Planning Application Reference NY/2025/0030/ENV

Response by FoE, dated 8th April 2025

Europa Oil and Gas has reviewed the letter submitted by Friends of the Earth (FoE) and has the following comments to make.

A) Limited consideration of climate change and cumulative climate change impacts

The ES that was submitted with the planning application focuses upon those matters - transport, landscape and cumulative effects - which NYC judged in its screening opinion to be likely to generate significant effects. Other matters such as climate change were screened out. The ES is proportionate and no longer than is necessary to properly assess the main environmental effects, in accordance with paragraph 35 of the EIA PPG. The ES also took account of the screening direction, dated 8th November 2024, issued by the Planning Casework Unit on behalf of the Secretary of State for Housing, Communities & Local Government. The screening direction concluded that the development, either in isolation or cumulatively, was unlikely to generate a significant effect.

There is no justification for a more robust analysis on climate change impacts on the assumption that there may be future extraction of significant quantities of natural gas in the long term. Paragraph 120 of the Minerals PPG states that individual applications for the exploratory phase [and arguably the appraisal phase] should be considered on their own merits. Mineral Planning Authorities should not take account of hypothetical future activities for which consent has not been sought. This was referred to in the Court of Appeal judgement, dated 26th April 2025, which upheld planning permission for hydrocarbon exploration and appraisal in the High Weald AONB (CA-2023-002107).

Policy D11 states that proposals for substantial new minerals extraction as well as for hydrocarbon development should be accompanied by a climate change assessment. However, the proposal is not a substantial development; the Site occupies an area of 1.4175 ha and the whole development is expected to last for no more than 37 weeks. NYC's pre-application advice did not request a climate change assessment. Such an assessment is not listed on the North Yorkshire local validation list.

It does not follow that because a particular PPG is considered to be old, it is out of date. The Government updates planning practice guidance when it is judged to be necessary. The most recent update to the NPPF in December 2024 made no changes to the chapter entitled "Facilitating the sustainable use of minerals". Paragraph 224 requires mineral planning authorities to give **great weight** to the benefits of mineral extraction when determining planning applications. There is no evidence that the Government intends to consult on any changes to the Minerals PPG.

The Seventh Carbon Budget published by the Committee on Climate Change in February 2025 acknowledges that there will be a requirement for oil and gas up to 2050 and beyond.

The Government is consulting on draft supplementary EIA Offshore Guidance for offshore oil and gas. There is no indication when the Government will publish the result and what it intends to do. Moreover, the guidance only applies to offshore, not onshore development.

The proposed appraisal well will not generate any downstream GHG emissions as no product will be produced for sale. The Scope 1, 2 and 3 emissions report calculates the

GHG emissions arising from the construction, drilling and testing phases. It demonstrates that the resultant CO2 emissions are a fraction of the UK Carbon Budget for the current five year period. Consequently, there are no significant impacts upon climate change arising from the proposed development.

In respect of cumulative climate change, FoE has failed to demonstrate that there are any other relevant existing or approved hydrocarbon developments that would have a bearing upon the proposed development. A screening opinion for an exploratory well some 20km to the south, submitted by Egdon Resources, and a ten year old permission for potential gas production 20 km to the north west does not justify a need for any further information in order to determine the current application.

B) Fracking by the back-door and the need to be "satisfied" re seismicity risks

There is little in this part of the objection letter we consider needs a response other than to refer the MPA to the final paragraph in correspondence from the Minister for Energy to the local MP, dated 24th September 2024, about the Government's thoughts on "proppant squeezes". A copy is attached for reference.

C) "Significant" visual effects in EIA terms

The LVIA chapter of the ES which accompanies the planning application states that the moderate adverse effects arising from the drilling rig would not be significant because they are temporary, short term and reversible. This accords with the Screening Direction issued by the Planning Casework Unit on behalf of the Secretary of State on 6th November 2024. The relevant extract is below:

> *"Given the drill rig itself would be 30 meters tall it would also highly visible from the heritage coast, and have an adverse impact on this area. However, the drill would be temporary in place for a maximum of 5 weeks (1 week for construction, 3 weeks for operation and 1 week for dismantling). The whole proposal would be temporary for 9.5 months and the site will be restored after the operation/testing period, and therefore the impact to the historic environment would be limited. Overall the Secretary of State has concluded that an EIA is not required in relation to the heritage coast, listed buildings or conservation area."*

Paragraph 29 of the FoE is factually incorrect in respect of the need for the rig to be lit 24 hours a day for 24 weeks. The operational drilling phase will require 24 hour working of the site for approximately five weeks. The activities on site are likely to be hazardous to the workforce and the tasks undertaken will be complex. The nature of drilling a lateral borehole requires an appropriate number of lighting units and level of illumination to enable Europa to satisfy their obligations under health and safety legislation.

D) Further 'Environmental Statement' deficiencies
   i. Lack of Consideration of Likely Significant Effects

Paragraph 4 of Schedule 4 (Information for inclusion in Environmental Statements) of the EIA Regs states that that an ES should include "a description of the factors specified in regulation 4(2) likely to be significantly affected by the development." The paragraph then goes on to list what those factors might be with examples where they are relevant. It includes "climate" and gives the example of "greenhouse gas emissions and impacts relevant to adaptation".

Paragraph 35 of the EIA PPG is helpful in providing guidance on what an ES should contain. "[The ES] must also include any additional information specified in Schedule 4 to the 2017 Regulations which is relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected."

Paragraph 35 goes on to say that:

> *"Whilst every Environmental Statement should provide a full factual description of the development, the emphasis should be on the "main" or "significant" environmental effects to which a development is likely to give rise. The Environmental Statement should be proportionate and not be any longer than is necessary to assess properly those effects. Where, for example, only one environmental factor is likely to be significantly affected, the assessment should focus on that issue only. Impacts which have little or no significance for the particular development in question will need only very brief treatment to indicate that their possible relevance has been considered."*

The ES that accompanies the planning application accords with the guidance. It is proportionate. It focuses on those environmental factors or issues which the MPA judged could be likely to give rise to significant effects. Neither the screening opinion nor the screening direction raised concerns about the likelihood of significant effects arising from climate change and greenhouse gas emissions. As a result, the ES fully complies with the Regulations.

ii. Reasonable Alternatives

Paragraph 41 of the EIA PPG states that the 2017 Regs do not require an applicant to consider alternatives. Only where alternatives have been considered by the applicant should these be included in the ES. The scope of a reasonable alternative of doing nothing is in respect of the current planning application for an appraisal. The FoE's response is based on alternatives that might have been considered with regard to long term production which is not part of the planning application.

Conclusion

In summary, there is no justification for a request for further information under Regulation 25 of the 2017 EIA Regs. Scope 1, 2 and 3 emissions associated with the proposed appraisal well is clearly set out in the technical report "Cloughton-2 Appraisal Well Emissions Report" which accompanies the planning application. Two scenarios were used to assess the impact of the development in terms of emissions. The Cloughton-2 well operations are expected to be conducted during the 4th UK Carbon Budget, which includes the period 2023-2027 and a total budget of 1,950 MtCO2e (Stewart, Hinson, & Burnett, 2024). Comparison of the Cloughton-2 operations to this budget indicates the contribution of emissions to be 0.00012% in the expected-case and 0.00036% in the reasonable worst-case.