FAO Amy Taylor (Principal Planner)
North Yorkshire Council
Planning (Minerals & Waste Team)
Community Development
County Hall
Northallerton
DL7 8AH

By email only: Planning.Control@northyorks.gov.uk

8th May 2025

Dear Ms. Taylor,

Re: Friends of the Earth Response to Egdon/Europa's comments (May 2025)
NY/2025/0030/ENV- Construction of a temporary wellsite for the appraisal of gas, including drilling operation, proppant squeeze and flow testing operation and site restoration

1. FOEEWNI stands by our original objection as submitted 8th April 2025.

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

2. Principally, as a result of NPPF para 163, there is now an imperative for both applicants and decision makers to "consider" climate change – taking into account the "full range of impacts". This applies to all applications, including those for energy minerals.

   Policy D11 and NPPF para 163

3. We dispute the semantic argument put forward by Egdon/Europa, in suggesting adopted Policy D11 (re requirement for a Climate Change Assessment/CCA) does not apply in this instance, as these proposals are "not substantial". Closer inspection of the policy wording, however, demonstrates that its requirements are applicable, and that the scale caveats (as mentioned in the rebuttle) are not relevant to hydrocarbon developments:

   > *'Proposals for substantial new minerals extraction and for the large-scale treatment, recovery or disposal of waste, **as well as for hydrocarbon development**, should be accompanied by a climate change assessment, as appropriate, showing how the proposals have taken into account impacts from climate change and include mitigation and adaptation measures where necessary" (pg 203- NYJMWLP).*

4. Our view is that the wording **"as well as"** clearly separates hydrocarbon development from the "substantial" or "large scale" caveats applicable to mineral extraction and waste recovery/disposal schemes. This is because "hydrocarbon development" are usually "major" planning applications **and** can be required to undertake an EIA due to the **wide range of potential environmental and climate impacts they would introduce.**

5. Overall, it remains clear that this application **must** be accompanied by a Climate Change Assessment to be considered valid. The absence of such should either lead to immediate invalidation **or** a formal a request for one (ie EIA Regulation 25) by the MPA.

6. Even if the MPA does not agree with our interpretation of D11, the general thrust of new NPPF paragraph 163 would take precedence as a material consideration and further justify the council's request for similar information in any instance:

   '163. The need to mitigate and adapt to climate change ***should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts."***

7. NPPF para 163 strongly echoes requirements set out in Policy D11, making it clear that the climate issue (re adaption, mitigation, cumulative impacts etc) cannot be ignored by applicants or decision makers and is not dependant on whether the issue has been previously "scoped in" for EIA consideration or not.

8. Our view is that further refusal from the applicants/agents to supply a CCA would hinder the council's ability to ensure robust "consideration" of climate mitigation/adaptation/cumulative effects, as per the local plan and revised national planning policy – contrary to planning law.

   Cumulative Climate Change

9. Despite comments from the applicant, it is not up to FOEEWNI to make the case against or demonstrate there are any other "relevant or existing or approved" hydrocarbon developments that would have a cumulative bearing on these proposals – that is for the applicant.

10. We maintain that an arbitrary 3km search area used in their original "analysis" remains insufficient to realise the consideration of the "full range of climate impacts" in NPPF 163 or statutory policy M17:

    "Applications for appraisal and production activities should specifically address the potential for cumulative impacts of development upon climate change and where appropriate, propose such mitigation and adaptation measures as may be available and are consistent with Policy D11 *and the requirements [sic] of other relevant regulators." (our emphasis – Policy* M17)

11. As far as we can see, Part 4 of Egdon's original application form states the proposals are for the "construction of a temporary wellsite **for the appraisal of**

gas, including drilling operation, proppant squeeze and flow testing". As an "appraisal" application, the cumulative point of policy above M17 is engaged, with the applicants needing to address the "potential for cumulative impacts of development on climate change". An arbitrary 3km search area that fails to identify extant uncapped energy mineral sites in the wider North Yorkshire Council plan area – or indeed wells coming forward – does not meet the requirements of the above statutory policy in a robust manner.

12. On this specific point, we also note that Egdon now suggest that an EIA Screening Opinion request for gas drilling at Foxholes, only 20km south in the Yorkshire Wolds[1]– **as submitted by them last year** – is insignificant to the consideration of cumulative climate change (re Policy M17). They know full well, as would any planning or land professional, that undertaking EIA screening is a major prelude to an application being submitted. Their attempt to downplay its significance is indicative of their wider approach to climate change in their fossil fuel applications (i.e. "nothing to see here"). As a result, surely more information on the sites we've identified and all other uncapped extant energy mineral wells across the combined North Yorkshire Council planning area is needed from the MPA (**re Regulation 25 EIA request).** Otherwise, what is the point of the cumulative climate assessment requirement in adopted policies M17 and D11 within the statutory minerals and waste plan?

IEA Evidence

13. While the applicants/agents are keen to make the point that the CCC advocates *'a requirement"* for gas in reaching 2050, the International Energy Agency's net zero pathway is also clear that no new production is needed as per their own pathway (re our original objection). With UK (and global gas supplies) already at a sufficient level to support the transition to net zero, it is evident we now need to double-down on reducing dependence on existing gas supplies, **not** rip up the ground further to extract gas that isn't needed.

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

14. We note the correspondence from Michel Shanks MP (Minister for Energy) to Alison Hume (MP) dated 24th September 2024. We will be seeking interpretation on this opinion, as well as writing to DESNEZ to express our concern about its implications. In the interim, we suggest the Minister's opinion (albeit from a letter to an MP) cannot be put on equal policy standing to the NPPF or PPG until released in a Written Ministerial Statement. Until then, the MPA should seek its own formal interpretation from the government on this matter before apportioning any weight to what is more subjective interpretation than government policy.

15. While a position is sought, we still question how the pumping of 300-500 m3 of "fluids"[2] (namely fresh water, salt, several "minor chemical additives" and "solid

[1] A beautiful special character areas being considered as a new AONB/National Landscape by DEFRA (re Hockney's a 'Bigger Picture' series, historic neolithic and Roman landscapes etc)
[2] (and presumably at pressure)

proppant" ie **60-80 tonnes of ceramic "beads"**[3] down into a gas well cannot be considered anything other than a form of (e.g. 'low volume') fracking.

C) 'Significant Effects' in EIA terms

Landscape and Visual

16. It is well known that outside of the objectively anachronistic paragraphs of the Minerals PPG's that if extractable gas reserves are found to be viable at Burniston, then what would be a highly visible and incongruous utilitarian industrial feature would likely remain in the landscape at Burniston for a much longer timeframe – much more the "temporary" and "short-term" qualifying statements from the submitted LVIA. Yes, if we – very abstractly - "salami-slice" application consideration of oil and gas developments into three phases - which in PPG are hypothetically all reversible in landscape restoration terms[4]– the judgements in the LVIA might hold. But, if drilling and monitoring proves fruitful, it's almost guaranteed that a production application would soon follow and without any restoration of this phase of works – despite the Secretary of State's Planning Casework Unit's suggestion otherwise in their Screening Direction[5].

17. In reality, what are "temporary", "short-term" and "reversible" landscape and visual impact assessment judgements are highly contestable for most types of hydrocarbon extraction. Neither the landscape architect nor decision-maker is allowed to factor-in a likely (and longer term) 'production stage' that takes place on the same well pad after the monitoring period "ends". Production will require new well drilling, more noise, 24 hour lighting, and mid-long term retention of utilitarian landscape features in a predominantly rural coastal setting. However, in the context of PPG, it's automatically assumed restoration is guaranteed – a total non-sensical approach.

18. As a result, we retain our original line that the visual and landscape impacts we noted should be considered "significant" in EIA terms and given appropriate, real world, weight in the balance.

24 Hour Lighting

19. While the applicants/agents rebut our suggestion that 24 hour lighting will take place for 24+ weeks (i.e. we are "factually incorrect") their rebuttal seems to confuse things further instead of providing any further clarity.

20. Europa/Egdon state in last week's response that "the operational drilling phase will require 24 hour working of the site for approximately **five weeks**". The lighting assessment supplied with the application, however, states "the

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[3] As week as 15m3–25m3 of "gelled liquid"

[4] i.e. after each stage completes the site will be restored apparently

[5] Friends of the Earth has extensive experience of delays to the restoration of fracking sites in Lancashire; to coal mining in Wales and other energy mineral sites where section 73 applications are usually lodged by their operators in vein attempts to extend and delay restoration timeframes. Such behaviour is consistent across the industry, and the UK. For example, Surrey County Council has previously stated at Public Inquiry that operators such as UK Oil and Gas breach restoration planning conditions, such as in 2018 when it failed to restore the Markwells Wood site in the South Downs National Park by the agreed time.

operational drilling phase will require 24 hour working of the site for approximately **six of the eight weeks of operations**" (para 4.4). To add to the confusion, ES Section 4.8 then states that 24 hour lighting periods could, indeed, be much longer:

> ***"Phase 2 (drilling operations) and Phase 3 (proppant squeeze & flow testing) will be undertaken on a 24 hour basis, 7 days a week, as required. Lighting will be required to facilitate safe working during all phases of the proposed development."***

21. The timescales for these two phases to be "…undertaken on a 24-hour basis" are then provided:

> *'**Phase 2:** This would comprise one week for rig mobilisation, five weeks for drilling and completion and a week for demobilisation.*
> *'**Phase 3** is expected to take up to 17 weeks in total, comprising an initial testing of a week, followed by a proppant squeeze lasting around one week, and then potential further testing of up to fifteen weeks".* **[our underlining]**

22. The ES wording clearly demonstrates ambiguity to how long 24-hour lighting will last, and suggests our original 24 week interpretation is not unreasonable (nor "factually incorrect" – as claimed). Is it 5 weeks? 6-8 weeks? or - as the ES suggests - potentially much longer? With Phases 2 and 3 "***…undertaken on a 24 hour basis, 7 days a week"*** and lasting up to 24 weeks, are we factually incorrect or are the facts as set out not that clear?

23. **FOEEWNI recommends the authority submit a further information request (re EIA Reg 25) to ascertain the exact extent of 24 hour lighting over phases 2 and 3 and that the accompanying lighting assessment be based on an identical period as set-out in the ES.** Such clarity should ensure the MPA, residents and the North Yorkshire Moors National Park Authority can assess the true impacts of artificial lighting on the nearby heritage coast, setting of the North Yorkshire Moors National Park and wider remote/tranquil nature of immediate and wider landscape character areas these proposals would sit within.

24. Finally, we note a formal response on the wider landscape and visual impacts on the North Yorkshire Moors National Park is due from the Park Authority on on/after 15th May. It is clear the NPPF 189 apportions *'great weight to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues"*. We expect such weight to be appropriately apportioned in the planning balance, especially in light of the 'great weight' unfairly accorded to the benefits of mineral extraction in the NPPF[6] (despite the presence of potentially significant climate, landscape and other disbenefits).

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[6] Despite our objections:
https://bylinetimes.com/2024/10/01/new-coal-oil-and-gas-projects-are-still-on-the-table-under-uk-governments-planning-reforms-say-campaigners/
https://www.planningresource.co.uk/article/1910078/revised-national-planning-policy-climate-change-renewable-energy-means-councils-developers

D) Further 'Environmental Statement' deficiencies

i) Lack of Consideration of Likely Significant Effects

25. We note the relevant PPG cited by the applicants' agents, however the thrust of our argument is that the proposal's true impacts on climate change (including cumulative) have not been sufficiently examined in terms of significant effects, or more widely in the context of local plan, nor the NPPF – see point (A) above. The accompanying Well Emissions Report remains inadequate, providing only abstract estimates of the contribution to GHG emissions, without context of the frameworks such requirements are set within, nor reference to possible future drilling/production scenarios. The required CCA would provide a better means of ensuring the public understands the true climate implications of the this and future well stages, as well as proper consideration of cumulative ("in combination") effects on climate change with other extant (and future) wells in the North Yorkshire plan area.

ii) Reasonable Alternatives

26. As stated by IEMA[7], "*although the regulations only require an environmental statement to present a discussion of alternatives where the developer has considered them, good practice encourages practitioners to consider:*

- *alternative locations and scales of development;*
- *alternative site layouts and access arrangements;*
- *different approaches to scheme design; and*
- *alternative processes and alternative phasing of construction.*

27. While some initial appraisal is included, we retain the "do nothing" scenario fails to factor in the climate implications (namely net benefits to the climate in this context of GHGs not being released into the atmosphere vs. the private profit seeking motivation of Europa/perceived need to "properly test the resource potential of the carboniferous Cloughton gas reserve". If the IEA does not envisage more oil and gas exploration being needed for the world to meet the 1.5 degree net-zero pathway (see above and original objection), then we do not recognise any apparent "need" to explore a gas reserve over-ruling a justified "do-nothing" scenario.

Conclusion

28. Overall, we maintain our objection to the scheme. In the meantime, we will seek further clarity from DESNZ on the referenced interpretation of what is/not defined as "fracking" in respect of The Petroleum Act 1998, and trust you will do the same – as final clarity is required. We trust the MPA will also formally

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[7] Institute of Environmental Management and Assessment - https://www.iema.net/articles/considering-alternatives-during-the-eia-process/

request further information under the EIA regs in respect of a needed CCA[8], clarity and final assessment on the actual 24 lighting timeframes and in order to address other points to ensure that you, as the decision maker, and the local community as participants in the EIA process have all the information they need to respond properly[9].

29. Until further information is received, North Yorkshire Council as the Minerals Authority cannot reasonably make a robust, informed or professional planning judgement on the proposals. In the absence of further detailed and robust climate evidence being received, we would recommend the **application be refused**.

Yours sincerely,

Magnus Gallie
Senior Planner
[redacted]

Friends of the Earth England Wales and Northern Ireland LTD, The Printworks, 139 Clapham Rd, LONDON, SW9 0HP
Website: friendsoftheearth.uk

[8] Climate Change Assessment

[9] As per the aims of the Aarhus Convention the UK is signed up to: eg "right to participate" in environmental decision making, as well as "meaningful participation" which is questionable in this context without a proper CCA to inform the community of single and cumulative climate change effects) https://environment.ec.europa.eu/law-and-governance/aarhus_en