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To:  
Richard Flinton  
Chief Executive  
North Yorkshire Council  
Northallerton DL7 8AD

cc. Nic Harne, Corporate Director Community Development, North Yorkshire Council

25<sup>th</sup> February 2026

Dear Mr Flinton

**Request for independent review of the planning process in respect of application  
NY/2025/0030/ENV – Appraisal gas well at Burniston**

We write as members of Frack Free Coastal Communities who have become disillusioned with the handling by North Yorkshire Council of the planning application by Europa Oil & Gas Ltd. to drill and hydraulically fracture an appraisal gas well on a site adjacent to the village of Burniston.

We engaged with the consultation process in good faith. We were assured by the planners that all representations would be considered by the planning committee and that they, the planners, would seek responses from the applicant in respect of material matters drawn to their attention. We now see that has not been the case.

Our concerns cover eight main issues.

**1. Problems with the functionality of the online planning register.** At the beginning of the consultation, it was not possible to upload responses to the register. Many people reported having to try multiple times before the system would accept their representation. There is no record of how many representations were lost because people gave up after their initial attempts. Problems with submitting documents persisted for several months.

**2. Failure by planners to seek clarification from the applicant when serious errors and inconsistencies were pointed out in representations.** Three examples among many are:

a) the planning application describes the final (fourth) phase of the proposed development in two contradictory ways – ‘site restoration’ and ‘retention of equipment’. This was pointed out in representations in March 2025. There is no evidence that this was drawn to the attention of the applicant. Indeed, these contradictory descriptions have been copied and pasted into the officer’s report (e.g. paras. 2.1, 10.1) to the strategic planning committee for its meeting on 30<sup>th</sup> January 2026 (subsequently postponed)

b) several representations pointed to errors in the applicant’s description of the site and its surroundings – in respect of hedgerow screening, proximity of residential properties, the topography of the site, among others. Again, the planners have copied these errors into their report without seeking clarification or correction from the applicant. We had expected that the site visit by the committee would enable members to see the site as it is and not merely as described by the applicant: but as only three of the fifteen committee members came on the site visit on 26<sup>th</sup> January, that has not been the case

c) the Great Crested Newt saga: the failure of the applicant's consultant ecologist to identify the well-documented meta population of GCN in the vicinity of the site was pointed out in representations and follow up emails to the planners. The planners did not refer this error to the applicant until the NYC Ecologist was contacted by a local resident about it and asked the planners to enquire further. This reinforced our experience that representations from those who are not statutory consultees have been routinely ignored by the planners.

**3. Significant requirements of the Minerals and Waste Joint Plan (MWJP) have been ignored.** Two (of several) that have been pointed out in consultation responses relate to specific requirements where a proposal involves hydraulic fracturing:

a) Policy M17 4) iii) requires that a Health Impact Assessment be submitted. Its absence is not commented on in the officer's report

b) MWJP para. 154 requires 'compelling evidence .. that induced seismicity can be managed and mitigated to an acceptable level' and 'assessment of the potential for induced seismicity to occur as a result of the proposed development': these, together with the required information on the location of faults, are absent from the proposal and the officers' report.

Potential health impacts and induced seismicity feature prominently in the 1600+ representations: it is therefore particularly disappointing that the MWJP provisions designed to protect residents in respect of these two concerns have not been followed in the submission and scrutiny of this planning application.

Also absent from the application and the officers' report is the required 'robust demonstration of how an unacceptable degree of adverse impact can be avoided' from surface hydrocarbon development within 500 metres of residential buildings (Policy M17). As several representations have pointed out, there are more residential buildings within this radius of the proposed wellsite than acknowledged in the application. We note (from documents released following a FOI request by Burniston Parish Council) that planning conditions proposed by statutory consultees to minimise impact on nearby residents have been watered down or removed at the request of the applicant.

**4. Inappropriate advice to the applicant not to respond to representations from the public.**

An email of 10<sup>th</sup> June 2025 from Planning Control to the applicant's agent advises against replying to individual objections as this might set a precedent. An earlier email (17/4/2025) indicates that the default position of Planning Control was not to send representations on to the applicant for comment.

**5. Lack of engagement with technical and scientific analysis in expert representations.**

Detailed representations from those with relevant scientific and professional expertise have not been passed on to the applicant with a request for comment nor have they been addressed in the officer's report. This seems to render the public consultation process little more than a box ticking exercise.

**6. Errors in the planning officer's report which have the potential materially to mislead committee members.** For example, the report at para. 10.6 describes the proposed gas well as 'for natural gas exploration' despite the applicant making it clear that it is for 'appraisal'. The following paragraph (10.7) then mistakenly applies a provision of the Minerals Planning Practice Guidance (para. 120) which relates specifically to exploration and not to appraisal.

**7. Failure to respond to relevant communications.** For example, FFCC wrote to the Principal Planning Officer on 5<sup>th</sup> November 2025 asking what advice has been sought and received from NSTA about how the mitigation of seismic risk will be addressed, as per Minerals Planning Guidance. No response to this email has been received and it has not been uploaded to the Planning Register.

**8. Failure to upload relevant documents and correspondence to the planning register.** These include the applicant's response to questions raised by North York Moors National Park Authority (30/4/2025) and a final revision of the Preliminary Ecological Appraisal (29/9/2025). Their existence came to light in emails released under a FOI request and were finally uploaded only after FFCC wrote to planning control on 5<sup>th</sup> January 2026 querying why they were not already on the planning register. Also individual representations have had concerns about health impacts redacted despite their requests for such redactions to be removed.

These shortcomings in the handling of the planning application and consultation have resulted in a report to the Strategic Planning Committee which is misleading and contains internal contradictions which, in our view, would make it difficult for elected members to make a properly informed determination.

In the interests of transparency and future improvements in the handling of major minerals planning applications, we feel that an external peer review of the handling of NY/2025/0030/ENV, for example by the Planning Advisory Service of the Local Government Association, would go a long way towards restoring public trust in the ability of NYC's planning department to do a high quality professional job and properly to balance the various stakeholder interests involved in such applications.

Yours sincerely,



Chris Garforth, Chair of Steering Group

co-signed by: [list of names to be added: Steering Group members; FFCC members]