

Planning Casework Unit
Ministry of Housing Communities & Local Government
3rd Floor, Fry Building
2 Marsham Street
London SW1P 4DF

27 February 2025

Attn: Emma Hopkins, Decision Officer

BY EMAIL ONLY: PCC@communities.gov.uk

Dear Planning Casework Unit

**RE: TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY WEST CUMBRIA MINING LTD FORMER MARCHON SITE, POW
BECK VALLEY AND AREA FROM THE FORMER MARCHON SITE TO THE ST BEES
COAST, WHITEHAVEN, CUMBRIA FOR A NEW UNDERGROUND METALLURGICAL
COAL MINE AND ASSOCIATED DEVELOPMENT.
APPLICATION REF: 4/17/9007 (“the application”)**

1. We represent South Lakes Action on Climate Change – Towards Transition (“**SLACC**”). We write in response to the letter on behalf of the Secretary of State dated 6 February 2025 to provide written representations on the matters on which a response is requested.
2. We flag at the outset that, on 10 February 2025, we wrote to the Applicant asking for confirmation as to whether it intends to pursue the above application. We note that:
 - a. On 26 September 2024, the Coal Authority (“**CA**”) refused applications for conditional underground licences at the Woodhouse Colliery site¹, on the basis, inter alia, of:
 - i. lack of financial viability of the mine (taking into account expert evidence procured by the CA from Wardell Armstrong), in light of both “significant risk and insufficient evidence to support [redacted] of reserves which are required to underpin a financial plan that demonstrates a financially viable mine” and the coal quality (in particular sulphur content²) giving rise to reason to doubt the Applicant’s assumptions on coal sales; and

¹ <https://www.gov.uk/government/publications/coal-mining-licence-applications/coal-mining-licence-applications>, see the detailed Recommendation Reports by the CA.

² See, e.g. para 135 of the Coal Authority’s report, which begins “Sulphur content impacts the quality of coal, and is a major consideration for the saleability of the coal into the metallurgical coal market.” (but which contains further redacted text)

- ii. subsidence risk, taking into account expert evidence procured by the CA from British Geological Society.
 - b. On 14 November 2024, the Government announced its intention to become one of the first countries in the world to 'ban new coal mines' (i.e. not to issue any further licences for new coal mines in the UK, by introducing legislation to achieve that outcome).³
3. We asked the Applicant to confirm, by 12 February, its intentions in relation to progressing or withdrawing the application. On 13 February, after we made follow-up enquiries, we were informed that instructions were being taken. No further response has been received.
 4. Accordingly, SLACC outlines below various significant changes in circumstance, fact and policy since the Secretary of State's quashed decision of 7 December 2022, which affect the redetermination of the application, and which will require scrutiny and detailed evidence to be considered in the event the application is pursued by the Applicant.
 5. The Secretary of State will also require an amended Environmental Statement incorporating substantial additional environmental information which is of significant public importance. To ensure the public substantially enjoy the rights granted to them under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ("**the 2011 Regulations**"), public scrutiny of and participation in considering the additional environmental information will be needed, including additional public consultation and, likely, additional witness evidence.
 6. In normal circumstances, both these matters would lead to the Inquiry being re-opened, should the applicant be minded to continue to promote the application. However, in light of the licensing matters set out above, SLACC is concerned that it would be a significant waste of the Ministry's, the Planning Inspectorate's and all parties' time and resources to re-open the inquiry whilst there remains a high likelihood that the development would not be viable and the permission not implementable within a reasonable time because a licence will not be granted. Should the Applicant choose to continue with the application, the Secretary of State should require updated viability evidence urgently in order to take a view on the matter.

Environmental Information

7. It is convenient first to address questions 3 (c) and (d) in the Ministry's letter (relating to the *Finch* decision and the scope of additional information required). SLACC contends that at least three Chapters of the ES require updating (though it will likely be a greater number; see in particular paras. 26-27 below):
 - a. Chapter 5 on the description of the project. This can be updated in light of the detailed information provided by the Applicant to the CA, in particular the

³ <https://www.gov.uk/government/news/new-coal-mining-licences-will-be-banned>

- resource analysis which gives the true specification of the coal (see para 2(a)(i) above);
- b. Chapter 19 on the Climate Change impact of the project; and
- c. Chapter 7, the Socio-Economic assessment, insofar as it addressed the need for the project (“Markets and Demand”), in reliance on a report by Wood Mackenzie.

Updated Climate Change Information

8. The judgment of the High Court in *R (Friends of the Earth & SLACC) v Secretary of State for Levelling Up, Housing & Communities* [2024] EWHC 2359 (Admin) (“**the Judgment**”), applying the Supreme Court’s judgment in *R (Finch on behalf of the Weald Action Group) v Surrey County Council* [2024] UKSC 20 (“**Finch**”), identified unlawful deficiencies in the Applicant’s Environmental Statement. Following the Judgment, as part of any request under regulation 22 of the 2011 Regulations, the Secretary of State would be required to seek additional environmental information from the Applicant to address these deficiencies. The Judgment made clear that the EIA Regulations place a burden on the Applicant to provide the evidence in the ES justifying the assessment (paras 112-116).
9. SLACC submits that the Applicant is required to produce at least the following additional information.
10. **Extent of Emissions:** The greenhouse gas emissions from combustion of the extracted coal (“**downstream GHG emissions**”) are likely significant indirect effects of the project the subject of the planning application (see para 101 of the Judgment). These emissions must be assessed by the Applicant in the Environmental Statement. The Secretary of State requires ‘comprehensive and high-quality’ information (para 153 in *Finch*) on the nature and quantity of downstream GHG emissions and their implications. The Applicant must take a “reasonable worst case” approach in that it must assess the emissions on the basis that all of the coal which it anticipates will be produced will be combusted, and must apply a “do nothing” baseline representing zero emissions without the proposed project.
11. SLACC notes that while the combustion emissions of the coal are the most important scope 3 emissions of the proposed mine, there are further upstream and downstream scope 3 emissions identified, for example, in the GHG Protocol which fall to be considered as part of the above exercise.
12. In determining the full GHG impact of the proposed mine, the Applicant will need to assess the extent to which the mine will cause methane emissions. Two matters are relevant:
 - a. Such assessment must include the emissions from the construction phase of the proposed development at the point the construction enters the relevant coal seams and methane emissions are first produced from tunnelling or tunnelling preparation. These emissions had not been assessed by the Applicant as part

of the application, although a rough calculation was belatedly provided mid-inquiry. Plainly, such emissions will need to be calculated accurately for the period until any purported methane capture (or other similar) system is claimed to operate at the proposed mine.

- b. Further, there is new information about the extent to which it is possible to capture methane from mines like that in issue in the application. The Applicant suggested at inquiry that the carbon capture technology proposed for use at the mine was so new that it had not been deployed in the UK before, but nevertheless submitted the system would be 100% effective. Since that time, the effectiveness of claimed methane capture mechanisms has been further scrutinised and the accuracy of that claim appears dubious. The Applicant will need to address what technology would be proposed to be used, and the percentage of emissions which the proposed capture system might retain (See further information on this matter below in the section on ‘material changes of circumstances’).
13. **Significance:** The updated ES will be required to assess the significance of the GHG emissions which will be caused by the mine. We address below the specific issues of substitution and offsetting. We note, first, that the Applicant will need to adopt a robust methodology for assessing significance. The Applicant should follow the approach in the current Institute of Environmental Management and Assessment (“**IEMA**”) guidance, *Assessing Greenhouse Gas Emissions and Evaluating their Significance* (2nd edn) (“**the IEMA GHG Guidance**”), which applies equally to the assessment of scope 3 emissions (as recently confirmed by IEMA⁴).
 14. Accordingly, as per the IEMA GHG Guidance, all additional GHG emissions should be considered significant. The crux is contextualising that significance. Key to this is Box 3 on pg 26 of the IEMA Guidance, which identifies the significance criteria indicating when a project will be major or moderate adverse, negligible or beneficial in terms of GHG impact.
 15. Contribution to reduction of GHG emissions consistent with a trajectory towards net zero by 2050: The ES will need to identify the relevant, cogent, trajectory for the purposes of meeting the UK’s net zero commitment. That could be, per the IEMA response to the *Finch* consultation, the UK’s Net Zero pathway, using an assumption that all the coal will be combusted in the UK.⁵ Or, as the coal could be exported and combusted anywhere in the world, the relevant decarbonisation pathway could be the International Energy Agency’s Net Zero Energy scenario.⁶ Or it could be assessed against Intergovernmental

⁴ <https://www.iema.net/resources/blogs/2025/jan/iema-advice-regarded-as-central-to-government-guidance-on-assessing-offshore-oil-and-gas-scope-3-emissions/>

⁵ Although this would not justify the Applicant claiming all the benefits of the coal would accrue in the UK or that the UK is a viable market for the coal – the assumption is made for EIA significance assessment purposes only

⁶ <https://www.iea.org/reports/global-energy-and-climate-model/net-zero-emissions-by-2050-scenario-nze>.

Panel on Climate Change (“**IPCC**”) decarbonisation scenarios, (although it should be noted that the IPCC publishes a very large number of these, so if the ES chooses to contextualise against an IPCC scenario, then it must be made very clear which scenario has been chosen and why, and what underlying assumptions animate that scenario).

16. Lock-in of GHG emissions: this considers the extent to which the project creates investment and other “path dependencies” that become self-reinforcing, making the transition to clean energy more difficult.⁷ All elements of lock-in are relevant: investment lock-in; infrastructure lock-in and behavioural lock-in. This would consider the risk of the new mine displacing investment in greener forms of steel making.
17. Mitigation of GHG emissions: at present, there is no mitigation available to scope 3 emissions. Substitution and offsetting are relevant, so they are addressed below.
18. Finally, although IEMA warns that comparison against the carbon budgets (either the UK carbon budget or a global carbon budget) is unlikely to cast light on significance given that a single project will always be a small part of such a budget, it is very likely that the ES will need to address the prevailing carbon budget at the time it is authored as well as the extent to which previous budgets have been met. SLACC flags that, in so doing, the Climate Change Committee gave its advice on the 7th Carbon Budget on 26 February 2025: 535 MtCO₂e, which is 87% below 1990 levels, by 2040. This will plainly need to be taken into account.
19. Substitution: The Environmental Statement will need to assess these emissions and their implications without reference to substitution, which if it occurs as a legally relevant effect, is a separate effect to be assessed separately (see para 108 of the Judgment). The Secretary of State will also require a description of measures envisaged to avoid, reduce or offset likely significant adverse effects on the environment arising from downstream GHG emissions.⁸ Assessments of downstream GHG emissions and measures to avoid, reduce or offset them must be undertaken in sufficient detail, and accompanied by an explanation with sufficient clarity on any underlying assumptions adopted in the assessment, for the public to understand and comment on the assessment.
20. If the Applicant maintains that the extracted coal will substitute to any extent for coal that will consequentially not be combusted elsewhere and that this will affect the nature/quantity of downstream GHG emissions, the Secretary of State will require comprehensive and high-quality assessment of:

⁷ Unruh, G. C. [Understanding carbon lock-in](#). *Energy Policy*, 28, p.817–830. (2000) ; Unruh, G. C. [Escaping carbon lock-in](#). *Energy Policy*, 30(4), p.317-325. (2002).

⁸ Art 5(1)(c) and Annex IV §7 of the EIA Directive [High Court Authorities Bundle **AB/50/1462**]; reg 24(1)(c)(iii) [**AB/4/44**] and Sch 4 Part 1 §5 [**AB/4/46**] of the 2011 Regulations

- a. the nature and quantified extent of that substitution and of any consequent effect on downstream GHG emissions;
 - b. the nature, extent and implications of any other demand that may arise for the coal that the Whitehaven coal is claimed to substitute for (see para 124 of the Judgment);
 - c. the causal mechanism by which such substitution arises and information to establish that causation in fact exists in this case, including identification of which mines it is said would close or would reduce production as a result of the Applicant's coal, such that the reduction can be taken into account as an 'effect of the project' under the 2011 Regulations; and
 - d. the extent of any transportation emissions which may arise in the context of transporting the product of the mine to its eventual combustion location.
 - e. We note here that any claim that substitution will occur must also examine the risk that new coal production will displace the use of cleaner energy sources.
21. **Offsetting:** The Secretary of State will require information on the deliverability of any offsetting arrangements proposed by the Applicant, which "was a relevant planning consideration which the Secretary of State had to take into account" (para 224 of the Judgment) and is also relevant to the contextualisation of significance of the project in EIA terms (see the IEMA Guidance). Unless the project and the proposed offsetting are both deliverable, the Applicant:
- a. will not be able to rely on offsetting to reduce the significance of the GHG impact of the proposed development; and
 - b. in applying the conclusions of the EIA more widely to planning policy considerations, will not be able to demonstrate benefits that "clearly outweigh" the project's environmental harm, which is necessary for a grant of permission to satisfy para 230(b) of the National Planning Policy Framework (December 2024, previously para 217(b)). Evidence on the availability and deliverability of the proposed offsetting arrangements as well as on the desirability of use of a substantial proportion of nationally available gold standard offsets, which are a limited resource, must therefore be presented by the Applicant and rigorously tested.
22. If the Applicant chooses to rely on offsetting, the Secretary of State will require updated information from the Applicant setting out the emissions that it is said will arise from the development and the quantity of offsets that the Applicant proposes to use. The parties and the public should then be able to consider this information and make submissions or provide further evidence on whether the Applicant's plans are realistic and deliverable or will e.g. give rise to an unacceptable impact on the availability of this 'finite resource'.

23. **International impacts:** It is convenient to deal with this matter here, although not strictly speaking an issue required to be canvassed in an updated ES (although it could be included). The Judgment makes clear that a principal important controversial issue in the application is the impact of the grant of planning permission on the UK's leadership role for achieving contributions from other countries to reducing GHGs and climate change. Given the Applicant treated the extent of GHG emissions from the mine as relevant to this question, the Secretary of State will require new detailed assessment of the likely international impact of the project in light of the updated ES (see paras 206-208 of the Judgment).
24. Importantly, in light of the Judgment, if there is reliance on any positive precedent effect of a 'net zero mine' leading to other similar projects, that would depend upon further offsetting arrangements and the Applicant must address the undesirability of use of that "finite resource" (para 210). The assessment of the project's international impact would therefore need to include detailed assessment of the impact and desirability of potential additional international use of offsets and the availability of sufficient offsets of a high enough standard if the Applicant relies on any precedential benefit from the mine.
25. **Updated Need Assessment:** Matters have progressed significantly in this area since the last ES was produced. It follows that the assessment of the need for the product of the mine in the Socio-Economic Chapter must be updated. This will require consideration, *inter alia*, of:
- a. How any proposed need for a coal mine can be squared with the Government's commitment to introducing legislation to ban new coal mines,⁹ with any such legislation which may have come into force at the time of the inquiry, and with any other such statements of policy or legislation which militate against fossil-fuel development.
 - b. The prevailing recommendations of the CCC for meeting net zero by 2050 in accordance with s.1 of the Climate Change Act 2008.
 - c. The extent to which steel is required in the UK and the extent to which that requirement can be met by existing supply of metallurgical coal (i.e. coal which has already been mined).
 - d. How any asserted claim as to the need for metallurgical coal in the UK might operate given both British Steel and Tata Steel¹⁰ have committed to closing their UK blast furnaces and are moving towards electric arc furnace technology (See further information on this matter below in the section on 'material changes of circumstances').

⁹ <https://www.gov.uk/government/news/new-coal-mining-licences-will-be-banned>

¹⁰ <https://www.bbc.co.uk/news/articles/c70zxjldqnxo>

- e. The extent to which the coal proposed to be extracted from the mine is capable of meeting the requisite standard for the blast furnace method of steel production, especially in light of the concerns raised by the CA.¹¹
- f. The extent to which (if at all) the blast furnace method of steel production will be in use in the UK and Europe at the time the mine is proposed to be operational and how long (if at all) such steelmaking technology will perpetuate on an industrial scale over the period the mine is proposed to operate. This will include an analysis of the popularity of green steelmaking technologies, and their uptake and efficiency in industry.
- g. The extent to which blast furnace steelmaking is used beyond Europe over the relevant period, and an accurate assessment of transportation emissions which might arise to locations where such steelmaking occurs.

Other updates to the ES likely to be needed

26. It is likely that some surveys relied on in the current ES are substantially out of date, having been conducted several years ago, and the Secretary of State should require these to be updated or undertaken again with corresponding updates to the assessments of impacts carried out, in particular where relevant guidance indicates that surveys of more than a certain age are out of date. In particular, this may apply:
- a. In relation to the Ecology chapter of the ES. For instance, protected species surveys have not been carried out since at least 2021. In the intervening four years, the site has rewilded further (for instance, bushy undergrowth and low growth is now more prolific in the main mining site), leading to potential change in biodiversity status and the potential for increased use of the site by protected species. Guidance states that planning permission can be refused if protected species surveys are not up to date.¹²
 - b. In relation to the in the Landscape and Visual impact chapter. Increased vegetation growth and informal recreational use of the site by local residents may affect the landscape and visual impact assessment. Due to the changes to the site, the current landscape and visual impact of the site is likely to have changed given increased screening from low growth. The LVIA also did not include consideration of the impact of the proposed development as experienced at the new housing allocation to the north of the site (HWH5 in the Copeland Local Plan), which should be given consideration.

¹¹ See para 137 of the Recommendation Report Relating to the Determination of Conditional Underground Mining Licence Applications
(https://assets.publishing.service.gov.uk/media/66fd2883e84ae1fd8592ec7f/Woodhouse_Colliery_recommendation_report_redacted.pdf)

¹² [Protected species and development: advice for local planning authorities - GOV.UK](#)

27. The Secretary of State should therefore make clear to the applicant that it needs to consider whether relevant policy or guidance requires updated surveys and/or other updates to the ES.

Updates to Planning Policy

Adoption of the Copeland Local Plan 2021-2039 (adopted November 2024)

28. The 2021 – 2039 Copeland Local Plan was given little weight (as an emerging plan) in the December 2022 decision. The now-adopted Local Plan includes an allocation for 532 dwellings to the North of the main mining site (site reference HWH5). Although indicative red line boundaries are not yet available, given the positioning of current housing along the seafront and main road it is likely this allocation will be in close proximity to the mine. As just set out in the section on the ES, amenity and visual impacts on new residents in this allocation will need to be considered when assessing the application.

Publication of the National Planning Policy Framework December 2024 (“NPPF 2024”)

29. So far as negative climate impacts are identified by a new ES, these are afforded additional weight by the new NPPF 2024. Paragraphs under “Meeting the challenge of climate change, flooding and coastal change” now give increased emphasis to the need for planning decisions to take account of and support mitigation of climate change. The previous para. 152 read: “The planning system should support the transition to a low carbon future...” This has been strengthened in the new para. 161 to read: “The planning system should support the transition to net zero by 2050...”, indicating additional weight to be given to the need for planning decisions to actively support progress on pathways to net zero by 2050 (some of these pathways are outlined above in para. 15).
30. Para. 163 is a new addition in the NPPF 2024:

163. The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.

Para. 163 will need to be taken into account when assessing the application in light of the updated environmental information above, as will the indication in the NPPF 2024 of increased national focus on the need rapidly to decarbonise.

Material Changes in Circumstances

31. There are a number of material changes in circumstances and/or fact which will need to be considered in detail and which will have implications for any further decision on whether to grant planning permission for the proposed mine. It will be necessary to consider the full ES from the Applicant before certain evidence can be provided (as would normally be done in any planning inquiry), given the likely implications that new

information on the environmental effects of the proposed development provided in the ES may have for the evidence that needs to be provided on these points.

32. New information provided by the Applicant relating to (at least) the purported need for the coal, the GHG emissions arising from the development, the quantum of any GHG offsets that may be required, and any purported precedential benefits or disbenefits of the mine may give rise to the need to provide further evidence. The Judgment (and the terms of the Secretary of State's consent in the claim) make clear that as part of a lawful EIA process, the applicant will need first to produce relevant information and assessments as part of the ES "at an early stage" and then the public are entitled to respond to such material and make submissions on the sufficiency of the material or other points which arise from the information. (see, in particular, paras 52, 116).
33. There will need to be detailed evidence on a number of these points in due course and submissions made on the implications of the new circumstances for the decision, should the called-in application proceed, but at minimum we would expect the points to arise.
34. A number of material changes in circumstance that (as set out above) should be covered in the updated ES, then subject to further consultation, include:
 - a. Announcement of UK Nationally Determined Contribution (NDC) committing the UK to reduce all GHG emissions by at least 81% by 2035 compared to 1990 levels, as formally published and presented to Parliament on 30 January 2025.¹³
 - b. Advice to the UK Government on the 7th Carbon Budget, and efficient pathways for achieving that carbon budget, from the Climate Change Committee ('CCC') released yesterday.¹⁴
 - c. New circumstances relating to the need for the coal: As noted above, the situation has changed markedly since the then-Secretary of State found, in relation to the need for the coal that "BF-BOF [blast furnace] production is likely to continue in the UK and Europe to around at least 2040 and possibly to 2050" and that there was "no certainty that Electric Arc Furnaces (EAF) will make a significant contribution to UK steel production in the short (5-10 years) to medium term (10-15 years) and agrees that whilst there is a likelihood that its use will increase across Europe, the extent to which this may be the case cannot be predicted with any degree of certainty" (DL para 19). Since that finding:

¹³ <https://www.gov.uk/government/publications/uks-2035-nationally-determined-contribution-ndc-emissions-reduction-target-under-the-paris-agreement/united-kingdom-of-great-britain-and-northern-irelands-2035-nationally-determined-contribution>

¹⁴ <https://www.theccc.org.uk/publication/the-seventh-carbon-budget/>

- i. Planning permission has been granted (or a resolution to grant made by the respective Council's planning committee) at both major UK steelworks for conversion from BF-BOF production to electric arc furnaces;
 - ii. The UK Government committed £500 million to a support package "which would see the two blast furnaces at Port Talbot replaced with an electric arc furnace" and media reports indicate that the EAF will be in operation by 2027 or early 2028; and
 - iii. A significant shift towards green steel-making technology in Europe and elsewhere has progressed.¹⁵
 - d. New information has emerged on the feasibility of the applicant's proposals on methane capture, which were a critical part of its claims that most of the emissions from the operations of the mine would be mitigated (and the remainder offset). One report estimated that the Cumbria mine, alone, would cause the UK to fail to meet international pledges it has made on methane emission reductions.¹⁶ SLACC anticipates that if the application proceeds, it may provide specific expert evidence on this issue.
35. As above, the Coal Authority's refusal of a coal license for the mine raises significant questions about the quality of the coal, the viability of the mine, and the extent to which subsidence may be of concern.
- a. Unfortunately, much of that decision is currently redacted, preventing the public from considering the expert advice the CA has received from Wardell Armstrong and the BGS on these issues and the conclusions that the CA reached in light of the information it holds and its internal expertise on these issues.
 - b. Given that the CA clearly holds highly relevant information on these issues, if the Applicant refuses to produce this as part of the ES, SLACC urges the Secretary of State to consult with the CA on these questions and on whether the environmental information provided to the inquiry properly accounts for the findings of the CA made when refusing the licence application.
 - c. This will of course be relevant to matters including the need for the coal (and whether it is properly classed as coking coal – or may, alternatively, be more

¹⁵ See, e.g. <https://www.carbonbrief.org/significant-shift-away-from-coal-as-most-new-steelmaking-is-now-electric/> (In addition to other points, the article notes that "Just 36% of steelmaking capacity announced in 2020 with a known production route used EAFs, while in 2023 that number had increased to 92% according to [the Report by Global Energy Monitor].")

¹⁶ See, e.g., Ember, Whitehaven coal mine approval jeopardises UK's international commitments, <https://ember-energy.org/latest-insights/whitehaven-coal-mine-approval-jeopardises-uks-international-commitments/>

likely to be used for thermal purposes, whether in steel making facilities or otherwise), whether the purported benefits from the mine are in fact likely to arise, the risk that the mine operator might (if the project is not viable) declare insolvency before the site is fully capped and reclaimed leaving the public with unsecured reclamation costs, etc.

36. Finally, we note that after the decision, the Applicant sought a finding from the local planning authority that a marine licence was not necessary for its under-sea works, despite the decision of the Secretary of State and Inspector clearly having relied upon this separate licencing process occurring (see e.g. DL para 16, IR 2.2). Various documents produced by the Applicant also relied on this licencing process, such as the shadow HRA, adopted by the Inspector and the Secretary of State.¹⁷ The Applicant's attempts to avoid the marine licencing process is a further material change in circumstances. Given the clear need for consideration of the potential effects on the marine environment, unless the Applicant bring forward measures other than the marine licence to mitigate these effects, a new condition will be required ensuring that such a licence is obtained before commencement of the proposed development.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'RBS', written over a horizontal line.

RICHARD BUXTON SOLICITORS

¹⁷ sHRA at 1.26, 3.7, 3.11.