

Judges block first new coal mine for 30 years

Peter Chappell, Constance Kampfner

Construction of Britain's first new coal mine in 30 years has been blocked by the High Court in what campaigners called a "huge victory for the environment".

The decision is the first since a Supreme Court ruling that the environmental impact of fossil fuel emissions must be considered in planning applications for new extraction projects.

The Whitehaven mine in Cumbria was approved by Michael Gove in 2022 to supply coal for steel manufacturing. Mr Justice Holgate said that giving the go-ahead for the development had been "legally flawed".

The new government had told the court that planning permission should be withdrawn, but the case proceeded because the mine's developer, West Cumbria Mining (WCM), wanted to defend the original decision.

Friends of the Earth and South Lakes Action on Climate Change (SLACC) had challenged the Whitehaven plan, arguing that it did not take into account carbon dioxide emissions over the project's lifetime.

The case against the mine was given a boost by the Supreme Court's Finch ruling in June, when it found that Surrey county council should have taken overall emissions into account when approving plans for an oil drilling project in Horse Hill. That ruling, which legal experts said would leave



The plans were opposed by protest groups including Friends of the Earth

carbon-intensive projects vulnerable to legal challenges, prompted Angela Rayner to abandon the government's defence of the Whitehaven proposal on the ground that it should not have received planning permission in the first place.

Coal extracted from the proposed mine had been earmarked for use in steelmaking, although critics had warned that much of it would probably end up being exported. The UK's biggest steelworks, at Port Talbot, is transitioning away from coal-powered blast furnaces towards electric arc furnaces under a £500 million deal agreed this week with the government.

Paul Brown KC, for Friends of the Earth, said there was "no significant need for the coal" in the UK. He said the decision to approve the mine had

"smacked of hypocrisy" given the UK's "vocal international advocacy" for phasing out coal.

James Strachan, for the developer, said that the arguments in the legal challenge had been "poorly disguised attacks on the planning judgments made by the inspector and the secretary of state". However, the judge said that those who approved the development had "failed to deal" with the fact that "a positive precedent effect of a net-zero mine leading to other similar projects would depend upon further offsetting arrangements", warning that these were "a finite resource".

WCM said it would "consider the implications of the High Court judgment". Those who had opposed the mine called the ruling "fantastic news and a huge victory for our environment".

Niall Toru, a lawyer at Friends of the Earth, said: "That the ruling today has gone against the mining company could have ramifications internationally as there are cases abroad where challenges are being made against fossil fuel projects on a very similar basis."

Matthew McFeeley, a partner at Richard Buxton Solicitors, which represented SLACC, said: "Today's detailed and well-reasoned ruling clearly shows the logical flaws that infected the grant of permission for the mine ... [and] the conclusion that this mine was 'carbon-neutral' ... simple assertions will no longer pass muster."



Peak performer Louise Bermingham with Asta, a Pyrenees mountain dog, at the Darlington Dog Show, which began yesterday and will finish tomorrow

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