

**From:** Magnus Gallie <>  
**Sent:** 14 January 2026 17:59  
**To:** Planning Control <Planning.Control@northyorks.gov.uk>  
**Cc:** Niall Toru <>; David Walker <>; Katie de Kauwe <>  
**Subject:** Friends of the Earth EIA Regulation 25 - Further Information Request

Hi Amy,

Could you confirm where we might be at in terms of formal consideration of the application? Is the minerals authority looking to delay consideration as per our previous request last month (re a new NPPF dawning) or is it minded considering the application under the existing national policy set-up?

To our mind some fundamental points of concern remain which, in our view, the current application documents fail to explain and where a further formal Regulation 25 request (re TCPA EIA regs 2017) for further information would help assist, especially as the whole point of the EIA exercise is, according to recent Supreme Court decisions, to ensure: **“that the environmental impact of a project is exposed to public debate and considered in the decision-making process”** (R (Finch) v Surrey County Council [2024] UKSC 20; [2024] PTSR 988 (“Finch”)

**A) Discrepancies in proppant treatment methodologies – number of treatments and pressure**

We note the applicant’s [Planning Statement](#) issued last year includes reference to the “main proppant treatment” which is stated to consist of:

*“approximately 60 to 80 tonnes of ceramic proppant and approximately 300m<sup>3</sup> to 500m<sup>3</sup> of gelled liquid. This is pumped at a surface pressure of between 5,000 and 6,500 psi. The pumping operation takes approximately 2 hours, and the well is then shut in to allow the pressure in the formation to dissipate, prior to flowing back through the production facilities in a controlled manner”. (pg 17-18 – Planning Statement)*

Nonetheless, the same applicant’s waste permit application states very clearly that the same operation will take place **up to four separate times**, and at a **higher pressure of 9000 PSI**. Surely, as the Minerals and Waste Authority, if you’re intent on giving permission for just the one proppant squeeze, it’s clear the applicants are planning on undertaking 3 additional p.squeezes, and at 50% more pressure than stated in the application documents:

*“The proppant squeeze will be carried out as a multi-stage treatment in the Cloughton-2 borehole with **up to 4 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 fluid mix is injected at a surface pressure of 9,000psi at a low rate for less than one (1) hour, then flowed back to surface in a controlled manner through well clean-up equipment”. (Pg 36 – Waste Management Plan)*

So, we're really looking more like 1200- 2000m<sup>3</sup> of gelled liquid (and 50 tonnes of ceramic proppant) overall. We would ask the council issue a formal Regulation 25 request on this point, as it seems that Europa's left hand (re planning application) is asking for permission to do one squeeze, while its right (re environmental permitting) seeks to do so much more.

### **B) Cumulative Fluid Volumes Exceed High Volume/Associated Fracturing in legislation:**

When these cumulative volumes are considered, it's worth noting that they possibly represent **double** the threshold of what is deemed associated fracturing in the Infrastructure Act 2016. 'Associated' hydraulic fracturing is defined in statute as a fracking operation that is carried out to *search for or get petroleum*, and "*involves, or is expected to involve*", the injection of:

- **more than 1,000 m<sup>3</sup>** of fluid at *each stage*, or expected stage, **OR**
- **more than 10,000 m<sup>3</sup>** of fluid in total

Clearly, while we continually face double-speak from Europa along the lines of "this is not Associated or High-Volume hydraulic fracturing or any form of fracking at all", the above facts speak for themselves. If the applicant's waste management plan wording is correct, surely 4 proposed treatments would, albeit separated, comprise more than 1000m<sup>3</sup> of fluid at each stage. We would politely ask again to formally issue a "further information" request in this regard, so that the wider community can see Europa's subsequent explanation to why they still don't think what they're proposing is a form of fracking. It clearly is by fluid amounts, and as such could even be considered "associated" in the context of the above legislation (and by any reasonable person), and which is technically under moratorium from government.

### **C) Our Previous 'Regulation 25' asks –**

As per our previous objections, we would also advise that as the minerals and waste authority, to issue a "further information" request on a range of other points, including:

- **The need for a 'Climate Change Assessment'**: as required by Policy D11 of the North Yorkshire Minerals and Waste Joint Plan (in the context of the IEA's 2023 Pathway to Net Zero Update, 7<sup>th</sup> Carbon Budget and CCC's recent pathway report to parliament). In the spirit of EIA and the Aarhus Convention (re right to participate) the public deserves more explanation as to Europa's climate conclusions, which are very limited, presented without any real-world context, impacts on carbon budgets, possible downstream emissions or need to

consider climate justice for current and future generations.

- **More robust assessment of cumulative climate Change:** as required by policy M17 and the EIA regs, which state that the description of likely significant effects ‘should cover *the*

*direct effects and any indirect, secondary, **cumulative**, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development’ [our emphasis].* As a result, we do not consider the 3km search radius undertaken by the applicants to have fulfilled the requirements of the regs nor policy M17, and as per our objection of April 5<sup>th</sup> 2025 believe the council should ask for more detailed analysis on cumulative climate impacts, either separately or as part of the required Climate Change Assessment which is also absent from the application.

It is our view that until this information is formally requested, North Yorkshire Council as the Minerals Authority cannot reasonably make a “reasoned conclusion” on the proposals (as per EIA regs).

In addition, surely what is being asked for in the application in this application is not identical to their intended operations detailed in their waste permit. The minerals authority **has to ensure** the permission covers the same remit (re 4 treatments) despite guidance suggesting “decision makers should assume other regimes are operating effectively”). If Europa is indeed wanting to undertake 4 separate treatments, this has not been identified or justified in the current planning submission, and so only a further information request and subsequent 30-day consultation on their response is likely to go anywhere near to addressing community concerns to the obvious disparities we and others have identified in these different sets of documents.

Kind Regards,

**Magnus Gallie** | Senior Planner (Interim)

0113 3899965

I work Tuesday-Friday

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