

From: David Walker

Sent: 28 November 2025 09:06

To: 'cllr.helen.bore@newbyandscalby-tc.gov.uk' <cllr.helen.bore@newbyandscalby-tc.gov.uk>

Subject: PLANNING APPLICATION NY/2025/0030/ENV - CONSTRUCTION OF A TEMPORARY WELLSITE FOR THE APPRAISAL OF GAS AT LAND EAST OF MILL YARD, COASTAL ROAD, BURNISTON

Dear Cllr Bore,

I refer to your email dated 13 November, which relates to comments made by Cllr Mark Crane in respect of the above planning application. Richard Flinton has asked me to respond to the points you raise on his behalf.

I would note that the comments made by Cllr Crane took place at the meeting of Full Council held on Wednesday 12 November which was live streamed on the Council's YouTube channel; this broadcast remains available on that channel and therefore you are able to directly observe the meeting accordingly. For ease of reference Cllr Crane begins to speak at approximately 3 hours and 54 minutes into the broadcast.

I can confirm that certain aspects have been discussed with Cllr Crane to inform my reply, and colleagues within the Planning Service have considered the questions you have raised, viewed the broadcast for themselves and contributed to this response, in which we follow the numbering convention within your email.

1. The cited quote is accurate in so far as it reflects a portion of Cllr Crane's address.
2. Cllr Crane is not a member of the Council's Strategic Planning Committee and will not be directly involved in the determination of the subject planning application.
3. It is the Council's constitution that identifies the scale and type of planning applications that will be considered by Strategic Planning Committee, area planning committees or are delegated to officers. Whilst councillors can request that particular applications within the scope of delegation to officers are 'called' into planning committee, the decision to do so rests with the Head of Development Management.
4. Cllr Crane's meaning was that the Council (in its role as local planning authority) is in receipt of the subject planning application and that it remains 'live'. He was not inferring that the determination of the application was being deliberately delayed.
5. At this juncture a date for Strategic Committee to consider this matter has not been formalised. It is considered that in practical terms it will be beneficial for the item to be the sole substantive matter under consideration at any such committee meeting; this may well necessitate an 'extraordinary' meeting to be scheduled, unless there is no other business

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requiring consideration at a pre-scheduled meeting. This matter is being explored and once a date is identified this will be publicised accordingly.

6. Cllr Crane has not received specific planning or legal training on this aspect. I would note that his comments were precipitated by his wish to advise members of the Council that he had written to the Secretary of State requesting clarification on the scope and timing of a potential review by Government of the current moratorium on hydraulic fracturing (the potential for a review having been announced at the Labour Party Conference). In this regard Cllr Crane's comments allude to the fact that the planning applicant contends that the subject proposal falls outside the scope of the current moratorium and that being the case could not be resisted on that specific basis. I would draw your attention to the additional wording that Cllr Crane used in stating that 'there may be other reasons for a refusal'.

7. I would refer you to the response within point 6, which explains the context to Cllr Crane's comments. The application will be considered at a future meeting of the Council's Strategic Planning Committee and will take into account matters material to the decision at that juncture.

8. An appeal against non-determination can occur at the discretion of the applicant; however, in communications with the applicant officers have not received any indication that such an appeal is likely, and the applicant is aware that it is the intention of the local planning authority to look to determine the application in due course.

I trust the above is of assistance.

Yours sincerely

David Walker

Development Service Manager East

North Yorkshire Council

From: cldr.helen.bore@newbyandscalby-tc.gov.uk <cldr.helen.bore@newbyandscalby-tc.gov.uk>

Sent: 13 November 2025 17:47

To: Richard Flinton <Richard.Flinton@northyorks.gov.uk>

Subject: PLANNING APPLICATION NY/2025/0030/ENV - CONSTRUCTION OF A TEMPORARY WELLSITE FOR THE APPRAISAL OF GAS AT LAND EAST OF MILL YARD, COASTAL ROAD, BURNISTON

Dear Mr Flinton,

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I am a member of Newby & Scalby Town Council and of the joint working group of Burniston, Cloughton and Newby & Scalby Councils, which has been considering and reporting to our respective councils on the above planning application, so that we can contribute to the public consultation before North Yorkshire Council makes a decision on the application.

I am concerned about a report on yesterday's meeting of North Yorkshire Council. It has been reported that Cllr. Mark Crane, the executive member for Open for Business, said "We are currently sitting on an application for hydraulic fracturing in the Scarborough area. We anticipate that we need to get it to strategic planning committee in the near future. As the law presently stands, there is not within the law a reason to refuse - there may be other reasons for refusal. What we need to know from the minister is whether or not they're going to [ban hydraulic fracturing] soon or whether North Yorkshire will have to make a planning decision on the law as it presently stands."

I should be grateful if you would answer the following questions for me :

1. Is the above quotation reported accurately?
2. Is Cllr. Mark Crane a member of North Yorkshire's Strategic Planning Cttee.? Will he have a vote in the committee's decision on Europa's planning application?
3. Cllr. Crane is the executive member for Open for Business. According to NYC's website, "planning, policy and local plan development" come within his remit but "planning committees" comes within the remit of Cllr. Heather Phillips as executive member for Corporate Resources. Which executive member has responsibility for planning applications to come before the Strategic Planning Cttee.?
4. "We are currently sitting on an application for hydraulic fracturing in the Scarborough area" could be interpreted as meaning that NYC is deliberately delaying dealing with that planning application. Is that what Cllr. Crane meant? If not, what did he mean?
5. Would the "strategic planning committee in the near future" be a scheduled meeting already in the published calendar or would it be an extraordinary meeting of the committee?
6. "As the law presently stands, there is not within the law a reason to refuse [the planning application]" indicates that Cllr. Crane has already received legal and/or planning advice on Europa's planning application. Please would you confirm this?
7. The above quotation in question 6, together with the further comment from Cllr. Crane: "...North Yorkshire will have to make a planning decision on the law as it presently stands" indicates that NYC has already decided that current law requires the planning authority to approve the application. Is this not pre-determination of the application?
8. If North Yorkshire is indeed "sitting on" the application, at what point will Europa be able to appeal to the Secretary of State for non-determination of the application?

I look forward to receiving your reply.

Yours sincerely,

Helen Bore