

**APPEAL REF: APP/H0900/V/21/3271069**

**Former Marchon Site, Pow Beck Valley and area from Marchon Site to St Bees Coast, Whitehaven, Cumbria**

**PRE-IQUIRY NOTE – EVIDENCE TO BE CONSIDERED IN THE INQUIRY**

1. Following receipt of the signed Statement of Common Ground between the applicant and the Council on 6 August 2021 the main issues identified in paragraphs 9 to 11 of the Case Management Summary Note dated 14 June 2021 remain extant.
2. However, not all of these matters need to be considered by the formal presentation of evidence in the Inquiry and can be considered on the basis of round table sessions or by the exchange of written evidence only.
3. It is considered that the following matters will be considered by the formal presentation of evidence:
4. The extent to which the proposed development is consistent with Government policies for meeting climate change.
5. The extent to which the proposed development is consistent with Government policies for flooding and coastal change.
6. The need for the coal having regard to the likely future demand and use of the coal in the steel industry, including the consideration of alternative technology for the steel industry.
7. The effect of the proposed development on employment and the national and local economy
8. Planning considerations including:

* The extent to which the proposed development is consistent with the development plan.
* The extent to which the proposed development is consistent with Government policies for facilitating the sustainable use of minerals.
* Whether the proposed development would be environmentally acceptable or could be made so by planning conditions/obligations, and if not, whether national, local or community benefits would clearly outweigh the likely impacts.

1. The following matters are appropriate to be considered by means of round table sessions:

1. The effects of the proposed development on biodiversity.
2. The effects of the proposed development on the character and appearance of the area.
3. Planning conditions/obligations.
4. The matters below are appropriate to be considered on the basis of written evidence. In the main, the Inspector will consider the written evidence and consultation responses received regarding these matters but parties are invited to supplement this where considered appropriate. It is also noted that revised traffic modelling is to be provided as part of the Regulation 22 requirements with regard to issue ‘l’.

1. The effects of the proposed development on local amenity, including users of the public rights of way network.
2. The effects on heritage assets.
3. The effects of tourism and recreation.
4. The effects on the efficient and safe operation of the local highway network.
5. It is recognised that considerable information, particularly in respect of greenhouse gas emissions and climate change, has still to be submitted and therefore the Inspector is mindful that these matters will need to be considered towards the end of the Inquiry Programme.
6. It is also noted that the late provision of the SoCG has caused a corresponding delay to the provision of further guidance by the Inspector regarding the matters to be considered in the Inquiry and the ability of the parties to respond to the SoCG and evidence compilation.
7. The deadline for the submission of proofs was identified as being   
   **10 August**. It is still expected that main proofs will be provided by this date. However, given the circumstances above, the Inspector is prepared for parties to submit any supplementary/additional proofs in respect of issues ‘c’ to ‘l’ above by **24 August** with the deadline for any rebuttal proofs extended to **31 August**.
8. Given that issues ‘a’, ‘b’ and ‘l’ are matters which are relevant to some degree on the information being prepared as part of the Regulation 22 Notice, it is recognised that final proofs of evidence in respect of these matters cannot be prepared by either the 10 or 24 August. Consequently, the Inspector considers that the Rule 6 parties will have no later than two weeks before that evidence is programmed to begin to be heard, to submit any supplementary proofs of evidence, along with any necessary rebuttal proofs of evidence. The applicant will be provided with an opportunity to submit any rebuttal one week before that evidence is programmed to begin to be heard.
9. A draft Inquiry Programme reflecting the above is intended to be provided to all parties by **17 August** with responses required by   
   **23 August**.
10. All of the above is on the basis that the Inquiry will open at 10.00 on **Tuesday 7 September** and proceed as scheduled**.** However, it is recognised that there is still a considerable amount of information required to be submitted and considered.
11. The Inspector is of the view that the Inquiry will open on the identified date but there will be early consideration of the matters that are subject to the Regulation 22 Notice and whether these can be reasonably considered within the current identified sitting dates. Whilst some matters remain unaffected by this additional information and can proceed to be considered, the Inspector is also mindful that a considerable amount of the planning evidence cannot be reasonably considered also until the Regulation 22 information has been submitted and carefully considered by all parties.
12. As a consequence of the above, the Inspector is of the view that there is a potential that aspects of the Inquiry may need to be subject to adjournment. At this stage no formal view on this matter can be given. However, on the opening day the Inspector will have discussions with all parties on the Inquiry Programme, the extent to which any matters can proceed to consideration and the extent to which matters, if any, may need to be subject to an adjournment.

Stephen Normington

INSPECTOR

9 August 2021