

Newby and Scalby Town Council – Response No. 3 to NYC consultation

Application reference : NY/2025/0030/ENV

Proposal : Construction of a temporary well-site for the appraisal of gas, including drilling operation, proppant squeeze and flow testing operation and site restoration

Applicant : Europa Oil and Gas Limited

This is the third consultation response made by Newby and Scalby Town Council to the above application and supplements our earlier responses dated the 24th April 2025 and the 27th May 2025.

1. Waste disposal facility

We note the Environment Agency’s consultation response dated the 14th May 2025, in which the Agency stated “The Environment Agency recommends refusal for the planning application based on our objection to an unacceptable risk to groundwater ... We consider that the proposed development poses 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. ...This development will require a permit under the Environmental Permitting Regulations (England and Wales) 2016. We do not have enough information to know if the proposed development can meet our requirements to prevent, minimise and control pollution.”

We note that following a meeting between Environment Agency officers, Europa and their consultants on the 30th June 2025, the Agency conditionally removed its objection to the application, saying “The proposed development *will only be acceptable* (our emphasis) 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.* (our emphasis)”

So far as the Town Council is aware, no permit has yet been granted by the Environment Agency and it appears from their heavily caveated removal of their objection that they still believe that they do not have enough information to know if the proposed development can meet their requirements to prevent, minimise and control pollution and that it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources. In these circumstances, the Town Council believes that North Yorkshire Council would be taking an unacceptable risk if it were to approve the application now.

The issue of the “mining waste facility” has become clearer since the Town Council submitted its original consultation response. The “mining waste facility” will be located some 2000 metres underground between the rugby club premises and Foulisyke Farm (adjacent to the Foulisyke pond and beck). This is within the Scalby parish boundary. The “mining waste facility” appears to be no more than the area at the end of the wellbore, where the proppant squeeze has fractured the underground rock.

According to Europa’s Waste Management Plan, “There is a need, ... to undertake a proppant squeeze to stimulate the well *by creating new localised fractures near the wellbore, improving the formation’s permeability.* (our emphasis) ... The proppant squeeze falls within the definition of a ‘groundwater activity’ under Schedule 22 of EPR2016 and *will be considered a groundwater activity* (our emphasis) for the purposes of EPR2016, namely the injection of any substance into groundwater to increase the flow of fluids or gas to a well or borehole in connection with the extraction or use of any energy source.”

This creation of new fractures in the rock to improve its permeability would seem to justify the Environment Agency’s concerns about an unacceptable risk of a detrimental impact to groundwater quality. The Town Council is further concerned to learn that some 750m³ – 1,050m³, or up to 50% of the proppant fluid, will remain in the mining waste facility. Consequently, whatever measures Europa were to take to the casing and wellhead, to mitigate the risks identified by the Environment Agency, there would still be a significant amount of uncontained proppant chemicals in the mining waste facility i.e. in the underground fractured rock. Clearly, this adds to the risk of pollution of groundwater and we strongly urge North Yorkshire Council to accept that this is an unacceptable risk to groundwater resources and to refuse this application.

2. Landscape Planning Consultation

The Town Council notes that the Landscape Planning Consultation dated the 29th May 2025, from NYC’s Principal Landscape Architect, raises issues also raised by the Town Council in its earlier consultation response. The Principal Landscape Architect refers to the “adverse landscape and visual effects because of the nature of the proposed development in a highly sensitive landscape location within the North Yorkshire and Cleveland Heritage Coast, and due to proximity and landscape setting of sensitive receptors such as Burniston Village and the coastal footpath. Impacts are likely to be moderate adverse which in this case we would consider significant.” He goes on to say “This development would not be consistent with the special character of the Heritage Coast area and the importance of its conservation. We would consider this to be a major development and contrary to the policy for Heritage Coast as set out in paragraph 191 of the NPPF.”

The Principal Landscape Architect acknowledges that the application maintains that the development is short-term but nevertheless says that “Further information is needed to demonstrate that the landscape and visual effects would be minimised, that the development is temporary and reversible and the site could be sufficiently restored following completion of the temporary works ...”. The Town Council takes the view that the application should be considered as a long-term rather than temporary development because (i) Europa has indicated that if its appraisal finds that gas is available in commercially viable quantities, the site will be exploited for ten to twenty years; (ii) it is plain that if Europa regards its appraisal as successful, it will apply for further, long-term planning permission; and (iii) the title on the front page of Europa’s planning statement reads “Construction of a wellsite and operation of a drilling rig for the appraisal of sub-surface hydrocarbons, well testing and *retention of equipment* (our emphasis)”. We suggest that this points clearly to the proposed development being far from short-term and urge the Strategic Planning Committee to refuse this application in order to prevent the significant adverse landscape and visual effects of the proposed development in a highly sensitive landscape location within the North Yorkshire and Cleveland Heritage coast and close to the sensitive receptors of Burniston village and the coastal footpath. We do not consider that the responses of Europa to the Landscape Planning Consultation in any way undermine or negate the observations of the Principal Landscape Architect.

3. Proposed changes to the National Planning Policy Framework

The current National Planning Policy Framework (December 2024) (NPPF) provides, at paragraph 224, that “when determining planning applications, great weight should be given to the benefits of mineral extraction, including the economy.”

In December 2025, the Government published a draft revised NPPF for consultation. The revised draft NPPF contains changes that are particularly relevant to Europa’s application. Policy M3 reframes paragraph 224, replacing “great weight” with “substantial weight” but footnote 41 to policy M3 states that this is “Other than for development involving peat, coal or onshore oil and gas extraction, to which this policy does not apply”. In other words, when considering applications for onshore gas extraction, such as that made by Europa, there is no requirement in the consultation draft NPPF for the planning authority to place either “great weight” or “substantial weight” on the benefits of mineral extraction.

Europa’s application mentions several times the great weight that should, under paragraph 224, be given to the benefits of mineral extraction. The Town Council would agree with Friends of the Earth that the exclusion of onshore gas extraction from policy M3 in the 2025 draft NPPF fundamentally changes the planning balance for Europa’s application. Paragraph 224 of the 2024 NPPF can no longer be relied on by Europa in support of its application.

Whilst recognising that the draft NPPF is still out for consultation, the Town Council suggests that North Yorkshire Council would be reckless to ignore its provisions in deciding the Europa application, potentially laying itself open to judicial review. We say that North Yorkshire Council should view the extraction of onshore gas as of no greater benefit than leaving it in the ground and that the planning authority's own Joint Minerals and Waste Plan gives sufficient and appropriate guidance to decide the Europa application.

4. Conclusion

Newby and Scalby Town Council commends this consultation response to the Strategic Planning Committee, along with its two earlier responses, and strongly urges the Committee to refuse Europa's application.