

Amy Taylor - Case Officer  
Planning Department  
North Yorkshire Council  
County Hall  
Racecourse Lane  
Northallerton  
DL7 8AD



13<sup>th</sup> November 2025

Dear Amy

**Re: Planning Ref. No: NY/2025/0030/ENV  
Europa Oil and Gas application for appraisal drilling at Burniston Mill Site  
Second representation from Frack Free Coastal Communities**

I write on behalf of the Steering Group of Frack Free Coastal Communities. Further to our first representation (*250514 Frack Free Coastal Communities 14/05/2025*), this second is in response to information that has come to light recently.

In determining the application, it is essential that the Council has full regard to the requirements of paragraph 112<sup>1</sup> of the National Planning Practice Guidance – Minerals ('PPGM'), which states that:

*'Some issues may be covered by other regulatory regimes but may be relevant to mineral planning authorities in specific circumstances. For example, the Environment Agency has responsibility for ensuring that risk to groundwater is appropriately identified and mitigated.'*

Critically, this paragraph requires that planning authorities should ensure, before granting planning permission, that other relevant regulatory regimes will operate effectively. This is not merely a procedural consideration but a substantive requirement that demands the planning authority to actively satisfy itself that other statutory controls—such as those administered by the Environment Agency, the Health and Safety Executive, or environmental permitting regimes—are capable of addressing the potential impacts of the proposed development. The planning system cannot simply assume that other regimes will function adequately; rather, it must be positively demonstrated that they will do so in the specific circumstances of this application.

The PPGM goes on to provide further amplification of this requirement. Paragraph 112 explicitly addresses the relationship between planning controls and other regulatory frameworks in the minerals context. It confirms that whilst planning authorities should not duplicate controls that are the responsibility of other regulatory bodies, they must nevertheless be satisfied that these other regimes will work effectively before granting planning permission. This places a positive duty on the decision-maker to interrogate whether the relevant regulatory framework—be it environmental permitting under the Environmental Permitting (England and Wales) Regulations 2016, pollution control measures, or health and safety legislation—is genuinely capable of mitigating the identified impacts. Where there is uncertainty, ambiguity, or evidence suggesting that other regulatory controls may be inadequate or unenforceable in practice, planning permission should be refused or made subject to appropriate planning conditions that fill any regulatory gaps.

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<sup>1</sup> Reference ID: 27-112-20140306

This approach was ratified at the first Wresle planning appeal against the refusal by Lincolnshire County Council for a similar hydrocarbon exploration and production operation, promoted by Egdon Resources Ltd.: the Planning Inspector<sup>2</sup> was not satisfied that another regulatory regime would be effective and as a consequence the development might significantly and detrimentally impact land use matters which fall under the jurisdiction of planning.

In the context of the present application, we believe that the Council cannot reasonably be satisfied that other regulatory regimes will operate effectively in circumstances where the applicant has submitted, into the public domain, conflicting information regarding the proposal for hydrocarbon exploration and appraisal. Information presented within the planning application differs substantially from that presented within the Environmental Permit application submitted to the Environment Agency. This will have ramifications for the Council, with specific reference to matters controlled by the land use planning framework.

Without clarification of the below noted discrepancies and thorough investigation as to what is actually being proposed to enable the development, the Council would be acting contrary to the Government guidance set out in paragraph 112 of the PPGM if it were to grant planning permission on the assumption that other bodies will resolve these matters. **The planning authority must actively satisfy itself**—on the basis of credible, detailed evidence available at the point of determination—that the regulatory framework is fit for purpose in this specific context, rather than deferring this critical assessment to a later stage or to other bodies whose remit may not fully align with planning considerations.

Matters requiring clarification:

### **1. Number of proppant squeeze operations**

The **Planning Statement** ('PS') refers to one main proppant squeeze treatment (following a 'pre-treatment injectivity test' using a small amount of proppant and fluid): *'The main proppant treatment will consist of approximately 60 to 80 tonnes of ceramic proppant and approximately 300m<sup>3</sup> to 500m<sup>3</sup> of gelled fluid'* (page17). The pumping operation takes around two hours and the well is then closed to allow the pressure to dissipate through the rock formation. The implication here is that there will be a single treatment.

The **Environmental Permit Application** ('EPA') documents suggest the applicant will be undertaking several proppant squeeze treatments. The **non-technical summary** states there will be a single treatment, using between 300m<sup>3</sup> and 500m<sup>3</sup> of fluid (page 16). This statement is repeated in the **Waste Management Plan** at page18. However, page 36 of the Waste Management Plan (in section 10.7) clearly states: *"The proppant squeeze will be carried out as a multi-stage treatment ... with up to four treatments being undertaken. Carrier fluid volumes for a single stage treatment are 300m<sup>3</sup> – 500m<sup>3</sup> with 12.5 tonnes of proppant entrained."*

The reasonable interpretation of this quote is that each of the four treatments will involve between 300m<sup>3</sup> to 500m<sup>3</sup> of fluid. This interpretation seems to be supported by figures set out in the **Emissions Report** submitted with the planning application - which refers to *'up to 2,000m<sup>3</sup> of fluid'* being used. The table at page 11 refers to 75 water tanker loads during the

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<sup>2</sup> Paragraph 41 - Joint Appeal Decisions APP/Y2003/W/17/3173530, APP/Y2003/W/17/3180606 and APP/Y2003/W/17/3182879 PINS inspector Keri Williams 04.01.18

‘production phase’ which (depending on the size of tankers used) would carry up to 2250m<sup>3</sup> of water.

The applicant’s response to the Environment Agency’s Section 5 request for further information about the proposed proppant squeeze confirms they intend to carry out **four hydraulic fracturing operations at different depths**, described in their response as Stages 1, 2, 3 and 4. This is clearly not in line with what was described in the Planning Statement which references a single proppant squeeze treatment.

There are several implications that must be clarified. Firstly, has sufficient onsite storage been proposed to satisfy requirements for four operations, including pre-injection as well as sufficient storage for flowback fluids including separate facilities for storage of NORMs etc? The applicant’s site layout plan (**drawing ref: PA-9**) for the proppant squeeze stage shows two proppant fluid trailers and two fluid tanks but does not provide an indication of capacity. Furthermore, the PS mentions storage tanks but does not reference what will be stored or indeed specify a number of tanks. A proposal for four operations is potentially a much bigger land take than for a single treatment.

Secondly, If the numbers of HGV movements given in the planning application are based on a single proppant squeeze treatment, then the actual numbers will be much greater if the applicant is planning four treatments. None of the applicant’s planning documents provide details regarding the type or capacity of proposed vehicles (i.e. HGVs or OGV2s). However, the **Emissions Report** suggests 65 and 75 HGV movements for the two parts of phase 2 comprising: 18 for sand, other materials and equipment for the proppant squeeze; 40 for mobilisation and demobilisation of production equipment and 7 for squeeze equipment; 75 for water tankers. If the applicant opts for the largest type of HGV (non-articulated tanker) then 500m<sup>3</sup> would amount to 33 vehicles carrying a capacity of 15,000L or 66 individual movements to and from the site – for one treatment. Four treatments would therefore equate to 132 vehicles each carrying 15,000L - or 264 individual movements to and from the site. This is substantially over and above the figure of 75 presented in the PS and the **Environmental Statement** and should be clarified.

Such an increased figure will have a substantial detrimental impact on the tranquillity and dark night skies found when using the ‘Northern Route’ through the North York Moors National Park which is a designated International Dark Skies Reserve and will lead to conflicts with the Levelling Up and Regeneration Act (‘LURA’) which requires decision makers to ensure developments seek to further the statutory purposes of the protected landscape. The operational wellsite and associated transport movements will also negatively impact the special character and attributes of the Heritage Coast. Furthermore, this increased transportation volume has not been assessed in terms of suitability or safety along all suggested routes, within the centre of Scarborough, along the coastal road or through villages along the immediate and wider routes, taking into account the impacts on parked cars, vulnerable road users, business and tourist related traffic.

Additionally, it is unclear, given the lack of assessment, whether the increased number of vehicles would require some level of ‘holding’ nearby which is common with similar operations (in which case where, when and for how long) and whether there is sufficient capability planned within the site itself and on the shared site access road to allow for parking, manoeuvring, loading etc. of a number of vehicles arriving on site at a similar time.

Finally in relation to transportation, if there is such a significant uplift in movements of HGVs for the 4 proppant squeeze stages then the Council should clarify the suitability of the site access road for such an increased frequency of trips for the scale of vehicle, for example, can it cope with the weight and frequency of vehicles? Can the access from the A165 itself cope with such a large frequency and weight of vehicles waiting to access and egress the site?

## **2. Cold venting vs. flaring of gas from the well**

The **PS** (page 38) says ‘All produced gas during the testing period will be disposed of by burning the gas in the flare’. However the **Odour Management Plan** submitted with the **EPA documentation** says that ‘some of the gas will be vented directly to air without burning’. The **Emissions Report** does not include any estimates of emissions from cold venting in its Table 5 (which does include emissions from flaring) even though it does include venting in its Table 3 ‘emissions factors for fuel combustion used for emissions calculations’. Furthermore, the impact of venting particulate matter directly to air will have a significant impact on residents (the nearest dwelling being only 260m away), users of the adjacent public footpath network and national cycle route network as well as the built and natural environment. Thus, the frequency and duration of such anticipated activities should be clarified to ensure appropriate mitigations are in place.

Additionally, the impact of a much larger volume of transport movements should also be clarified in relation to the emissions report and in particular, for scope 3 emissions as per the Finch Case referred to in our main representation to the Council.

## **3. Production and disposal of oil**

The **planning application** does not mention the production, storage and disposal of any oil from the well. There is no entry in the **Emissions Report** relating to the movement of oil tankers. However the **Waste Management Plan** submitted with the **EPA** documents makes clear that the applicants expect the well to produce oil along with gas which would be separated, stored and transported from the site in tankers, not as waste but as a commercial product that would be taken to a refinery (page 34).

As set out above, land use storage capacity within the site and appropriate containment measures should be clarified to ensure the viability of a four phase operation. Furthermore, the applicant’s submitted ‘post drilling test phase’ (**drawing ref: PA-13**) indicates a ‘separator’ and an ‘oil diverter manifold’ but there is no indication as to where the diverted oil goes to. Currently, the ‘arrow’ points from the oil diverter manifold to nowhere. Are the Council satisfied that the applicant has the storage facilities and capacity for produced oil, as well as water, proppant materials and liquids, flow backs etc.? The submitted **Emissions Report** indicates that all removal of fluids from the site will occur during the site restoration phase, which is potentially a long time for the applicant to store such materials.

## **4. Delineation of ‘the site’**

In the **Planning Application**, ‘the Site’ is shown on **location plans** as comprising the proposed wellsite, the access road from the A165 to the wellsite and the visibility splays on the NE side of the A165 Coastal Road. Later in the **PS** (page 19), when discussing Site Drainage, they say ‘A **HDPE impermeable membrane will be installed across the Site**’. But this would require digging up the existing access road to underlay it with the membrane – it is therefore assumed the applicant intends to install the membrane across the wellsite. Within the **EPA** documents, plans and drawings in the **Hydrogeological Impact Assessment** also show the site to include the

access road from the A165 Coastal Road to and including the wellsite. Other EPA documentation, including the **non-technical summary** at page 11, excludes the access road from the delineation of 'the site'. This inconsistency has implications for calculation of, inter alia, emissions, air pollution, noise pollution, water run-off from 'the site' and distances from 'the site' to local receptors.

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As evidenced above, the applicant has provided contradictory documentation which will have severe implications for nearby residents, businesses, visitors as well as to the built and natural environment. Much of these implications are controlled by the planning regulatory regime. As such, the Council currently has insufficient evidence to demonstrate that the applicant has considered the proposed impacts on residential communities, the built and natural environment from the proposed four proppant squeeze operations in terms of the provision of sufficient on site development, the impact of increased vehicular movements on the site, the surrounding road network on all 3 potential routes and on vulnerable and other road users and to users of PROWs, the venting of gas directly to the atmosphere and the storage and disposal of produced oil. The nature of such discrepancies requires urgent clarification from the applicant.

In conclusion, the Council must act on this information to ensure that they are fully able to satisfy national and local minerals planning policies in the determination of this application in particular Policy M17 of the Minerals and Waste Joint Plan; and inter alia, paragraphs 115-118; paragraph 187, 189, 191; paragraph 212 and paragraph 224. As a minimum, we ask that the Council seeks clarification on the discrepancies from the applicant to ensure that any harm to the built and natural environment, residents and infrastructure is indeed controlled, mitigated and removed from source in line with policy requirements.

The requirement in paragraph 112 of PPGM is clear and unambiguous: planning permission should **only** be granted where the planning authority is satisfied that other regulatory regimes will work effectively – they can only do so, if the planning authority is satisfied it has all of the correct information needed to determine the proposal. This is a mandatory pre-condition to the grant of consent, not an optional consideration.

In the absence of the submission of compelling evidence demonstrating that the Council can adequately address the significant concerns raised in relation to noted discrepancies relating to this development, the application fails to satisfy this fundamental policy test and should be refused accordingly.

Thank you for your consideration of our representation.

Yours sincerely,



Professor Chris Garforth, Chair of the Steering Group of Frack Free Coastal Communities