

13 September 2024

Dear friends

I can now tell you ... We won!

I was in the very small group that had access to the draft Judgement since Monday, and I can also tell you West Cumbria Mining was trounced.

Mr Justice Holgate has forensically destroyed their NET ZERO, Climate Neutral coal mine claims, and called Mr Gove's Decision to Approve muddled and inconsistent.

This ground-breaking judgment could advance the global phase out of fossil fuels. It is that big. And really astonishing what our legal case, plus your tireless campaigning, actions and networking has achieved.

4 years ago many of us gathered here at County Hall as our county councilors considered this application, and many of you saw my powerpoints trying to explain the issues. As an ex county planner I was appalled by the way this Australian owned hedge fund had sidestepped UK planning and Environmental Regulations with their "get out clause" of "perfect substitution"

Stated simply, they asserted that for every tonne of coal extracted in West Cumbria, a mine elsewhere in the world (specifically the US) would reduce its production by a tonne. so there would be NO additional coal used in global steel making, compared to what would have happened if the west cumbria mine did not open. No additional coal : no additional greenhouse gas emissions : no harm to climate, people, or the natural world we rely on.

And not only that, they claimed the construction and operation of the mine would be net zero because of their wonderful modern processes, and the offsets they would buy.

This High Court Judgement basically said, but in more polite and legal words, that both claims were unproven rubbish. West Cumbria Mining, and all other fossil fuel companies, must from now on justify such claims in their Environmental Statements, where we, the public, the ordinary responsible people, can see, understand and challenge them.

It was unlawful for the previous Secretary of State to make a decision without that information, and Gove had not even tackled the substitution or offsetting issue, in spite of all the evidence SLACC and Friends of the Earth presented in the Public Inquiry.

Our original case also challenged the mining company for not including the carbon emissions from the use of the coal in their Environmental Impact Assessment, but that aspect took a

bumpy ride through the UK legal System driven by Sarah Finch and the Weald Action Group, who won their case Supreme Court on the 20th June this year.

Many commentators said that this meant the legal challenge against the coal mine decision would inevitably succeed, but we knew there was another huge tangled hurdle to overcome.

Substitution! – fossil fuel companies all over the world use it to avoid responsibility for their combustion emissions. Our win today says “prove it in your Environmental Impact Assessment! Quantify the combustion emissions, and also quantify how your new coal mine or gas well will actually CAUSE another mine or well to reduce extraction, rather than sell it to another customer”. In this case Holgate asked – how will your mine cause US mines to leave their coal in the ground rather than sell it in the growing markets in Asia? This is exactly the question one of the 3 dissenting Cumbria county councillors asked in the committee hearing 4 years ago. He was right, Henry Adams was right, as were Lancaster Professors Becky Willis and Mike Berners Lee who have seen this from the start

All but one of the five SLACC and Friends of Earth grounds of challenge were accepted by the Judge and this decision will be influential in many countries around the world who have similar legislation and look to each other for precedents.

As ordinary responsible people, we saw this horrendous example of fossil fuel company arrogance, the weakness of our local government, we knew enough science to know the terrible impacts this would have on our beautiful planet and people, the poorest and most vulnerable first.

We could not stand by and do nothing to prevent it. We needed to tell the truth, work hard and pitch in some money to get a legal team that understood the issues. Thank you to the SLACC Trustees who took the risks of supporting Henry Adams and me in our mine objections, Thanks to all of you here who have donated and/or demonstrated.

Hopefully today's Judgment will restore some of the UK's climate leadership and lend support to the upcoming legal challenges of the Rosebank and Jackdaw North Sea oil and gas licenses.

There must be no new coal oil or gas, especially in developed countries that simply export them. The green transition, if it is to succeed at all, must be fair. Fair to Whitehaven that deserves jobs that don't trash their environment (by digging up an old highly contaminated chemical site to build a coal mine and processing plant). Fair to poorer UK citizens - Fair to the global south that needs support to decarbonize. West Cumbria might appeal, they might try to argue their case

with Angela Rayner, but I hope if that happens we can gather a bit more energy and carry on for a little bit longer.