

sent by email from [info@frackfreecoastalcommunities.co.uk](mailto:info@frackfreecoastalcommunities.co.uk)



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

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

8<sup>th</sup> March 2026

Dear Mr Flinton

**Formal Complaint about the Council's handling of planning application NY/2025/0030/ENV**

We wrote to you on 25<sup>th</sup> February 2026 on behalf of Frack Free Coastal Communities setting out our dissatisfaction with the way in which the Council has handled the planning application for an appraisal gas well at Burniston.

We note that NYC have commented on our letter to *Drill or Drop*<sup>1</sup> but we have not yet received an acknowledgement. We are therefore writing again to make it clear that we expect our dissatisfaction to be dealt with under the Council's complaints policy. Our concerns, as set out in our letter, clearly fall within the policy's definition of a complaint: "*an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation ... affecting an individual or group*". As it is about the planning process rather than a planning permission decision, it is not covered by the exclusions listed in the policy.

The shortcomings in the Council's handling of the application have affected all residents of the coastal communities of Cloughton, Burniston, Scalby and Newby. The process has fallen below the high standards we expect of a minerals planning authority when dealing with a hydrocarbon proposal with far reaching consequences. The authority has ignored key provisions in its own Minerals and Waste Joint Plan. It has failed to seek clarification from the applicant about errors and inconsistencies which were pointed out in public representations. The resulting report submitted to the Strategic Planning Committee for consideration at its (now postponed) meeting of 30<sup>th</sup> January is incomplete, inconsistent, relies too heavily on text from the applicant's documentation and contains errors which could materially mislead members of the committee charged with making the determination.

In short, we have become disillusioned with North Yorkshire Council's handling of the planning application and the consultation on the proposal 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

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<sup>1</sup> 'Planners accused of "misleading" report on Burniston fracking gas plan', Drill or Drop 26/2/2026

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 officers’ 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 officers’ 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 officers' report. This seems to render the public consultation process little more than a box ticking exercise.

**6. Errors in the planning officers' 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. This failure of communication goes beyond the planning department. Correspondence to the senior management of NYC Highways relating to their consultation response went unanswered for over four months (16/6/2025 – 27/10/2025) despite several follow-ups by email and telephone until we asked the executive member for highways to expedite a response.

**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). These documents' 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 individuals have reported that their 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.

We would like this complaint to be resolved in two main ways:

1. 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.
2. We ask that the officers' report and recommendation to the Strategic Planning Committee be withdrawn and a fresh report submitted, based on a professional, thorough scrutiny and review of the planning application that takes all representations into account.

Please contact us by email to:

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Yours sincerely,



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

*co-signed by the following 57 members and supporters of Frack Free Coastal Communities*

Clare Topham	Steve Topham	Suzan Robinson	Paul Robinson
Daryl Whitelegg	Mark Whitelegg	Jenny Hartley	John Sessions
Lindsay Sessions	John Buckley	Jayne Warburton	Rob Stockdale
Debbie Green	Margaret Jackson	Steve Mason	Joanne Brannan
Gary Brannan	Jill Boyes	John Boyes	Juliet C Harper
Anthony Tomaszewicz	Stephen D Overy	Dennis McCarthy	Michael E Chaloner
Bob McGovern	Robert Moakes	Graham Senior	Malcolm Brooks
Alison Lewis	Jacqueline Housham	David Eddy	Julie Fairweather
West Newton Said No	Peter Lomas	Jennie Vause	Geoff Vause
Dr Julie White	Tricia Whitley-Wright	Andrew Volans	Vance Pimperton
Sarah Dew	Griselda James	Philip Painter	Esther Painter
Stephen Illingworth	Julian Ross	Rebecca Nelder	Clare de Villanueva
Evelyn Peterson	Janet Parish	Christine Gledhill	Richard Welford
Stephanie Welford	John Welford	John Watton	Sally Archbell
Barry Duffy			