Representation by the Weald Action Group (WAG) to Planning Application NY/2025/0030/ENV

12th January 2026

WAG[1] is a collaboration of community groups and campaigners against all forms of oil and gas extraction across the Weald and the south of England with extensive experience scrutinising onshore fossil fuel developments. We, with Sarah Finch as the claimant, initiated the Horse Hill Development onshore oil judicial review which ultimately led to the June 2024 Supreme Court landmark judgment *R (Finch on behalf of Weald Action Group) v Surrey County Council [2024]*, requiring oil and gas developers to assess the climate impact of the downstream combustion emissions.

OVERVIEW

- In light of the current National Planning Policy Framework consultation and the government's intention to remove the requirement to give "great weight" to the benefits of onshore oil and gas extraction we request that the Council defer a decision on this application until the revised national policy is in place.
- A deferral would allow planners and councillors to determine the application on an up-to-date policy footing and avoid unnecessary risk. Importantly, it would also allow time for the applicant to provide key missing information - including a Hydraulic Fracture Plan, a 3D seismic survey, and detail regarding the full climate impacts of the proposal.
- **Should the Council not be minded to defer this application, then we are of the strong opinion - particularly in light of key missing information - that it should be refused.**

DETAILED RESPONSE

1. Under planning law the application constitutes hydraulic fracturing

Europa repeatedly asserts[2] that the proposed proppant squeeze does not involve "fracking" because it falls outside the narrow statutory definition in the Infrastructure Act 2015 (and related Petroleum Act) and used for the purposes of the national moratorium. Despite referring to it as fracking in an email to North Sea Transition Authority[3] (NSTA) on June 24 2024.

That definition is not determinative for planning purposes and risks confusing the policy framework that the Council is legally required to apply.

Planning law does not use the Petroleum Act definition of fracking. For planning purposes, the relevant definitions for this application are those contained within:

- the National Planning Practice Guidance (NPPG), and
- the North Yorkshire Minerals and Waste Joint Plan.

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[1] https://www.wealdactiongroup.org.uk

[2] Cloughton Planning Statement, Cloughton - ES Non Technical Summary Volume IV and Statement of Community Involvement_Redacted

[3] https://www.whatdotheyknow.com/request/communications_regarding_proppan/response/2866516/attach/html/16/Europa%20doc%203%20Redacted.pdf.html

These apply a broader, functional definition of hydraulic fracturing, which captures any operation that fractures rock by injecting fluids under pressure regardless of the volume of fluid used. By the applicant's own description, the proposed proppant squeeze would:

- inject fluids and proppant into the well,
- at pressures sufficient to fracture rock,
- in order to enhance gas flow from the reservoir.

Under national planning guidance and the adopted Joint Plan referred to above, this application constitutes hydraulic fracturing for planning purposes, irrespective of whether it falls outside the statutory moratorium definition.

The attempt to draw a distinction between “fracking” and “proppant squeeze” obscures what is actually being proposed. It downplays well-established risks linked to subsurface oil and gas well stimulation, including induced seismicity and methane leakage, and risks diverting councillors attention away from the correct planning policy tests.

A detailed hydraulic fracture plan (HFP) and supporting 3D seismic survey are required before any proppant squeeze operations can proceed. The seismic survey is not expected until early 2026.

The Council is therefore being asked to determine this application without the information needed to understand the nature and scale of subsurface fracturing proposed, how associated risks would be managed, or whether impacts could realistically be controlled by planning conditions.

In short, the application should be assessed as hydraulic fracturing for planning purposes, under the NPPG and relevant Joint Plan policies (including M16, M17 and M18). In the absence of an HFP and 3D seismic survey any determination at this stage would be premature.

2. The applicant fails to lawfully address climate impacts and Scope 3 emissions

The Supreme Court in *Finch v Surrey County Council* confirmed that where a development would enable the extraction of fossil fuels, the climate impacts of their eventual combustion are capable of being:

- a direct consequence of the development, and
- a legally required consideration within EIA.

This is now settled law.

Europa's emissions reporting explicitly excludes Scope 3 Category 11 emissions (emissions from the combustion of the gas produced), on the basis that the proposal is “appraisal only”.
This position is unsustainable for three reasons:

i) Purpose of the development:

The sole purpose of appraisal drilling, proppant squeeze and extended flow testing is to determine whether gas can be commercially extracted. Without combustion, the development has no rationale.

ii) Evidence of progression beyond appraisal:
The Planning Statement and Environmental Statement include references to:

- extended testing periods,
- retention of equipment, and
- discretionary flow testing of up to several weeks,

all of which point toward a pathway to production.

iii) Planning consequence of approval:
Granting permission would materially advance the likelihood of gas extraction and combustion. The Council cannot disregard those downstream effects.

The latest climate science shows that continued expansion of fossil fuel extraction is incompatible with meeting climate objectives[4]. Where climate impacts are assessed in this application, they are framed as a small percentage of UK carbon budgets. This approach is misleading.

Any individual fossil fuel project can be made to appear insignificant when compared to a national total. This does not reflect:

- the cumulative effect of multiple developments,
- the rapidly diminishing remaining global and national carbon budgets consistent with climate targets,
- or the global nature of climate impacts.

The application therefore fails to provide a legally robust or decision-useful assessment of climate impacts and a planning decision should not be taken until a robust assessment is undertaken and made available.

3. A decision on this application should not be made until the revised National Planning Policy Framework (NPPF), currently under consultation, is in place

Friends of the Earth have drawn attention to the government's publication, in December 2025, of a draft revised NPPF and requested a deferral until new changes have been made. This revised NPPF proposes significant changes to the way planning decisions should treat onshore oil and gas development, explicitly in recognition of the need to transition away from fossil fuels to address climate change.

Of particular relevance to this application is the government's proposal to remove the requirement to give “great weight” to the benefits of onshore oil and gas extraction. The applicant's Planning Statement relies heavily on that presumption to tilt the planning balance in favour of approval.

[4] https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_LongerReport.pdf and https://www.iisd.org/system/files/2022-10/navigating-energy-transitions-mapping-road-to-1.5.pdf

Europa has recently argued that draft policy should be treated with caution, but emerging national policy cannot simply be ignored where the direction of travel is clear and driven by climate considerations. The applicant's attempt to rely on NPPF draft policy S5[5] to suggest the planning balance is unchanged depends on a preferential weighting the government intends to remove, and that argument cannot be relied upon.

This is not about treating the draft NPPF as settled policy, but about procedural fairness. Determining this application now, while consultation on changes to national policy is still underway, and where the applicant's case relies heavily on a presumption the government has said it intends to remove, would be procedurally unsound.

Given that a North Yorkshire councillor has sought guidance from the government on imminent policy and legal changes relevant to this application, determination should be deferred until that response is received.

We request that the Council defer a decision on this application until the revised national policy is in place. A deferral would allow planners and councillors to determine the application on an up-to-date policy footing and avoid unnecessary risk. Crucially, it would also allow time for the applicant to provide the key missing information mentioned previously in this response - including the provision of a Hydraulic Fracture Plan, a 3D seismic survey, and detail regarding the full climate impacts of the proposal.

4. The opacity regarding the financial status of the applicant indicates that should this application be approved - WHICH WE DO NOT RECOMMEND - that a secured financial provision for the restoration of the site is justified and should be required

National planning policy requires clear and deliverable arrangements for site restoration and aftercare. While bonds are not expected as a matter of routine, the NPPF and NPPG are clear that secured financial provision may be justified where there are reasonable concerns about whether restoration can be delivered in all circumstances.

In this case, the application relies heavily on assurances that financial matters are dealt with through the licensing regime and oversight by the NSTA. That reliance is misplaced. The NSTA's own financial guidance (Section 1.6 of Financial Guidance[6]) is explicit that its assessments are not a substitute for financial due diligence by Mineral Planning Authorities, and the Council must therefore form its own view on financial stability, and whether restoration liabilities will be properly secured.

The proposal involves technically complex well stimulation and extended flow testing, and the applicant has acknowledged that further external funding is required to progress the project. Restoration obligations must be met regardless of whether that funding materialises or whether operations cease early.

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5 https://assets.publishing.service.gov.uk/media/6941965758a21370f58f304e/Draft_NPPF_December_2025.pdf

6 https://www.nstauthority.co.uk/media/8011/financial-guidance-august-2018.pdf

Given the sector's track record of delayed or incomplete site restoration[7], this is precisely the type of risk national policy envisages when allowing secured financial mechanisms in exceptional cases.

Following Egdon Resources' takeover and subsequent delisting[8], there is reduced routine public financial disclosure in relation to the proposed operator compared with an AIM-listed company. In addition, the applicant, Europa Oil & Gas (UK) Limited, is a small upstream oil and gas company with a limited revenue base and reliance on external funding to progress projects.

Taken together, these factors reinforce that it would be reasonable and proportionate for the Council to require the applicant to provide a secured provision for restoration and liabilities in the way of a bond, should this application be approved.

5. Precautionary principle

Where there is scientific uncertainty and a real risk of serious harm, the precautionary principle must apply. This is especially relevant to onshore oil and gas, where risks include subsurface integrity, methane leakage, groundwater contamination and cumulative climate impacts.

Across England, onshore oil and gas has consistently failed to live up to the industry's claim of "gold-standard" regulation[9]. Regulatory breaches, unplanned emissions, methane leakage and failures to comply with planning conditions and permits are not rare exceptions but recurring problems, well documented over many years.

Given that track record, and the unresolved gaps and inconsistencies in this application, the Council should not rely on assurances that risks can be dealt with later through permits or conditions. Where key information is missing and impacts remain uncertain, the precautionary principle requires the Council to protect the environment and the public interest, by applying full scrutiny now, not after permission has been granted.

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7 https://drillordrop.com/2025/12/04/cuadrilla-refused-more-time-at-lancs-fracking-site-company-told-to-clear-up-their-mess-pack-their-bags-and-get-out-of-town
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https://drillordrop.com/2026/01/06/star-energy-seeks-more-time-to-restore-egmanton-oilfield

8 https://markets.ft.com/data/announce/full?dockey=1323-16124931-71O7Q82T71RN5VQ5BDRR13FLDV

9 https://drillordrop.com/2019/03/22/gold-standard-regulation-of-uk-onshore-oil-and-gas-is-a-joke-says-mep