



Ms Amy Taylor (via email)  
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North Yorkshire County Council  
Minerals & Waste Planning Unit  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AH

**Our ref:** RA/2025/148591/01-L01  
**Your ref:** NY/2025/0030/ENV  
**Date:** 13 August 2025

Dear Amy

**(ADDITIONAL GROUNDWATER AND CONTAMINATED LAND SUBMISSION)  
CONSTRUCTION OF A TEMPORARY WELLSITE FOR THE APPRAISAL OF  
GAS, INCLUDING DRILLING OPERATION, PROPPANT SQUEEZE AND FLOW  
TESTING OPERATION AND SITE RESTORATION**

**AT LAND EAST OF THE MILL YARD, BURNISTON MILL, COASTAL ROAD,  
BURNISTON, SCARBOROUGH, YO13 0DB**

Thank you for re-consulting the Environment Agency on the above application that we received by email on 24 July 2025. We can now remove our objection to the application and we provide our full reply and details below.

Documents reviewed:

We have received and assessed the following documents that were sent in response to our formal planning response (dated 14 May 2025 and referenced RA/2025/148133/01-L01):

1. Response to EA final - 24.07.25
2. Burniston Site Further Ground Water Risk Assessment

Environment Agency  
Lateral 8 City Walk, LEEDS, LS11 9AT.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)  
Cont/d..

The re-consultation also followed a meeting between Environment Agency officers and the applicant with their consultants on the 30 June 2025.

### **Environment Agency position – Groundwater**

The proposed development will only be acceptable if a planning condition is included requiring submission and subsequent agreement of further details as set out below. Without this condition we would object to the proposed development in line with paragraph 187 of the NPPF because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.

#### Condition 1

No development shall take place until a detailed construction method statement has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following:

- the timing of the works
- the measures to be used during the development in order to minimise environmental impacts of the works (considering both potential disturbance and pollution)
- construction methods
- pollution protection methods
- proposed scheme for monitoring

Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

#### **Reason(s)**

We draw attention to and specifically reference key extracts from the supporting documents listed above:

Section 5.2 of the report entitled 'Burniston Site Further Ground Water Risk Assessment' states:

*"A second string of casing is scheduled to be installed to a depth of around 192 m bgl. The depth is only indicative as while drilling the casing seat will be chosen on encountering a suitable thick and homogeneous shale/mudstone (in this case the Redcar Mudstone formation) which is approximately 141 m below the predicted boundary between the Middle and Lower Jurassic Strata"*

while Section 3 states:

*"the Lower Jurassic Strata, which occur at depths of between 50.7 to 564.5 m below ground, predominantly comprise shales and sandstones, with only minor sandstones."*

and Section 5.2 goes on to state:

*" With this placement of cement, and verification of the same, completion of this work will serve to prevent any vertical migration of fluid in the same manner as the EA proposed alternative casing design (additional casing string) with no additional risk."*

Cont/d

Further, to ensure that the proposed development, including the construction phase, does not harm the water environment in line with paragraph 187 of the National Planning Policy Framework and Position Statement C7 of the [‘The Environment Agency’s approach to groundwater protection’](#) .

We would also expect to be formally re-consulted prior to determination if this recommended planning condition is not included or if further information is presented.

### **Informative(s)**

For clarity, in our formal planning response (dated 14 May 2025 and referenced RA/2025/148133/01-L01), we stated:

*“Unacceptable risk to groundwater quality – general  
In order to protect groundwater we will review well design proposals to ensure that adequate levels of protection are in place to prevent the loss of groundwater resources or any detrimental impact to groundwater quality. This protection will consist of suitably designed well casings that are appropriate to the geological conditions and to the sensitivity of any vulnerable resources.*

*Reference to the 'Hydrogeological Impact Assessment' document dated December 2024 (HIA) indicates that a borehole will be drilled to target the Carboniferous Yoredale Succession, expected at depths between 2168m - 2746m TVDSS. Drawing 3729/HIA/07a and table 3729/HIA/T4 of the document indicates proposed casing in the borehole. It is noted that not all aquifers are individually cased off. While the document states "the active zone of groundwater movement is considered likely to occur within the top 150 m of the bedrock", the [legal definition of groundwater](#) is: "All water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil." and all groundwater pollution must be prevented as per Position Statement G1 of [The Environment Agency's approach to groundwater protection \(2018\)](#). Casing over multiple aquifers may allow potentially polluted groundwater to migrate vertically and impact the groundwater in overlying aquifers.*

*Our approach to groundwater protection is set out in [‘The Environment Agency’s approach to groundwater protection’](#). In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater especially where the risk of pollution is high.”*

We initially concluded position statement G1 would apply. We considered that the proposed development would pose an unacceptable risk of causing a detrimental impact to groundwater quality because there is the potential for vertical migration of pollutants to groundwater in the overlying aquifers.

The meeting on 30 June 2025, the re-consultation on the listed documents and the details presented therein have enabled us to remove our objection, subject to the inclusion of the above planning condition.

### **Advisory Note(s) – to the applicant/ Local planning authority**

Cont/d

*Environmental permitting and BAT gas flaring*

We acknowledge and accept the applicant's response regarding permitting and gas flare Best Available Technique (BAT). The Environment Agency previous comments regarding the need for environmental permitting and gas flare BAT were intended as advisory notes to the applicant.

The objective of these comments was to avoid a potential situation of the applicant being unintentionally constrained by the planning consent in its choice of BAT gas flare technology.

We have no further comments to make and, following discussion at the meeting on 30 June 2025 and details formally presented, we are satisfied the applicant will take the required steps as necessary.

I trust this formal reply will enable the local planning authority to determine the planning application. Please contact me should you wish to clarify any detail.

Yours sincerely

**Mr. Neil Wallace**  
**Planning Specialist**

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Direct team email: [sp-yorkshire@environment-agency.gov.uk](mailto:sp-yorkshire@environment-agency.gov.uk)

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