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Environment and Economy  
County Offices  
Kendal  
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Mrs M Mason  
c/o Barley Bridge Cottage  
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LA8 9PQ

1 October 2020

Dear Mr Haggin

Planning Application 4/17/9007

I am writing on behalf of South Lakes Action on Climate Change – *towards transition* (SLACC) to submit a second objection to the above application. As you know from our lawyers, Richard Buxton Solicitors, we believe that there has not been enough time to comprehensively consider the large amount of significant new information placed on the Council's website late on the 21<sup>st</sup> September, and on the 24<sup>th</sup> September 2020 and that it does not afford an adequate opportunity for objectors to consider this information (with their experts) and respond, and because of this also prevents the Council from proceeding to consider the issues with full information.

We were lucky to find that Professor Paul Ekins was able to provide a further view on the conclusions in the Officer's Report. His letter (attached<sup>1</sup>) confirms his expert opinion, that "none of the evidence provided alters my conclusions that the proposed coal mine is likely to result in considerable additional global carbon emissions and to hamper the development and deployment of low-carbon technologies in the steel industry." As a result of his expert opinion, SLACC wishes to object in the strongest terms to the Council's continued insistence on the "substitution myth", to justify their stance that the GHG emissions from the "end-use" of the coal in steel making can be ignored, and that proposed mine will have a beneficial impact on global GHG emissions.

Although this submission is later than the Council's preferred deadline, I have endeavoured to send this to you as early as possible given the circumstances, and would ask you to ensure that it is drawn to the attention of the Development Control Committee as a valid representation, and the detail of Professor Ekins evidence given the consideration that it is due.

I also attach as evidence to the Council, a letter<sup>2</sup> dated 18 September 2020 from academics to UK ministers that also addresses the notion of "substitution".

However, the majority of the significant new information related to the amended Coal Handling and Processing Plant, the Revised Application's request to amend the definition of High Volatility A Coal, and the Council's investigations on the future of coking coal of steel making and the suitability of the

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<sup>1</sup> Ekins response letter 1.10.20

<sup>2</sup> 18.9.20 Academics letter\_to\_ministers\_re\_new\_coal\_mines\_in\_uk\_200918\_release

coal for the proposed markets in the UK and mainland Europe. SLACC's expert adviser on this subject, the Materials Processing Institute (MPI), has not had enough time available to review the relevant evidence and complete a response. If, as might be the case, this application is called in by the Secretary of State or there are other legal procedures, we will wish to make a comprehensive response based on their, and / or others, expert advice.

In the mean time, the following comments are SLACCs alone.

Firstly the Officers Report continues to underplay the speed with which European steel-making is working to turn away from Blast Furnaces. Paragraph 7.63 of the report says that commercial demonstration plants by SSAB are likely by 2035, whereas SSAB's own email to the Council confirms our MPI report that says this will be in 2025. SSAB also say that "two blast furnaces and a BOF meltshop are being converted so as to be ready for Hybrit DRI (Direct Reduced Iron) also by 2025". Even if the OR were correct in suggesting it would be 15 years before a large number of blast furnaces were replaced by DRI plants with hydrogen injection, that takes us to 2040, not 2050. Arcelor Mittal's email also confirms the shift to DRI with hydrogen injection, but also their Smart Carbon route".

Furthermore SLACC points out that World Steel Association data shows that EU-28 steelmaking volume in 2008 (i.e. before the full effects of the global financial crisis hit) totalled 198 million tonnes, whereas the corresponding figure for 2019 was a mere 158.8 Mt. Whilst it has fluctuated within the 160-mt band in the 2012 to 2018 period, Wardell Armstrong's assertion that European steelmaking activity will remain at current levels for another 30 years until 2050 cannot be relied upon.

So while SLACC welcomes the Council's recognition that they were previously wrong to conclude that as much coking coal would be needed for the European market in 2070 as in 2020, the background information collected by the Council does not support 2049 as an end date for the mine, or contradict MPI's previous evidence (11.6.20) that

*"The last new blast furnace in the EU was built in the early 2000's and no further new ones are being planned. In this context, the emerging strategy of steel companies, to invest heavily in zero carbon steelmaking technologies, while also reducing the coal consumption of their existing furnaces makes sense. It is to be expected that the number of operational blast furnaces in Europe will decline considerably and that those that continue to operate will do so with a greater use of alternative fuels, such as hydrogen and biomass. The evidence presented clearly shows that production of steel in the quality and quantity that is likely to be required by society will not require significant use of metallurgical coal in the coming decades".*

This means that: the "do nothing" and "do something" scenarios in the EIA are still wrong; that perfect substitution will not occur; there will be additional GHG emissions, and that the Scoping Opinion requires these be assessed. If this were done it is clear that there would be significant adverse impact on global climate change, which should have considerable weight in the planning balance.

Moving to the benefits claimed by the Council in the Officers Report, we note that the Council's consultant, Wardell Armstrong, (WA) has not been given access to the revised specification, or the

results of the exploration programme that has been undertaken by WCM. Furthermore Javelin has declined to update their advice to reflect the up to date specification, which it appears will give a range of sulphur content of 1.6 – 1.8%, and an increase of 1% in ash content. WA has raised concerns about the lack of information, and the likelihood of WCM substituting for High Volatility A (HVA) Coal that is currently imported to meet UK and European steel makers (especially British Steel) needs.

In response, the Officers Report has proposed a revised condition:

“4. The permission hereby granted authorises the Winning and Working of High Vol A Coking Coal suitable for use in steel manufacture only.

*Reason: So that the coal produced is the same as that assessed in the Environmental Statement and planning application”*

And a revised definition of HVA coal as follows;

**“High Vol A Coking Coal**

Coal with particular physical and chemical characteristics that makes it suitable for use in the production of coke for steel-making and separated from reject material during processing at the Coal Handling and Processing Plant. For the avoidance of doubt ‘High Vol A Coking Coal’ shall be defined as having a maximum ash content of 8% and a maximum sulphur content of 1.6% and an average (mean) sulphur content of no more than 1.4%.”

With this condition in place, the OR believes that the mine would provide essential raw material to UK and EU steelmakers and that the *supply of indigenous metallurgical coal to support the UK steel industry for the next three decades in place of currently imported coal is positive and should be afforded considerable weight*, however Paragraph 7.328 continues *∴ However I acknowledge the level of sulphur content would need to be managed to supply a product currently suitable for British Steel, and it is not clear whether this can be achieved – so **it** this case I have considered that **is** cannot.*

I have to assume that the typographical error will be corrected in a final update at the start of the Committee meeting, and the most likely correction would read *“so **in** this case I have considered that **it** cannot.”*

This would be because, as Wardell Armstrong (WA) says, British Steel is constrained on sulphur input. However British Steel produce roughly half of the UK steel output. The only other significant UK steel producer, Tata Steel Port Talbot, has replied to the Council’s enquiry with a general lukewarm response saying that they will use it if the specification is suitable. The licences of both operations are a matter of public record and the control of sulphur output (which causes acid rain) from the steel plants is dependent on investment in monitoring and desulphurisation. These being the only two UK customers, WCM would therefore have to find export markets, most probably in Europe. However, please note that most of the steel plants in Europe operate under similar constraints, with respect to sulphur and acid rain, as the UK plants.

It is also a matter of public record that both British Steel and Tata Steel are working on a switch from at least some of their blast furnaces to EAF which bring significant investment.

It is hard to comprehend how the Council can continue to argue that there is an economic need for the (mitigated) coal output from WCM that outweighs the acknowledged significant impact on tourism due to the impacts on the Coast to Coast Walk, and the landscape of the area. In addition, and crucially, the unsuitability of WCM coal for use by the two main British steel producers (even if meeting the new condition) as an “indigenous supply of UK coking coal” surely makes the NEED argument, and the economic benefits argument, fall by the wayside.

The Council’s case for a need for, and economic benefit of considerable weight from, this coal has not been indicated by the evidence, and is not reasonable, and as a result the Council’s argument of wholly exceptional circumstances that outweigh the acknowledged harm to Ancient Woodland is also unreasonable.

SLACC notes that the Council (para 8.5) states that it would have been preferable to have fewer conditions and the security of more secure plans and evidence. We consider that the evidence that is available justifies the refusal of this outdated and now irrelevant planning application. SLACC continues to assert that the late publication of information that formed a significant part of the applicant’s proposal has prevented us from considering the proposals in detail, and in particular from consulting with our expert advisers.

Yours sincerely

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On behalf of South Lakes Action on Climate Change

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