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## Climate groups to contest High Court refusal to hear legal challenge against Cumbria coal mine

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Press release

With world in accelerating climate crisis, these issues cannot be ignored.

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### Issued by Friends of the Earth and South Lakes Action on Climate Change (SLACC)

Friends of the Earth and South Lakes Action on Climate Change (SLACC) will ask the High Court to reconsider its refusal today to hear a legal challenge over the government's decision to grant planning permission for a new coal mine in Cumbria.

Claimants have a right to a specially convened hearing to try and persuade the court to change its mind, and such challenges often succeed.

Friends of the Earth and SLACC sought permission for a legal challenge after Michael Gove, Secretary of State for Levelling Up, Housing and Communities, gave planning permission to the controversial coking coal mine in December 2022. The organisations were the two main parties opposing the coal mine at the planning inquiry which took place in September 2021.

The organisations contend that Mr Gove failed to account for the significant climate impacts of the mine, including the acceptability of carbon credits to offset the mine's emissions, the international precedent that opening a new mine would set and the impact of opening the mine on the global coal market.

#### Friends of the Earth campaigner Tony Bosworth said:

*"This isn't the decision we had hoped for, but it isn't the end of the line. We still believe that giving the go ahead to the Whitehaven coalmine was unlawful and we will be asking the court to reconsider its decision."*

*"Opponents of the mine raised critically important, climate-related questions in the planning inquiry, but these were either fudged or avoided. With the world in an accelerating climate crisis, these issues cannot be ignored."*

#### Carole Wood, chair of SLACC, said:

*"We are disappointed with this decision, but we and our legal team are firmly of the view that there are legal errors in the government's decision to permit the mine."*

*"The government sought to turn a blind eye to the climate impacts from burning the coal that will be produced by the mine, and we look forward to a hearing to consider whether this approach can be lawful."*

Since the mine was approved, its need has been further undermined after it emerged that the UK government is in discussion with UK steel manufacturers about how to decarbonise the industry by moving away from coal.

**ENDS**

#### Notes to editors:

A short summary of SLACC's case can be found [here](#)

An outline of the grounds for Friends of the Earth's legal challenge is available [here](#)

SLACC is represented on this case by Matthew McFeeley of Richard Buxton Solicitors and by Estelle Dehon KC and Rowan Clapp of Cornerstone Barristers.

Friends of the Earth is represented by Rowan Smith at Leigh Day solicitors, and by Paul Brown KC, Alex Shattock (both Landmark Chambers) and Toby Fisher (Matrix Chambers). Friends of the Earth's lead in-house lawyer on the case is Niall Toru. A Friends of the Earth briefing on the Whitehaven coal mine – published ahead of the government's decision to approve the mine [here](#) .

**About South Lakes Action on Climate Change (SLACC):** SLACC is a small charity based in Kendal, Cumbria. For more information visit [www.slacc.org.uk](http://www.slacc.org.uk) or follow us at @slacc

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