

Submission to Highthorn Inquiry from the NE Region of the Green Party

Planning Inspectorate Reference APP/P2935/V/16/3158266

The North East Region Green Party of England and Wales wishes to make the following objections to the proposal for open cast coal mining at Highthorn. The application embodies an unsustainable and irresponsible approach, both in terms of local impacts in the Druridge Bay area and wider consequences. Northumberland County Council made, we argue, an unsound decision in approving the application. The evidence indicates that government policies and guidance ought to be interpreted as grounds for refusal.

We will focus on the first two questions in relation to which the Government has determined the Inquiry will assess the proposed development: the extent to which it is consistent with Government policies on Climate Change and with Government policies for conserving and enhancing the natural environment.

However we also wish to make clear our endorsement of the arguments put forward by local residents via the Save Druridge Bay Campaign group about other detrimental impacts such as noise, dust, road traffic and damage to the tourist economy.

We will argue that the proposal is unsound in that it contradicts the evidence about the urgent need to curtail all forms of coal mining. There is also compelling evidence that biodiversity across the country is at serious risk. Proposals threatening areas of particular wildlife significance cannot constitute the 'sustainable development' sought by the National Planning Policy Framework. Furthermore, this particular plan is ineffective in that it fails to deliver a plan for the long-term common good of the area. It is also not in accord with key national policies and international agreements.

First, however, we would ask the inquiry to reject a spurious argument that there is coal mining in other regions and countries and that it is therefore appropriate to mine coal at Highthorn. Such an argument has no legal validity.

Our main objections are as follows:

A. In relation to Question One on the extent to which it is consistent with Government policies for meeting the challenge of climate change by reference to NPPF Chapter 10:

1. There is now overwhelming evidence of the threat from climate change and the critical part played in that danger by the burning of coal.ⁱ This 'climate emergency' is the biggest issue of our lifetimes. Its resolution outweighs all other priorities. The priority now must be to leave all remaining coal in the ground, especially in richer countries such as the UK. It might be noted that when Peabody Coal, then the world's largest private coal operator, went to court to challenge those calling for the rapid phase out of the coal industry, it lost.ⁱⁱ
2. We note that, on November 4, 2016, the 'Paris Agreement' on climate changeⁱⁱⁱ came into force, with legally binding commitments for nations to act on rising global temperatures. This agreement has to be regarded as a minimum since the evidence now suggests that climate change and related warming is happening at an accelerating rate^{iv}. UK government policy is founded on the 2008 Climate Change Act, with its legally binding greenhouse gas emissions targets, and the likelihood is the UK climate action will follow the Paris agreement.^v
3. Furthermore, the recent Fifth Carbon Budget was accepted by the Government and passed into law on 30th June 2016, following the Committee on Climate Change's recommendations that the UK's emissions should fall to 57% below 1990 levels between 2028 and 2032. However, as the Committee pointed out in its report in October 2016 "The UK's target to reduce emissions... is challenging, but can be met... Scenarios generally involve... deep reductions in emissions from power... (p.10)". "Current policy in the UK is

not enough to deliver the existing carbon budgets that Parliament has set... The Government should publish a robust plan of measures to meet the legislated UK carbon budgets... (p.12)”.

4. We would further stress that there is no case for claiming that coal can be made ‘clean’ via technological innovation.^{vi} It is of course highly relevant that the DECC has stated that “the government is absolutely committed to phasing out power production from unabated coal by 2025 and it is nonsense to suggest otherwise”.^{vii} The NPPF calls for “radical reductions in greenhouse gas emissions”. The Highthorn application clearly contradicts government intent, including recent planning guidance.^{viii}
5. The costs of ‘renewables’ and batteries continue to fall each year, as is well documented. Indeed so rapid are the advances that the argument about the ‘need’ for more coal production is undermined by those very developments alone. We are living through an energy revolution and it would be unsound to ignore its impacts on the current energy supply and demand.
6. The overall ‘architecture’ of the energy system is changing too, partly due to digital technologies. The latter favour flexibility rather than volume, as was the case in previous systems of high volume coal production and centralised power generation. Investment in developments such as that proposed for Highthorn is not only damaging but also retrograde.^{ix}

Professor Sir John Lawton CBE FRS, Chair of the Royal Commission on Environmental Pollution, 2005-2011, has said that the Highthorn project “would lock us in to continuing to burn coal for years and is dangerously unacceptable.”

7. Remaining coal is now best left in the ground for the sake of containing carbon emissions and resulting temperature rises^x. The coal market is heading for crisis. In particular, a so-called ‘carbon bubble’, with ‘stranded assets’,^{xi} is dangerously building, as climate change policies further bite into coal consumption. Power generation from coal in the UK is falling by record amounts^{xii} and many other countries are seeking cutbacks, including China.^{xiii} This point raises questions about the capacity of operators such as Banks to deliver commitments to restore the site once mined. There is sound evidence to suggest that companies dependent on income from coal could face real financial difficulties in the near future.^{xiv}
- B. In relation to Question 2, the extent to which it is consistent with Government policies for conserving and enhancing the natural environment by reference to NPPF Chapter 11:
8. It is widely recognised that the Druridge Bay area is of special landscape and wildlife significance. However, recent evidence has spotlighted the parlous state of biodiversity in the UK.^{xv} It demonstrates that core biodiversity areas must be protected from disturbance. The impact from open cast coal mining cannot but be serious. In the case of Highthorn, coal mining would seriously contradict stated government policy in the field of biodiversity and ecosystems.^{xvi}
 9. Regulation of open cast coal mining has a poor history. There is no reason to make the assumption that ‘Highthorn’ will be better, whatever the applicants may claim.^{xvii} We would support the argument of the RSPB that there is evidence of systematic regulatory and market failure.^{xviii} Debate in parliament last year spotlighted just how high the costs of restoration on existing sites have become.^{xix}
 10. The very notion of ‘reclamation’ flows, of course, from the degradation of land caused by open cast coal mining. That, in turn, begs questions about the extent to which land can be fully restored. Elsewhere, we provide evidence about the capacity of open cast operators to honour whatever commitments they undertake in the light of both developments in the current coal market and the developing ‘carbon bubble’. ‘Non-restoration’ is a real

possibility.^{xx} The submitted restoration plans do not provide a suitable level of certainty that restoration will be delivered. In particular, it seems that land will remain with or revert to current landowners and no robust mechanism has been set out which gives sufficient assurance that the restoration plans will actually be delivered on the ground.

11. We endorse the Government's 'Natural Choice' White Paper of 2011^{xxi} when it stated "we will take a strategic approach to planning for nature... We will retain the protection and improvement of the natural environment as core objectives of the planning system. ...We will improve the quality and increase the value of the natural environment across England."

In conclusion the North East England Green Party calls for the rejection of the Banks application. Its costs outweigh any benefits, the latter being, at best very short-term (the lifetime of the site working) and, more likely, uncertain in the context of rapidly changing energy markets. The legacy would be severe and unnecessary damage to an area much cherished across the region and beyond, with better options for truly sustainable development foregone.

We propose instead, following the spirit of the above white paper, a network of nature reserves expanded across the whole of Druridge Bay and its immediate hinterland, creating a world-class example of biodiversity action planning.^{xxii} It could be coupled to 'wildlife tourism' and other compatible recreational opportunities, all of which can feed money into the local economy on a lasting basis.

At the same time, we support the expansion of sensitively planned and appropriately located renewable energy, particularly solar energy schemes for all homes and energy conservation programmes, particularly super-insulating all homes, in the area. These two goals can be harmonised for the sustainable common good of all.^{xxiii}

References

ⁱ For an overview of why coal must be rapidly phased out, see:

<http://www.ucsusa.org/clean-energy/decrease-coal-use#.WBy12XecaWY> and

<http://oneworld.org/2016/09/26/global-warming-flashpoint-could-be-reached-by-2050-warn-scientists/>.

The Intergovernmental Panel on Climate Change Fifth Assessment Report (AR5) is widely recognised as the most comprehensive reference point. The WGIII Mitigation Report is of most relevance, in particular the Summary for Policymakers (IPCC, 2014: Summary for Policymakers. In: *Climate Change 2014: Mitigation of Climate Change. Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* http://www.ipcc.ch/pdf/assessment-report/ar5/wg3/ipcc_wg3_ar5_summary-for-policymakers.pdf and the Technical Summary (Edenhofer *et al.* 2014: Technical Summary. In: *Climate Change 2014: Mitigation of Climate Change. Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*) http://www.ipcc.ch/pdf/assessment-report/ar5/wg3/ipcc_wg3_ar5_technical-summary.pdf

A recent study has also concluded that, to have a 50:50 chance of limiting global warming to 2 degrees C, one third of oil reserves, half of gas reserves, and over 80% of coal reserves should remain unused. [McGlade, C., Ekins, P., 2015. *The geographical distribution of fossil fuels unused when limiting global warming to 2°C* Nature, 517, 187-190].

Some key data sets are laid out here: http://www.pik-potsdam.de/~stefan/5datasets_rahmstorf.pdf

Recent evidence is summarised here:

<https://newrepublic.com/article/136987/recalculating-climate-math>.

See also:

<http://responsiblescientists.org> (statement by 375 leading scientists, including 30 Nobel Prize winners);

https://www.researchgate.net/publication/306531229_Limiting_global_warming_to_2_C_What_do_the_latest_mitigation_studies_tell_us_about_costs_technologies_and_other_impacts;

<http://www.nature.com/nclimate/journal/v5/n6/full/nclimate2572.html>;

<https://mitpress.mit.edu/books/why-are-we-waiting>;

The WMO has produced a new study of global temperatures:

<http://public.wmo.int/en/media/news/carbon-dioxide-levels-atmosphere-spike>

Against this background, the NPPF states at Ch 10, para 93 that:

“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions... and supporting the delivery of renewable and low carbon energy... This is central to the economic, social and environmental dimensions of sustainable development...”

At para 95: “To support the move to a low carbon future, local planning authorities should: - plan for new development in locations and ways which reduce greenhouse gas emissions....”

At para 97: “ To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources....”

It is accepted that the burning of the coal that would be extracted from the Highthorn site would contribute to CO2 emissions. Whilst the Strategic Planning Committee in July 2016 noted that the NPPF is a significant consideration in this case which should carry substantial weight, it concluded that establishing the extent of CO2 emissions from the Highthorn site would be “based on very generic estimates and assumptions and so little reliance could be placed on any conclusions. What can be stated is that projections indicate that more than 3 million tonnes of coal would be required for use over the lifetime of the Highthorn site.” It contradicts the spirit of Ch 10 of the NPPF to set aside the obvious emissions that will be produced at Highthorn. Moreover, the NPPF does not require specific amounts to be taken into account for a development to be contrary to Ch 10 considerations (particularly paras 93, 95, 97 above). It appears that these matters were significantly overlooked.

ⁱⁱ <https://www.theguardian.com/environment/climate-consensus-97-per-cent/2016/may/11/coal-made-its-best-case-against-climate-change-and-lost>

ⁱⁱⁱ http://unfccc.int/paris_agreement/items/9485.php and <http://www.legislation.gov.uk/ukpga/2008/27/contents>

The Paris Agreement is a legally binding climate agreement, which commits all member nations to a goal of keeping the increase in global average temperature to below 2 degrees C (with the aim of 1.5 degrees C) above pre-industrial levels. To achieve these goals, member nations agreed to rapidly reduce GHG emissions to achieve net zero emissions post 2050 and each nation must put in place mitigation measures to achieve the objectives of that nation’s contribution.

The Climate Change Act 2008 (CCA) establishes legally binding emissions targets for 2050 and five yearly binding targets leading up to that date. Between the years 2018 and 2022 the average annual reduction target is 35% compared to 1990 GHG emissions levels, the aim being to reduce emissions by 80% by 2050. The CCA also contains provisions enabling the Government to push forward strategies to achieve these targets and *requires* the Government, amongst other things, to introduce policies to do so. Whilst progress has been slow, in November

2015 the Government committed to ensuring coal power would be phased out by 2025

<https://www.gov.uk/government/speeches/amber-rudds-speech-on-a-new-direction-for-uk-energy-policy>.

During a period in which we hope to have achieved a 35% reduction in emissions, the proposed development at Highthorn would conversely contribute to an increase in emissions. The proposal is clearly at odds with the UK's international obligations and ambitions.

^{iv} <http://capacity4dev.ec.europa.eu/unep/document/emissions-gap-report-2016-unep-synthesis-report> ;
<http://data.giss.nasa.gov/gistemp/news/20161017/>

^v <https://www.theccc.org.uk/publication/uk-action-following-paris/>

^{vi} Fixes' such as carbon capture and storage are still not proven technologies. Assuming they work and can avoid attendant risks (carbon leakage, etc), their deployment could not come soon enough to make any material difference and in any case they fail to solve other problems inherent in the 'coal cycle'. See: <http://www.climatechangenews.com/2012/10/02/carbon-capture-and-storage-time-to-bury-the-myth/> and <https://www.technologyreview.com/s/516166/what-carbon-capture-cant-do/>. Indeed some 'clean coal' projects have been rather a disaster eg <https://www.cato.org/blog/admitting-futuregens-failure> The evidence suggests that 'clean coal' is an oxymoron (<http://www.popularmechanics.com/science/energy/a4947/4339171/> and <http://www.environmentalhealthnews.org/ehs/news/2015/jun/10-reasons-clean-coal-is-a-marketing-myth>)

^{vii} <http://www.telegraph.co.uk/business/2016/06/03/government-denies-watering-down-coal-power-phase-out/>

^{viii} <http://planningguidance.communities.gov.uk/blog/guidance/renewable-and-low-carbon-energy/developing-a-strategy-for-renewable-and-low-carbon-energy/>

Further key guidance planners considering an application for open cast coal extraction should be following is in the IPCC Report [Summary for Policymakers p.24] and in the NPPF Ch 10.

^{ix} Currently, peak demand for electricity in Britain is some 60GW for a very short time on the coldest day. Baseload demand is around 30GW. The total generating capacity available is some 85GW. Energy efficiency has reduced electricity demand by 25TWh since 2010. A McKinsey report for the Government estimates that by 2030 demand could be reduced by a further 23% while reducing consumer bills. For a DECC response to the possibilities, see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/246125/government_response_e_dr_consultation.pdf.

Solar electricity from solar power is now cheaper than Hinkley having fallen by half in the last five years. Solar panels now provide about 1GW, half of which was delivered in 18 months. In cloudy Britain, solar exceeded coal over the last 6 months. Globally, renewables overtook coal as the world's largest source of power capacity (<https://www.weforum.org/agenda/2016/10/renewables-have-overtaken-coal-the-iea-says-its-a-turning-point/> ; <https://www.theguardian.com/environment/2016/oct/25/renewables-made-up-half-of-net-electricity-capacity-added-last-year>; http://www.pv-magazine.com/news/details/beitrag/iea-ups-renewable-forecast-13--hails-impressive-progress-of-pv-manufacturers_100026637/#axzz4P98hgmHb).

The data indicates that policies based on inflexible system (eg coal mining and centralised generating plant) are likely to be unproductive investments, regardless of other considerations. Investment in an integrated mix of renewables, and in efficiency and conservation programmes is truly 'sustainable development' (on efficiency, see: <http://www.iea.org/eemr16/> and http://www.climateworks.org/wp-content/uploads/2015/11/ExecSummary_How-Energy-Efficiency-Cuts-Costs-For-A-2-Degree-Future.pdf .

For an overview of the renewables revolution from the International Energy Agency see:

<https://www.iea.org/newsroom/news/2016/october/medium-term-renewable-energy-market-report-2016.html>

See also: http://www.ren21.net/wp-content/uploads/2016/06/GSR_2016_KeyFindings1.pdf. This report from President Obama's advisors demolishes one common myth about renewables and obstacles to their deployment: https://www.whitehouse.gov/sites/default/files/page/files/20160616_cea_renewables_electricgrid.pdf

Personal communication from Professor Sir John Lawton CBE FRS to Dr David Golding CBE, Newcastle University, 13th June 2016.

^x <http://www.nature.com/nature/journal/v517/n7533/full/nature14016.html>

^{xi} Several references can be found here: <http://www.carbontracker.org/?s=carbon+bubble>

See also:

<http://blog.ucsusa.org/tag/king-coals-stages-of-grief#.WBy1qXecaWY> and

<http://www.carbontracker.org/report/stranded-assets-danger-zone/>.

The 'bubble' is visualised here:

<https://thinkprogress.org/infographic-the-22-trillion-carbon-bubble-d15a0837295f#.jpbq9dw0c>

^{xii} <https://www.theguardian.com/environment/2016/nov/02/uk-coal-powered-electricity-projected-to-fall-by-record-amount>

^{xiii} <http://www.independent.co.uk/environment/china-coal-power-stations-plants-electricity-supply-green-energy-greenpeace-a7134596.html>

^{xiv} <https://www.theguardian.com/environment/2016/apr/13/worlds-largest-coal-producer-files-for-bankruptcy-protection> ;
<http://www.bloomberg.com/news/articles/2016-01-21/the-coal-miner-on-everybody-s-list-as-next-bankruptcy-victim> ;
http://www.heraldscotland.com/business/13104332.Scottish_Coal_liquidation_leads_to_dispute_over_clean_ups/
<https://www.theguardian.com/environment/2016/apr/18/vattenfall-exits-german-coal-unit-as-it-seeks-sustainable-energy>
<https://www.ft.com/content/072b6e80-8469-11e5-8e80-1574112844fd>

^{xv} <https://ww2.rspb.org.uk/our-work/stateofnature2016/>

^{xvi} <http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/11-conserving-and-enhancing-the-natural-environment/> and
<https://www.gov.uk/government/publications/2010-to-2015-government-policy-biodiversity-and-ecosystems/2010-to-2015-government-policy-biodiversity-and-ecosystems>

The NPPF at para 109 states that “the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes
- Recognising the wider benefits of ecosystem services
- Minimising the impacts on biodiversity and providing net gains in biodiversity
- Preventing...development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution...”

It is not only that Druridge Bay is widely recognised as an areas of special landscape and wildlife significance, but as an area of outstanding natural beauty (AONB) and adjacent to various SSSIs including a Ramsar site. The presumption in favour of sustainable development set out in the NPPF does not apply in the case of AONB: the separate policies at para 115 and 116 take precedence.

115 states: “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”

And at 116: “Planning permission should be refused for major developments in these designated areas except in exceptional circumstances where it can be demonstrated they are in the public interest.” The need for the development must be weighed against and any detrimental effect on the “environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

This affords a high level of protection to AONBs under national planning policy. In one (housing) case where the extent to which the restriction on development by Ch 11 of the NPPF was considered (*R v Cornwall Council* [2013] EWHC 3684 (Admin)) Hickinbottom J concluded that: “*Even if there were an exceptional need for affordable housing in an area, that would not necessarily equate to exceptional circumstances for a particular development, because there may be alternative sites that are more suitable because development there would result in less harm to the AONB landscape.*”

This emphasises that factors outweighing the need to preserve the landscape and environment must be exceptional, and even where this threshold is met, a development may not be appropriate as alternative sites may result in less harm to the AONB. This balancing exercise must be carried out properly. We argue that the factors in favour of development are neither exceptional nor (if they were exceptional) do they outweigh the need to prevent harm to this protected site.

Under NPPF para 118 “when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity” and the proposal at Highthorn does not meet this.

^{xvii} <https://www.east-ayrshire.gov.uk/Resources/PDF/C/Coal-Independent-Review-of-the-Regulation-of-Opencast-Coal-Operations-in-East-Ayrshire---Redacted-report-by-the-Independent-Review-Team.pdf>

^{xviii} https://www.rspb.org.uk/Images/briefing_coal_tcm9-365075.PDF

^{xix} <http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm150129/debtext/150129-0004.htm>

It adds up to over £469m and that total is probably an underestimate. The cost of restoring the Potland Burn site, for example, was put at £ 3.86m, the East Pit site £112.5m, and the Parc Slip site £52.5m.

^{xx} <http://gov.wales/topics/planning/planningresearch/publishedresearch/failure-to-restore-opencast-coal-sites-in-south-wales/?lang=en>. Here are some examples: <http://stopopencast.org.uk/index.html%3Fp=382.html>;
<http://www.bbc.co.uk/news/uk-wales-30504447> Part of the problem is the gap likely to emerge between monies

set aside by coal companies for promised work and actual full costs for proper restoration eg
http://www.heraldscotland.com/news/13108170.Coal_firm_gives_just_1m_for_clean_up_of_disused_mines/
and
http://www.heraldscotland.com/news/13135416.Councils_left_with_200m_shortfall_in_funds_to_clean_up_opencast_mines/

Some more cases are documented here: <https://www.theguardian.com/commentisfree/2015/apr/28/big-coal-keep-it-in-the-ground-energy-opencast-mines>

^{xxi} https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228842/8082.pdf

^{xxii} The NPPF calls for “a plan for biodiversity at a landscape-scale” (NPPF, 117, bullet point 1)

^{xxiii} This report explores the resolution of possible conflicts between biodiversity and renewable energy projects of the kind the Green Party would advocate on land and offshore in Northumberland:
http://www.rspb.org.uk/Images/energy_vision_summary_report_tcm9-419580.pdf