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North Yorkshire Council
Planning (Minerals & Waste Team)
Community Development
County Hall
Northallerton DL7 8AH

Our Reference: KDK/NT/MG

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

18 December 2025

URGENT

Dear Ms Taylor

Re: 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. We write for and on behalf of Friends of the Earth England, Wales and Northern Ireland (“Friends of the Earth”). Friends of the Earth has written previously to North Yorkshire Council (“NYC”)¹ to object to the above application.
2. We wish now to draw to NYC’s attention that on 16 December 2025, the Government published its [draft National Planning Policy Framework \(“NPPF”\)](#). A public consultation runs until 10 March 2026. We write to notify NYC of certain key changes to planning policy relating to new fossil fuel projects set out in the draft NPPF, which are of direct and significant relevance to Europa Oil and Gas Ltd’s above application for planning permission to frack for gas.

Policy Change on Fossil Fuel Extraction

3. The draft NPPF sets out “*a more restrictive approach to the extraction of coal, oil and gas*” (Consultation document, Chapter 11, p63). Of particular significance, is policy M3. As per p65 of the Consultation document, this stipulates that the “*great weight to the benefits of mineral extraction...does not apply to development involving peat, coal, or onshore oil and gas extraction. **This represents a policy change for oil and gas (i.e. the policy no longer provides that “great weight” should be given to the benefits of oil and gas extraction).***” (emphasis added). The draft NPPF is clear that the reason for this change is the Government’s position on the adverse climate impacts of fossil fuels: “*We are proposing this change in*

¹ See our letters of 25 April 2025, 8 May 2025 and 26 June 2025

recognition of the **need to transition away from using fossil fuels in order to reduce climate change impacts**. Coal is already excluded under existing policy, and existing policy is also clear that permission for peat extraction from new or extended sites should not be granted.” (Consultation document p65; emphasis added). Friends of the Earth welcomes this significant amendment put forward in the draft NPPF. It is a change that we have been advocating for. Earlier this year, we wrote to the Government on this subject, given the clear need for planning policy and decision-making to contribute to action on the climate crisis.

Implications for the Burniston Fracking Project

4. Europa’s application relies heavily on the “great weight” policy, set out in para. 224 of the current NPPF (which, as per the current consultation, is due to be replaced). Europa’s [planning statement](#), for example, references it on four separate occasions:
 - “Paragraph 224 adds that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy” (p26)
 - When referring to the May 2018 Written Ministerial Statement... “It [the WMS] reiterated the policy from the NPPF by stating that great weight should be given by local authorities to the benefits of mineral extraction” (p31)
 - “The proposed development would not have an unacceptable impact on the local area, including the setting of the National Park and its location within the Heritage Coast, when full account is taken of the a) temporary nature of the development and b) the great weight that should be given by the MPA in determining planning applications for mineral extraction (paragraph 224 of the NPPF).” (p35)
 - “NPPF paragraph 224 adds that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy” (42)
5. We would emphasise, therefore, that removing the “great weight” policy in the NPPF will fundamentally change the planning balance for Europa’s application. As the Minerals Planning Authority, NYC must, of course, take all material considerations into account when determining this application, including the NPPF. And it must not act perversely or irrationally. Once the NPPF is updated, the revised version will apply to any pending applications.

Requested Action

6. Given the significance of the proposed NPPF changes, and the likely timeframe for their adoption, we would urge NYC to delay the consideration and determination of Europa’s planning application. It is clear that the planning law and policy context in which Europa’s application falls to be considered is in a state of flux. The changes envisioned by the Government to the draft NPPF, are a further example of the significant changes that are on the horizon for fossil fuel projects. We therefore urge NYC not to rush its consideration of Europa’s application. A modest delay in deciding the developer’s application would bring major benefits, including legal certainty for all parties, with the decision being made under the correct policy.

7. We believe it is clearly in the public interest to defer the consideration of the application, as the policy change reflects the Government's settled position on reducing fossil fuel reliance (see also para. 9 below). A decision taken before the adoption of the revised NPPF, would undermine the democratic process. Deferring the decision would, however, be entirely fair to the developer, as they would be put on notice of the policy change. We note that the changes are expected in the coming months, with a clear timetable for adoption, and would, we anticipate, be before any development could commence.
8. Furthermore, as you will be aware, the Government has committed to "*ban fracking for good*". We understand that the ban will be included in the Government's Energy Independence Bill, which is expected to be announced in spring 2026. It remains to be seen exactly what the extent of that fracking ban will encompass. But Friends of the Earth and multiple other groups (including Frack Free Coastal Communities who are local to the Burniston site, and have objected to Europa's application), are campaigning for a comprehensive ban covering hydrocarbon fracking in all its forms. We note also that Alison Hume, MP for Scarborough and Whitby, is lobbying for a ban which encompasses proppant squeeze, given the widespread concerns about Europa's application amongst her constituents.
9. Even if NYC is minded to proceed with consideration of Europa's application at this time (and as set out above, we believe it would be sensible for NYC to delay this), then we would emphasise that it is essential for NYC to take account of the draft NPPF, as matters stand. Indeed, failure to do so could render a decision on planning permission susceptible to legal challenge. Draft NPPF policy can itself be a material consideration; whether it is, and the weight to give it, are questions of planning judgement. We would argue, however, that the removal of the "great weight" policy is not a typical "emerging policy", and instead, warrants NYC affording it substantial weight. Our reasons for this are as follows:
 - a) The Government has published a formal consultation with draft policy text; this is not merely speculation about possible future policy.
 - b) In the consultation document, the Government has explicitly stated its policy intent. It is not just proposing technical changes, but clearly signalling a direction of travel. The principle of reducing reliance on fossil fuels is settled policy across government.³ The consultation document states that the changes to planning policy are designed to align the NPPF with other policy developments, such as licensing reforms. It refers to a "*wider government position...to reduce reliance on fossil fuels*" (p64), and that the proposed changes in the draft NPPF "*support this direction of travel*" (p63).
10. For the reasons set out above, our primary position is that NYC should delay its consideration of this application, given the envisioned, significant policy changes to the NPPF signalled in the Government's consultation and draft NPPF. In view of

² [Make Britain a clean energy superpower – The Labour Party](#)

³ pp.63, 65 & 66 [National Planning Policy Framework: proposed reforms and other changes to the planning system](#)

the intensely controversial nature of Europa's fracking application, this would be an entirely reasonable and logical course of action for NYC to take.

Yours sincerely

 and 

Katie de Kauwe and Niall Toru, Senior Lawyers

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