate conditions are recommended for imposition if planning permission is granted.

Hazardous Substances Legislation

- 6.489 There is an extant hazardous substances consent which relates to one of the processes present on site when the chemical works was operational. The Health

& Safety Executive have objected to the development on the basis this consent exists and its proximity to a proposed workplace.

6.490 Since the site has now been cleared, it is difficult to see how the existence of this historic consent could present a risk to occupiers of the new buildings proposed for the mine site, and the HSE have confirmed their objection would be removed in the event the consent is revoked.

6.491 The process to revoke the historic hazardous substance consent is now underway. The HSE have requested a condition be attached to any planning permission preventing occupation of the proposed buildings until the revocation process has been completed formally and the Council agree that the imposition of such a condition is necessary in terms of health and safety and to ensure that there is no risk to occupiers of workplace buildings at the main mine site.

Fire Protection, Resilience, Crime and Design Security

6.492 The Cumbria Fire and Rescue Service have confirmed they have no comments to make regarding access, but that appropriate water supplies should be provided. This would be the responsibility of the developer to ensure. Cumbria County Council's Fire and Rescue Service Resilience Unit have no comments.

6.493 The Cumbria Constabulary Crime Prevention Design Advisor was consulted and provided design and security advice. This was considered sufficient for this stage and further advice will be considered when further design details are submitted and approved under the proposed planning conditions.

Wider legal issues

6.494 Questions have been raised in relation to the potential for this application to permit mining beneath land and houses owned by third parties, who may not have given their consent for the project. Issues raised include the likely surface impact on houses and their immediate surroundings, access requirements from the developer, risks of subsidence or vibration from underground operations, insurance provisions, compensation payments for surface vibration / disturbance from underground operations if these occur and risks to property values.

6.495 Representations have also been received requesting compensation reductions in property value and reduced amenity. Some state they have been promised the company has been financially generous to people impacted in the past but are seeking more certainty as to the mechanisms through which this might work.

6.496 It would be the responsibility of the operator of the mine to ensure their operations did not impact adversely on any legal rights of the owners of land above the mine, and statutory health and safety legislation would apply to any operations. Whilst planning application boundary shows the full extent of the possible area for on-shore mining, it does not mean necessarily that all of the area could therefore be mined. Stand-offs and other appropriate safeguards will need to be employed, and a condition would be attached the planning permission requiring details of phases and actual proposed mining locations to be approved prior to the commencement of that work.

Environmental Acceptability and the NPPF Para 211 Tests

First stage test – Environmental acceptability

- 6.497 In terms of the proposal's environmental acceptability, paragraph 211 of the NPPF states that planning permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or 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 (taking all relevant matters into account, including any residual environmental impacts). There is a clear policy presumption against the extraction of coal, whether or not it is used for steel making.
- 6.498 It is important to note that an environmentally acceptable proposal need not necessarily result in no harm. It is therefore necessary to come to an overall judgement about the environmental acceptability of the proposed development at the first stage or, if necessary to consider, whether the national, local or community benefits clearly outweigh the likely impacts at the second stage.
- 6.499 Considering the first stage test of paragraphs 211 of the NPPF, the environmental effects, both adverse and beneficial, have been considered in detailed earlier in this report and are taken into account here after mitigation.
- 6.500 In summary climate change and CO₂ emissions are clearly global considerations and are relevant here in respect of the transportation of coking coal, principally due to the fact that current sources for European industry are in other parts of the world. Whilst the majority of the adverse impacts of the proposal would be confined to the Whitehaven area, in respect of assessing the acceptability of the mine in principle it is necessary to consider these much wider impacts rather than constrain the assessment geographically to Whitehaven, Cumbria or even the UK.
- 6.501 When compared to the current baseline situation, it is clear that since the UK imports almost all coking coal from abroad (principally USA, Russia and Australia) CO₂ savings would result from the reduction in transportation distances. There are also potential further CO₂ savings in respect of supplying the wider demand within Europe.
- 6.502 Therefore, whilst the arguments in respect of implications of coking coal extraction and climate change are complicated, it is the case that without wider policy or market changes, the extraction of coking coal in Whitehaven to meet European demand would reduce greenhouse gas emissions from transportation when compared with the current situation of importing products from other parts of the world. I consider this to be an environmental benefit of the scheme which should be afforded moderate weight.
- 6.503 Conversely, the CO₂ emissions from the extraction and processing of the coal and their impact upon climate change should be afforded moderate weight against the proposal.
- 6.504 I am content that the coal mine represents an appropriate time limited, albeit long term, use for the former Marchon site. The land has previously been used for a mine and a chemical works. It has been allocated for business / industrial use in the adopted Copeland Local Plan. The site is contaminated although much of the concrete hardstanding remains and the current proposals would provide an opportunity to ensure that the site was properly remediated. I

consider this to be an environmental benefit of the scheme which should be afforded moderate weight.

- 6.505 In terms of ecology and biodiversity, although only a relatively small amount of irreplaceable ancient woodland would be lost and compensatory planting undertaken, the habitat will still be lost and this will result in harm. Although this is only a small area of such woodland, I attach considerable weight to the harm from its loss even though there is considered to be wholly exceptional circumstances and a suitable compensation strategy to justify it as set out earlier in this report.
- 6.506 I am also satisfied that, with the imposition of appropriate planning conditions, that there would be no net loss in biodiversity as a result of the development. However, I am unable to be certain or reach a conclusion that it is likely that the scheme would result in a net gain in biodiversity, although it is possible that this may be achievable long term, particularly following the restoration of the site when much of the main mine site would be restored to ecological areas. A possible net gain over a very long period cannot be afforded anything but negligible weight. In conclusion, given the lack of a demonstrable net gain in biodiversity I consider that this counts against the proposal and should be afforded some weight.
- 6.507 I have also identified that there would be adverse impacts on the historic environment including a moderate adverse effect upon the listed building of Scalegill Hall and the adjoining barn. There will also be minor adverse impacts upon the listed building of Sandwith Anhydrite mine portals and a moderate adverse effect relating to the heritage sensitivity of the St Bees Heritage Coast. There will be a minor adverse effect on historic landscape character when taken cumulatively with the approved residential development to the east of High Road. Considerable importance and weight is given to this less than substantial harm identified above to the listed buildings or their settings and the harm to other heritage assets identified in this report on the basis of set out earlier.
- 6.508 I have also concluded that there will be benefits which include those resulting from enhanced knowledge of historic industrial mining heritage and enhancements to the setting of a number of high sensitivity assets including Saltom Coal Pit, Haig Colliery and Barrowmouth Gypsum and Alabaster mine.
- 6.509 I consider that there will be inevitable harm to the landscape character and appearance of the area and this should be given considerable weight against the proposal.
- 6.510 There will also be unavoidable harm to local amenity during the life of the project and to users of the Coast to Coast path and I consider these effects should be afforded some weight. The provision of a pedestrian and cycle path linking Mirehouse Road with the Coast to Coast path is a benefit and I consider that this should be afforded some weight.
- 6.511 On balance, I consider that the environmental harm identified above would clearly outweigh the environmental benefits and conclude that the proposed development cannot be considered 'environmentally acceptable'. The imposition of conditions and the proposed Section 106 Agreement would control impacts and provide mitigation of some of the harm but nevertheless, I do not consider that these would make the proposal 'environmentally acceptable'.

Second stage test – Do the national, local & community benefits clearly outweigh likely impacts?

- 6.512 It is therefore necessary to consider the second stage of Paragraph 211 of the NPPF which requires a judgement to be made as to whether the proposals would result in national, local or community benefits which clearly outweigh the likely impacts (taking all relevant matters into account, including any residual environmental impacts), which is addressed below.
- 6.513 All of the environmental effects addressed earlier in this report, both adverse and beneficial are taken into account after mitigation again at this stage, which in effect takes account of the extent of the residual environmental impacts, along with any other national, local and community benefits that are addressed in more detail earlier in this report and any other impacts that are not environmental.
- 6.514 In summary, coking coal is classed as a critical raw material within the EU and NPPF Glossary [Annex 2] also defines coal as a mineral resource of local and national importance, necessary to meet society's needs. I consider that the UK's steel manufacturing industry requires a secure supply of suitable grade metallurgical coal and that the proposals will be able to provide the industry with this essential raw material for the foreseeable future. The supply of indigenous metallurgical coal to support the UK steel industry in place of imported coal is positive and should be afforded considerable weight. I consider that there is a likely need for metallurgical coal for the steel industry and that this has the potential to result in national benefits which is of considerable weight.
- 6.515 The applicant estimates that around 500 staff would be employed at the site when running at full production levels, providing a very significant level of skilled and well-paid employment in the area. This employment and the indirect employment that would flow from the proposed development over a long period would be likely to result in a significant contribution to the local economy. I consider that considerable weight should be afforded to the local and community benefits of this employment.
- 6.516 There are also considerable local benefits from the significant investment in the local area through the development and both the direct and indirect employment. I attach considerable weight to this local benefit.
- 6.517 In my judgement, I consider that the national, local and community benefits of the proposed development would clearly outweigh the likely adverse impacts, including amongst other matters in relation to particular matters such as listed buildings, their settings, other heritage assets and the loss of ancient woodland.
- 6.518 I therefore conclude that the proposed development would comply with Paragraph 211 of the NPPF.

CMWLP – Policy DC13 Test

- 6.519 I regard policy DC13 to be partly inconsistent with national policy and the Framework as the first test it applies incorporates social considerations and relates specifically as to whether there are any unacceptable social or environmental impacts, rather than a balancing exercise of 'environmental acceptability' as with the NPPF. In line with the NPPF, I am of the view that this element of the policy (i.e. the test) should be afforded reduced weight.

Nevertheless, I undertake an assessment of compliance or otherwise with the test of the policy as below.

6.520 Policy DC13 states that:

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.*

6.521 I have found above, in my NPPF Para 211 assessment, that the proposal would not be environmentally acceptable and identified particular elements of the proposals above that I consider make the proposal environmentally unacceptable.

6.522 In addition, in terms of social impacts I consider that the proposals would result in some positive impacts on the local community, for example through the provision of open spaces and the remediation of a derelict former chemical production site. However, I do not consider that there are any specific unacceptable social impacts other than those which I already identified as environmental impacts and which may also have a social element.

6.523 Consequently, as I have concluded that there would be unacceptable environmental impacts, I am of the view that the first stage of the DC13 test is not met. As with my assessment above, I conclude that imposition of conditions and the proposed Section 106 Agreement would control impacts and provide mitigation of some of the harm but nevertheless, I do not consider that these would make the identified impacts acceptable.

6.524 It is necessary to consider whether the proposals would result in national, local or community benefits which clearly outweigh the likely impacts, as with the NPPF test.

6.525 In my judgement, for the same reasons as set out in relation to paragraph 211 of the NPPF above, I consider that the national, local and community benefits of the proposed development would clearly outweigh the likely adverse impacts.

6.526 I therefore conclude that the proposed development would comply with the test set out in policy DC13 of the CMWLP.

7.0 PLANNING BALANCE AND CONCLUSION

7.1 I am aware that the proposals have attracted considerable interest and that many representations have been received, both in support of and objecting to the scheme.

7.2 Taking into account my assessment within this report I am convinced that, overall, there are considerable benefits resulting from the development, not least the potential number of highly skilled jobs on offer and the remediation of the Marchon chemical site. The project also contributes to the supply of coking coal which is a critical raw material and for which there is a need. Set against this I

have to conclude that there will be elements of residual environmental harm from the proposed development as identified within this report.

- 7.3 In terms of the loss of ancient woodland, I have concluded that there are wholly exceptional circumstances in this case, being the minimal size of loss, the lack of alternative routes for the conveyor to the RLF and the local and national benefits of wider scheme.
- 7.4 The compensation strategy is considered to be at least suitable, but probably more than suitable, as the applicant is proposing to plant at least twice the area of loss.
- 7.5 Mitigation measures are proposed, including the comprehensive planning conditions proposed to manage any works within the area of ancient woodland, are proposed. The area loss is also minimised by the selected route of the underground conveyor.
- 7.6 I consider that the relatively small loss is acceptable.
- 7.7 In terms of overall biodiversity, with the imposition of conditions requiring ecological management plans, I consider that any residual effects can be mitigated and I am convinced that there would be no net loss in biodiversity as a result of the development. However, I am also of the view that whilst a net gain in biodiversity may be achievable long term, particularly taking into account the proposals to restore large parts of the main mine site to ecological areas, I cannot conclude that there would certainly be or reach a view that there would be a likely net gain in biodiversity value.
- 7.8 However, on balance I favour recommending the grant of planning permission. The reduction in CO₂ emissions from shorter transportation routes for the coking coal, the prospect of additional and better jobs and investment in infrastructure as well as clearing up a significant area of contaminated land on the former chemical works site, in my opinion, clearly outweighs the identified likely impacts. I also consider that the wider public benefits of the scheme outweigh the identified harm to heritage assets. I would have preferred fewer conditions and the security of more approved plans and evidence. However, I am persuaded that the risks are manageable and that the benefits overall clearly outweigh those likely impacts identified.
- 7.9 In summary, I am of the view that, on balance, the proposed development accords with the Development Plan as a whole and it is recommended that planning permission is granted on the basis set out at the beginning of this report, and that there are no material considerations that indicate otherwise.

Angela Jones

Acting Executive Director for Economy and Infrastructure

Contact:

Mr Paul Haggin

Electoral Division Identification:

Kells and Sandwith ED – Cllr Emma Williamson

Egremont North and St Bees – Cllr Chris Whiteside MBE

List of Appendices

Appendix 1: Proposed Planning Conditions

Appendix 2: Plans of Site Location/Extent

Appendix 3: Consultation Responses

Appendix 4: Summary of Representations

APPENDIX 1 - PROPOSED PLANNING CONDITIONS

Approved Plans and Documents

1. The development shall be carried out in accordance with the approved documents and plans, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:

The submitted planning application form

Plans numbered and named:

869/AP/001 Rev F	Location Plan & Planning Application Boundary
869/AP/002 Rev D	Sandwith Anhydrite Mine Abandonment Plan
869/AM/001 Rev C	Main Mine site - Existing Plan
869/AM/002 Rev D	Main Mine site - Proposed Plan
869/AM/003 Rev C	Main Mine site - Construction Phase Drawing 1
869/AM/004 Rev C	Main Mine site - Construction Phase Drawing 2
869/AM/005 Rev C	Main Mine site - Construction Phase Drawing 3
869/AM/006 Rev B	Main Mine site - Site cross sections
869/AM/007 Rev C	Main Mine Site - Existing Site Topography
869/AM/008 Rev A	Main Mine Site - Finished Level Cut and Fill Representation
869/AM/010 Rev A	Main Mine site - Site Entrance
869/AM/011 Rev A	Main mine site - Office and change building, Proposed elevations
869/AM/012 Rev A	Main mine site - Office and change building, Proposed Plans
869/AM/013 Rev A	Main mine site - Gatehouse, Proposed Plan & elevations
869/AM/015 Rev A	Main mine site- Workshop, Proposed Plan & elevations
869/AM/017 Rev A	Main mine site - East (S) drift canopy, Proposed plan and elevations
869/AM/019 Rev A	Main mine site - Fan House, Proposed plan and elevations
869/AM/021 Rev A	Main Mine site - Auxiliary power plant - Gas, Proposed plan & elevations
869/AM/023 Rev A	Main Mine site - Auxiliary power plant - Diesel, Proposed plan & elevations
869/AM/025 Rev A	Main Mine site - Substation, Proposed plan & elevations
869/AM/027 Rev C	Main Mine site - Clean/raw coal & CHPP building, Proposed Plan
869/AM/028 Rev A	Main Mine site - Clean/raw coal & CHPP building, Proposed elevations 1 of 2
869/AM/029 Rev B	Main Mine site - Clean/raw coal & CHPP building, Proposed elevations sheet 2 of 2
869/AM/030 Rev A	Main Mine site - CHPP Access & Welfare building, Proposed Plan & elevations

869/AM/031 Rev A	Main Mine site - Middlings store, Proposed plan
869/AM/032 Rev A	Main Mine site - Middlings store, Proposed elevations
869/AM/033 Rev A	Main Mine Site - Water Storage Tank- Proposed Plan & Elevation
869/AM/034 Rev A	Main Mine site - RLF Conveyor drive building, Proposed plan & elevations
869/AM/038 Rev A	Main Mine site - (East) N Drift Access, Proposed Plan & elevations
869/AM/040 Rev A	Main Mine site - External Lighting Layout
869/AM/041 Rev I	Main Mine Site - Proposed Landscaping Plan
869/AM/042 Rev E	Main Mine site - Restoration Plan
869/AM/050	Main Mine Site - Covers
869/AM/201 Rev A	Main Mine Site - South Landscape Mound Cross Sections
869/AC/001 Rev E	RLF Conveyor Culvert - Existing Plan
869/AC/002 Rev F	RLF Conveyor Culvert - Proposed plan
869/AC/003 Rev B	RLF Conveyor Culvert - Construction Phase drawing
869/AC/006 Rev A	RLF Conveyor Culvert - Typical Construction Phase Cross Sections
869/AC/008 Rev A	RLF Conveyor Culvert - Intermediate station
869/AC/009 Rev A	RLF Conveyor Culvert - Conveyor Access Station at Rail Loading Facility
869/AR/001 Rev C	Rail loading facility - Existing Plan and Topography
869/AR/002 Rev C	Rail loading facility - Proposed Plan
869/AR/003 Rev B	Rail loading facility - Construction Phasing Plan
869/AR/006 Rev B	Rail loading facility - Site Cross sections
869/AR/007 Rev C	Rail loading facility - Lighting
869/AR/008 Rev A	Rail loading facility - Site Entrance
869/AR/009 Rev A	Rail loading facility - Rail loading building, Plan and elevations
869/AR/011 Rev A	Rail loading facility - Office & Welfare Facilities, Plan and elevations
869/AR/012 Rev C	Rail loading facility - Proposed screen Tree Planting
869/AR/013 Rev F	Rail Loading Facility - Post Construction Restoration
869/AR/014 Rev G	Rail Loading Facility - Post Decommissioning Restoration
869/AO/001 Rev C	Underground Mining - Onshore and Offshore Mining Areas
869/AO/002 Rev C	Underground Mining - Access to Onshore and Offshore Mining Areas
869/AO/003 Rev C	Underground Mining - Inseam Access Routes Onshore to Offshore
869/AO/004 Rev C	Underground Mining - Onshore cross measure drift zone
Figure 14.1 Rev 01	Noise Monitoring and Receptor Locations

Additional Information / Documents:

Planning Statement

ES Chapter 5 – Project Description

ES Chapter 8 – Road Transport

ES Chapter 9 – Rail Transport

ES Chapter 11 – Ecology

ES Chapter 12 – Hydrology and Hydrogeology

ES Chapter 13 – Land Contamination

ES Chapter 14 – Noise and Vibration

ES Chapter 15 – Air Quality

ES Chapter 16 – Historic Environment

ES Chapter 17 – Marine Environment

Coal Mining Risk Assessment – ref WCM-PA-EIA-CMRA

Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

Timescales

2. The development shall commence within 3 years of the date of this permission. The Mineral Planning Authority shall be notified in writing of the date of commencement of Construction Works at least 7 days, but not more than 21 days, prior to the commencement of such works.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to enable the monitoring of compliance with the conditions of the planning permission.

3. The permission hereby granted authorises the Winning and Working of Metallurgical Coal for use in steel manufacture only.

Reason: This permission authorises the development for the extraction of Metallurgical Coal. For the avoidance of doubt, Middlings Coal is also produced as a by-product during the processing of Metallurgical Coal.

4. The mining operations hereby approved shall cease no later than 50 years from the date of the commencement of production or by 31 December 2075, whichever is the sooner. Following the cessation of operations, the site shall be fully restored in accordance with the approved scheme within 24 months.

Reason: To ensure that the site is restored following the approved production period in accordance with policy DC22 of the Cumbria Minerals and Waste Local Plan.

Construction and Environment Management Plan

5. No development shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP shall, for the Preliminary and Construction Phases, include details of all on-site Construction Works, including remediation

works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling including details of:

- a) roles and responsibilities for the developer and its contractors regarding environmental compliance including environmental training and management procedures;
- b) provisions for environmental emergency planning and environmental incident response arrangements;
- c) Considerate Constructors scheme and compliance arrangements;
- d) Environmental Permits, Licences and Consents required;
- e) Code of Construction Practice (relating specifically to local community impacts and management);
- f) liaison with the public and contact information for community concerns;
- g) the programme of Construction Works;
- h) parking areas for the vehicles of construction workers and visitors;
- i) areas to be used for the loading and unloading of plant and materials;
- j) details of site offices and welfare facilities;
- k) areas for the storage of plant and materials used in construction of the development;
- l) formation of the construction compound(s) and access tracks and any areas of hardstanding;
- m) a scheme for the management of noise during construction;
- n) a scheme for the management of air quality and dust during construction;
- o) site signage;
- p) how the environmental aspects of historic environment works will be managed;
- q) the management of waste on site, including provision for waste segregation, compliance with Duty of Care regulations;
- r) how water pollution risks and flood risks will be minimised including measures to prevent the development causing pollution to Pow Beck, waterbodies or the marine environment;
- s) management of construction traffic;
- t) ecological management including plans for the monitoring of:
 - i) Pow Beck surface water discharge flows and water quality;
 - ii) surface water quality in attenuation pond(s) on Main Mine Site prior to discharge to the Surface Water Outfall;
 - iii) marine water quality and scouring around the surface water discharge pipe;
- u) seasonal and daytime restrictions on certain activities to mitigate for effects on ecological receptors;
- v) covering or infilling of any trenches overnight to prevent animals being trapped and/or provision of a ramp to allow escape;
- w) contaminated land management
- x) sustainability measures including minimising and monitoring resource use including energy & water consumption, incorporating re-use wherever practicable;
- y) the appearance, erection and maintenance of boundary treatments and security fencing & site signage and the timescales for their erection and removal;
- z) the management of vermin;
- aa) working hours;
- bb) pollution prevention measures including storage of fuels and oils and measures to prevent, contain and manage refuelling of plant and vehicles;

- cc) details of wheel washing facilities including any drainage requirements and maintenance;
- dd) cleaning of site entrances and the adjacent public highway;
- ee) the sheeting of all HGVs taking materials to / from the site to prevent spillage or deposit of any materials on the highway;
- ff) all fixed lighting and procedures to ensure temporary lighting equipment is positioned so as not to create nuisance or disturbance to surrounding properties, public highways or wildlife; and
- gg) post-construction restoration / reinstatement of any temporary working areas.

Once approved, the CEMP shall be implemented and the development shall be undertaken in accordance with the approved CEMP.

Reason: To provide the management framework needed for the planning and implementation of construction activities in accordance with environmental commitments identified in the ES in accordance with policy DC6 of the Cumbria Minerals and Waste Local Plan, and to ensure the construction activities associated with the proposed development do not pose an unacceptable risk of pollution to controlled waters in accordance with policy DC20 of the Cumbria Minerals and Waste Local Plan.

Construction Traffic Management Plan

6. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Mineral Planning Authority. The CTMP shall include details of:
 - a) the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
 - b) access gates, will shall be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility splays;
 - c) the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative and shall include confirmation of the routes used and network to be assessed;
 - d) details of road improvement, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;
 - e) details of proposed crossings of the highway verge;
 - f) areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - g) the surfacing of the access roads from the public highway into the site, which shall extend for a minimum of 25m from the edge of the carriageway;
 - h) construction vehicle routing;
 - i) the management of junctions to and crossings of the public highway and other public rights of way/footway; and
 - j) the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs and banksman.

The approved CTMP shall be implemented and the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

Ecology mitigation - Construction

7. No development shall take place until details of a scheme for habitat creation, maintenance, monitoring and management (HCMMM) has been submitted to and approved in writing by the Mineral Planning Authority. The HCMMM scheme shall include details of:
 - a) Reptile Survey and Mitigation Plan prior to commencement of any remediation, site investigation, site clearance or Construction Works;
 - b) A pre-commencement survey for badger on the application site and within a 50m buffer of the planning permission boundary;
 - c) A detailed pre-commencement otter survey which shall cover all watercourses within the Zone of Influence of the application, and at least 250m up and downstream of the proposed developments and within a 100m terrestrial buffer zone away from each watercourse to search for natal holts; and
 - d) A pre-felling survey for red squirrel in all woodland affected by the conveyor route to check for dreys and other signs of use by red squirrel. The survey report shall also assess any temporary fragmentation effects that may be caused.

The approved HCMMM scheme shall be implemented and the development shall be carried out in accordance with the approved details.

Reason: To meet the objectives of policy DC16 of the Cumbria Minerals and Waste Local Plan and to ensure the protection of the above species.

Landscape Management Plan

8. No development shall take place until a Landscape Management Plan (LMP) for the development has been submitted to and approved in writing by the Mineral Planning Authority. The LMP shall detail all proposed landscaping measures to minimise the impacts of the development during both the Construction and Operational Phases and shall include:
 - a) temporary and permanent security and other fencing design details, including location, purpose, height and type of fencing and finish;
 - b) the annual maintenance / management regime for all landscaped areas;
 - c) the measures to monitor the health and progress of the planting within landscaped areas and procedure for reporting the outcomes of monitoring to the Mineral Planning Authority including trigger levels for remedial action;
 - d) The remedial measures to be taken in the event that the deterioration of landscaped areas exceeds trigger levels.

The approved LMP shall be implemented and the development shall thereafter be carried out and the landscaping maintained and replanted in accordance with the approved details.

Reason: To ensure impacts on landscape are minimised in accordance with policy DC18 of the Cumbria Minerals and Waste Local Plan.

Archaeology – Written Scheme of Investigation

9. No development shall take place within the areas of the site that require archaeological mitigation as outlined in paragraph 16.9 of the ES 'Further Mitigation' (chapter 16), until the applicant has secured the implementation of a programme of archaeological work in accordance with Written Schemes of Investigation (WSI) which have been submitted to and approved in writing by the Mineral Planning Authority. The approved WSI shall be carried out in its entirety prior to works to those areas of the site that require archaeological mitigation and the development shall thereafter be carried out in accordance with the approved details.

Reason: To determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains.

Contaminated Land and Remediation

10. Remediation strategies shall be prepared for each of the following components of the development. The remediation strategies shall be submitted to, and approved in writing by, the Mineral Planning Authority prior to the Preliminary Phase or the commencement of Construction Works (whichever is the sooner) of each of the following components:
 - a) Main Mine Site;
 - b) Subsurface Conveyor between the Main Mine Site and Rail Loading Facility; and
 - c) Rail Loading Facility.

The remediation strategy for each component shall set out the measures to deal with the risks associated with contamination of that part of the site. The remediation strategies shall include the following components:

- (i) A preliminary risk assessment which identifies:
 - a) All previous uses;
 - b) Potential contaminants associated with those uses;
 - c) A conceptual model of the site indicating sources pathways and receptors; and
 - d) Potentially unacceptable risks arising from contamination at the site.
- (ii) A site investigation scheme based upon the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The site investigation schemes for each component of the development shall be informed by the preliminary risk assessment and include all of the following elements, unless any element(s) is/are deemed unnecessary by the Mineral Planning Authority in the light of the results of the preliminary risk assessment:
 - a) programme, timing and locations of all proposed site investigation works;

- b) sampling and laboratory/field testing methodology employed to ensure that the locations and methods of site investigation (for the main mine site these should be designed so that they can be used to refine the existing 3-dimensional conceptual site model of the site);
- c) surveying/monitoring techniques and sampling methods and equipment for chemical and radiological assessment of ground conditions in, on and under the land;
- d) quality control protocols for sampling and laboratory analysis;
- e) pollution prevention measures to be employed to minimise the potential for the mobilisation of any pollutants which may be encountered during the site investigation.

The site investigation shall be designed and carried out in accordance with the guidance presented in CLR11 and BS10175, considering both potential risks identified in the desk study and details approved in the scheme. Changes to any of the details of this scheme which may result from initial findings of the scheme or for other reasons shall be agreed in writing in advance with the Mineral Planning Authority. Following completion of the site investigation, an interpretive report will be prepared detailing the findings of the site investigation and including completion of an initial risk assessment to quantify risks associated with contaminants in soil and groundwater. The report will include appendices of factual data e.g. logs, records and sample analysis on which the interpretive report is based. Any quantitative risk assessment will include a sensitivity analysis and justification of input parameters. The findings will need to acknowledge the existing condition of undisturbed land and, dependent on the findings of this initial phase of site investigation, need to identify additional phases of more detailed site investigation that may be required to better assess the volumes and extents of any contamination hotspots identified.

- (iii) An options appraisal and remediation strategy based upon the results of the site investigation and the detailed risk assessment. The options appraisal and remediation strategies for each component of the development shall be informed by the findings in stages (i) and (ii) above. The options appraisal and remediation strategies for each component shall include all of the following elements unless any element(s) is/are deemed unnecessary by the Mineral Planning Authority in the light of the results of stages (i) and (ii) above:
 - a) Utilising the historical data available for the site, together with the results from the investigation work undertaken earlier, refine the existing conceptual site model for the site, and complete an initial qualitative risk assessment to identify potential contaminants of concern which may pose a risk to identified receptors (including human health, controlled waters, and ecological receptors) during the construction, operation and decommissioning of the development. The risk assessment shall interpret available data sources to assess the presence of contamination over the entirety of the site, its locations, depths, and concentrations.
 - b) Assessment of options for remediation/mitigation measures to be employed during construction, operation and decommissioning of the development to minimise the risks identified. The assessment shall include:

- i) an examination of the options for the removal of concrete slabs to eliminate/minimise the potential mobilisation of contaminants;
 - ii) provide details of the measures, locations, and program for the remediation or disposal of all contaminated material;
 - iii) an assessment of the likelihood of contaminants to become mobilised, the possible pathways along which mobilised contaminants may travel, the concentrations of contaminants and timescales over which receptors might be exposed, the sensitivity of potential receptors to exposure to contaminants of the type which may be mobilised, and the significance of the impacts on receptors.
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer term monitoring of pollutant linkage, maintenance and arrangements for contingency action.

Once approved, the remediation works shall be implemented in full and in accordance with the approved details prior to Construction Works commencing of the element of the site to which they relate.

Reason: To ensure the proposed development does not pose an unacceptable risk of pollution to controlled waters in accordance with policy DC20 of the Cumbria Minerals and Waste Local Plan.

Details of Site Investigation Covers

- 11.** Prior to the commencement of the Preliminary Phase or any site investigation works (whichever is the sooner), a scheme providing details of the temporary covers shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include:
- a) Dimensions, finish, colour, locations and approximate duration of each position; and
 - b) Measures to be implemented to prevent surface water ingress into the area over which the cover is positioned.

The approved scheme shall be implemented and the development shall be undertaken in accordance with the approved details.

Reason: To require the submission of details not submitted with the application for planning permission and to ensure that the visual impact of the development is minimised.

Restoration Scheme – Preliminary Phase

- 12.** No development shall take place until a scheme for the restoration of the site which would be implemented in the event that the development does not progress beyond the Preliminary Phase (Preliminary Phase Restoration Scheme) has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the following:

- a) The ground levels / landform to be created;
- b) Measures to ensure that no new pathways have been created to allow legacy contamination to migrate from the site;
- c) The depths of subsoils and topsoils to be placed over the site area;
- d) The cultivation steps and soil treatments to be carried out following soils placement;
- e) Seed mixes and seeding application rates;
- f) Tree/shrub planting species mix, spacing, size, method of planting, protection measures; and
- g) A programme for carrying out the steps above.

In the event that the development does not progress beyond the Preliminary Phase the Preliminary Phase Restoration Scheme implemented in full and undertaken fully in accordance with the approved scheme and programme, followed by the aftercare approved under condition 95.

Reason: To ensure that the site is appropriately restored in accordance with policies SP16 and DC22 of the Cumbria Minerals and Waste Local Plan.

Coal Mining Risk Assessment

13. No development shall take place until the site investigation proposed in Table 2-2 of the Coal Mining Risk Assessment (with the exception of those relating to mine shaft 297514-001) has been undertaken and a report setting out the findings of the investigation and results of gas monitoring included as part of a scheme of remedial works has been submitted to and approved in writing by the Mineral Planning Authority. The scheme of remedial works shall include timescales for the completion of the works. Once approved, the remedial works shall be implemented in accordance with the approved scheme.

Reason: To address the legacy of historic mining operations in accordance with the requirements of the Coal Authority.

Community Liaison Group

14. No development shall take place until a scheme detailing the establishment and operation of a community liaison group (CLG) has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be in the form of terms of reference for the CLG which shall include reference to review monitoring, updating and implementation of a Health Impact Assessment (HIA) and Travel Plans. The terms of reference shall set out:
 - a) the aims and purposes of the group;
 - b) the membership of the group;
 - c) the operation of the group (including regularity of meetings) / standard agenda items and voting;
 - d) accountability of the group;
 - e) publicity of meetings;
 - f) recording of meetings; and
 - g) access to the record of meetings.

Once approved the CLG scheme shall be implemented in accordance with the approved terms of reference throughout the construction, operation and restoration of the development.

Reason: To provide a forum for information to be provided to the community and for the community to feedback any issues during the implementation of the development.

Access and Parking

- 15.** No other development shall take place until the works to improve the accesses have been completed in accordance with approved drawing reference 869/AM/002 Rev D, 869/AM/010 Rev A, 869/AR/002 Rev C and 869/AR/008 Rev A. The construction parking areas approved under condition 6 (Construction Traffic Management Plan) shall be retained until construction has been completed. Operational parking areas shall be provided in accordance with approved drawing reference 869/AM/002 Rev D prior to the site entering use. The operational parking areas and access to the site shall be retained and be capable of use throughout the Operational Phase of the development.

Reason: To ensure a minimum standard of access provision when the development is brought into use in accordance with policy DC1 of the Cumbria Minerals and Waste Local Plan.

Drainage and Surface Water Management – Main Mine Site

- 16.** No Construction Works shall take place until schemes detailing how surface water flows will be managed at the main mine site during the Operational Phase of the development shall be submitted to and approved in writing by the Mineral Planning Authority. The surface water management plan shall include the following and be implemented before construction starts:
- a) An assessment of potential flows that would need to be managed at the main mine site during operation;
 - b) Details of the measures which would be put in place to capture, manage, and discharge flows identified in part a).
 - c) Details of all measures which would be put in place to prevent surface water discharging onto or off the highway;
 - d) A programme for the installation, maintenance and removal of the measures set out in part b).
 - e) An assessment of potential contaminants which may be present in surface water runoff, and measures to segregate this surface water from clean runoff;
 - f) Assessment of potential options to retain, test and treat or remove potentially contaminated surface water runoff during the works;
 - g) Details of a monitoring scheme to be implemented to confirm that no contaminants are present in runoff from the site intended for discharge to controlled waters (before, during and post construction).

Once approved, this surface water management plan shall be implemented in its entirety and the development shall be carried out in accordance with the approved details.

Reason: To ensure the proposed development does not pose an unacceptable risk of pollution to controlled waters in accordance with policy DC20 of the Cumbria Minerals and Waste Local Plan.

Drainage and Surface Water Management – Rail Loading Facility

17. No Construction Works shall take place until a scheme detailing how surface water flows will be managed at the Rail Loading Facility (RLF) during the Operational Phase of the development has been submitted to and approved in writing by the Mineral Planning Authority. The surface water management plan shall include the following:
- a) An assessment of potential flows that would need to be managed at the rail loading facility site during operation;
 - b) Details of the measures which would be put in place to capture, manage, and discharge flows from the component parts of the site identified in part a), including the interface with Network Rail's existing infrastructure;
 - c) Details of all measures which would be put in place to prevent surface water discharging onto or off the highway;
 - d) A programme for the installation, maintenance and removal of the measures set out in part b).
 - e) An assessment of potential contaminants which may be present in surface water runoff, and measures to segregate this surface water from clean runoff;
 - f) Assessment of potential options to retain, test and treat or remove potentially contaminated surface water runoff during the works;
 - g) Details of a monitoring scheme to be implemented to confirm that no contaminants are present in runoff from the site intended for discharge to controlled waters (before, during and post construction).

Once approved, this surface water management plan shall be implemented in its entirety and the development shall be carried out in accordance with the approved details.

Reason: To ensure the proposed development does not pose an unacceptable risk of pollution of flooding to controlled waters in accordance with policy DC20 of the Cumbria Minerals and Waste Local Plan.

Drainage and Surface Water Management – Conveyor

18. No Construction Works shall take place until full drainage design details for the conveyor system and route have been submitted to and approved in writing by the Mineral Planning Authority. The details shall include a full specification of the design of the drainage of the conveyor culvert including longitudinal and cross sections and shall identify existing points where ditches, pipes, watercourses and surface water drains cross the route. Details of how these are to be cut and sealed within the works boundary and any flows intercepted and subsequently managed. Potential routes where surface water runoff may enter the works site shall be

identified with references to surface water flood risk maps and any local knowledge. Measures, including bunding, ditches or construction of temporary French drains, shall be employed to collect such water and convey it to areas where it may be stored, settled or otherwise treated to remove sediment prior to discharge. Water pollution control measures to minimise sediment release and discharge during construction will be detailed in the Construction Environmental Management Plan and overall “maintenance manual” covering all aspects of the mine facilities. The conveyor system and route shall be constructed in accordance with the approved details.

Reason: To ensure the proposed development does not pose an unacceptable risk of pollution or flooding to controlled waters in accordance with policies DC19 and DC20 of the Cumbria Minerals and Waste Local Plan.

Management and Maintenance of Sustainable Drainage Systems

- 19.** No Construction Works shall take place until a sustainable drainage management and maintenance plan (SDMMP) of the main site, RLF and conveyor route for the lifetime of the development has been submitted to and approved in writing by the Mineral Planning Authority. The SDMMP shall include as a minimum:
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Management Company;
 - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan; and
 - c) details of the permeable paving to be used in the parking areas on the main mine site.

Once approved the scheme shall be implemented in its entirety and the development shall be carried out in accordance with the approved details.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with policies DC19 and DC20 of the Cumbria Minerals and Waste Local Plan.

Marine Monitoring Plan

- 20.** No surface water discharge from the site to the marine environment shall take place until a Marine Monitoring Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Plan shall indicate the type, frequency and longevity of monitoring to be undertaken and shall include collation of baseline evidence of the marine environment within the Zone of Influence of the proposed discharge to Saltom Bay, to include water quality, substrate and marine flora and fauna.

Monitoring in accordance with the approved scheme shall be undertaken for the duration of the development.

Reason: To monitor the effects of the proposed surface water discharge to the sea; this is to include water quality effects (temperature, salinity, chemical characteristics), physical effects on the marine habitats represented (scouring, sedimentation) and impacts on dependant aquatic flora/fauna. The Cumbria Coast MCZ assessment states that a Marine Monitoring Plan will be developed as to date there is no detailed baseline information. This is required to protect and mitigate for effects on protected species and habitats, to prevent damage to and loss of biodiversity in the marine environment, in accordance with policy DC16 of the Cumbria Minerals and Waste Local Plan.

MMO Licence

- 21.** No Construction Works shall take place until a licence has been granted by the Marine Management Organisation (MMO) for the proposed extraction of Metallurgical Coal from under the seabed, which forms part of this development proposal, but is not permitted under the planning permission hereby approved.

Reason: The Construction Phase for the terrestrial elements of this development will result in environmental impacts that include noise and disturbance to nearby houses, adverse visual impacts and impacts upon landscape character, and adverse ecological impacts including the permanent loss of ancient woodland. In the event an MMO licence is not secured for the extraction of Metallurgical Coal, some of these impacts cannot be reversed, and in some cases would need continue for a further duration as a result of additional work required to make good the site. The adverse impacts from the Construction Phase are only considered acceptable due to the fact they would be off-set by the benefits resulting from the extraction of the Metallurgical Coal, and therefore it is necessary to ensure that the development as a whole has the necessary development consents to proceed, prior to environmental impacts being caused as a result of the Construction Works on the terrestrial elements.

Construction Travel Plan

- 22.** No Construction Works shall take place until a construction travel plan (CTP) has been submitted to and approved in writing by the Mineral Planning Authority. The CTP shall cover the Construction Phase of the development and shall include details of:
- a) The measures to be undertaken to promote the use by staff of public transport, cycling, walking and sharing vehicles to the site;
 - b) The measures to manage shift patterns to avoid cumulative traffic issues; and
 - c) The measures to be employed to monitor the effectiveness of the CTP and reporting to the outcomes of the Mineral Planning Authority.

The development shall be carried out in accordance with the approved CTP.

Reason: To promote the use of sustainable transport options and the effective management of traffic during the Construction Phase of the development in accordance with policy DC1 of the Cumbria Minerals and Waste Local Plan.

Mineral Conveyor Construction

- 23.** No Construction Works in relation to the construction of the mineral conveyor infrastructure shall take place until details of the method of construction have been submitted to and approved in writing by the Mineral Planning Authority. The details shall include:

- a) construction techniques;
- b) soil handling techniques;
- c) soil storage locations;
- d) management of excavated material;
- e) temporary haul roads;
- f) construction and operational access arrangements;
- g) highway and services crossings;
- h) water management; and
- i) mitigation for impacts to ancient woodland.

The approved construction method shall be implemented and the development shall be undertaken in accordance with the approved details.

Reason: To meet the objectives of policy DC2 of the Cumbria Minerals and Waste Local Plan.

Landscape Planting and Seeding Programme – Main Mine Site

- 24.** The Landscape Planting and Seeding for the Main Mine Site as identified on drawing 869/AM/41 Rev I shall be fully implemented in accordance with a programme to be submitted to and approved in writing by the Mineral planning Authority prior to the commencement of Construction Works commencing on the Main Mine Site. The programme shall provide for planting and seeding to be undertaken at the earliest available opportunity. Notwithstanding the details shown on drawing 869/AM/41 Rev I, full details of the landscaping and tree planting along the frontage of the site with High Road shall be submitted to and approved in writing by the Mineral Planning Authority prior to the commencement of Construction Works commencing on the Main Mine Site. For seeding and planting on the landscape mounds and alongside the frontage of the site with High Road, this shall be taken to mean the first available planting/seeding season following completion of the construction of the mounds and provision of a suitable layer of soil. For all other seeding and planting this shall be taken as meaning the first available season following the completion of any Construction Works which are required in advance of tree planting and seeding taking place. The approved details shall be implemented in full and the development shall be undertaken in accordance with the approved details.

Reason: To require the submission of details not submitted with the application for planning permission and to secure the early establishment of tree planting and grassland areas, to ensure satisfactory landscaping and to ensure that the site is appropriately restored in accordance with policies SP16 and DC22 of the Cumbria Minerals and Waste Local Plan.

Landscape Planting and Seeding Programme – Conveyor Route and Rail

Loading Facility

- 25.** The Landscape Planting and Seeding for the Conveyor Route and Rail Loading Facility as identified on drawing 869/AR/013 Rev F shall be fully implemented in accordance with a programme to be submitted to and approved in writing by the Mineral Planning Authority prior to the commencement of Construction Works commencing at either the Rail Loading Facility or the conveyor route. The programme shall provide for planting and seeding to be undertaken at the earliest available opportunity. For the replacement planting at Bellhouse Wood and the mitigation planting to the east of the Cumbrian Coast Rail Line (also illustrated on Drawing 869/AR/012 Rev C) this shall be taken to mean the first available planting/seeding season following the completion of the Preliminary Phase. For all other tree and hedgerow planting this shall be taken as the first available planting season following the completion of the relevant construction activity and in the case of the part of the application site which relates to the former Main Band Colliery seeding and planting shall follow in the first available planting season following the completion of the works to break up the existing concreted pads and the importation, placement and preparation of sub and topsoils.

Reason: To require the submission of details not submitted with the application for planning permission and to secure the early establishment of tree planting and grassland areas and to ensure that the site is appropriately restored in accordance with policies SP16 and DC22 of the Cumbria Minerals and Waste Local Plan.

Main Band Colliery – Restoration Works

- 26.** Prior to the commencement of Construction Works at the Rail Loading Facility, a scheme and programme of works to restore the Main Band Colliery Site shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme and programme shall comprise:
- a) The method for the breaking up of the existing concrete pads;
 - b) The depth of subsoil to be spread over the site;
 - c) The depth of topsoil to be spread over the site;
 - d) The work to prepare the soils to alleviate soils compaction, remove from soils any potential impediments to cultivation, works to prepare a tilth suitable for seeding; and
 - e) A programme for the works set out above and for the planting and seeding of the site.

The restoration of the part of the former Main Band Colliery site within the application site shall be implemented in full and undertaken fully in accordance with the approved scheme and programme, followed by the aftercare approved under condition 95.

Reason: To require the submission of details not submitted with the application for planning permission and to secure the satisfactory and early restoration of the Main Band Colliery site within the application site.

Ancient Woodland

27. Prior to the commencement of any construction activity which would affect any area of ancient woodland, a scheme and programme detailing the measures to manage the construction of the conveyor within the area of ancient woodland and Roska Park Woodland shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:

- a) A programme of the following works;
- b) a survey to identify all individual trees which would need to be removed;
- c) the methods taken to ensure that only those trees identified above are removed;
- d) the methods taken to transport the removed trees from the ancient woodland site;
- e) The methods to be employed in stripping, removing and storing soils recognising that the surface layer of the woodland floor is likely to contain a seedbank of woodland ground floor species which shall be retained for re-cultivation and be spread around replacement planting;
- f) The methods of construction for the conveyor culvert within the ancient woodland;
- g) The methods for replacing soils and preparing soils for replanting, noting e) above; and
- h) A replanting scheme and schedule including species mix, spacing, plant sizes, method of planting, and support and protection measures.

The approved details shall be implemented in full and the development shall be undertaken in accordance with the approved details.

Reason: To minimise the impact on the ancient woodland in accordance policy SP15 of the Cumbria Minerals and Waste Local Plan.

28. Prior to the commencement of any works within the ancient woodland, a scheme and programme of replacement planting within the area of Benhow Wood identified as 'Compensation planting area for Woodland and Ancient Woodland' on drawing 869/AR/013 Rev F shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:

- a) A programme for the works;
- b) A survey to establish the location, species, and condition of all existing trees within the replacement planting area; and
- c) A planting design and schedule including species mix, spacing, plant sizes, method of planting, support and protection measures.

All planting shall be carried out in accordance with the approved programme and planting scheme.

Reason: To require the submission of details not submitted with the application for planning permission and to secure the implementation of satisfactory replacement planting for those trees lost within the area of ancient woodland in accordance policy SP15 of the Cumbria Minerals and Waste Local Plan.

29. The trees planted in accordance with conditions 27 to 28 above shall be maintained for the duration of the development. Maintenance of the planting shall include an annual check on the condition of all trees planted, weed-killing, and

maintenance and/or replacement of protection and support measures and thinning as necessary. Any trees which die or become damaged or diseased during the duration of the development shall be replaced with plants of the same species or any such other species as may be agreed in writing with the Mineral Planning Authority.

Reason: To secure the establishment of the trees planted to replace those lost within the ancient woodland in accordance policy SP15 of the Cumbria Minerals and Waste Local Plan.

Construction details of buildings and structures

- 30.** No Construction Works shall take place until full details of finished floor levels and ground profile levels have been submitted to and approved in writing by the Mineral Planning Authority. The details shall be provided for all parts of the development and the following levels shall be recorded as metres and centimetres Above Ordnance Datum:

- a) Finished floor levels and maximum height of all buildings and structures;
- b) Levels and fall for all areas of car parking and hardstanding; and
- c) Levels and contours for all other areas of the site.

The development shall be carried out in accordance with the approved details.

Reason: To secure details of the development not submitted with the application for planning permission as the site and building levels can only be finalised following the completion of the site investigation and contaminated land remediation operations.

Conveyor Route

- 31.** No Construction Works shall take place until the final design route of the conveyor has been submitted to and approved in writing by the Mineral Planning Authority. The details shall be provided on a drawing(s) to illustrate the vertical and horizontal alignment of the conveyor culvert. The drawing(s) shall illustrate the entire length of the conveyor route and shall illustrate its buried depth and final ground level at 25 metres intervals along its length.

The conveyor culvert shall be constructed in accordance with the approved details.

Reason: To secure details of the development not submitted with the application for planning permission as the final alignment of the conveyor can only be finalised following the completion of the site investigation.

Materials and finishes

- 32.** No Construction Works shall take place until a scheme providing full details of the materials to be used on all external surfaces of all buildings and structures (including the roofs), has been submitted to and approved in writing by the Mineral Planning Authority. The details shall include their colour, texture, profile and finish. The scheme shall also include a rationale and justification for the proposed details,

including colours of proposed materials. The development shall thereafter be carried out in accordance with the approved details.

Reason: To require the submission of details not submitted with the application for planning permission and to ensure that the visual impact of the development is minimised.

Secure By Design

33. No Construction Works shall take place until details until a scheme to demonstrate that the development is Secure by Design have been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the following details:

- a) Perimeter security fences;
- b) Security lighting;
- c) Building resistance to burglary;
- d) Internal access controls;
- e) Consideration of deployment of an intruder alarm system;
- f) Waste bin management;
- g) Secure storage for staff personal belongings;
- h) Consideration for deployment of CCTV, observing exterior and internal communal spaces; and
- i) Consideration of the safety of pedestrians and cyclists.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that adequate security is provided at the site.

Operational Lighting Scheme

34. No Construction Works shall take place until a scheme and programme for external lighting has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be designed in accordance with Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light and detail:

- a) Location, type, purpose and intensity of lights;
- b) Control mechanism (i.e. switch, timer, sensor) and anticipated duty cycles;
- c) Types of masking or baffle at head;
- d) Type, height and colour of lighting columns / bollards;
- e) Number and size of lighting units per column / bollard;
- f) Light spread diagrams showing lux levels at the site boundary and assessment of the impact of these on adjacent land uses, railway line, habitat and nearby residential properties; and
- g) Phasing of the implementation of the lighting scheme.

All external lighting shall be designed not to illuminate potential bat habitat (e.g. hedgerows and trees). The lighting shall be installed and operated in accordance with the approved scheme.

Reason: To ensure that the effects of lighting are minimised in accordance with policies DC16 (Biodiversity) and DC18 (Landscape & Visual Impact) of the Cumbria Minerals and Waste Local Plan.

Cycle Storage

- 35.** Prior to the commencement of Construction Works for the construction of the Rail Loading Facility, cycle storage shall be provided at the Rail Loading Facility. The cycle storage shall be provided in accordance with details that have been submitted to and approved in writing by the Mineral Planning Authority. The cycle storage shall be available for use by the public and once provided shall remain available and be maintained in accordance with the approved details throughout the construction, operation and restoration of the development.

Reason: To aid in the delivery of sustainable transport objectives at this intersection of a number of PROWs (particularly FP 422011 FP 423007 and 422012) to facilitate recreational journeys.

Footpaths during construction

- 36.** Prior to the commencement of any Construction Works which would affect a Public Right of Way, a scheme for minimising construction impacts on Public Rights of Way shall have been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of:
- a) temporary and permanent diversion routes;
 - b) the functioning of the existing railway underpass and alternate crossings (including measures to keep the path open, signage and crossing supervision);
 - c) fencing and other protective measures;
 - d) temporary furniture such as gates, stiles, bridges and ramps; and
 - e) lighting, surfacing and drainage.

The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To meet the objectives of Paragraph 98 of the National Planning Policy Framework and to ensure that impacts on Public Rights of Way are minimised.

Gas pipeline

- 37.** No Construction Works shall take place within 25 metres of the high pressure gas pipeline until a Gas Pipeline Protection Scheme has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall set out the measures for the protection of the high pressure gas pipeline in the vicinity of the main mine site and conveyor route during the construction and operation of the development. The scheme shall also include detailed design proposals in respect of the conveyor design and its relationship to the gas pipeline.

The approved scheme shall be implemented and the development shall thereafter be carried out in accordance with the approved details.

Reason: in the interests of health and safety and to protect the integrity of the pipeline in accordance with policy DC2 of the Cumbria Minerals and Waste Local Plan.

Materials Management Plan

- 38.** Prior to the commencement of Construction Works, a Materials Management Plan shall be submitted to, and approved in writing by the Mineral Planning Authority. The Materials Management Plan shall be developed following the site investigations and risk assessments and shall:
- a) Identify all locations (above and below ground) of the main mine site, conveyor and rail loading facility from which material will be excavated;
 - b) Utilising the information contained within the contaminated land investigation, identify those areas of excavation which may be subject to contamination;
 - c) For areas of excavation which are subject to contamination estimate the volume of material arising, the approximate volumes of material to be remediated on site and provisional volume to be disposed of off-site;
 - d) Illustrate where and how the remediation of contaminated material would take place;
 - e) Illustrate where and how remediated material would be re-used, including volumetric calculations to demonstrate that the material can be accommodated within the proposed area of use and any measures for containment for this material;
 - f) Detail the frequency of testing and testing specification for soils generated during the cut and fill operations, including how the materials are to be segregated and stored;
 - g) Identify screening criteria for assessment of whether the materials can be re-used without treatment or mitigation;
 - h) For areas of excavation which are not subject to contamination provide the volume of material arising, and illustrate where and how non-contaminated material would be re-used including volumetric calculations to demonstrate that the material can be accommodated within the proposed area; and
 - i) Provide full construction details for the emplacement of materials to form any bunds on site. Such information shall include but not be limited to details of the quality of materials, drainage management, volumes and as-built plans.

The approved Materials Management Plan shall be implemented and the development shall be undertaken in accordance with the approved details.

Reason: To ensure the proposed development does not pose an unacceptable risk of pollution to controlled waters in accordance with policy DC20 of the Cumbria Minerals and Waste Local Plan.

Landfill Safeguarding Scheme

- 39.** Prior to the commencement of Construction Works, full details of any proposed works or development over or directly adjacent to the Marchon / UFex and Hutbank landfills or any of their associated infrastructure shall be submitted to and approved in writing by the Mineral Planning Authority.

The approved scheme shall be implemented and the development shall be undertaken in accordance with the approved details.

Reason: To ensure the proposed development does not pose an unacceptable risk of pollution to controlled waters by demonstrating that the integrity of capping on the existing Marchon / Ufex and Hutbank landfill sites is not compromised in accordance with policy DC20 of the Cumbria Minerals and Waste Local Plan.

Construction – Site Waste Management Plan

- 40.** Prior to the commencement of Construction Works, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The Site Waste Management Plan shall include details of:
- a) the anticipated nature and volumes of waste that will be generated by construction work;
 - b) the measures to minimise the generation of waste as a result of demolition, building, engineering and landscape works;
 - c) measures to maximise the re-use on-site of such waste; and
 - d) measures to be taken to ensure effective segregation at source of other waste arising during the carrying out of such works, including the provision of waste sorting, storage, recovery and recycling facilities as appropriate.

The approved SWMP shall be implemented throughout the period of Construction Works on site.

Reason: To ensure the construction activities associated with the proposed development do not pose an unacceptable risk of pollution to controlled waters through the inappropriate management of waste on site in accordance with policy DC20 of the Cumbria Minerals and Waste Local Plan.

Phasing and Management for Paste Placement

- 41.** Prior to the commencement of Construction Works, a phasing and management plan for the placement of paste in the mining voids shall be submitted to and approved in writing by the Mineral Planning Authority. The plan shall include details of the phasing of proposed filling activities, the volumes of paste to be transferred to the voids, the location and depth of the voids to be filled, an assessment of any risks associated with the transfer of paste to the identified voids and any mitigation measures necessary to ensure the transfer of paste to the voids to manage the risks identified.

The approved plan shall be implemented and the development shall be undertaken in accordance with the approved details.

Reason: To ensure the proposed development does not pose an unacceptable risk of pollution to controlled waters and to minimise subsidence in accordance with policies DC13 and DC20 of the Cumbria Minerals and Waste Local Plan.

Construction – Surface Water Quality Management Plan

42. Prior to the commencement of Construction Works a scheme detailing how surface water flows will be minimised and managed during the Construction Phase of the development shall be submitted to and approved in writing by the Mineral Planning Authority. The Construction Phase surface water management plan shall include the following and be implemented before construction starts:

- a) An assessment of potential flows that would need to be managed at the main mine site, conveyor route and rail loading facility site during construction;
- b) Details of the measures which would be put in place to capture, manage, and discharge flows from the component parts of the site identified in part a);
- c) A programme for the installation, maintenance and removal of the measures set out in part b);
- d) An assessment of potential contaminants which may be present in surface water runoff, and measures to segregate this surface water from clean runoff;
- e) Assessment of potential options to retain, test and treat or remove potentially contaminated surface water runoff during the works; and
- f) Details of a monitoring scheme to be implemented to confirm that no contaminants are present in runoff from the site intended for discharge to controlled waters (before, during and post construction).

Once approved, the Construction Phase surface water management plan shall be implemented in full and the development shall be undertaken in accordance with the approved details.

Reason: To ensure the construction activities associated with the proposed development do not pose an unacceptable risk of pollution to controlled waters in accordance with policy DC20 of the Cumbria Minerals and Waste Local Plan.

Construction – Foul Water Management Plan

43. Prior to the commencement of Construction Works a scheme detailing how foul water flows will be managed during the Construction Phase of the development (i.e. all flows anticipated prior to the connection to mains sewer) shall be submitted to and approved in writing by the Mineral Planning Authority. The Construction Phase foul water management plan shall include the following:

- a) An assessment of maximum foul water flows based upon estimates of numbers of construction workers at the main mine site and the rail loading facility;
- b) Details of the measures which would be put in place to manage and discharge flows from the component parts of the site identified in part a); and
- c) A programme for the installation, maintenance and removal of the measures set out in part b).

Once approved the Construction Phase surface water management plan shall be implemented in its entirety and the development shall be undertaken in accordance with the approved details.

Reason: To ensure the construction activities associated with the proposed development do not pose an unacceptable risk of pollution to controlled waters in accordance with policy DC20 of the Cumbria Minerals and Waste Local Plan.

Heritage Trails & Paths

44. Notwithstanding the trails and paths shown on approved plan 869/AM/041 Rev I, no Construction Works shall take place until a scheme and programme for the erection of interpretation boards for heritage assets and for the creation of heritage trails and paths at the main mine site has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:

- a) The location of the interpretation boards;
- b) The design, contents and construction of the interpretation boards;
- c) The final alignment of routes for heritage trails and paths;
- d) The details of the construction of the heritage trails;
- e) The provisions for ensuring public access and maintenance of the trails; and
- f) A programme for the implementation of the scheme.

The development shall be implemented in accordance with the approved scheme and programme.

Reason: In accordance with policy DC17 of the Cumbria Minerals and Waste Local Plan.

Habitat Management Scheme

45. No Construction Works shall take place until a Habitat Management Scheme (HMS) including a programme of works has been submitted to and approved in writing by the Mineral Planning Authority. The HMS shall set out the measures for the maintenance of the areas of habitat creation as illustrated on drawings 869/AM/041 Rev I and 869/AR/013 Rev F and shall demonstrate a net gain for biodiversity. Areas for habitat creation shall be taken to include Species Rich Grassland, Wet Grassland, new hedgerow planting, native woodland planting and ancient woodland mitigation planting and shall also provide for additional hedgerow planting to offset the section of hedgerow that would be removed in the vicinity of the railway sidings.

The development shall be carried out in accordance with the approved HMS.

Reason: To require the submission of details not submitted with the application for planning permission and to secure ecological mitigation and to comply with paragraph 170d of the NPPF.

Foul Water Drainage Scheme

46. No Construction Works shall take place until a foul water drainage scheme (during the operation and restoration of the proposed mine) has been submitted to and approved in writing by the Mineral Planning Authority. No surface water, land drainage or highway drainage shall connect with the existing public sewerage system. The following foul water drainage details shall be agreed with the Mineral Planning Authority:

- a) the location of the point of connection for foul water to the existing public sewer;
- b) the timing arrangements for the pumped foul discharge;
- c) the storage requirements for the pumped foul discharge; and
- d) the rate of discharge for the pumped foul discharge.

There shall be no connection of foul water to the public sewer other than in accordance with the Foul Water Drainage Scheme approved by the Mineral Planning Authority. The development shall be constructed and implemented in accordance with the approved details.

Reason: To secure proper drainage and in order to manage the risk of flooding and pollution from the public sewerage system, it is necessary to agree the specific details of the approach to foul water drainage. This shall include agreeing the location of the point of connection to the public sewer and the approach to foul water pumping.

Construction Phase – Restoration Scheme

47. Prior to the commencement of the Construction Phase a scheme for the restoration of the site which would be implemented in the event that the development does not progress beyond the Construction Phase (Construction Phase Restoration Scheme) shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the following:

- a) The methods for the removal of all buildings, equipment, plant and hardstandings from the site for each stage of construction;
- b) The ground levels/landform to be created for each stage of construction;
- c) The depths of subsoils and topsoils to be placed over the site area;
- d) The cultivation steps and soil treatments to be carried out following soils placement;
- e) Seed mixes and seeding application rates;
- f) Tree/shrub planting species mix, spacing, size, method of planting and protection measures; and
- g) A programme for carrying out the steps above.

In the event that the development does not progress beyond the Construction Phase, the Construction Phase Restoration Scheme shall be implemented in full and undertaken fully in accordance with the approved scheme and programme, followed by the aftercare approved under condition 95.

Reason: To ensure that the site is appropriately restored in accordance with policies SP16 and DC22 of the Cumbria Minerals and Waste Local Plan.

Rail Loading Facility – Design Detail

48. Prior to the commencement of construction of the Rail Loading Facility (RLF), detailed designs of the following components of development shall be submitted to and approved in writing by the Mineral Planning Authority. These designs shall include a rationale for the chosen design based upon the any geotechnical site investigation work which has been undertaken, together with all other design considerations including function and aesthetic:

- a) The new underbridge required beneath the proposed rail siding immediately adjacent to the Network Rail underbridge;
- b) The new rail sidings and the interface with the existing network rail embankment; and
- c) The drainage systems installed to manage surface water.

Once approved these components of development shall be carried out in accordance with the approved designs.

Reason: to ensure the ongoing safety of the operational railway.

Rail Loading Facility – Vehicle Incursion

- 49.** Prior to the commencement of the construction of the site road leading to the RLF a scheme to avoid vehicle incursion onto the railway lines shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall detail all the measures which will be put in place during construction of the road, its subsequent use during the Operational Phase of the mine and during decommissioning to prevent vehicle using the site road entering the railway lines and associated area required for the safe passage of trains. Once approved the scheme shall be implemented and adhered to through all phases of the development.

Reason: to ensure the ongoing safety and functionality of the operational railway, the sidings and its associated infrastructure.

Rail Loading Facility – Electric Pylon Relocation

- 50.** Prior to the commencement of the construction of the RLF, a scheme for the relocation of the electricity pylon(s) which would be required to facilitate the development of the RLF shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:
- a) Location of the existing pylon, its type and height and span of its connection with other pylons;
 - b) The revised location of the new pylon;
 - c) The type and height of new pylon;
 - d) The span and height of the connections from the new pylon to unaffected pylons; and
 - e) The programme for the relocation of the pylon and its associated revised connections.

Once approved the pylon relocation and revised connections shall be carried out in accordance with the approved scheme and programme.

Reason: to ensure the ongoing safety of the operational railway and sidings.

Rail Loading Facility (RLF) – Landscaping Scheme

- 51.** Prior to the commencement of construction of the RLF, a landscaping scheme for the proposed planting to the east of the railway line shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the following:
- a) Tree/shrub planting species mix, spacing, size, method of planting, protection measures;

- b) objective criteria to monitor the health and progress of the planting within landscaped areas and procedure for reporting the outcomes of monitoring to the Mineral Planning Authority including trigger levels for remedial action;
- c) A programme for carrying out the steps above; and
- d) Management of the planting for the duration of the development.

Once approved, the landscaping scheme shall be carried out in accordance with the approved scheme and programme.

Reason: To ensure that the site is appropriately landscaped in accordance with policy DC18 of the Cumbria Minerals and Waste Local Plan and to ensure the ongoing safety of the operational railway.

Construction – Hours of Working

- 52.** No works related to the construction of the development shall take place other than between the following hours:

Monday to Friday	0800 hours to 1800 hours
Saturday	0800 hours to 1300 hours
Sunday & Bank Holiday	No working

For the avoidance of doubt this condition shall not prevent the operation of pumps or other essential safety equipment outside of these hours.

Reason: In the interests of residential amenity and in accordance with policy DC3 of the Cumbria Minerals and Waste Local Plan.

Construction – Traffic Numbers

- 53.** During the Construction Phase, no more than 53 Heavy Goods Vehicles (HGVs) shall enter and leave the main mine site per day. A record of the numbers of HGVs visiting the site per day shall be maintained. This shall be submitted to the Mineral Planning Authority on a quarterly basis during the mine Construction and Restoration Phases of development has been completed and annually during the Operational Phase.

Reason: To minimise the impact of traffic during the Construction Phase, in accordance with policy DC1 of the Cumbria Minerals and Waste Local Plan and to ensure that the impacts are no greater than as assessed in the planning application.

Construction – Noise (Temporary Operations)

- 54.** The equivalent continuous noise level attributable to temporary operations relating to the construction of the development in the vicinity of the noise sensitive properties identified in condition 77 shall not exceed 70dB(A) (LAeq 1hour free field) for a total of 8 weeks in any 52 week period. During periods of temporary operations, a daily record shall be maintained noting the location and type of operations occurring within 200m of a noise sensitive property. The operator will afford the Mineral Planning Authority access to this record on request.

Reason: In the interests of amenity and in accordance with policy DC3 of the Cumbria Minerals and Waste Local Plan.

Piling Methodology

55. No piling shall take place until details of, and a methodology for, any piling have been submitted to, and approved in writing by, the Mineral Planning Authority. The methods proposed shall involve rotary piling only. The details and methodology shall detail any required measures, including any monitoring, to protect utilities, residential properties and ecological receptors from the impact of noise, dust and vibration generated by the piling. The works shall be carried out in accordance with the approved details and methodology.

Reason: In accordance with policy DC3 of the Cumbria Minerals and Waste Local Plan and to ensure that the vibrations from pile driving operations do not result in damage to utilities, or have unacceptable impacts in respect of noise, ecological interests or local amenity and because methods other than rotary piling have not been assessed within the planning application.

Archaeology

56. Archaeological work shall be undertaken in accordance with the Written Schemes of Investigation (WSI) approved under condition 9. Where significant archaeological remains are revealed by the programme of archaeological work, these shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Mineral Planning Authority. In accordance with the WSI, if the remains warrant it necessary as identified in the approved WSI, the following shall be undertaken:

- a) an archaeological post-excavation assessment and analysis;
- b) the preparation of a site archive ready for deposition at a store;
- c) the completion of an archive report; and
- d) preparation and submission of a report of the results for publication in a suitable specialist journal.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with policy DC17 of the Cumbria Minerals and Waste Local Plan.

Main Band Colliery – Reptiles

57. Prior to the commencement of any works at the part of the former Main Band Colliery within the application site, a scheme for surveying for the presence of reptiles shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall set out:
- a) the survey technique;
 - b) frequency of survey;
 - c) acceptable weather conditions for the survey; and
 - d) minimum qualifications and experience of surveyor.

Should reptile presence be identified, additional population surveys will be required together with submission of a Reptile Mitigation Plan (RMP) which shall be submitted to and approved in writing by the Mineral Planning Authority.

Once approved, the scheme(s) shall be implemented in advance of any site clearance, remediation or Construction Works at the former Main Band Colliery. All works thereafter shall be undertaken in accordance with the approved Reptile Mitigation Plan.

Reason: To establish likely presence or absence of reptiles at the former Main Band Colliery insofar as it is within the RLF site, to enable adequate mitigation and protection of these if present. All reptiles are protected under the Wildlife and Countryside Act 1981 (as amended), making it illegal to intentionally kill or injure a common reptile. Although reptile survey reports have been undertaken and reported in support of the application, the survey undertaken at the Main Band Colliery Site did not comply with the Standing Advice provided by Natural England. It was not undertaken under suitable conditions for reptile survey as stated in current recommended guidelines.

Mine Phasing, Operations and Spoil Management

- 58.** No working underground or associated engineering operations underground shall take place until a Mine Phasing, Operations and Spoil Management scheme has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of:
- a) Phases of working as indicated on a plan with locations and dates;
 - b) A description of the working methods and techniques (no blasting shall be permitted);
 - c) The measures employed to minimise the potential for environmental impact;
 - d) Details of mine spoil management including:
 - (i) Identification of the types and volumes of waste materials that will be generated through the underground mining operations;
 - (ii) The measures by which these materials shall be managed and disposed of underground within the mine workings; and
 - e) Provision for review and updating on an annual basis to take account of developments in available technology and changing environmental conditions.

The approved scheme shall be implemented and the development shall be undertaken in accordance with the approved scheme.

Reason: To ensure adequate control of the sub-surface operations and to ensure that the waste products from the mining operations (particularly rock spoil) are managed in environmentally acceptable ways, and to ensure mine wastes are not exported from the mine.

Footpath through Main Mine Site

- 59.** No mineral working shall take place until details of the footpath within the Main Mine Site from High Road to the north western boundary of the site shall be submitted to and approved by the Mineral Planning Authority. The details shall include:

- a) the precise alignment including to allow for connection to surrounding paths;
- b) boundary fencing with a gap on the north western boundary to allow for connection to surrounding paths; and
- c) a management scheme for maintenance, management and public access.

Within 6 months of mineral working commencing, the footpath shall be constructed and completed in accordance with the approved details. Afterwards the public access along the footpath shall be provided and the footpath maintained and managed in accordance with the management scheme.

Reason: To require the submission of details not submitted with the application for planning permission and to secure the provision and maintenance of the site footpath in accordance with policy and DC18 of the Cumbria Minerals and Waste Local Plan.

Operational Travel Plan

- 60.** No mineral working shall take place until an operational travel plan (OTP) has been submitted to and approved in writing by the Mineral Planning Authority. The OTP shall include details of:

- a) The measures to be undertaken to promote the use by staff of public transport, cycling, walking and sharing vehicles to the site;
- b) The measures to manage shift patterns to avoid cumulative traffic issues; and
- c) The measures to be employed to monitor the effectiveness of the OTP and reporting to the outcomes of the Mineral Planning Authority.

The development shall be carried out in accordance with the approved OTP.

Reason: To promote the use of sustainable transport options and the effective management of traffic in accordance with policy DC1 of the Cumbria Minerals and Waste Local Plan.

Operational Environmental Management Plan

- 61.** No mineral working shall take place until an Operational Environmental Management Plan (OEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The OEMP shall include details of:

- a) roles and responsibilities for the developer and its contractors regarding environmental compliance including environmental training and management procedures
- b) provisions for environmental emergency planning and environmental incident response arrangements;
- c) Considerate Constructors scheme and compliance arrangements;
- d) Environmental Permits, Licences and Consents required;
- e) Code of Construction Practice (relating specifically to local community impacts and management);
- f) liaison with the public and contact information for community concerns;
- g) the programme of works;
- h) parking areas for the vehicles of workers and visitors;
- i) areas to be used for the loading and unloading of plant and materials;

- j) details of site offices and welfare facilities;
- k) areas for the storage of plant and materials;
- l) formation of the compound(s) and access tracks and any areas of hardstanding;
- m) noise and vibration mitigation measures to be employed during the Operational Phase, including the provision for noise levels to be updated and reviewed every 5 years following the commencement of Construction Works;
- n) a scheme for the management of air quality and dust during the Operational Phase;
- o) site signage;
- p) how the environmental aspects of historic environment works will be managed;
- q) the management of waste, including provision for waste segregation, compliance with Duty of Care regulations;
- r) how water pollution risks and flood risks will be minimised including measures to prevent the development causing pollution to Pow Beck, waterbodies or the marine environment;
- s) management of traffic;
- t) ecological management including plans for the monitoring of:
 - i) Pow Beck surface water discharge flows and water quality;
 - ii) surface water quality in attenuation pond(s) on Main Mine Site prior to discharge to the Surface Water Outfall;
 - iii) marine water quality and scouring around the surface water discharge pipe;
- u) seasonal and daytime restrictions on certain activities to mitigate for effects on ecological receptors;
- v) covering or infilling of any trenches overnight to prevent animals being trapped and/or provision of a ramp to allow escape;
- w) sustainability measures including minimising and monitoring resource use including energy & water consumption, incorporating re-use wherever practicable;
- x) the appearance, erection and maintenance of boundary treatments and security fencing & site signage and the timescales for their erection and removal;
- y) the management of vermin;
- z) working hours;
- aa) pollution prevention measures including storage of fuels and oils and measures to prevent, contain and manage refuelling of plant and vehicles;
- bb) details of the appearance, erection and maintenance of boundary treatments and security fencing and the timescales for their erection and removal;
- cc) details of wheel washing facilities including any drainage requirements and maintenance;
- dd) cleaning of site entrances and the adjacent public highway;
- ee) the sheeting of all HGVs taking materials to / from the site to prevent spillage or deposit of any materials on the highway; and
- ff) all lighting including procedures to ensure lighting equipment is positioned so as not to create nuisance or disturbance to surrounding properties, public highways or wildlife.

Once approved, the OEMP shall be implemented and the development shall be undertaken in accordance with the approved OEMP.

Reason: To provide the management framework needed for the planning and implementation of activities in accordance with environmental commitments identified in the ES in accordance with policy DC6 of the Cumbria Minerals and Waste Local Plan.

Dust Management Plan

- 62.** No mineral working shall take place until a Dust Management Plan (DMP) for the Operational Phase of the development has been submitted to and approved in writing by the Mineral Planning Authority. The DMP shall include details of:
- a) Dust suppression equipment attached to vents and other openings to any processing, conveyor or storage buildings at the site;
 - b) The location and type of monitoring gauges;
 - c) Frequency of monitoring;
 - d) Provision for the reporting of results; and
 - e) Provisions for review of the DMP at the written request of the Mineral Planning Authority.

When approved the DMP shall be implemented in accordance with the approved details and the development shall be undertaken in accordance with the approved DMP.

Reason: In the interests of amenity and to ensure that the objectives of policy DC5 of the Cumbria Minerals and Waste Local Plan are met.

Noise Management Plan

- 63.** No mineral working shall take place until a Noise Management Plan (NMP) has been submitted to and approved in writing by the Mineral Planning Authority. The NMP shall include details of:
- a) Method Statement for and provision of periodic compliance monitoring during the Operational Phase, in relation to the receptors at the locations listed in condition 77;
 - b) Specific details in respect of the use of the backup generators and how these will be operated acceptably;
 - c) the establishment of long-term monitoring locations, including an 8 figure OS grid reference for each monitoring point;
 - d) a procedure for investigating and responding to noise complaints whether received directly from a member of the public or via any local authority;
 - e) provision for written reports to be submitted to the Mineral Planning Authority following compliance noise monitoring and complaint investigation. If the monitoring reveals that the noise from the operation of the development exceeds those within condition 77 the scheme shall set out the measures to be taken to reduce noise levels to approved limits; and
 - f) mitigation actions and timescales for their implementation to be agreed in writing with the Mineral Planning Authority (within the above report) if monitoring shows exceedance of the noise limits set out in condition 77.

Once approved the NMP shall be implemented in accordance with the approved details and the development shall be undertaken in accordance with the approved NMP.

Reason: In the interests of amenity and in accordance with policy DC3 of the Cumbria Minerals and Waste Local Plan.

Mine Gas Capture

- 64.** No mineral working shall take place until a Mine Gas Capture Management scheme has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall:
- a) identify the potential for the capture and subsequent management of methane, carbon dioxide, carbon monoxide and hydrogen sulphide or other mine gases which may impact upon the climate or environment during the operational lifetime of the mine;
 - b) identify the potential for beneficial use of the gases;
 - c) identify measures to prevent uncontrolled emissions of mine gases to the atmosphere; and
 - d) include provision for review and updating no less than once every five years, to take account of updates in available technology and changing environmental conditions.

The development shall be carried out and the gases managed and used beneficially in accordance with the approved Mine Gas Capture Management scheme.

Reason: To ensure that the objectives set out in policy DC13 of the Cumbria Minerals and Waste Local Plan are met, and because it is national planning policy that methane capture should be employed for all coal projects, in order to manage adverse impacts on the climate.

Seismic Activity – Monitoring

- 65.** No mineral working shall take place until a Seismic Activity Monitoring Scheme (SAMS) for onshore mining has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include the following:
- a) the methodology for monitoring seismic activity. This shall identify the potential receptors which will be the subject of monitoring, and the equipment to be utilised for monitoring;
 - b) the location for the installation of the seismic monitoring array to effectively monitor the seismic activity impacts on the receptors identified at (a); and
 - c) the arrangements including timescales and frequency of reporting the outcome of monitoring to the Mineral Planning Authority.

Once approved, the SAMS shall be fully implemented prior to the commencement of onshore coal mining and shall continue for a period of 6 years after the cessation of onshore coal mining. All monitoring and reporting shall be undertaken in accordance with the approved scheme.

Reason: To ensure that seismic activity events are monitored, investigated and mitigated in accordance with policy DC13 of the Cumbria Minerals and Waste Local Plan.

Seismic Activity – Investigation

66. In the event that seismic activity which is attributable to onshore mining activity at any of the receptors identified at condition 65 exceeds Peak Particle Velocity (PPV) of 6mm/sec the operator shall, as soon as reasonably practicable, carry out an investigation into the reasons for that exceedance. This investigation will confirm whether or not the seismic activity was induced by mining activity and, if so, identify the mining activities taking place, immediately prior to, the time the exceedance was detected. The outcome of that investigation shall be reported to the Mineral Planning Authority within 7 days of the exceedance and the written approval of the Mineral Planning Authority obtained.

Reason: To ensure that seismic activity events are monitored, investigated and mitigated in accordance with policy DC13 of the Cumbria Minerals and Waste Local Plan.

Seismic Activity – Mitigation

67. Where a seismic activity investigation has been undertaken and reported to the Mineral Planning Authority under condition 66, and where the conclusion of that investigation is that the seismic activity was attributable to onshore mining operations, within 14 days of the receipt by the Mineral Planning Authority of the investigation report, Mineral Extraction shall cease and a scheme and programme for seismic activity mitigation shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall:
- a) provide the rationale for the development of the mitigation measures with reference to the outcome of the investigation;
 - b) detail the measures to be taken to reduce seismic activity;
 - c) provide a programme for the implementation of the mitigation measures derived from the investigation report; and
 - d) provide for an increase in the frequency of monitoring reporting to assess the efficacy of the mitigation measures which have been put in place.

Once approved the scheme shall be implemented in accordance with the approved programme.

Reason: To ensure that seismic activity events are monitored, investigated and mitigated in accordance with policy DC13 of the Cumbria Minerals and Waste Local Plan.

Subsidence – Monitoring

68. No working of minerals shall take place until a subsidence monitoring scheme has been submitted to and approved in writing by the Mineral Planning Authority. The monitoring scheme shall provide for monitoring the potential effects of subsidence on sensitive receptors. The scheme shall include the following:
- a) The methodology for subsidence monitoring including establishing the maximum zone of influence of onshore mining by projecting from the outward edge of extraction a line outwards and upwards from the relevant seam at 35° from a line perpendicular to that seam so as to intersect the surface, the

methods for recording existing ground levels, method for monitoring changes in ground levels, equipment to be utilised and duration of monitoring following the cessation of onshore mining;

- b) The subsidence monitoring locations and the rationale for the number of monitoring points and the locations selected;
- c) The frequency of subsidence monitoring, and the rationale for the frequency selected;
- d) The arrangements for reporting the outcome of subsidence monitoring to the Mineral Planning Authority which routinely shall be no less than annually;
- e) The method for the derivation of trigger subsidence levels at sensitive receptors which would represent a subsidence event; and
- f) Proposals for increasing the frequency of subsidence monitoring and for the reporting of that increased frequency of monitoring to the Mineral Planning Authority in the event that a subsidence event occurs.

Surface subsidence monitoring and reporting shall be undertaken in accordance with the approved monitoring and reporting scheme.

Reason: To ensure that subsidence is monitored, investigated and mitigated in accordance with policy DC13 of the Cumbria Minerals and Waste Local Plan.

Subsidence – Investigation and reporting

- 69.** In the event that a subsidence event occurs, the zone of influence of the sensitive receptor shall be established by projecting downward and inward at an angle of 35° to the depth of seam being worked. Coal production within the zone of influence of the sensitive receptor shall be suspended until a subsidence investigation has been completed. The subsidence investigation shall determine the reason(s) for the subsidence event. The investigation shall review the mining activities taking place prior to the subsidence event being detected and determine which of these activities led to the subsidence event occurring. The findings of the investigation shall be set out in a subsidence investigation report which shall also identify the mitigation measures and a programme to be adopted to prevent a reoccurrence of a subsidence event. Where a subsidence investigation report has been concluded it shall be submitted to and approved in writing by the Mineral Planning Authority. Any mitigation measures shall be carried out in accordance with the Mineral Planning Authority's written approval and the approved programme.

Reason: To ensure that subsidence is monitored, investigated and mitigated in accordance with policy DC13 of the Cumbria Minerals and Waste Local Plan.

Subsidence – Mitigation

- 70.** Coal mining shall only recommence within the zone of influence of the sensitive receptor which was the subject of the subsidence event under condition 68 after the Mineral Planning Authority provide written notification to confirm approval of the investigation report and that the proposed mitigation measures are acceptable. Coal mining within the zone of influence of the sensitive receptor which was the subject of the subsidence event shall thereafter only take place in accordance with the mitigation measures approved within the subsidence investigation report.

Reason: To ensure that subsidence is monitored, investigated and mitigated in accordance with policy DC13 of the Cumbria Minerals and Waste Local Plan.

Hazardous Substances Consent

- 71.** No workplace buildings shall be occupied until the hazardous substances consent for the Hunstman Surface Sciences Ltd site has been revoked in its entirety under the provisions of the Planning (Hazardous Substances) Act 1990, and written confirmation of the necessary revocation has been issued by the Hazardous Substances Authority.

Reason: The HSE consider the existence of this consent presents a risk to occupiers of workplace buildings at the main mine site, and so require a condition to this effect to be attached.

Operation of Rail Loading Facility – Hours of Working

- 72.** No operations at the Rail Loading Facility shall take place other than between the following hours:

Monday to Friday	0600 hours to 2200 hours
Saturday	0600 hours to 2200 hours
Sunday & Bank Holiday	No working

Reason: In the interests of residential amenity and in accordance with policy DC3 of the Cumbria Minerals and Waste Local Plan.

Operation of Rail Loading Facility – Noise Assessment

- 73.** Notwithstanding condition 72 above, no operations shall take place at the Rail Loading Facility (RLF) between 0600 hours and 0700 hours (Monday to Saturday) until a noise assessment demonstrating that the night-time noise limits will not be exceeded for locations R5 to R8 (inclusive) as identified within the table in condition 77, has been submitted to and approved in writing by the Mineral Planning Authority.

Reason: In the interests of residential amenity and in accordance with policy DC3 of the Cumbria Minerals and Waste Local Plan

Departure and Arrival of Trains during Daytime Only

- 74.** No trains shall be permitted to arrive at or depart the Rail Loading Facility or manoeuvre in the associated sidings other than between the following hours:

Monday to Friday	0700 hours to 2200 hours
Saturday	0700 hours to 2200 hours
Sunday & Bank Holiday	No departure or arrival or movement of trains permitted

Reason: In the interests of residential amenity and in accordance with policy DC3 of the Cumbria Minerals and Waste Local Plan.

Mine Production

75. No more than 2,430,000 tonnes of processed coal shall be exported from the site in any calendar year. A record of the tonnage of coal exported from the site in each calendar month (split by Metallurgical Coal and Middlings Coal) of the preceding year shall be maintained and submitted to the Mineral Planning Authority before the 31 January annually whilst the mine is operational. Written records shall be filed on a monthly basis and shall be available for inspection on request by the Mineral Planning Authority.

Reason: To monitor compliance and to ensure that the impacts of development are no greater than set out in the Environmental Statement accompanying the application.

76. Middlings Coal shall constitute no more than 15% of the total tonnage of coal exported from the site in any calendar year and in any event, no more than 91,125 tonnes in any calendar quarter. No other wastes or other mineral products shall be exported from the mine.

Reason: Middlings Coal is a by-product of the operations. If a higher proportion of Middlings Coal, or other coal products are extracted from the mine, the planning considerations environmental merits of this development would need to be reassessed in accordance with policy DC13 of the Cumbria Minerals and Waste Local Plan.

Noise Limits

77. The noise level emitted from the operation of the site shall not exceed the levels detailed in the table below at the locations given insofar as they are shown on Figure 14.1 Rev 01. Any measurement shall be made at a height of 1.2m and at a minimum distance of 3.5m from any façade or acoustically reflective surface.

Location	Period	Noise limit dB LAeq, 1hr
R1 – Proposed housing to north	Daytime	37
	Night-time	34
R2 – 24 Woodville Way	Daytime	41
	Night-time	36
R3 – Cabbage Hall	Daytime	40
	Night-time	38
R4 – 1 Clarendon Drive	Daytime	41
	Night-time	36
R5 – Property known as Lake View	Daytime	43
	Night-time	37
R6 - Stanley House	Daytime	43
	Night-time	37
R7 – Woodend Gardens	Daytime	43
	Night-time	37
R8 – Property known as Linethwaite Bower	Daytime	43
	Night-time	37

M2 – Proposed housing to east of site	Daytime	41
	Night-time	36

For the avoidance of doubt within the above table, 'Daytime' refers to the period between 0700 and 2200 hours and 'Night-time' refers to the period between 2200 and 0700 hours.

Reason: In the interests of amenity and to ensure that the objectives of policy DC3 of the Cumbria Minerals and Waste Local Plan are met.

Transport

- 78.** No minerals, products or wastes extracted from the mine or mine processing site shall be transported from the site by road.

Reason: No assessment has been made of the impacts that would result from the volume of HGV traffic; transportation by rail is more sustainable method of moving these products; and to minimise mineral road miles in accordance with policy DC1 of the Cumbria Minerals and Waste Local Plan.

- 79.** There shall be no vehicular access to or egress from the site other than via the approved accesses as shown on drawings 869/AM/002 Rev D, 869/AM/010 Rev A, 869/AR/002 Rev C and 869/AR/008 Rev A.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with policy DC1 of the Cumbria Minerals and Waste Local Plan.

- 80.** No infill materials required for the construction of the RLF site or associated sidings shall be delivered to the RLF site other than via the railway.

Reason: No assessment has been made of the impacts that would result from the volume of HGV traffic delivering this material to the RLF site and in the interest of amenity and highway safety in accordance with policies DC1 and DC3 of the Cumbria Minerals and Waste Local Plan.

- 81.** No more than six trains per day shall enter and leave the Rail Loading Facility (RLF). A record of the numbers of trains entering, loading, and leaving the RLF each day shall be maintained and submitted to the Mineral Planning Authority on the 31 January each year for the period 1 January to 31 December of the previous year until the mine is closed and the site is restored. These records shall be made available to the Mineral Planning Authority at any time on request.

Reason: In the interests of amenity and to ensure that the objectives of policy DC3 of the Cumbria Minerals and Waste Local Plan are met.

- 82.** No more than 13 Heavy Goods Vehicles (HGVs) shall enter and leave the Main Mine site per day. A record of the numbers of HGVs visiting the site per day shall be maintained and submitted to the Mineral Planning Authority on the 31 January each year for the period 1 January to 31 December of the previous year until the mine is closed and the site is restored.

Reason: To minimise the impact of traffic in accordance with policy DC1 of the Cumbria Minerals and Waste Local Plan.

- 83.** The Operational Travel Plan as approved under condition 60 shall be implemented and updated / maintained for the duration of the development. The effectiveness of the Travel Plan shall be assessed in accordance with the details submitted in relation to condition 60 every 5 years and reported to the Mineral Planning Authority in writing. Where the assessment identifies shortcomings with the existing travel plan, a revised travel plan shall be prepared and submitted to and approved in writing by the Mineral Planning Authority in relation to condition 60 within three months of the assessment having been carried out.

Reason: To promote sustainable modes of transport in accordance with paragraph 32 of the National Planning Policy Framework

Fuel Storage

- 84.** All facilities for the storage of oils, fuels and hazardous chemicals shall be placed on impervious bases with impervious bunds placed around them and with all vents, filling points and hoses contained within the bunds. All tanks are to be double-skinned and the bunds shall have a capacity of 110% of the cumulative capacity of the tanks. The bunds shall be kept free of precipitation which, if removed, shall be disposed of at a suitably permitted facility.

Reason: For the protection of the water environment in accordance with policy DC20 of the Cumbria Minerals and Waste Local Plan.

Nesting Birds

- 85.** No clearance of vegetation shall take place within the bird breeding season (the period from March to September inclusive) unless measures supervised by an ecologist have previously been taken to exclude nesting birds. Any vegetation that must be cleared during the bird breeding season should only proceed after a detailed breeding bird survey has been conducted by an ecologist. This shall identify any nest on site and present measures to avoid disturbing the identified breeding species. A further checking site inspection by an ecologist shall be conducted on the site immediately before any work commences. This shall identify any nest on bare earth on site and present measures to avoid disturbing the identified breeding species.

Reason: To ensure the site biodiversity is managed in accordance with policy DC16 of the Cumbria Minerals and Waste Local Plan and in accordance with the Wildlife and Countryside Act 1981 (as amended).

Soils Handling

- 86.** All soil handling operations shall be carried out in accordance with the DEFRA Code of Practice for Sustainable Use of Soils on Construction Sites (2011). Prior to the commencement of soil stripping details of the methodology to be used in the stripping, storage and replacement of soils and overburden on that phase shall be

submitted to and approved in writing by the Mineral Planning Authority. The development shall be undertaken in accordance with the approved methodology.

Reason: To ensure that soils are appropriately managed and retained for use in restoration in accordance with policies DC21 and DC22 of the Cumbria Minerals and Waste Local Plan.

- 87.** The stripping, movement and re-spreading of soils shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is sufficiently dry to allow passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil without difficulty.

Reason: To ensure that soils are appropriately managed and retained for use in restoration in accordance with policies DC21 and DC22 of the Cumbria Minerals and Waste Local Plan.

No External Storage

- 88.** No minerals, waste or other bulk materials shall be handled or stored at the surface of the main mine site except within the buildings shown on drawing 869/AM/002 Rev A.

Reason: In accordance with policy DC2 of the Cumbria Minerals and Waste Local Plan.

No Blasting

- 89.** No blasting of any description, either above or below ground, shall be permitted at the site at any time.

Reason: In accordance with policies DC3 and DC16 of the Cumbria Minerals and Waste Local Plan.

Lighting

- 90.** During the Construction Phase, no lighting shall be used on the main mine site or the rail loading facility except that shown and specified on drawing 869/AM/040 Rev A – Main Mine Site External Lighting Layout & drawing 869/AR/007 Rev C – Rail Loading Facility External Lighting Plan. External lighting for use during the Operational Phase of the mine shall be installed and operated in accordance with the approved details under condition 34 until all lighting is removed as part of the decommissioning of the site.

Reason: To ensure that the impact of lighting does not have undue visual impact in accordance with policy DC22 of the Cumbria Minerals and Waste Local Plan, or impact unacceptably on landscape character or local amenity.

Surface Water Discharge

- 91.** There shall be no surface water discharge to either Sandwith Beck or Rottington Beck.

Reason: To prevent flooding and/or pollution of ground and surface water in accordance with policies DC19 (Flood Risk) and DC20 (The Water Environment) of the Cumbria Minerals and Waste Local Plan.

Decommissioning & Restoration Scheme

- 92.** A Decommissioning and Restoration Scheme (DARS) shall be submitted to and approved in writing by the Mineral Planning Authority, for approval by the earlier of:
- a) 3 months from the end of a continuous period of twelve months throughout which the Winning and Working of mineral has ceased; or
 - b) two years before the expiry of this planning permission.

The decommissioning and restoration scheme shall be in accordance with the Main Mine Site Restoration Plan drawing reference 869/AM/042 Revision E and the Rail Loading Facility Post Decommissioning Restoration Plan drawing reference 869/AR/014 Revision G and shall include, but need not be restricted to:

- a) The removal of buildings, railway sidings and other built infrastructure;
- b) Removal of plant, equipment and above ground structures;
- c) Treatment/capping of mine shafts;
- d) Treatment and capping of the underground conveyor including the removal of all conveying equipment and plant and associated above ground buildings;
- e) The number of vehicle movements at each site during the Restoration Phase;
- f) Ground levels and landform to be created at the Mine Site and Rail Loading Facility to be illustrated by drawings with proposed contours and cross and long sections;
- g) The methods and depths of soil replacement;
- h) Cultivation, seeding and planting measures; and
- i) A programme setting out the timescales within which restoration will occur.

The restoration scheme shall be implemented in full and undertaken fully in accordance with the approved scheme and programme, followed by the aftercare approved under condition 95.

Reason: To ensure that the surface development is returned to beneficial use in accordance with policy DC22 of the Cumbria Minerals and Waste Local Plan.

Decommissioning & Restoration Environment Management Plan

- 93.** A Decommissioning and Restoration Environment Management Plan (DREMP) for the restoration operations following decommissioning shall be submitted to and approved in writing by the Mineral Planning Authority by the earlier of:
- a) 3 months from the end of a continuous period of twelve months throughout which the Winning and Working of mineral has ceased; or
 - b) two years before the expiry of this planning permission.

The DREMP shall include, but need not be restricted to:

- i) roles and responsibilities for the developer and its contractors regarding environmental compliance including environmental training and management procedures;

- ii) provisions for environmental emergency planning and environmental incident response arrangements;
- iii) Considerate Constructors scheme and compliance arrangements;
- iv) Environmental Permits, Licences and Consents required;
- v) Code of Construction Practice (relating specifically to local community impacts and management);
- vi) liaison with the public and contact information for community concerns;
- vii) the programme of works;
- viii) parking areas for the vehicles of workers and visitors;
- ix) areas to be used for the loading and unloading of plant and materials;
- x) details of site offices and welfare facilities;
- xi) areas for the storage of plant and materials;
- xii) formation of the construction compound(s) and access tracks and any areas of hardstanding;
- xiii) a scheme for the management of noise;
- xiv) a scheme for the management of air quality and dust;
- xv) site signage;
- xvi) the management of waste, including provision for waste segregation, compliance with Duty of Care regulations;
- xvii) how water pollution risks and flood risks will be minimised including measures to prevent the development causing pollution to Pow Beck, waterbodies or the marine environment;
- xviii) management of traffic;
- xix) ecological management including plans for the monitoring of:
- xx) Pow Beck surface water discharge flows and water quality;
- xxi) surface water quality in attenuation pond(s) on Main Mine Site prior to discharge to the Surface Water Outfall;
- xxii) marine water quality and scouring around the surface water discharge pipe;
- xxiii) seasonal and daytime restrictions on certain activities to mitigate for effects on ecological receptors;
- xxiv) covering or infilling of any trenches overnight to prevent animals being trapped and/or provision of a ramp to allow escape;
- xxv) contaminated land management
- xxvi) sustainability measures including minimising and monitoring resource use including energy & water consumption, incorporating re-use wherever practicable;
- xxvii) the appearance, erection and maintenance of boundary treatments and security fencing & site signage and the timescales for their erection and removal;
- xxviii) the management of vermin;
- xxix) working hours;
- xxx) pollution prevention measures including storage of fuels and oils and measures to prevent, contain and manage refuelling of plant and vehicles;
- xxxi) details of the appearance, erection and maintenance of boundary treatments and security fencing and the timescales for their erection and removal;
- xxxii) details of wheel washing facilities including any drainage requirements and maintenance;
- xxxiii) cleaning of site entrances and the adjacent public highway;
- xxxiv) the sheeting of all HGVs taking materials to / from the site to prevent spillage or deposit of any materials on the highway;

- xxxv) all lighting including procedures to ensure temporary lighting equipment required is positioned so as not to create nuisance or disturbance to surrounding properties, public highways or wildlife; and
- xxxvi) post-construction restoration / reinstatement of the working areas.

Once approved, the DREMP shall be implemented and the all works shall be undertaken in accordance with the approved DREMP.

Reason: To ensure that the surface development is returned to beneficial use accordance with policy DC22 of the Cumbria Minerals and Waste Local Plan.

- 94.** Prior to the commencement of decommissioning the Rail Loading Facility (RLF), details of the following decommissioning and reinstatement works shall be submitted to and approved in writing by the Mineral Planning Authority:
- a) The removal of the underbridge under the proposed rail siding and reinstatement of the underbridge to its former state;
 - b) The removal of the rail sidings and reinstatement of its interface with the existing Network Rail embankment; and
 - c) A review of the drainage systems to determine whether the removal of the underbridge and the sidings necessitates changes to the surface water drainage infrastructure installed under condition 48 above to ensure surface water is effectively drained from the site. Where that review reveals that the installed drainage system is inappropriate a revised surface water drainage system shall be submitted to and approved in writing by the Mineral Planning Authority.

Once approved the reinstatement works shall be carried out in accordance with approved details within 2 years of the commencement of decommissioning.

Reason: to ensure the ongoing safety and functionality of the operational railway.

Aftercare scheme

- 95.** Within six months of the date of the written approval of each of the restoration schemes required under conditions 12, 26, 47 and 92 above, a scheme and programme for the aftercare of the site for a period of 5 years to promote the agricultural and ecological afteruses of the site, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme and programme shall contain details of the following:
- a) the management of the site to promote its agricultural use including details of seeding, grazing, cultivation or cropping;
 - b) details for soil sampling in each year of the aftercare period to determine requirements for fertilizer and lime application and provision for the submission of annual soil sampling results and proposed fertilizer/lime application to the Mineral Planning Authority for approval in writing;
 - c) the management of ecological and recreational areas;
 - d) details of any drainage installation including measures for replacement of any field drainage system damaged during the development;
 - e) details of any further works to relieve compaction or regrading to alleviate surface ponding;
 - f) details of any measures required to control noxious weeds;

- g) details for the maintenance of any grassland, tree or hedge planting including replacement of failures, weed control, maintenance of protection measures, thinning works and cutting or laying regimes to be followed; and
- h) management of any surface water run off including maintenance of surface water ditches and repair of any damage caused by surface water runoff.

Thereafter, aftercare works shall be undertaken in accordance with the approved scheme and programme for a period of five years from the date that the Mineral Planning Authority certifies in writing that the works of restoration are complete. On the first anniversary of the certification of completion of restoration and at annual intervals thereafter an inspection of restored areas of the site involving representatives of the operator and Mineral Planning Authority shall be undertaken. Within one month of each inspection, a schedule of aftercare works to be undertaken in the following year in accordance with the above shall be submitted to and approved in writing by the Mineral Planning Authority. The approved schedule of aftercare works shall be carried out.

Reason: To ensure that the site is restored and that appropriate aftercare provision is in place in accordance with policy DC22 of the Cumbria Minerals and Waste Local Plan.

- 96.** All lighting installed at the Rail Loading Facility (RLF) must be directed or shielded to prevent dazzle of drivers on the operational railway.

Reason: to ensure the ongoing safety of the operational railway.

- 97.** Throughout all phases of the construction, operation, and decommissioning of the development hereby approved all design and implementation proposals shall, in advance, be submitted to and approved in writing by the Mineral Planning Authority. Once approved all such proposals shall be carried out in accordance with the approval.

Reason: to ensure the ongoing safety of the operational railway.

- 98.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting that Order), planning permission shall be sought and obtained from the Mineral Planning Authority, before any buildings, structures, or erections, plant or machinery are erected on the site or on any ancillary mining land.

Reason: to maintain control over additional built development upon the site in the interest of amenity.

DEFINITION OF TERMS

DEVELOPMENT PHASES:

Preliminary Phase

The works associated with:

At the Main Mine Site - Securing the site, site investigation (contamination and geotechnical), remediation of contaminated land (including the installation of temporary

covers), site clearance (removal of remnants of the sites former use as a chemical production factory. This phase precedes the Construction Phase.

At the Rail Loading Facility – Securing the site, archaeological investigation, site investigation (geotechnical), any archaeological excavation (required as a result of the archaeological investigation), any remediation of contamination (if there is any at presently unknown contamination), site clearance/soil strip and formation of soil storage bunds.

Along the route of the conveyor – Archaeological investigation, Site investigation (geotechnical), any archaeological excavation (required as a result of the archaeological investigation), any remediation of contamination (if there is any at presently unknown contamination)

Construction Phase / Construction Works

The phase / works associated with:

At the Main Mine Site – vehicular access improvements, creation of construction and operational parking areas and construction compounds, site levelling to formation layer and installation of services and drainage connections, the construction of all the built and engineered components of the development, removal / decommissioning of construction compounds.

At the Rail Loading Facility - creation of construction and operational parking areas and construction compounds, site levelling to formation layer and installation of services and drainage connections, the construction of all the built and engineered components of the development, removal and decommissioning of construction compounds and restoration of laydown areas/ construction compounds.

Along the line of the conveyor route – soil stripping and soil storage, haul roads, excavation, installation and burial of the conveyor culvert, installation of the conveyor infrastructure, soil replacement, and restoration.

At the underground mining area - driving drifts to the target coal reserves, creation of pit bottom.

For each component of the development the Construction Phase follows the Preliminary Phase and precedes the Operational Phase.

Operational Phase

The stage of the development comprising the Winning and Working of Metallurgical Coal from underground mining areas, the processing of coal to separate Metallurgical (coking) Coal, middling coal and waste. The dispatch from site of coal products and the return underground and placement of wastes.

This Operational Phase follows the Construction Phase and precedes the Restoration Phase.

Restoration Phase

Following the completion of the Operational Phase, the Restoration Phase comprises the removal of all above-ground buildings and structures, and removal of conveyor infrastructure (but retention of the culvert) and the restoration of the above ground components of the site in accordance with the approved restoration scheme.

DEVELOPMENT COMPONENTS:

Main Mine Site (MMS)

That part of the development site which accommodates the mine portals, coal handling and processing plant, offices and other development associated with the administration

and operation of the mine as illustrated on drawing reference 869/AM/002 Rev D and which includes the landscape mounds to the north and south of the buildings, plant and equipment.

Rail Loading Facility (RLF)

The facility to be used for taking coal transported by the conveyor and loading it onto trains, including the rail loading building, the railway sidings, the RLF office and RLF Conveyor access station and ancillary development as illustrated on drawing 869/AR/002 Rev C and including the land formerly occupied by the Main Band colliery.

Mineral Conveyor Route

The route to be taken by the sub-surface conveyor used to transport coal products from the Main Mine Site to the Rail Loading Facility. For the purposes of the planning permission this is taken to mean from the point at which the conveyor leaves the conveyor drive building on the main mine site to where it enters the RLF conveyor access station.

Underground Mining Area

Means the area of land under which the winning and working of minerals will take place and includes the drifts driven to access the onshore target coal reserves and all associated infrastructure, the onshore coal reserves to be worked, the drifts installed to access the offshore coal reserves. The area extends from the mine portals from the Main Mine Site to the mean low water mark at the coast.

MINE PRODUCTION:

Metallurgical Coal

Coal with particular physical and chemical characteristics that makes it suitable for use in the production of steel and separated from industrial/Middlings Coal and reject material during processing at the Coal Handling and Processing Plant. For the avoidance of doubt 'Metallurgical Coal' shall be defined as having a maximum ash content of 8% and a maximum sulphur content of 1.25%.

Middlings Coal

Coal which does not have the specific physical and chemical characteristics that makes it suitable for use in the production of steel. Separated from Metallurgical Coal and reject material during processing at the Coal Handling and Processing Plant.

Winning and Working of Minerals / Mineral Extraction

The Winning of Minerals comprises the driving of drifts and installation of infrastructure to reach and access the mineral targeted for extraction. The Working of Minerals or Mineral Extraction is extraction of the target mineral.

OTHER:

Commencement of Development

For the purposes of defining the implementation of the planning permission - the date on which any material operation (as defined in Section 56(4) of the 1990 Act) forming part of the Development begins to be carried out (or any component stage thereof, as the context permits) other than operations consisting of:

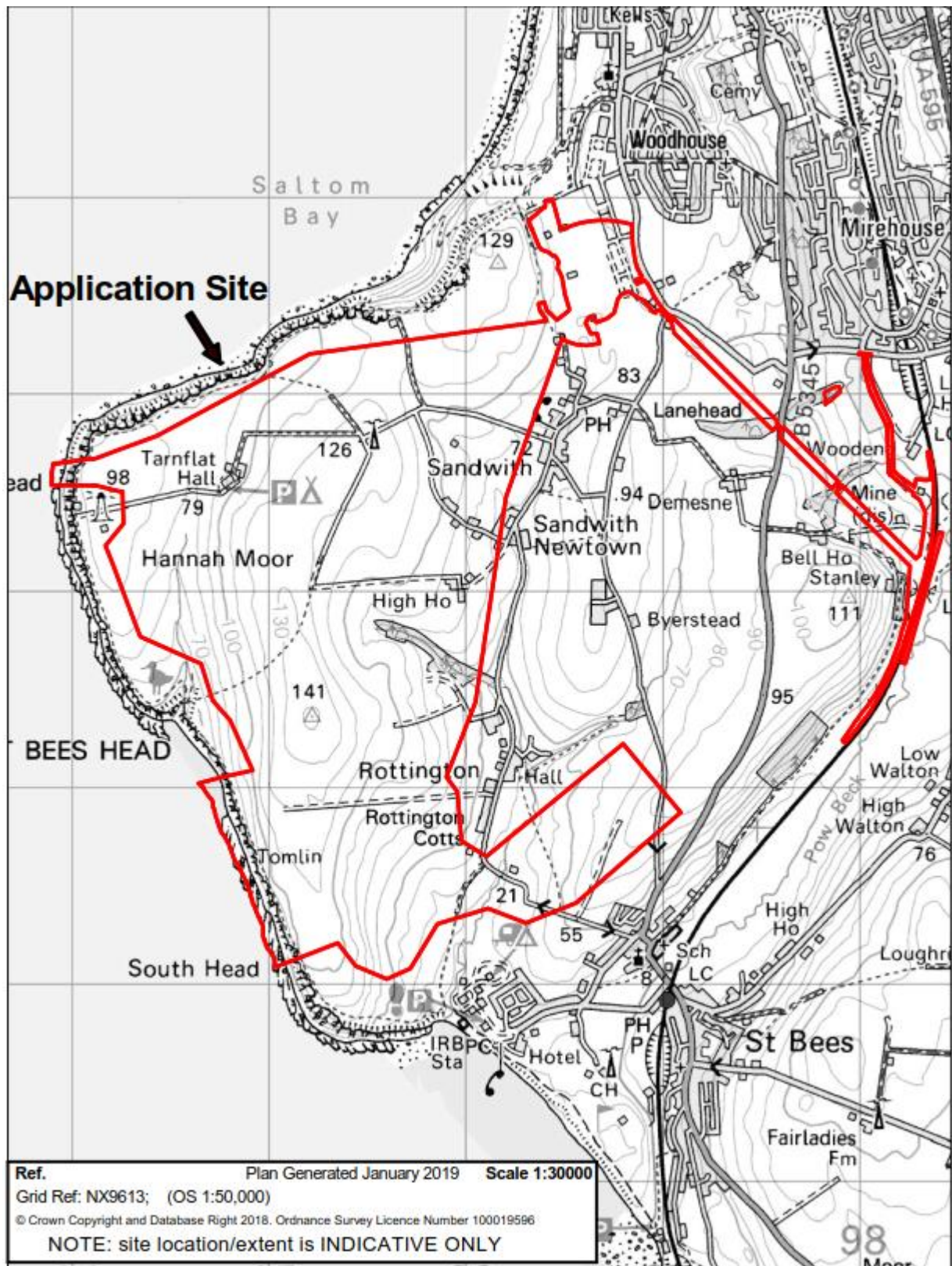
- a) the demolition of existing buildings or clearance of the Site;
- b) archaeological investigation;
- c) ground investigation and site survey work;
- d) the erection of fencing and hoardings;
- e) remediation; and
- f) advance ecology works and investigations.

Mineral Planning Authority (MPA)

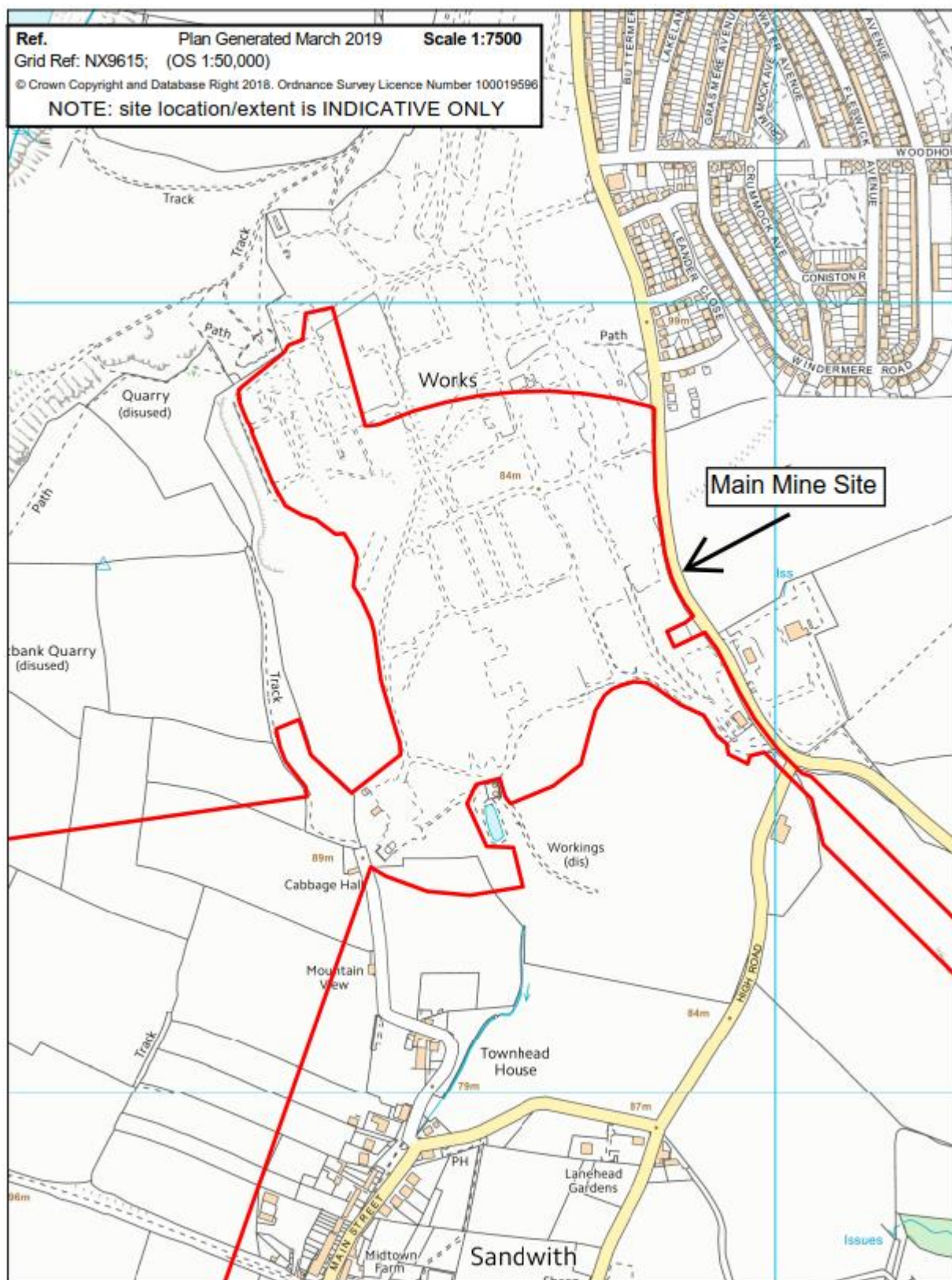
The administrative body exercising its duties under the planning acts in relation to minerals development, which for the permission site is Cumbria County Council and/or its successors.

APPENDIX 2 - PLANS OF SITE LOCATION/EXTENT

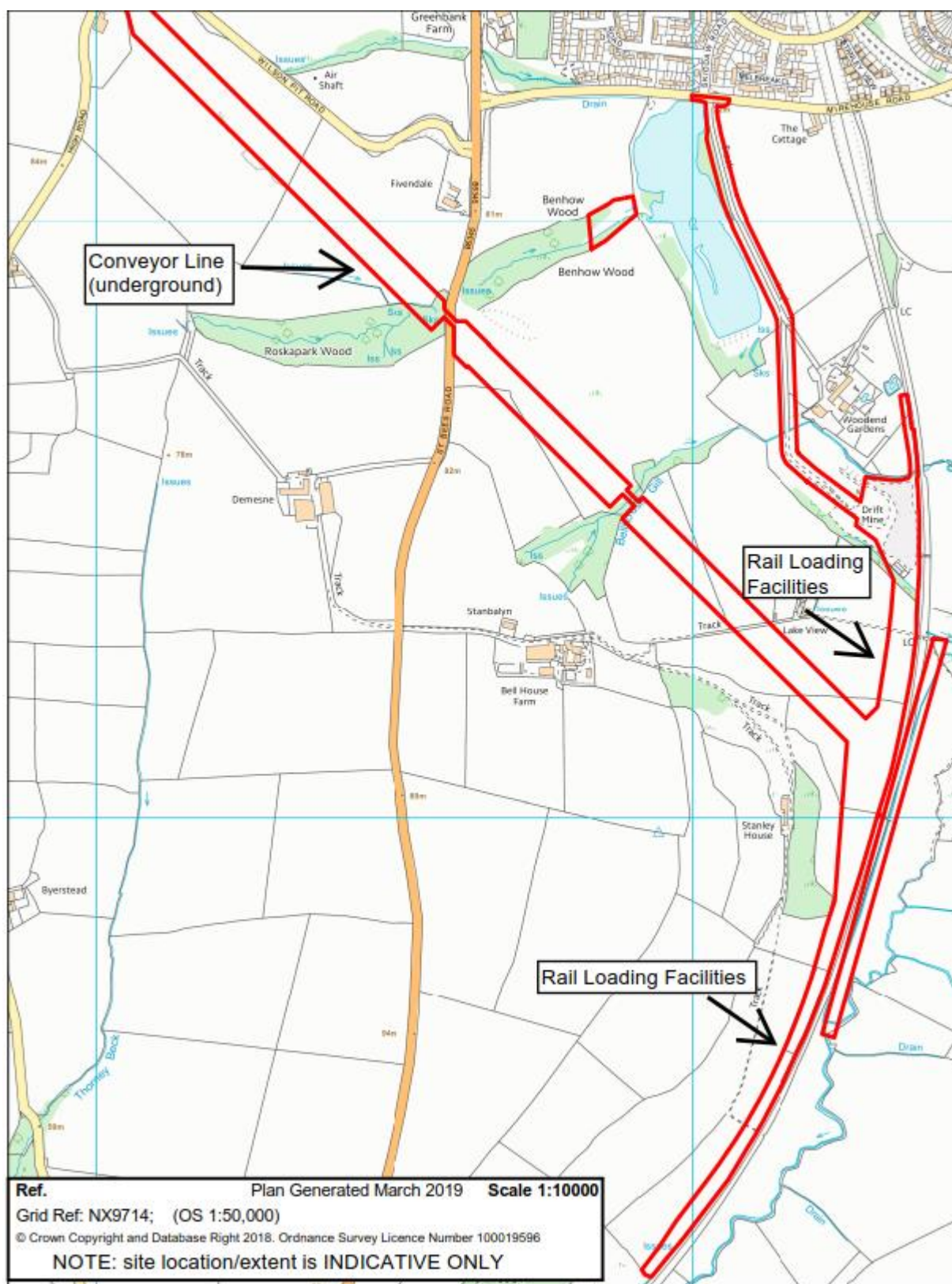
Plan (i) – Whole Application Site



Plan (ii) – Main Mine Site



Plan (iii) – Rail Loading Facilities and Conveyor Line



APPENDIX 3 - SUMMARY OF CONSULTATION RESPONSES

- A3.1 Copeland Borough Council (CBC) Planning Department: This application was initially reported to CBC's Planning Panel on 27 September 2017 and, with the amended scheme, on 23 January 2019. At the latter, it was concluded that Members raise no objections to the revised submission subject to, should planning permission be granted, an archaeological recording condition; an environmental management plan condition, to include air quality management; an environmental management condition including land contamination; an ecological mitigation and management plan; and a seismic monitoring condition. It was concluded that none of the additional information submitted is of any significance that would alter the original resolution to support the development subject to adequate mitigation.
- A3.2 At the Planning Panel in September 2017, Members agreed that the significant benefits which would result from the scheme in terms of investment in the local economy and job creation would outweigh the adverse impacts of the scheme. However, they were keen to ensure that these impacts are mitigated and controlled where possible by the use of appropriately worded planning conditions and also planning obligations to limit their significance.
- A3.3 Members raised no objections to the proposals subject to planning conditions and planning obligations relating to the following: site restoration should take place within 12 months of ceasing operations on site; submission of a site restoration method statement and management plan to be fully agreed prior to commencement of development; full schedule of materials to be agreed; materials and planting for the RLF should be carefully considered to ensure adequate mitigation to minimise the visual and landscape impacts of this facility in this sensitive location; control of hours of operation for all phases of development; Travel Plans to be agreed for all phases of the development; an Environmental Management Plan should be secured to include noise monitoring, land contamination, air quality monitoring and dust controls; a Safety Management Plan to ensure adequate monitoring of seismic activity; a Subsidence Management Plan to be agreed before works commence; a Construction Management Plan to be agreed before works commence; full details of landscaping and earth mounding, including a phasing plan, to be agreed before works commence; further information requested to ensure any waste brought on to site is from an appropriate source; method for dealing with any waste resulting from the mining activity to be agreed before works commence; Lighting Assessment to be agreed; an adequate buffer zone retained between any parts of the development and the existing utility

infrastructure, including local gas pipelines; ensure all agreed mitigation measures and enhancements set out in supporting documentation are implemented; a S106 Agreement to formalise the developers commitment to maximise the level of benefit to the local economy in terms of local work force and local supply chain; a S106 Agreement to ensure adequate contributions are secured to mitigate against the full impacts of the development, including provision of a bus service for users during both the construction and operational phases of the development.

- A3.4 CCC Highway Authority:(14.01.19) Consider that the minor nature of the proposed changes to the original application will have a negligible impact on those impacts already highlighted in their previous response. Confirm that the local highway authority's comments made previously on 6 February 2018 should still apply.
- A3.5 CCC Highways, however, point out that the wording of one of the financial elements should be amended to read as follows - £6600 for each of the Travel Plans (construction and subsequent operational) as a monitoring fee and for other elements ensuring their implementation.
- A3.6 (06.02.18) – CCC Highways consider it was made clear during their previous response that the only fundamental elements outstanding were the accident investigation work and lack of mitigation measures; that the applicant had now provided this information and Highways could confirm this element and the indicative remedial measures was considered acceptable. CCC Highways would require that the construction route to the rail sidings from Mirehouse Road (currently shown to be a tarmac road between 5m and 6m wide) be available for cycling use, thereby ensuring there is the potential in future years to connect to St.Bees. This would ensure that the site would remain sustainable for the duration of the mining operation. Without the mitigation measures, there would be a severe risk of harm to the safety of pedestrians and motorists alike travelling to and from the site. This would as a result severely increase the risk of accidents and collisions.
- A3.7 In light of the aforementioned information and the applicant's agreement to fund the required highway mitigation measures, the local highway authority has no objection to this application, but would recommend that the following elements are included in any permission that could be granted:
- a. No development to take place until completion of a S106 Agreement to cover financial elements (£155,000 for traffic calming measures on the surrounding road network; £94235 for the PROW improvement plan; £6600 for the Travel Plan monitoring fee per travel plan and elements ensuring their implementation.

- b. Completion of a legal agreement with the local highway authority to allow for the remedial safety and accessibility works on the Mirehouse/St Bees junction
- c. That the following conditions are imposed: no development to commence until detailed drawings showing the development and means of access have been submitted for approval; footways shall be provided that link continuously and conveniently to the nearest existing footway; a cycleway shall be provided to link Mirehouse Road and the Rail Sidings (storage for cycles should be provided at the Sidings); there shall be no vehicular access or egress from the site other than via the approved accesses; details of all measures to prevent surface water discharging onto or off the highway shall be submitted for approval prior to commencement; the use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan; development shall not begin until a Construction Method Statement has been submitted and approved; development shall not begin until a Construction Traffic Management Plan has been submitted and approved; development shall be carried out in accordance with the approved Construction Traffic Management Plan.

A3.8 CCC Lead Local Flood Authority: (02.02.19) The LLFA has participated with WCM in many meetings and is satisfied by the Master Drainage Plans demonstrated for the three main aspects of the development and therefore has no objections to the development and looks forward to the provision of the full working details with regard to discharge of conditions below:

A3.9 Main Mine Site – the sea outfall beyond MH10 is a critical interface for the discharged of surface water. Require full disclosure of the legal right to use the outfall and the maintenance regime provide for it during WCM operation. Details to be submitted for approval prior to development being commenced.

A3.10 RLF conveyor culvert – conveyor and its ancillary works shall be designed, constructed and drained to a suitable standard. Further details, including cross-sections shall be submitted for approval before work commences on site. No work shall be commenced until a full specification has been approved.

A3.11 Main Site, RLF conveyor culvert and loading facility – full details of the surface water drainage system (incorporating SUDs features) and a maintenance schedule shall be submitted for approval prior to development being commenced, and approved works implemented prior to development being completed.

A3.12 Copeland Borough Council Environmental Health Department: (01.03.19) Confirm the changes do not substantially impact Environmental Health's initial comments. As such Copeland Environmental Health do not have any objections

in principle to the development providing their recommended conditions are included. However, they have additional comments about contaminated land and noise.

A3.13 With regards to noise from the development, the proposed noise conditions are appropriate to limit the noise levels and operating hours of the development. A further condition should be attached requiring an operational Noise Management Plan to be produced. The Plan should include noise monitoring schedules, monitoring locations, operational mitigation methods, noise complaint procedures etc. and be approved by the planning authority.

A3.14 With regards to contaminated land CBC Environmental Health welcomes the additional work carried out, including more detailed proposals for the site investigation and a draft Materials Management Plan. The Environment Agency provided comments and conditions in a letter dated 28 January 2019. Environmental Health fully support these conditions and request they be included if planning permission is approved.

A3.15 (11.10.2017) – Confirmation that Environmental Health's comments in the letter dated 10th August 2017 still stand with the exception of the comments below:

- a. proposed condition 4 recommends construction work does not start until 08:00 on weekdays and Saturdays. The additional information indicates WCM would like to start at 07:00; However CBC wishes to retain our proposed start time of 08:00 to ensure consistency of approach is applied to all construction projects across Copeland. Any need to work outside of the conditioned hours can be dealt with on a case by case basis.
- b. recommend 2 additional monitoring locations, at Woodend Gardens and Linethwaite, are added to any proposed condition detailing permitted operating noise levels.

A3.16 (10.08.17) Environmental Health have no objection in principle providing the following issues are addressed with appropriate conditions: Construction Environmental Management Plan to be submitted prior to construction; Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light should be followed when designing and implementing the lighting scheme; condition the measures detailed in 14.7 Noise and Vibration; restriction on hours for Site and RLF: Monday to Friday 08:00 – 18:00, Saturday 08:00 – 13:00, Sundays and Bank Holidays – No working; operational dust management plan to be produced and agreed prior to operation; noise levels not to exceed prescribed levels at stated locations; operational noise management plan, including measures for the site and RLF should be produced and agreed prior to operation; land contamination report to be submitted and approved prior to commencement (to include site investigation scheme; appraisal and remediation strategy; verification plan); no surface water runoff to be discharged into

Rottington Beck; use of surface water runoff from processing plant for harvesting and the processing; use of groundwater abstracted from the mine in the processing; discharge of excessive surface water runoff from the processing plant directly to the sea, with treatment, if necessary, and attenuation so as not to exceed the pipeline capacity; proposed disposal of surface water from the rail handling facility by infiltration if possible, or by attenuation with treatment, to the watercourses running through the site; burying of the conveyor from the processing plant to the RLF; restoration of the land to the original contours and soil type following installation of the buried conveyor.

- A3.17 There are concerns which require further information or conditioning: whilst it is acknowledged that construction of the buried conveyor would cause disruption to the current flows of water, how will flows of perched groundwater be affected by the construction of the buried conveyor? The processing will use large quantities of water, much of which will be exported with the product, but there does appear to be a means of disposal of the waste water from processing that will remain on site. This would need treating before disposal directly to the sea, which would be more sustainable than disposal to the foul or combined sewers.
- A3.18 Other points: Transportation activities during the construction phase have potential to impact on local residents and arrangements should be submitted and agreed with the LPA prior to construction and operational phase; the RLF has potential to impact on local residents. The application details and final designs are not finalised and therefore mitigation measures proposed are indicative and may change as more information is made available. CBC advise that the granting of planning permission does not indemnify against statutory nuisance action (relating to potential noise and vibration conditions) being taken should complaints be received in the future.
- A3.19 CCC Historic Environment Officer: Comments that the Environmental Statement (ES) indicates that the construction of the proposed development will physically impact upon above and below ground non-designated archaeological assets of 18th, 19th and 20th century industries. Furthermore, the ES identifies that there is the potential for currently unknown buried archaeological assets to be disturbed by the construction of the proposed underground conveyor and railhead infrastructure. Any such archaeological assets are likely to be of local significance.
- A3.20 CCC's Historic Environment Officer agrees with the proposed cultural heritage mitigation strategies for archaeological assets that are outlined in para 16.9 of the ES, and recommends that in the event planning permission is granted, the programme of archaeological investigation and recording that is outlined in 16.9 of the ES should be commissioned and implemented at the expense of the developer. This work can be secured through inclusion of two conditions in any forthcoming planning consent: (i) no development shall commence within the

area of the site that require archaeological mitigation until the applicant has secured the implementation of a programme of archaeological work in accordance with written schemes of investigation that have been submitted and approved by the local planning authority, and (ii) where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site: an archaeological post-excavation assessment and analysis, preparation of a site archive to be stored; completion of an archive report; preparation and submission of a report of the results for publication in a suitable specialist journal.

- A3.21 Whitehaven Town Council: (11.01.19) The councillors wished it to be noted that they had no objections to the further submissions and fully support West Cumbria Mining in this development.
- A3.22 St. Bees Parish Council: (22.01.19) The parish council fully supports the plan to develop a new mine and believes that the development will bring much-needed economic benefits to the area. The mine will provide much-needed long-term employment and training opportunities, both directly in the mining company itself and indirectly through the local supply chain
- A3.23 The parish council has particularly noted the information in the Revised Environmental Statement (November 2018) Road Transport on the impact of development on public footpaths in the area of the rail loading facility (RLF) and the proposed layout to the underpass. It is noted that where footpath 422012 joins the Coast to Coast footpath 422011 there is a short section of the footpath which will fall inside the boundary of the RLF and therefore minor diversion of the footpath is proposed around the boundary fence. The parish council has no objections to the proposed diversion. As CCC officers are aware, the Parish Council has outline plans to create a cycle track through the valley and welcomes any facilitation of the proposed track by the Mining Company allowing use of the mine road.
- A3.24 In summary, the Parish Council resolved to fully support the proposed development and hopes that Cumbria County Council will now approve the application.
- A3.25 Local Members for Kells & Sandwith, Egremont North & St Bees have been notified. Adjacent Local Member for Mirehouse electoral division has also been notified.
- A3.26 Environment Agency: (28.01.19) No objection to the proposed development but request that any subsequent approval includes the following: (i) conditions requiring ground investigation, risk assessment and remediation to address land quality and remediation concerns, to include to include the preparation of remediation strategies or each of the main elements of the proposal (Main Mine

Site, Conveyor, RLF site); submission of details of any proposed works or development over or directly adjacent to the Marchon landfill; phasing and management plan for the placement of paste in the mining voids; the submission of a working plan; (ii) condition requiring the submission of a Material Management Plans (iii) condition requiring the submission of a Construction Surface Water Management Plan (iv) condition requiring the submission of a Construction Foul Water Management Plan (v) condition requiring the submission of a Code of Construction Practice (vi) condition requiring the submission of a Site Waste Management Plan during construction.

A3.27 Natural England: (28.01.19) Previous Natural England responses have requested further information in order to determine impacts upon designated sites (Solway Firth pSPA, River Ehen SAC, River Derwent & Bassenthwaite SAC, Drigg Coast SAC, Morecambe Bay and Duddon Estuary SPA; St.Bees Head SSSI; Cumbria Coast Marine Conservation Zone; St.Bee's Heritage Coast). Further information was requested regarding mining activities under the MCZ, de-watering and discharge of the the anhydrite mine, impact upon birds and a construction management plan. NE's response to further submissions was that further information was required due to concerns regarding the impact of the proposed anhydrite mine water discharge upon the marine environment. NE has also been engaged with WCM through their Discretionary Advice Service to address remaining concerns (eg surface water management).

A3.28 Natural England considers that the amended scheme removing the dewatering of the anhydrite mine element, would not have significant adverse impacts on European and Nationally designated sites and has to date has no objection, subject to the following details being secured through condition: Code of Construction (detail of programme of construction works, phases of works and areas being used for storage, loading, vehicles etc.) and Foul Sewage Management (details required of how foul water flows will be managed during construction and operation). NE considers that the proposed development would not damage or destroy the interest features for which the Cumbria Coast MCZ, St Bees Heritage Coast and St Bees Head SSSI have been notified.

A3.29 Natural England does, however, consider that the proposal does present a risk to European protected sites through pathways such as polluted surface water run-off and has advised that CCC is required to complete a Habitat Regulations Assessment. A shadow HRA has been submitted to Natural England and their response is awaited. NE has informed CCC that they are endeavouring to respond before the Committee meeting. Any response received beforehand will be reported to the Committee at the Committee meeting.

A3.30 Coal Authority: (28.12.18) Having reviewed the amended application documents, the Coal Authority wishes to raise no further comments in connection with this planning application. However, they maintain their requirement for a pre-

commencement planning condition to be attached to any permission for intrusive site investigations and remedial works to be carried out before building works commence. The Coal Authority was able to withdraw its previous objection to the planning application following the submission of further information by WCM which the Coal Authority was satisfied discounted the risk posed by the recorded mine entry. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development; hence maintaining the requirement for the planning condition.

A3.31 Historic England: (14.12.18) On the basis of the information available to date, HE does not wish to offer any comments and suggest the views of CCC's specialist conservation and archaeological advisers are sought, as relevant. The view of CCC's Historic Environment Officer are set out above.

A3.32 Marine Management Organisation: (31. 12. 18) MMO will be offering comments on the proposal through the Marine Works (Environmental Impact Assessment) Regulations 2017, as amended ("the Regulations") and have already offered comments to the applicant through case references ENQ/2016/00202 and ENQ/2018/00078, on our public register: <https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/>

A3.33 As such the MMO confirms that they will not be providing a response.

A3.34 Crown Estates: No response received.

A3.35 Planning Casework Unit: No response received.

A3.36 Highways England: (15.01.19) Highways England has no objections to the amended proposals. They would, however, ask to be informed should there be any further changes, especially those that have an impact on traffic movements and trip numbers.

A3.37 Network Rail: (14.01.19) in relation to the latest consultation Network Rail is submitting the comments from Feb 2018, which the developer has not addressed: no reference is made to the proposed new WCM underbridge beneath its proposed rail siding immediately adjacent the Network Rail underbridge; intended changes to the Network Rail embankment or drainage assets. In addition, at the decommissioning stage, no reference is made to the WCM underbridge; the infill material interfacing with the Network Rail embankment; the Network Rail embankment drainage; the reinstatement of the Network Rail boundary fence; the vehicle incursion risk associated with the new site road proposed adjacent to the railway must be mitigated; WCM to confirm

whether they plan to increase the span/height of the existing overhead powerlines crossing the railway, or reposition them in a new crossing beneath it; all proposed lighting, including bollard lights, must be directed away from the operational railway; the planting of trees that have a mature height which could result in autumnal leaf fall affecting train wheel adhesion, must be avoided. Since receiving this response, further discussions have taken place with Network Rail and WCM and the updated position is presented in the report.

A3.38 Northern Rail: (18.12.19) NR has reviewed the planning application and other than suggesting the usual attempts to link a S106 contribution to investment in local stations they have no further comments.

A3.39 Cumbria CC - Emergency Planning (Resilience Unit): (20.06.17) There are no objections/observations from the CCC Resilience Unit in relation to the application.

A3.40 Cumbria CC – Countryside Access Team: Has been consulted throughout the application. Their input and advice is referred to in the report.

A3.41 Cumbria Fire and Rescue Service: (08.06.17) The Fire Service has no comment to make regarding access and water supplies are to be provided in accordance with Section 15 of Approved Document B for this proposed development.

A3.42 Cumbria Police Crime Prevention Design Advisor: (23.01.19) Concerned about whether the proposed development will incorporate crime prevention measures recommended in the original consultation response of June 2017, which highlighted security measures needing to be addressed, to comply with the Copeland Local Plan crime prevention policy. (23.06.17) There is insufficient information to establish how crime prevention has been considered as part of the design of this development. The applicant should consider the topics below, in order to reduce opportunities for crime and to demonstrate compliance with council policy: fencing; gatehouse; security lighting; other security measures (site supervision, buildings resistance to burglary, presence of security staff, internal access controls, intruder alarm systems, alarm equipment fitted to fuel tanks, counter-extremism measures, provision of secure storage for staff personal belongings, CCTV, domestic waste bin management, tracking devices for site vehicles, property marking programme, preparation of a Critical Business Continuity Plan).

A3.43 National Grid: No response received.

A3.44 Northern Gas: (15.01.19) Withdraw their former objection to the proposed stopping up of the highway at the Marchon site, as they are now willing to rely on their statutory powers.

A3.45 United Utilities: (30.10.2017) Key points following review of the application and

direct dialogue with WCM cover the following topics: Anhydrite Mine Dewatering (Phase 1); clean water supply; water and wastewater assets; approach to surface water management; foul water; groundwater; noise and vibration. Detailed advice is given under each of these headings and United Utilities request the following conditions are attached to any approval: foul and surface water to be drained on separate systems; details of foul water drainage to be approved prior to commencement; details of any piling to be approved prior to commencement; management and maintenance of sustainable drainage systems (wording to be finalised in consultation with the Lead Local Flood Authority). UU also comment that they are in correspondence with WCM with regard to future water supply requirements and that if network reinforcement is required this will be at the cost of the developer.

A3.46 BT Open Reach: (12.09.17) BT considers that the project indicated should not cause interference to BT's current and presently planned radio network.

A3.47 Cumbria Wildlife Trust: No response received.

A3.48 Friends of the Earth: (15.01.19) Friends of the Earth (FoE) England, Wales and Northern Ireland maintains its original objection to the development. Despite submission of additional information by the applicants which have appeased some concerns, the following matters remain:

- a. Compatibility with the Cumbria Minerals and Waste Plan and NPPF 2018.
The weighting afforded to coal extraction of any sort has been further diminished by the revised NPPF 2018 at para 205. FoE also makes reference to NPPF para 211. FoE states that without any 'great weight' to the benefits of coal (including economic benefits) now taken into account, do the suggested economic benefits outweigh potentially significant adverse effects, including landscape and visual impacts. Refers to CMWLP Policy DC18 Landscape and Visual Impact. Suggests that the proposed scale of the development and adverse landscape and visual impacts is at odds with the objectives of local and national policy. With Government support for coal extraction waning and with devolved national planning for Wales taking a much stricter stance, FoE urges that the scheme be refused in its current form.
- b. Incompatibility with recent government announcements and consultations on coal phase-out. FoE states that the revised amended Planning Statement (December 2018) states that 12% of the coal extracted would be of industrial quality, useful for its heat generating properties for example in cement kilns. The scale of extraction proposed would put an additional burden on existing carbon budgets and remains incompatible in the face of UK Government objectives on coal phase-out.

A3.49 Despite a revised submission, the documentation still fails to mitigate against the

acknowledged significant adverse landscape and visual (cumulative) impacts of the proposal; especially for residents of housing development further north and footpath users in proximity to the two principal above-ground developments. Such long lasting visual impact, together with significant effects to grassland (re RLF – see para.4.7.17 of planning statement), together with reduced weight attached to economic benefits, FoE suggest the proposals are contrary to the Cumbria Minerals and Waste Local Plan (2017) and NPPF (2018) and should be refused.

A3.50 Friends of the Lake District (FoLD): (16.01.19) Reiterate comments made twice in our representations in 2017 that the applicant still has not provided any additional information regarding their comment on woodland soils. As stated in June 2017: *‘The loss of this woodland, especially the loss of ancient woodland soils will lead to an impact that is not possible to mitigate or compensate for completely. FoLD would therefore like to see comprehensive plans put forward for translocation of the soil as turves when it is removed for storage, rather than scraping it off and stockpiling it. This translocation method is more likely to retain the structure of the soil and its micro-flora and fauna which means that once the construction is complete the turves can be laid back over the culvert. According to the Woodland Trust, soil should only be translocated in autumn and early winter during normal weather conditions, to minimise damage to soil and plans that may start to grow as early as December. To prevent loss of biodiversity within the turves, they should be replaced as soon as possible after the culvert construction within the woodland has been completed’.*

A3.51 FoLD wish to maintain its position on this issue and would urge CCC to request assurance that woodland soils will be protected as described.

A3.52 National Trust (NT): (24.01.19) The National Trust welcomes the decision to no longer dewater the old anhydrite mine and its drifts. The potential impact upon the marine environment of this activity had presented major concerns for the NT. With reference to our earlier comments however, the NT note that a number of factors remain unaddressed; notably, the proposed approach to be taken to landscaping and integration with the wider green space/footpath network. The NT remains concerned also, in regard to sustainability issues, ecology, transport and the landscape and visual impact of the proposal upon the Pow Beck valley. With regard to the amended scheme, the NT is concerned that little supporting information appears to have been provided by the applicant regarding the excavation of the new drifts. Clearly, the NT would wish to ensure that the impacts of such a significant operation are fully assessed and mitigated as appropriate.

A3.53 In summary, therefore, the National Trust’s objection to this proposal stands.

A3.54 Colourful Coast: (28.01.19) Welcome applicant’s decision not to dewater the anhydrite mine and shafts with no overground pipeline. However, still have

concerns with regard to a lack of landscaping details for the main mine site and ongoing management of these areas. Previous concerns regarding habitat fragmentation through overall loss of habitat still stand. Ideally Colourful Coast would like to have seen detailed plans for the landscaping of the application site viewed in the context of the wider landscape and a commitment that the area will be managed in such a way as to bring wildlife in and through the site, encouraging habitat linkages and wider ecological benefits. The impact of the development on the community, beyond the economic, have not been considered. No commitment to community engagement/communication has been given beyond the planning application stage. The Colourful Coast partnership has identified opportunities for environmental improvements in this area which include: promotion of coastal heath habitats, development of green corridors to and through the site, access improvements and better interpretation of the historic assets in the area; ongoing support for the Haig Museum and visitor centre; increased opportunities for the local community to be involved with heritage and environmental conservation activities along the coast aimed at increasing skills and knowledge whilst improving condition of specific sites.

A3.55 RSPB: (28.01.19) – The proposal has the potential to have an adverse effect on the following designated sites and their qualifying /notified species:

- Proposed Solway Firth Special Protection Area (pSPA)
- Cumbria Coast Marine Conservation Zone (MCZ)
- St Bees Head Site of Special Scientific Interest (SSSI)

A3.56 Impacts could arise from mine wastewater and surface water discharge (and outfall pipe); subsidence and/or vibration; noise disturbance; loss/destruction of habitat (including habitat that is functionally linked to the SPA).

A3.57 RSPB has submitted previous responses (27th August, 11th October 2017 and 28th February 2018) which considered that insufficient information had been submitted by the applicant in support of the planning application to allow for a rigorous assessment of the suitability of the proposal and its potential impacts. In light of the revised application and the Government's subsequent consultation on the proposed Solway Firth SPA, this latest response returns to the areas that the RSPB considered required further assessment. These are (i) mine dewatering and surface water management – RSPB is satisfied that the potential for impacts arising from dewatering/discharge can be ruled out, subject to strict adherence to the environmental permit; (ii) loss of functionally linked habitat – whilst the RSPB considers the impacts from the development seem unlikely to adversely affect the pSPA, the RSPB would like the opportunity to review the sHRA and HRA when available; (iii) subsidence/vibration – the RSPB consider that CCC should deploy a suitable level of expertise to ascertain whether the additional information provided by the applicant provides a robust assessment for the potential for damaging events to have an adverse effect upon the

designated site and in particular the notified features of the SSSI; (iv) disturbance of nesting seabirds during construction and operation – the RSPB considers it would be helpful for evidence to be presented as to predicted noise levels at appropriate locations within the SSSI during construction and operation and additional noise at these locations and inclusion in the noise monitoring programme described in the Draft Environmental Management Plan.

A3.58 The development should not receive planning consent unless the Council has made certain that the development will not adversely affect the aforementioned designated sites, and that no reasonable scientific doubt remains as to the absence of such effects. The RSPB considers that (subject to an updated noise assessment and sight of the sHRA/HRA) sufficient information (relating to the above areas of concern) has been submitted by the applicant to allow for an assessment of the potential ecological impacts of this proposal.

A3.59 Nevertheless, because some aspects of this application will be subject to separate environmental permit/licensing processes (and because the licensing and planning application processes are not simultaneous), the Council should adopt a suitably precautionary approach when determining the outcome of this application.

A3.60 Should the above conditions be met and planning consent granted, we would support the production of a Construction Environmental Management Plan (CEMP) (or similar) and appointment of an Ecological Clerk of Works (ECoW) (or similar) . We also consider it necessary for the applicant to undertake a monitoring programme designed to monitor and record conditions at (and impacts to) the designated sites and their qualifying/notified features. In particular:

- Noise and associated disturbance impacts to the SSSI
- Vibration /seismic events and associated impacts – in particular the stability of the SSSI cliff face supporting the breeding colony

A3.61 The monitoring programme should include details of (and triggers for) any necessary remedial actions to be undertaken (should previously unanticipated impacts occur).

A3.62 The CEMP and Monitoring Programme should be subject to consultation with (and approval by) the relevant agencies.

A3.63 Inshore Fisheries and Conservation Authority – No response has been received relating to the most recent consultation. (07.07.17) The NWIFCA generally does not comment on the terrestrial planning applications, however, as there are potential impacts to the marine environment associated with the terrestrial works, it has responded accordingly.

A3.64 Appendix 12-7 states that “Runoff from the processing plant along with dewatered mine water will be discharged to the sea to the north of the

processing plant.” At a meeting with West Cumbria Mine on 6th July 2017 the NWIFCA raised concerns about the impact of this discharge on the marine environment. WCM reassured the NWIFCA that after seeking advice from the MMO a marine EIA process will be undertaken and where relevant, Environment Agency discharge licences will be applied for. The NWIFCA will continue to communicate with WCM and will respond to future marine licence consultations through the MMO.

A3.65 Cumbria & Lakes Local Access Forum - (19.02.18) – The CALLAF has noted that recent documentation within the ‘Environmental Statement Further Information January 2018’ has recognised the necessity for temporary and permanent measures in relation to the PROWs in the vicinity of the proposed development, involving diversions etc. Notes the commitment to enhance a number of public footpaths in the area as mitigation/compensation; works that will be funded by WCM and implemented by CCC. In addition the CALLAF has noted the proposals to reduce the visual impact of the development to users of the footpaths by the construction of ground bunds and plantings. The CALLAF recognises the economic value of the proposed development and in the light of recently supplied information withdraw their previous objections and reservations.

A3.66 Open Spaces Society (OSS) - (11.01.19) The Open Spaces Society’s interests in the site are largely how development may affect the public interests in access to the area not least the English Coastal Path. It has previously spoken to the access team at CCC and our views are supportive of their comments. OSS therefore have nothing further to add to our previous comments.

A3.67 (28.02.18). The Society is concerned about the disruption and loss of amenity for walkers on the Coast to Coast path, especially through the period of construction of the sidings. The application has failed to take into account the public rights of way network as shown on the definitive map. If granted it will result in a number of routes becoming either unusable or usable only with significant loss of amenity. Many of these routes are popular with local people and visitors. The developer has failed to offer sufficient planning gain to enable the local rights of way network to be enhanced and made more sustainable for future use.

A3.68 Direct Rail Services - As a wholly owned subsidiary of the Nuclear Decommissioning Authority (NDA) Direct Rail Services has a strategic aim of ensuring that there is sufficient and appropriate long term rail capacity to meet the needs of the NDA’s decommissioning mission. Central to such rail capacity is that which exists on the Cumbrian Coast.

A3.69 DRS considers that the West Cumbria Mining project has significant potential to support this strategic objective through the development of long term rail infrastructure and capacity enhancements appropriate to our two business’s

needs together with the needs of the wider Cumbrian community. Within this context DRS are happy to support your application.

A3.70 Office for Nuclear Regulation (ONR): ONR has no comments to make on the planning application as the proposed development does not lie within a consultation zone around a GB nuclear site.

APPENDIX 4 - SUMMARY OF REPRESENTATIONS

Introduction

A4.1 There have been four rounds of consultation/publicity relating to this planning application and Environmental Statement. The first relating to the original submission in June 2017; the second relating to the submission of further information in September 2017; the third relating to the submission of additional further information in January/February 2018, and the fourth relating to amendments to the scheme submitted in December 2018.

A4.2 The representations received in response to the four rounds of public consultation is as follows:

- June/July 2017 consultation - a total of **255** public representations were received. **190** of these responses expressed support for the scheme; **64** objected, and **1** provided comments.
- September/October 2017 consultation - a total of **33** public representations were received. **27** of these responses expressed support for the scheme; **6** objected.
- January/February 2018 consultation - a total of **59** public representations were received. **27** of these responses expressed support for the scheme, **32** objected.
- December 2018/January 2019 consultation - a total of **301** public representations were received. **251** of these responses expressed support for the scheme; **50** objected.

A4.3 The following sections provide a summary of representations received over the four rounds of public consultation since the planning application was submitted on 31 May 2017. They have been divided into three categories: objections/concerns, general comments and support, and subdivided into categories to reflect the issues raised. Some representees have raised multiple points in their representation and some individuals have made multiple representations over the course of the planning application process due to there being four rounds of consultation.

Objections

A4.4 Impacts on Landscape/Visual Amenity

- a. As regards the Marchon part of the proposals, the development would have a detrimental effect upon the visual and landscape amenity of the area, given that the area is now predominantly residential and continuing to expand as such.

- b. The development would create an oppressive environment and turn a residential area into an industrial site.
- c. The development would have considerable detrimental impacts upon the beauty and amenities of a very special area.
- d. The Rail Transfer Facility will also have significant visual impact as proposed in a green field location; the associated building is much larger than originally proposed, and parked up trains will become a permanent feature in the landscape. The facility will be visually overbearing and no amount of tree planting or timber cladding of buildings will soften the appearance on the landscape.
- e. The overall scheme amounts to industrialisation of the St Bees Valley; the change to the agricultural landscape would be significant as the size of the building is out of scale with the valley and the scheme amounts to a very severe visual impact. Landscaping proposals are vague.
- f. Visual impact of rail sidings on Springbank and other properties in the High Walton area, as well as impacting on holiday lodge business at Springbank. Unfair that no photographs or photo montages have been taken from the High Walton area on the east and opposite sides of the Pow Beck from where the development of the rail loading facility is proposed. Also concerned about the impacts of lighting which would extend the full length of the facility and noise which it is considered would be amplified by the steep slope behind the RLF building to the southern end of the sidings.
- g. The proposed mitigation planting to screen the impacts of the RLF site in the Pow Beck/St Bees Valley area to the east of the site would be inadequate/ineffectual due to the slow growing nature of the tree species selected and the wet conditions of the site. Plans give the impression the RLF site would be completely hidden. To achieve this all trees would need to reach a height of 18m from wet ground, which may be achievable in around 25 years if the trees survived. All are deciduous so for half of the year there would be no screening. In reality the planting scheme would screen nothing except the lower section of the railway embankment, which would not mitigate the enormous impact that the RLF, engine and wagons would have on the Valley. These proposals need to be looked at again by WCM.
- h. There is no specific reference to the visual impact of the RLF from the Linethwaite area. Linethwaite will be most affected by the RLF so this omission needs to be rectified.
- i. The proposals would desecrate the beautiful stretch of coastline.

- j. WCM and nuclear industries further threaten Cumbria's World Heritage Site status

A4.5 Lack of consideration of alternative Rail Loading Facility (RLF) locations

- a. WCM appear to be discounting use of the Marchon incline to route the conveyor because it will be more expensive and have not provided robust reasons for discounting it.
- b. Whilst not objecting to the mining and the use of the brownfield Marchon site, another means of loading coal onto trains must be explored.
- c. WCM should be asked to look again at their scheme of 2016 with smaller buildings for the RLF and located at the old mine site. Why use a Greenfield site in preference to a Brownfield site?

A4.6 Impact of/upon Rail Operations

- a. Concerns about the impacts of noise from rail movements on the proposed new siding and noise from the proposed coal loading plant raised by a number of local residents.
- b. Rail Transfer Facility is no longer sited on a brown field area but has moved 300m into the valley onto a green field area. The proposed building at 15m high x 60m long would stand 17.5m above the valley floor and is huge compared to the one shown in the initial public presentations. Also impact of flood lighting at night.
- c. Concern that the engine and wagons (at over 500m long) will become a permanent visual feature in the valley as will be parked at the facility when not in use. Concern over where they will be left; at the RLF with the visual intrusion that would cause?
- d. The rail scheme is effectively a wagon shunting yard that could be operating 12 hours a day.
- e. Concern re subsidence vibrations. Class 70 trains should be imposed as opposed to Class 66 Trains offering reduced emissions and quieter.
- f. Concerns raised by residents in proximity to the railway line regarding the impacts of additional trains on the railway line, and in particular cargo freight trains. Consider there already to be an issue with freight trains going to Sellafield and consider the impacts (properties shaking and potential for structural damage, noise, impacts on air quality) would be exacerbated with those proposed.

- g. Questions raised regarding terminologies relating to trains. Lack of clarity as to whether proposed 6 trains per day means total train movements or 6 in and 6 out ie.12.
- h. Questions raised as to whether the 500m long engines and wagons would be parked outside of working hours. This should be prevented as it would be a massive visual intrusion. None of the photomontages show the visual impact of the engine and wagons. Has WCM has carried out noise assessments on a loco and 25 HHA wagons moving slowly along a railway line?
- i. If this proposal is approved, a proviso should be inserted that instructs the developer to put enough stone down to allow the Cumbrian Coastal line to be dualled at some time in the future, to enable the whole RLF facility including sidings to move westwards by the width of a single track.
- j. The Cumbria Coastal line is fragile, affected by sea storms and fallen trees.
- k. Matters raised by Network Rail have still not been addressed by the applicant.

A4.7 Local amenity issues - Noise/Dust/Lighting/Vibration/Hours of Operation

- a. The development of the Marchon site would bring about excessive noise, oppressive lighting, lighting pollution, dust and smells being operational 24/7. Odours from the waste treatment centre are of particular concern.
- b. Objection on the grounds of the detrimental impact the development would have on the quality of life for residents of recently constructed and existing residential properties at Sandwith, with particular concerns relating to light pollution, airborne contamination, noise pollution and vibrations resulting from on-site operations, the inconvenience of endless diversions on the road out of Sandwith.
- c. Existing noise levels in the St Bees/Pow Beck Valley are low so noise impact will be particularly significant, both from the mining activity and the rail movements. The proposed development would affect the peaceful enjoyment of properties in the immediate vicinity and St Bees Village.
- d. Previous concerns raised relating to properties at Woodend Gardens, adjacent to the proposed RLF site have or are being addressed; however, they request that should planning permission be granted, noise levels at the property are monitored and controlled to an acceptable level via planning conditions; working hours for the rail shunting/coal loading facility are conditioned to reflect normal working week/working day, and conditions to control any pollution and dust impacts are imposed.

- e. Impact on residential properties in the vicinity of the proposed Rail Loading Facility, including on Mirehouse Road, in particular noise from railway movements on the proposed new sidings and coal loading plant. Greater clarity should be sought from WCM on the noise levels associated with the rail movements, including noise generated by the movement of HHA wagons. Use of electric shunter will not eliminate noise from the wagons.
- f. Note that the technically advanced buildings are proposed at the RLF site to keep noise and dust emissions to regulation levels, but believe the buildings would still be noisy, dusty and bright in the dark, quiet valley. Consider the CGI animations of the buildings and trains depicted to be misleading.
- g. Concerns raised relating to the potential impact of rail freight upon residential properties adjacent to the railway line (vibrations, structural damage) once operational.
- h. Pollution from dust from the coal trains/loading – conditions must be imposed to protect nearby residential property, agricultural land and surrounding area.
- i. Noise and traffic disturbance caused to residents in the Pow Beck Valley/St Bees Valley area during construction of Rail Transfer Facility and once operational. Concerned that the prevailing wind will take any dust from the loading facility directly to the Mirehouse Estate. Any increase in carcinogenic particles in the air would be unwelcome. Not aware of any dust monitoring to be undertaken which consider would be vital.
- j. Request for planning conditions to ensure that working hours are kept to the normal 5 day business week times to prevent disruption to neighbouring residents.
- k. Impact of lighting on night sky; flood lighting of the railway sidings would dominate the area.
- l. There has been substantial housing development on the land opposite and surrounding the former Marchon site. Why are hundreds of new home owners being subjected to a huge industrial building, noise pollution and increased light pollution on their doorstep?
- m. Noise, light pollution and visual impact would be detrimental to the hundreds of walkers and holiday makers that use the public right of way
- n. After a very hard struggle, the public school at St Bees has re-opened bringing jobs to the area and a desire to expand. Who would send children to the school if it is on the edge of a mine with freight trains passing the playing field, putting coal dust in the environment?

- o. Four public houses, a hotel and several B&Bs could have their businesses ruined as they rely on the fact that St Bees offers tranquillity, clean air and a chance to escape industry, noise and pollution.

A4.8 Impact on Private Property

- a. Objection due to the added risk of potential subsidence in the area. There is already risk of subsidence due to the presence of sink holes in Egremont and Whitehaven. Earth quakes also feature in the area.
- b. Concerns raised regarding the potential negative impacts upon properties/land in the local area that could be affected by vibration and subsidence from underground operations. Has a risk assessment been undertaken?
- c. Concern raised about the stability of the ground near Lake View where the cut and cover culvert is proposed, following a recent landslip. Drainage needs to be considered to prevent the culvert acting as a drainage channel in the disturbed ground. Concerns now greater given the small landslide that occurred in Oct/Nov 2018 between Stanley House and the line of the proposed culvert. Debris flowed across the route of the Coast to Coast footpath. As the culvert would be about 4m deep it could aggravate this slope instability. WCM should be asked to provide a slip circle/slope stability analysis to give assurance that buildings at Stanley House and Lake View will not be affected.
- d. Concern about impact of vibration from increased rail freight traffic causing structural damage to property.

A4.9 Nature Conservation/Ecology

- a. Concern about the detrimental impact the development of the Marchon site would have upon the nature conservation interest of the site, given that it has remained vacant for many years and various forms of wildlife have made the site their habitat.
- b. The outfall to the sea would have a detrimental effect on local sea life, which has barely recovered from the effects of the chemical factory.
- c. Concerns about the negative impacts of coal dust and other pollutants upon St Bees Valley and the ecology of the Valley.
- d. Concerns over the potential impacts of the proposals upon the Marine Conservation Zone, St Bees Head SSSI and the Solway Firth European Designated Site (Natura 2000), and the range of bird species associated with the St Bees Head Heritage Coast.

A4.10 Rights of Way/Pedestrian and Cycle Access

- a. The proposed development would negatively impact upon popular rights of way, which are popular with both residents and visitors.
- b. Impact on public rights of way – footpaths 422011 and 422012 are part of the Coast to Coast walk.
- c. Concern over possible change in rights of way on the Coast to Coast route. Red line on map appears to go right to the coastline which implies WCM may not allow walkers to cross their property. This would be unacceptable as the Coast to Coast walkers are amongst many visitors that walk the coastal path between St Bees and Whitehaven. Deterring these visitors would have a detrimental effect on our local businesses and locals have been using this route for many years.
- d. The PROWs affected by this development have not been adequately addressed. There is no information on how the impact will be mitigated, or the need for any closures or diversions. Footpaths near the main Mine Site may only be affected visually but only some of the site can be adequately screened, and some if it cannot; for example from FP431036. The RLF and culvert would include development over FP 422011 (Coast to Coast path); there will be impact on FP422012 during construction of the RLF; once built the RLF will be prominent and screening planting will take a long time to reach sufficient height; the RLF needs to be properly screened from all sides, and conditions imposed on the finishing of cladding to help hide it.

A4.11 Highways Safety/Traffic

- a. Objections on highways safety grounds. The rise in residential properties has increased traffic flows (and speed) on High Road and those surrounding as it is. This development would contribute to the increased flows in the form of transporting materials to and from the site and employee traffic. Vehicles accessing the site would need to go through the town centre and highly populated residential areas, via B and C roads not designed for HGVs.
- b. Concerned that the latest proposals state there will be a further increase in HGV traffic, given that a large volume of traffic already use High Road, and the consequent impacts on the environment and residents. Request for traffic calming measures to be installed along this road at Snaefell Terrace and Taylors Way.
- c. Local transport infrastructure is inadequate and the roads on the area that link to the rest of the country are not suited to mass heavy goods transport.
- d. With reference to the Main Mine (Marchon) site, concern that the boundary has changed with drawings that do not correspond with how the site looks

now with existing residential area immediately close to the site, including the proposed 'sight lines'. When were the traffic surveys carried out and have any been done since the new housing developments of Edgehill and Wilson Howe, or taken into account any further potential developments such as the large housing development the landowner is keen to develop immediately north on the remainder of the site?

- e. Concern that whilst WCM has proposed routes for HGVs to follow, vehicles will not always adhere to these.
- f. Concern about impacts of parking on the Main Mine site, given that the application states this will be limited on site to encourage the use of public transport and multi-vehicle occupancy. Considers that parking problems will result along High Road, as shift patterns will make the use of public transport un-viable and people will not walk to/from work (resident rarely walks along High Road due to speed/volume of traffic). Copeland has already seen parking issues since Sellafield introduced its on site parking rules.
- g. Concerns raised about the increase in HGV traffic using Mirehouse Road and the impacts on residential properties and quality of life. All construction materials, including embankment material and ballast for the proposed railway sidings would use Mirehouse Road for access to the site. Would this increase in traffic be within the capacity of the road junction at Mirehouse Road and the A595? Also concerned about the impacts upon the bottleneck at the railway bridge on Mirehouse Road.

A4.12 Flooding/Hydrological Issues

- a. Concerns raised about the impacts on groundwater and surface water.

A4.13 Decommissioning/Remediation of the site

- a. Concern over what would happen to the site post operation at the de-commissioning stage. What will happen to the site in the long term, in terms of building clearance and maintenance of land?
- b. There are already many examples in West Cumbria of the long term adverse effects on the landscape of former coal mining, including the gradual build-up of unsightly spoil heaps and when mining has ceased, dereliction.
- c. The finance/ownership of this mine is from Australian and other international mining corporations. S106 agreements or deposited bonds would therefore be very difficult to pursue.

A4.14 Coal Type and Output

- a. Alongside the production of metallurgical coal WCM will produce over 1 million tonnes of industrial coal in 5 years. It is not clear in WCM's submission where this will be taken; how it will be used or how WCM has assessed its CO2 impacts.
- b. WCM's output figures of 2.4Mt of metallurgical coal and 350,000t of Industrial coal ie.2.75Mt per year is very high. A study of Outputs of Cumberland Coal shows that all of the combined mines in West Cumbria never achieved this figure even during the First World War. There has always been plenty of coal in West Cumbria, but its extraction has been hindered by geological faults and methane. Consider WCM's claimed output to be too optimistic and that they have under-estimated the number of geological faults and amount of methane they will encounter. Estimates that if WCM commences coal extraction, it will cease after 5 years.

A4.15 Carbon/Fossil Fuel/Climate/Global Warming/Sustainability Issues

Coal Action Network, Radiation Free Lakeland, Allerdale and Copeland Green Party, Ulverston Green Party, Greenpeace, South Lakeland Action on Climate Change, Living Witness Quakers for Sustainability and a number of individual objectors have raised the following issues:

- a. Objections on the basis that no developments should be permitted for the extraction of coal or other fossil fuels given the very real threat of devastating climate change, the subsequent risk of more frequent catastrophic weather-related events such as Storm Desmond flooding in Cumbria, and the Government's targets for reducing CO2 emissions. Several objectors state that the proposed mine flies in the face of Cumbria County Council's own Carbon Reduction Plan and Climate Local programme and it is also considered that it is contrary to local and national policies in terms of CO2 release.
- b. The proposed development if permitted would fuel climate change and undermine the UK's commitments under the 2008 Climate Change Act and the 2015 Paris Agreement on Climate Change. The recent Intergovernmental Panel on Climate Change (IPCC) report also states that unprecedented changes need to happen very quickly (within 12 years) to avert catastrophic climate change. The applicant seems unaware of the global urgency of reducing carbon emissions (also raised by RFL). The proposal to open a new coal mine in our current precarious climate change situation is completely counter to Government Policy.
- c. The proposal refers to 'metallurgical' coal as if this is in no way related to the coal used in energy generation. The facts of physics are that all coal produces CO2 when burned, for whatever purpose (also raised by RFL). There are no planning obligations or conditions that could alter this fact. The application fails all criteria for low carbon, sustainable development.

- d. Coal is a highly polluting fuel. Each tonne of coal used for energy generation emits approximately 3 tonnes of CO₂. CO₂ emissions per tonne of coal used directly for steel manufacture varies, but a conservative estimate is that approximately 1 tonne of CO₂ is emitted per tonne of coal used. Based on the estimated production of the different types of coal from the mine, it is estimated that it would lead to emissions of at least 3.5Mt of CO₂ per year during its lifetime; about the same as around 400,000 British citizens.
- e. The argument presented by WCM that coal mined locally saves CO₂ emissions produced in its transport from other mining operations abroad is very weak since the total CO₂ produced by transport is small (10 g of CO₂ per km per tonne transported, compared to roughly 3000kg of CO₂ per tonne of coal in burning it). Steel production produces even more CO₂; therefore transport CO₂ is a very small fraction of the total.
- f. Coal mines emit significant levels of methane, a powerful greenhouse gas which further exacerbates climate change. There will also be additional carbon emissions from the fossil fuels used to produce energy for the mine process itself.
- g. The many consultation responses received from statutory bodies, together with the several requests for WCM to provide further information makes it clear that the planning application is not and cannot be environmentally acceptable, and so is contrary to Para 149 of the NPPF.
- h. Reference made to recent government decisions to reject an open cast coal mine in Northumberland, saying the environmental impacts outweigh the economic benefits, and in Wales a decision has been reached to permit no new mining unless under exceptional circumstances.
- i. Building on the commitments of the Paris Climate Agreement, there is a race on to develop alternative processes of steel making which do not involve the burning of fossil fuels; for example, using electricity instead of heat to extract iron. Sweden is at the forefront of developing alternative approaches and it is being considered in the US. It is also likely that recycling will play a greater part in the steel industry.
- j. The only way to stop catastrophic global warming is a moratorium on all new fossil fuel extraction and switching to renewable sources such as solar and wind power.
- k. There is a lack of assessment of the impact of the proposal on climate change in the EIA documentation. The revised Environmental Statement fails completely to address the UK Government's commitments to carbon reduction (within the 2008 Climate Change Act) and the increasingly

stringent restrictions regarding the extraction and burning of fossil fuels (also raised by RFL).

- l. Concern about the reputational risk to the County if the proposal is approved. Questions raised about why, with so much concern over environmental impact issues regarding carbon emissions, Cumbria would want to be linked to dirty fossil fuels, rather than clean renewable energy. Call for the Council to reject the application giving a clear lead that Cumbria, home of the renewable energy coast, will not allow such a short sighted view of the future. It may be the case that the coal to be mined will not be burned in Cumbria, but what about the County's reputation? The decision makers have to determine whether the environment is more important than the interests of a small group of people.
- m. Concern for future generations using all the coal.
- n. We should declare a Climate Emergency and reject this application
- o. **Coal Action Network:** This proposal should be rejected because it is not in the national interest. It makes no sense for coal to be extracted for export when coal is imported for use in this country. The UK steel industry imported 4.75 million tonnes of coking coal in 2015, mainly from USA (44%) and Russia (27%). It seems perverse to be exporting coal to other countries while importing it for UK steelworks. Exporting coal increases greenhouse gas emissions and producing more coal could displace lower quality coking coal to power station usage adding to greenhouse gas emissions and air quality issues. The UK government intends to phase out coal by 2025, however, the world needs to stop burning this most polluting of fossil fuels now. The application is too close to Sellafield and proposals for another nuclear station at Moorfield and potential for underground mining to have a significant impact on surrounding areas eg recently, a coking coal mine in Russia triggered an earthquake. This would be dangerous for mining personnel and could trigger a nuclear catastrophe. Giving permission for a mine to operate for 50 years ignores the fact that the world is in turbulent times. If the application is approved the timeframe should be dramatically shortened. Hopes the application is given full consideration and it is refused.
- p. More sustainable and ethical use of power should be sought, as coal will run out. Effort should be spent now to develop a more sustainable and ethical use of power such as solar, wave or wind energy. Jobs can be created in this alternative energy industries instead.
- q. This goes against the UK's commitment to phasing out use of all coal by 2025
- r. The proposal is contrary to adopted policies in the CMWLP regarding CO2 reduction (namely SP13, DC2)

- s. **Radiation Free Lakeland (RFL)/Keep Cumbria Coal in the Hole Campaign:** diversification from nuclear should not be used as justification for returning to coal mining. If approved, this would be the first new deep coal mine in the UK for more than 30 years. This would fly in the face of every climate agreement that CCC has signed up to. WCM have not yet produced a carbon footprint and will not be including the emissions from the coking process. Much of the coal mined will be “middlings”, not suitable for coking.
- t. WCM has failed to provide any detailed Carbon Footprint assessment of the prospective emissions arising from its mining activities over the next 50 years. The application is incompatible with national and international climate change policy and legislation. The UK is a signatory to the 2015 Paris Climate Agreement committing us to a rapid phase-out of fossil fuels. The UK is working to the 2008 Climate Change Act committing us to a legally binding 80% reduction in carbon emissions by 2050. The proposed 50 year lifespan goes well beyond the UK’s existing commitment to bring carbon emissions nationally to zero. RFL quotes NPPF paragraph 93 which states that planning plays a key role in helping places to secure radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change, and paragraph 149 which states that permission should not be given for the extraction of coal unless environmentally acceptable or can be made so by planning conditions or obligations or if not provides national, local or community benefits.
- u. RFL states that the proposal would produce combined CO₂ from the methane emissions of the mine, the energy used to run the mine and transport, burning of coal, and at a production rate of 2.8Mt per year the produced coal would generate 1.24Mt CO₂. It is therefore not the case that coal used in steel making does not produce CO₂ emissions; nor is it the case, as WCM claim, that the mine would reduce CO₂ emissions compared to importing coal. Some would be produced in Cumbria and some where the coal is to be exported. All countries are bound by the Paris Agreement so it unlikely that steel manufacturers will seek to import Cumbrian coal.
- v. The people of West Cumbria need employment opportunities to be sustainable in all ways, both economically and in terms of low carbon. The WCM application would fail to provide a sustainable environment and both a sustainable economy or sustainable employment. There can be no jobs, economic growth or prosperity when the fossil fuel products are no longer sustainable.
- w. RFL considers that the planning application should be refused on the following grounds:
- (i) Proximity to Sellafield (also see Seismic Impacts/Safety Concerns below) – RLF stresses the risks of developing a mine in close

proximity to Sellafield, supported by articles from *The Ecologist Magazine* and *The Lancet*, and concluding that permitting the development could lead to a nuclear catastrophe which would be contrary to CCC's strategic objective of avoiding adverse impacts from development.

- (ii) Hydrology impacts – comments that the proposal to dewater the old anhydrite mine would negatively impact upon West Cumbria's fresh water supply, which is already stressed with the halting of abstraction from Ennerdale to protect the River Ehen. This would be contrary to NPPF and CCC's Minerals and Waste Local Plan to have regard to public health. (Note: proposal now superseded by the revised submission – December 2018)
- (iii) Wildlife impact – RFL refers to the consultation responses received from the various consultees that have raised concerns regarding impacts upon wildlife.
- (iv) Seabed subsidence – RFL comments that close to Sellafield the environmental consequences of seabed subsidence would be far reaching, including the possible re-suspension of many decades worth of radionuclides that are currently on the Irish Sea bed as a result of Sellafield re-processing. Re-suspended particles make their way on to the beaches of Cumbria and beyond, which is intolerable. RLF states that knowingly creating conditions for seabed subsidence would run counter to CCC's policy of risk reduction regarding radioactive wastes.
- (v) Methane emissions – RFL states that the fossil fuel industry's methane emissions are far higher than previously thought, and the 'candlestick' in Whitehaven is an air vent for 'the most fiery pit in the kingdom'. (Fiery because area is rich in methane). RLF states that last year WCM accidentally hit a methane seam off St Bees, just 5 miles from Sellafield while carrying out exploratory drilling; an explosion was averted but that CCC has a duty of care to ensure that there is no next time.
- (vi) Carbon emissions – RFL asks why the developers are pushing the need to mine the coal under the Irish Sea for steel making whilst there is a race on to develop ever more processes of steel making which so not involve the burning of fossil fuels, and Sweden appears to be at the forefront. The worldwide steel industry is well aware of the need to rapidly de-carbonise, and this is happening with increasing steel recycling. RFL states that for new steel production there are ultra-low carbon methods of steelmaking in development and soon to be

deployed, based on biomass, hydrogen or electrolysis. RFL states that there is no case for opening a new coal mine in Cumbria.

- (vii) Health – RFL state that the dewatering of the anhydrite mine would be reckless given the previous operations associated with Marchon works still having a significant effect. (Note: proposal now superseded by the revised submission – December 2018). There are also a significant radiological impacts due to the legacy of past discharges of radionuclides from non-nuclear industrial activity and also that occur naturally in the environment; climate change health impacts and the intolerable danger that the mine would pose to the safe stewardship of Sellafield.
- x. RLF has also considered the proposal would have adverse impacts upon wildlife and in particular designated sites of national and international importance, and makes reference to the following:
 - (i) The National Trust and RSPB's concerns regarding the potential impacts upon the wider marine and coastal environment of the discharge of water to the sea pumped from the flooded anhydrite mine, and potential pollution of the Marine Conservation Zone. (Note: proposal now superseded by the revised submission – December 2018).
 - (ii) Seismic, noise, dust, vibration impacts upon St Bees Head SSSI, and refer to the RSPB's concerns over these matters (and the lack of information/assessment presented) and the potential for impacts upon the notified features of the SSSI (include geological features and isolated breeding bird colonies – RLF states that the SSSI supports England's only breeding black guillemot).
 - (iii) That precaution must be adopted when considering potential impacts from a development adjacent (1.5km) to an internationally recognised marine environment – Solway Firth European Designated Site (Natura 2000).
- y. **Allerdale & Copeland Green Party:** WCM have not carried out a carbon footprint analysis or a lifecycle analysis. Much of the coal is to be exported. The projected timeframe and quantity of extraction is at odds with climate change legislation (Climate Change Act 2008) which requires UK greenhouse gas emissions to be reduced by at least 80% by 2050 from 1990 levels, and the Paris Agreement. The application seeks a production lifespan of 20 – 50 years. Assuming a 40 year life and average production of 2 million tonnes a year, that is total production of 80 million tonnes which will emit around 175 million tonnes of carbon dioxide. The application conflicts with the government policy on coal extraction (para.149 NPPF) and is

incompatible with recent government announcements and consultations on coal phase-out. Regulation 22 is required regarding Climatic Factors' as per the EIA and scoping requirements.

- z. Even the short-term gains are unlikely. The industry seems already in surfeit. It could fuel more military hardware and hasten nuclear catastrophe. Benefits will only go to a few while potentially poisoning the ground and air for all locals, and bringing consequences of global warming sooner.
- aa. There are no real benefits. Addiction to fossil fuel and subservience to big business has already destroyed many species. Now it is beginning to destroy the lower orders of the food chain as well as wrecking lives and societies of the world's most vulnerable people.
- bb. **Ulverston Green Party:** Fossil fuel reserves should stay in the ground to meet and exceed UK and international carbon reduction targets. Mitigating the impact of climate change is very relevant for Cumbrians suffering from increased frequency and severity of flooding. It will soon be an issue for coastal areas as sea level rises. More widely, climate change is a crisis that will impact everyone. It is a moral imperative to switch energy sources to renewables. The Green Party also have concerns, not satisfactorily answered in the application, for safety and ground stability, especially so close to nuclear facilities.
- cc. **Greenpeace:** opposes this application and refers to the international climate change goals agreed at Paris in December 2015 committing countries to:
 - (i) Holding the increase in global average temperature to well below 2 degrees above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 degrees above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.
 - (ii) The international community adopted those goals because the evidence of impact of climate is becoming more apparent in terms of increased frequency and/or severity of heatwaves, storms and hurricanes and flooding (as Cumbria itself has experienced).
 - (iii) It is well acknowledged by many reputable sources that the vast majority of existing fossil fuel reserves cannot be burned whilst holding to those international temperature goals.
 - (iv) For that reason Greenpeace is opposing new fossil extraction and use around the world from Amazonia to China, from New Zealand to the Arctic. There is more than enough fossil fuel of all varieties in the world

to make our climate unliveable. An application for new coal mining, as here, should be refused.

dd. **South Lakes Action on Climate Change (SLACC)** objects to the planning application considers that the application should be refused on climate impact grounds. The organisation raises the following issues:

- (i) The quantity of greenhouse gases it will release over the projected years would be incompatible with the urgent and steep reduction in carbon emissions required to meet the temperature goals of the Paris Climate Agreement that the UK and almost all other nations have signed up to.
- (ii) To comply with the temperature reductions of the Paris Agreement (figures referred to above) would mean leaving fossil fuels in the ground. There is significant scope for reducing the use of coking coal for steel making and steps to implement these reductions are being taken in the UK now.
- (iii) Climate urgency - climate scientists have shown that if the current rate of carbon emissions is maintained, we have around 2 decades left before the 1.5 degree centigrade global average temperature becomes a damaging reality; and our global carbon budget for 1.5 degrees would be used up in about 3 years. Some climate scientists are even more pessimistic. WCM's proposed lifespan (20 to 50 years) overlaps 20 years with decades when UK emissions need to be near to zero.
- (iv) Central government policies and actions on climate, fossil fuels and planning decisions are way out of compliance with the requirements that scientists state are essential for meeting the Paris temperature goals. This huge compliance gap has been shown also by local government planning decisions in a number of recent cases relating to fossil fuel applications, in which the planning argument has been downplayed despite the NPPF stating climate as a planning consideration. Planners must not leave climate considerations to central government to decide on in planning cases as the government is still supporting new investment in fossil fuels in direct contradiction to the Agreement they have signed up to.
- (v) The climate argument rules out WCM's planning application because of its huge carbon emissions unless it can be shown that our need to add more coking coal to the global market for new steel production (as opposed to recycling) is absolutely essential within the near future and is tied with an equal reduction in carbon emissions (extremely unlikely). There is no case for such exceptional need.

- (vi) Significant reductions in the need for coking coal in steel-making can be made by (i) increasing recycling rates of steel and thus increasing the percentage of steel made using the Electric Arc Furnace (EAF), which does not need coke; (ii) decarbonising the electricity used in EAF thereby reducing the need for new steel from iron ore and carbon (iii) increasing the use of waste wood instead of coking coal in countries where the strict rules required for regulating the latter are feasible to achieve. (i) and (ii) are by far the most climate-appropriate and feasible for the UK and an EAF was recently re-started in Rotherham.
- (vii) SLACC strongly endorses Friends of the Earth's objections to the planning application.

ee. Living Witness Quakers for Sustainability raises the following concerns that it considers the County Council needs to address to meet its obligations within the NPPF:

- (i) Every country in the world has signed the 2015 Paris Agreement on Climate Change and are all committed to limit global average temperature rise to well below 2 degrees centigrade and pursue efforts to limit temperature rise to 1.5 degrees centigrade. These limits are only possible with a rapid phase-out of fossil fuels to achieve zero net CO₂ emissions around mid-century. WCM appears not to acknowledge this and in removing coal from underground and supplying it to steel manufacturers, the mine would be contributing to a continuation of CO₂ emissions that would run counter to the Paris Agreement.
- (ii) UK Government policy does not yet reflect the Paris Agreement, but is still working in the context of the 2008 Climate Change Act; however, it is evident that UK climate change policies will need considerable further strengthening.
- (iii) WCM proposes a scenario in which coal displaces coal from the US imported to Europe and claims that the mine would reduce global CO₂ emissions by about 40kg per tonne of coal produced by reducing shipping distances. However, coal will generate 3100kg of CO₂ per tonne, whether it is burned or used in steelmaking (in which carbon, the main constituent of the coal, reacts with the oxygen in iron oxide, the main constituent of iron ore, to produce iron and CO₂).
- (iv) The whole system of iron ore extraction, shipping, smelting, manufacture and use needs to and probably will be transformed in the coming decades. Many governments and parts of the steel industry are aware of the need to decarbonise and are working towards this.

Changes are likely to include reduction in the use of steel so that most can be met by recycling and deployment of one or more of the ultra low-carbon methods of steel making currently being developed – based on biomass, hydrogen or electrolysis.

- (v) If the coal mine were to go ahead and the coal were to end up as CO₂ in the atmosphere, there would be a serious risk of climate change impacts and associated deaths, loss of livelihoods and homes on a potentially global scale, many times greater than jobs created in Cumbria. If CCC were to permit this proposal, it would bear at least a share of moral responsibility for those deaths and may in the future bear legal responsibility.
- (vi) WCM hopes to export the coal from the mine so emissions resulting from its use, whether as a fuel or for iron smelting, would arise outside the UK. However, greenhouse gas emissions from the mine, associated operations and inland transport of the coal would form part of the UK's national inventory and would need to be accounted for within budgets under the Climate Change Act 2008. CCC has committed to play its part in meeting the national commitment by achieving emission reductions from residents, visitors and industry.
- (vii) WCM has not given an assessment of greenhouse gas emissions from its proposal, but it would be likely to constitute a significant increase in Cumbria's greenhouse gas emissions (at a production rate of 2.8Mt/year, the proposed mine would generate 1.24Mt CO₂e; CO₂ emissions presented by CCC in 2005 quoted a figure of 7.4Mt). It would therefore be impossible for CCC to meet its commitment to enabling the County to play its part in reducing national emissions by 80% by 2050.
- (viii) The planning application does not address the significant risk that the proposed mine would become a stranded asset that would need to be abandoned within 10 to 20 years, along with the 500 jobs. This is because in the medium/longer term coal is very likely to be progressively phased-out in order to try to meet the Climate Change Act 2008 and Paris Agreement targets. The mine would divert people's valuable time, energy and creativity from addressing the need for sustainable development in the region.

A4.16 Seismic Impacts/Subsidence/Safety Concerns

- a. There are significant concerns regarding the safety risks around subsidence and seismic events. The proposed development would be too close (8km) to Sellafield (and the proposal for another nuclear power station at Moorfield) for any mining to be safe. Its proximity would increase the risk of earth

tremors and the potential for a nuclear emergency, given the unpredictable nature of earth movements in an area which has many geological faults. Concern that underground mining can have a significant impact on surrounding areas, and that recently a coking coal mine in Russia triggered an earthquake. This would be dangerous for mining personnel and a nuclear catastrophe could be triggered.

- b. The EIA makes no mention of the risks of man-made seismic activity despite being so close to Sellafield, known as the most toxic industrial site in Europe. It contains storage holding tanks containing thousands of litres of radioactive waste which the National Audit Office has said pose a risk. These are seismically inadequate buildings containing extreme levels of liquid high level radioactive waste. The geology of the area is heavily faulted and the potential for earth tremors or quakes high. Any earth tremor cause by mining or subsidence would have catastrophic effects in terms of a nuclear emergency bringing massive danger to life over a vast area.
- c. Concern from objectors (including **RFL**) that the Office for Nuclear Regulation (ONR) has advised them that it would not expect Cumbria County Council to have consulted them over this proposal because the proposal site falls outside their consultation zone (approximately 6.1-7.4km from the Sellafield site centre point), and that there appears to be a discrepancy between the distance ONR consider the application site to be to Sellafield (10km) and the distance quoted in the application (8km). Earth tremors would have no regard for the 7.4km exclusion zone drawn on the map. This application is not for mere surface development, but for an undersea mining area known to be heavily faulted. The geology WCM plans to mine is completely connected to the geology underneath Sellafield. That the mine would be outside the formal ONR planning zone by up to 4km is irrelevant given the unpredictable nature of earth movements.
- d. The proposal fails to acknowledge the precautionary principle eg. there should be no mining or fracking within 10 to 20 miles of any existing or proposed nuclear installation as a basic safety measure.
- e. Concerns regarding the proximity of the proposal to layer of discharged radioactive waste on the Irish Seabed (existing sea bed radionuclide contamination), and to the potential for subsidence on the sea bed to disturb and re-suspend the radioactive particles from decades of Sellafield re-processing. There should be a ban on extraction of fossil fuels near any nuclear installations until a comprehensive inquiry into the risks has been carried out.
- f. Toxic substances disturbed by subsidence would move freely through the marine environment and there could be no way of preventing adverse impact on protected areas, and to fish and other marine organisms. Note the

reduction in salmon returning to the rivers in Cumbria (reduced from 25% to 2-3%) as so many are dying at sea. This plummeting river salmon population is an extinction event and is due to changes in the marine ecology and environment.

- g. Concern from objectors (including **RFL**) that the ONR state that the nature of the proposed mine (pillar and room) is one that is not designed to collapse at any time in the future, but that in the unlikely event that it did, would not affect nuclear safety. Reference is made by objectors to examples of pillar and room mine collapse. Objectors state that in the event of mine collapse, the potential for injury and death would extend well beyond the mine shaft itself, potentially affecting much of the UK and the neighbouring nations. Concern also raised by objectors regarding the inconsistency as ONR believe the mining process to be 'pillar and room' whilst WCM's website states that 'run-out and pocket extraction' will be the chosen method of mining. How can the application be agreed when ONR and WCM are not operating on the same basic mining methods and associated risks? What nuclear emergency plans are in place by the County Council should tremors damage containment vessels at Sellafield?
- h. Concerns from former Haig Pit miners regarding safety of mining method now proposed (bolted system). Does WCM have experience or evidence that this bolted system can be used safely under sea.
- i. There is risk of methane fire in the old mines.
- j. Concern that coal dust is combustible/explosive in some situations, and that the coal will be transported by underground conveyor from the mine to the RLF passing near residential properties. Questions raised regarding fire precautions in place in the sloping conveyor tunnel and the RLF; how fires would be tackled; presence of fire doors/access to assist fire fighters; fire brigade's view on the design.
- k. The proximity of the proposal to adjacent areas under consideration for a deep geology high level waste facility must create a further risk, and would limit future opportunities to bury nuclear waste in the area. Concern also raised that if the mine is opened, it could be used as a repository for radioactive nuclear waste, which would be highly dangerous and be problematic for the future safety and health of the surrounding communities.
- l. The proposed mine would also be at no great distance from the as yet unexplained seismic impacts of fracking in North Lancashire, chosen for exploration because of the geology and hydrogeology in the Solway, Morecambe Bay, Fylde area.

- m. Concerns raised by objectors (including **RFL**) that formal assessments of likely subsidence damage associated with the fracking industry have proved to be wrong, and state that lessons should be learned from this. They state that in the UK the Government's Oil and Gas Authority (OGA) has allowed fracking to proceed in Lancashire and since fracking recommenced in autumn 2018 there have been over 30 Lancashire quakes recorded by the British Geological Society. The UK OGA has said 'it is rare for damages, even cosmetic ones, to occur at magnitudes of less than 4.' Quakes of less than 4 in Groningen in the Netherlands has led to the closure of Europe's biggest gas field by their Government with the damage standing at 8 billion euros and the closure of the industry. Groningen had few geological faults before extraction began; West Cumbria has a history of both faults and tremors. The experiences of Groningen show that subsidence and tremors are highly unpredictable.
- n. The public safety of this proposed mine cannot be assured by Cumbria County Council.

A4.17 Viability/Market Volatility/Overcapacity

- a. Need for the coal is questioned. Coking coal is already imported.
- b. WCM is manipulating the public by stating there is a need for source of carbon in steel making and that coke is the best source. There is already over-capacity of coking coal in the global market.
- c. The production of coal for the European steel market can only be as viable as the market itself. The international steel market has been notoriously unstable in recent years; China, India and Korea are emerging as major steel producers and there have been dramatic declines in European steel production. Competition is fierce with new markets emerging.
- d. Production of steel is closely tied to the automobile and construction industries. With financial difficulties, austerity and cautious consumer spending, the future of steel production in Europe is in a precarious place. There are also the implications of Brexit and the uncertainties about whether the UK will remain in the European Single Market.
- e. If the company folds in a few years we will be left with another monument to coal production.
- f. The 350,000 tonnes of middlings coal will be used in power stations not steel making, as well as a percentage of the 2.43 million tonnes of metallurgical coal if it fails to compete in today's shrinking and volatile coking coal market.
- g. Steel can be recycled, as can many plastics so where is the need? Even much of the coal from the original mine was exported to Ireland.

- h. The proposed 50 year period for the operation of this mine should be shortened, given that the world is in a very turbulent time.
- i. The employment claims made by this planning application need to be challenged. WCM assumes employment prospects/community benefits based on a steady demand for coal produced. This is clearly not the case given the instabilities of the global steel and investment markets; coal phase-out; the increasing regulatory controls on the burning of fossil fuels, and the many safety threats at the mine, including methane, subsidence and seismicity. There can be no employment guarantees as there are too many complex global factors that are outside the control of the company.
- j. Many of the long term jobs are related to the off-shore extraction phase so should not be taken into account until the full impacts of off-shore extraction are known. Off-shore extraction proposals would be determined by the Marine Management Organisation (MMO). Comment that an earlier proposal by 'the same backers' was for initial coal extraction followed by Underground Coal Gasification (UCG). It is perhaps more likely that UCG would be refused by the MMO, in which case this mine will close, leaving fugitive methane gas emissions (as in the North Cumbria coal bed methane applications) and a restoration problem somewhat like Keekle Head.

A4.18 New Paste Plant - Size/Scale/Type of operation has changed – the following concerns have been received in relation to the new paste plant:

- a. Concerned about the scale of the proposed new paste plant and pumping system. A batcher in the dome will produce a concrete like substance at the rate of 80,000cu m (equivalent to a 100m x 65m football pitch totally covered with concrete to a height of 12m) per year and it may be pumped up to 4km. 11,700 tonnes of cement and 13,600,000 litres of water may be needed per year at peak. The total output per year would be more than that required per year for a new build nuclear reactor. How can WCM achieve these high outputs using only one paste plant? The nature of WCM's operation has shifted significantly.
- b. The previous submissions from WCM involved mining, handling and conveying dry material. All of WCM's environmental impact assessments were based on this. The new submission completely changes the type of operation. The success of the mine now depends 100 percent on the success of the paste pumping operations. It may also account for 15 percent of the operational costs. Cannot find any environmental impacts that reflect this change.
- c. There could be the need for 1 delivery of cement each and every day. Cement will come in large tankers containing 29t cement. This will be blown into the storage silo. For 11,760t that is 405 road deliveries per year (7.7 per

week). Because of CO2 footprint and cost of cement, WCM will be keen to minimise its use.

- d. Large amounts of water may be needed. Water will be needed at the paste plant at the rate of 170L per cu m. For 80,000 cu m that is 13600000 L per year.
- e. Previous submission included many calculations regarding carbon footprint of the operation. Cannot find any update that includes the potential 40,900T of CO2 from the use of cement in the paste plant over a 5 year period.
- f. Paste design mix – WCM should produce at planning committee an indicative mix design based on their knowledge of the type of waste refuse that will be in the mine. This should include at least design strength, tonnes of dry waste/refuse per cu m of paste, water content/cu m, cement/ cu m, any chemicals/additives. WCM should declare any CO2 footprint and water use increase as a result of the paste plant in order to verify the above figures.
- g. Waste stockpile - Concern that there may be a need to store waste outside the paste plant dome. WCM indicate they will need to store 47K tonnes under the dome in the first year because there will not be enough voids at that time to fill with paste. Will they have enough storage under the dome for similar but larger situations after year 1?
- h. Do the Coal Authority Licences/Mine Regulations cover the use of paste pumping. Has paste pumping been used in the UK before, if so, when and where? Cumbria Planning should check this. Is there a UK Code of Practice for paste pumping in mines? May be prudent for Planning committee to ask these questions of WCM and the Coal Authority. Contacting the Cement and Concrete Association and the Concrete Society may be of use. Assumption that an Environmental Licence will be needed for the paste plant.
- i. Latest submission represents a step change in how WCM will operate the mine. The scale of the paste pumping is large; WCM's carbon footprint and environmental impacts have increased considerably and there is no reference in the WCM environment statement submission documentation to reflect these changes.
- j. The new paste pumping operation will increase WCM costs considerably. Increased concern over the viability of the mine as a result and that the mine and its buildings will end up as a memorial to the coal industry of West Cumbria.

A4.19 Health Impacts

- a. The environmental, economic and health impacts of coal are well documented and significant. Returning to coal mining in this area would add

to the cumulative toxic burden in the area where “nearly half of adult residents reported their health as ‘not good’”

- b. Health impacts on workers.
- c. Local health services are at breaking point yet no increase in service provision proposed to accommodate these major new developments.
- d. CCC has a duty to protect and enhance public health, safety and wellbeing of its citizens. This proposal will not achieve this.

A4.20 Local Employment

- a. WCM claim 80% of jobs will be local. But unlikely to be sufficiently skilled workforce in area so extensive training scheme required would delay start of operations. So the majority of jobs generated, like those for NUGEN, would be from away. Therefore not supporting the local economy as much as has been stated.
- b. The proposal would appear to offer welcome short term employment, but the development would be a major backward step for the area and come at an unacceptably high cost to the environment. The Government in the past has had to take over and run former coal industry sites and then bear the high cost of cleaning up when operations cease. There is no evidence that this development would be any different.
- c. It is imperative to develop a thriving local economy in West Cumbria. However, the jobs created need to be future focussed; foster local skills and small-business resilience, and crucially to retain in the area wealth created by local businesses so as to invest in West Cumbria for future generations. Investment in a declining industry with dubious global demand, by global businesses with no local allegiance will do none of these things for local people. Furthermore, it is likely to undermine the 31,200 FTE jobs and £2.1 billion visitor expenditure that is already a tremendous strength to Cumbria's economy.
- d. Cumbria authorities would do better to encourage economic activities with a more promising future; for example renewable energy and tourism and leisure.
- e. Regarding the employment generated, members of the local community should be employed first and foremost, where possible within a 3 mile radius and take priority over those from neighbouring towns or outside the area.

A4.21 Human Rights

- a. Article 8 of the European Convention on Human Rights 1988, gives a right to family life, without interference from a public authority. Including the right of respect for our property free from noise and pollution. In this instance there are swathes of people living along the transport route who will be affected by the noise, pollution from trains and dust from the cargo.

A4.22 Inadequate consultation

- a. Publicity given to the application was inadequate; more widespread notification was required, particularly for those living adjacent to the rail corridor.
- b. Concern expressed by that insufficient consultation took place, with many residents not taking a paper or accessing internet and therefore unaware of the proposals so not able to formulate a response. WCM should have done a letter drop.
- c. One objector commented that information requested at the public consultation event held by WCM had been promised but not provided- specifically photomontage details of the RLF in views from their holiday log cabins

A4.23 Inconsistent Information

- a. Several objectors commented that the location of the proposed Rail Loading Facility had changed from the original presentation and the website information was not updated to reflect what is actually proposed in the planning application.
- b. Display material at exhibition showed the area with green fields around and not the new housing estate on the opposite side of the road to the Marchon site.

A4.24 Regulatory Concerns

- a. Concern that some environmental regulations are poorly enforced in the UK, not least due to inadequate staffing and over-reliance on self-regulation. Concerned that such regulation will not be adequate for this project.

General Comments

- a. Any planning consent should be time limited.
- b. Any consultation or public inquiry should be held in Whitehaven, not Kendal, due to the inconvenience and expense of travelling for those most affected by the proposals.

- c. S106 planning obligations and/or Community Infrastructure Levy (CIL) should be imposed so that the community and those residents living alongside the transport corridor and working area are benefitted locally and within the Whitehaven Parish predominantly. Potential funding at a percentage of annual turnover of the business would enable funding to come back into the public domain and be used on local infrastructure projects for the benefit of the community. Suggested areas for investment are Whitehaven town centre, Mirehouse Subway and Cattlearch; Transport schemes (Park and Ride); Flood defences (Mirehouse area/ Whitehaven Harbour Sea Locks); improvements to sewage system; additional funding for schools in Whitehaven and St.Bees; Community Carverys and Support Centres (Mirehouse, Kells and Sandwith/Greenbank/Woodhouse), offering free or low cost meals to local residents; hospitals (consultants, additional services, health centres, dentists); Green Spaces (Castle Park/Mirehouse & Woodhouse Play parks/St Nicholas Gardens/Kie Park); Leisure/community centres.
- d. Any revenue received should be reflective of the Copeland Neighbourhood Plan/Local Plan including any plans that the local parishes/town councils are working on. Revenue should be retained within a 3 mile radius of the development which incorporates Whitehaven and St Bees parish councils and communities. It is hoped that members of the 'local' community are employed first and foremost where possible within a 3 mile radius and take priority over those from neighbouring towns or outside of the area.
- e. Why build new purpose built accommodation/welfare blocks for new employees when there are plenty of properties in the area that could provide incoming people with homes? They would receive warmer welcome from the community if they were living amongst the locals rather than being isolated in a separate block on the outskirts of town. There are existing sports and social activities available so no need to isolate them with their own exclusive facilities which could become a redundant building once the construction work has been completed.

Non-material Planning Comments

Some objectors have raised issues that are non-material or non-land use planning matters that cannot be taken into account in determining this application. These include:

- a. Lack of transparency of funding, ownership and ultimate control of WCM is not in the public interest. This should be remedied before full planning permission is granted.
- b. Potential impacts upon house prices/values.

- c. Safety concerns for workers in the proposed mine. Only a bolted ceiling system is proposed. Props were always used either site for extra safety; not aware of any other pit undersea that only uses bolt system.
- d. Safety concerns relating to the operation of the proposed paste plant.

Support

A4.25 Economic benefits

- a. 500 jobs directly and 1000 jobs indirectly through the supply chain. These jobs are much needed in this area to reduce unemployment. The company has committed to secure 80% of its employees from the local area. The jobs will be well paid.
- b. The jobs are also important as they diversify the economy away from relying on Sellafield (and the nuclear industry) as the sole main major employer in this area. Especially important with the decommissioning of Sellafield and stalling of the Moorside project.
- c. As well as jobs there will be enhanced skills, training and 50 new apprenticeships offered.
- d. This gives a chance for unrepresented groups (e.g. disabled) to gain employment with support
- e. The wider economic benefits are supporting the supply chain both locally and further afield.
- f. The project will support the UK steel industry and other associated industries.
- g. These economic benefits will be good for the town and the community, boosted by inward investment and infrastructure enhancement, economic growth, increased jobs and enhanced skills. It will raise the profile of Copeland.
- h. This will be a long-term investment in the area (reference to 43-year minimum production period).
- i. As well as 'everyday economics' it could help towards starting a better 'overall social environment' in an area where many have been left behind.
- j. People moving into the area for jobs will boost population and economic growth. If more people are attracted to the area, the influx of people and money to the area would mean other facilities could be improved upon and built.
- k. As well as the jobs created by the mine, the project will also support jobs in the rail freight sector including in train operations and at the terminal at Redcar.

- l. Redcar Bulk Terminal Ltd - If this planning application is approved , aside from the economic benefits for West Cumbria the benefits will also extend to the Redcar and Cleveland area in the way of increased job security in an area that has suffered major job losses in recent years, particularly following the closure of the Redcar Steel Works in October 2015.
- m. If the local economy booms our hospital should remain too; with more people in the area we need a fully operational functional hospital.
- n. Any surplus coal will be available to export to other countries which will bring in additional export revenue for the country.
- o. A number of representations commenting on the economic benefits of the scheme referred not just to the jobs directly created but also the additional jobs supported through the supply chain. Several companies wrote in stating that approval of the scheme would secure jobs growth within their own industry. These included a number of companies outside the county who provide specialist services to the mining industry as well as companies based within Cumbria.

A4.26 Need for coking coal

- a. There is a need for coking coal to support the steel making industry; this is not about burning coal for fuel.
- b. It is important to release the UK coal reserve rather than relying on imports.
- c. Coal Industry Society for Wales – this is of strategic importance for Port Talbot steelworks and will reduce imports.

A4.27 Sustainability

- a. Will reduce imports of coking coal; this reduces the carbon footprint created by shipping coal in from overseas.
- b. The coal will be transported by rail to the East Coast.
- c. The proposal therefore reduces CO2.

A4.28 Rail improvements

- a. Use of the railway system to convey the product to destinations outside the region would create an important goods flow, helping to secure the future of the system in the region and potentially leading to upgrades on the coast line.
- b. Rail Freight Group – In this proposed development West Cumbria Mining has made a significant commitment to the use of rail freight, with all product to be moved away from site by modern and quiet trains with no night movements. The

project will also help encourage more investment in the Cumbrian Coast line. We strongly support these plans which enable rail freight to support the wider benefits of the project.

- c. Each freight train will keep at least 54 lorries off the local roads. Rail freight also produced 76% less CO₂ and up to 15 times less NO_x than the equivalent journey by road, so delivering significant environmental benefits. As well as the jobs created by the mine, the project will also support jobs in the rail freight sector including in train operations and at the terminal at Redcar.
- d. Copeland Rail Users Group - Whilst we support the application we would want to see some planning gain ideally in increased dual tracks and improvements to signalling. Another possibility is to contribute to additional bus services to the site to obviate some of the increase in road traffic.

A4.29 Other Issues

- a. There will be flood risk benefits - the approach to waste water filtration is acceptable allowing the old mine to drain could reduce the water table and so reduce frequent flooding in Pow Beck.
- b. Visual/landscape impact of the scheme is acceptable. It is less disruptive to the landscape than open cast mining. Any visual impact will be worth it for the jobs provided.
- c. This will restore a brownfield site. The current site is an eyesore, just a large patch of wasteland. A lot of people want to see it tidied up and put to good use.
- d. The scheme will restore the mining heritage of this area
- e. Could re-open the visitor centre at Haigh Pit.

Letters received from MPs

Rt Hon Dr Liam Fox MP, Secretary of State, Department for International Trade & President of the Board of Trade (letter 31.01.19) – *I have been advised that planning hearing for West Cumbria Mining's (WCM) application to build a state of the art metallurgical coal mine at Woodhouse Colliery is expected to be held next month following the end of the consultation period, due to close on 28th January.*

You may recall I wrote to you in March last year regarding delays in the planning application process. I understand that the issues which delayed the application have now been resolved and I thank Cumbria County Council for working with the company to address these.

I hope the planning hearing will allow the Council to make an early decision on WCM's planning application.

Trudy Harrison, MP for Copeland; John Stevenson, MP for Carlisle; Rory Stewart, MP for Penrith and Borders; John Woodcock, MP for Barrow in Furness (joint letter 23.01.19) –

We are writing to express our support for the above application.

We must, as Cumbrians, recognise that this Colliery is far more than some form of industrial renaissance, rather it represents a new chapter in our rich history, a new swathe of opportunities for our communities to embrace.

In our view there are, broadly speaking, three major benefits to this scheme:

This project will greatly enhance the employment prospects of our area, with 80% of direct opportunities going to local people and 1000 jobs created through the supply chain.

Secondly, with a 43-year minimum production period this Colliery will provide a long-term asset for our community, our region and our country.

Finally, the Woodhouse Colliery will provide the economic diversification which our communities need to sustain a highly skilled, knowledge-based economy.

We look forward to hearing the conclusion of your decision and hope it is a positive outcome for our constituents.

Anna Turley, MP for Redcar (letter 24.01.19) – *I write to give my support to West Cumbria Mining's 'Woodhouse Colliery' application ref no PL/1689/05 (4/17/9007). I do so on behalf of my constituents in Redcar and Cleveland who will benefit from the employment opportunities created if this development receives approval, particularly the jobs it will help support at Redcar Bulk Terminal.*

The North of England has a long and proud industrial history with a particularly strong link to the mining sector and steelmaking. The Woodhouse Colliery and the specialist metallurgical coal it will supply to steelmakers in the UK and in Europe is a continuation of that tradition, and will deliver a significant economic boost not just to Cumbria but to my area too on the East Coast. In the same way the port facilities in my constituency are supporting the development of the Sirius Minerals polyhalite mine near Whitby, they would have a crucial role to play if the Woodhouse mine were to come to fruition.

The economic benefits of this project speak for themselves:

- *The creation of over 500 direct jobs with a commitment from West Cumbria Mining that 80% will be recruited locally (within 20 miles of the site)*
- *More than 1,000 indirect jobs through the supply chain across many sectors*
- *Annual spend of £100m in full production – much of this flowing back into the local community*
- *Regeneration of an existing brownfield site*

The mined product will be processed in covered facilities, part powered by renewable energy, and then transported by rail (never at night) to Redcar Bulk Terminal in my constituency. This additional usage of our rail network should also encourage further investment in the network, both in Cumbria and across the route to Teeside.

This is a good opportunity to further develop the industrial diversity of our economy in the North East and Cumbria, creating many much needed, high quality, skilled jobs. I have no hesitation in supporting this project because of the economic boost it will deliver and I urge the Planning Committee at Cumbria County Council to give it their full support

too.

Trudy Harrison, MP for Copeland (letter 24.07.17) – *Whilst I appreciate that you will now have to follow Cumbria County Council's strict planning procedures, and I would not be so bold as to comment on the intricacies of the application itself, I would however like to offer my support to the project for the many economic and social benefits it will bring to our area.*

The venture by West Cumbria Mining will bring over 500 jobs to the area with the vast majority being offered to local people and nearly 1000 jobs created indirectly down the mines supply chain.

The project would also offer around 50 young people the opportunity for an apprenticeship, which is something I am an avid supporter of as many of our local young people need alternative opportunities to that of further study and university degrees.

Letters received from Councillors

Cllr David Riley, Cleator Moor South Ward of Copeland Borough Council (letter 04.02.19) – *The West Cumbria Mining Project will bring much needed investment and*

jobs into Copeland and I wish it to be known to the Development Control and Regulation Committee that I fully support this application.

Cllr Ged McGrath, Newton Ward of Copeland Borough Council (letter 01.02.19) -
The West Cumbria Mining Project will bring much needed investment and jobs into Copeland and I wish it to be known to the Development Control and Regulation Committee that I fully support this application.

Mike Starkie, Mayor of Copeland (letter 21.06.17) –*Having attended some of your consultation events and seen for myself your ambition to create an excellent modern industrial facility here in the heart of Copeland is very pleasing indeed.*

As Elected Mayor I am delighted that your 500 plus workforce will comprise of at least 80 % local labour and the creation of 50 new apprenticeships will add real tangible benefits for Copeland.

The creation of 1000 additional indirect jobs created through the local supply chain is to be welcomed.

Having seen at first hand your plans I can see that you have carefully considered the aesthetics of your facility and that your building designs are of low impact on the existing brownfield site that your project seeks to develop.

I wish you every success with your application and as Elected Mayor , I am pleased to support what I personally feel will bring long lasting benefit to our wonderful borough of Copeland.

Letters received from other Groups/Organisations

LLWR Ltd (letters 07.07.17 and 24.01.19) –*I understand the 50 year mine life will create over 500 well-paid quality jobs in a diverse range of skilled areas. It is anticipated that this sustainable development will secure 80% of its employees from the local area and provide up to 50 new apprenticeships thereby demonstrating the ability to retain skills in a highly competitive market and offer another component for a diverse local economy.*

West Cumbria Mining has consulted LLWR on their proposed development and considered any potential clashes with regard to day to day operations of the Repository site and the Repository Development Programme to ensure the two organisations work together to avoid clashes when it comes to import/exportation of materials/people. I understand this is part of a broader piece of work they have conducted to understand cumulative impacts on infrastructure.

LLWR has established good working relationships with West Cumbria Mining and we are very supportive of their planning application.

Lakes College West Cumbria (email 22 01 19) –*As Principal of Lakes College, I write in support of the proposal for West Cumbria Mining in Copeland. I believe this will have*

a very positive impact upon the Cumbrian economy providing significant employment and skills opportunities for local residents.

Mirehouse Residents Group (letter 21.06.17) – *Mirehouse Residents Group would like to register our fullest support behind the application for West Cumbria Mining, to commence operations as proposed. Throughout the initial consultation process, our committee and residents have been hugely impressed with the honesty, integrity and openness of all staff connected with WCM at its many open day events. The potential of this project, the impact on our local area with employment opportunities and investment, combined with the care shown in the development process, in our opinion simply cannot be turned down and we look forward to approval of the planning application and the boost that our local communities will enjoy.*