

Newby and Scalby Town Council – Response to NYC consultation

Application reference : NY/2025/0030/ENV

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

Applicant : Europa Oil and Gas Limited

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Context

The application site lies at the edge of the village of Burniston, within the Burniston Parish Council area, but the proposed deviated borehole runs in a south-westerly direction towards Scalby Road, ending underneath Scarborough Rugby Union Football Club's ground, which is within Newby and Scalby Town Council area. Newby and Scalby would be affected by the proposed development, for example by the additional heavy goods vehicle traffic travelling down Scalby Road, through Newby and Scalby, and potentially down Coastal Road, over the bridge over the Sea Cut, or down Field Lane and Station Road, Scalby. The Town Council has an interest, therefore, in this application and is justified in submitting this response.

The Town Council recognises that the principal policy document governing the application is the 2022 Minerals and Waste Joint Plan ("MWJP"). Para. 5.96 of the MWJP states "Around the time of the finalisation of the Joint Plan, in November 2019, the Government imposed an effective moratorium on hydraulic fracturing by introducing a presumption against the issuing of any further Hydraulic Fracturing Consents, until compelling new evidence is produced which would address concerns about prediction and management of induced seismicity." The MWJP defines "sub-surface hydrocarbon development" as including use and/or development of the land surfaces for the purposes of exploring, appraising and/or producing hydrocarbons" and "hydraulic fracturing" as including the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used. It is clear, therefore, that the application proposal constitutes sub-surface hydrocarbon development and hydraulic fracturing. Para. 5.122 of the MWJP says "operators are now required to assess the location of any relevant faults before fracking operations can take place". Many local residents have expressed their concerns about the risks of hydraulic fracturing at the application site, given the known fragility of this part of the coast, where there have been recent cliff-falls and landslips, and the known location of nearby faults, in particular the Peak Fault. Europa have given no indication in their application that they have considered these risks or produced any evidence addressing concerns about prediction and management of induced seismicity.

The Town Council also notes that Europa has submitted only Annex 5 with its application and not the Annex 1 also required for development involving oil or gas operations and other buildings, plant or structures associated with minerals development.

Para. 5.98 of the MWJP says "The expected increase in commercial interest in gas in the Plan area in future years ... together with the highly sensitive nature of the environment in large parts of the area covered by new and existing PEDLs, presents a significant challenge. An appropriate balance has to be achieved between provision of a degree of support and flexibility to enable development to take place in appropriate locations and the need to provide a high standard of protection to local communities and the

environment.” Para. 5.116 says “A range of issue are likely to be relevant when considering planning applications for hydrocarbon development. For example, there is the potential for landscape and visual impact, impacts from noise, vibration, external lighting, flaring and traffic, and impacts on the natural environment.”

Europa’s application refers to a “temporary wellsite” and “site restoration”. Its application documents refer repeatedly to the short-term (and therefore, impliedly acceptable) nature of the proposal. Nevertheless, the Town Council, working with Burniston and Cloughton Councils, takes the view that the application should be considered as a long-term development of the site. We take this view 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”.

The Town Council considers that Paras. 5.98 and 5.116 of the MWJP are notably relevant to this application site because of the highly sensitive nature of its environment and the need for a high standard of protection to the local communities and the environment and that, accordingly, this cannot be an appropriate location for this development. We set out below, in more detail, some particular concerns.

Site location

The site is at the edge of Burniston village, to the rear of the Mill Yard and a small solar panel array. Access is from the A165 Coastal Road, via a largely unmade track. Europa’s planning statement says that “no changes are proposed to the Site access route ...”. This is unrealistic. To allow for access of HGVs to construct and operate the site, it would be necessary to straighten and widen the access track, involving the removal of most if not all of the trees on the northern edge of the access track, and to lay an appropriate roadway some twelve to eighteen inches deep. The width of the proposed access between the solar panels and the site boundary is not wide enough to allow passage of a single HGV without removal of the existing trees and it is questionable whether, even if widened, it would allow two HGVs to pass. There is no indication on the site plans of arrangements for HGVs to turn so as to leave the site in forward gear; certainly, HGVs would not be able to reverse out onto the A165.

The site is surrounded on three sides by productive agricultural land, which has been worked for many years and improved by the current tenants. Policy D12 of the MWJP says “The agricultural economy is very important

within the Plan area, which is predominantly rural in area. It is therefore also important that, so far as possible, good quality agricultural land and soils are protected from impacts from minerals and waste development ...” The Town Council is concerned about the potential for adverse effects on the agricultural land from particulate emissions, for example from flaring or engines, from leakage of chemicals and waste from the site and in particular from damage to the aquifer and water sources. Since we do not believe that any guarantee can be given that there would be no possibility of such adverse effects from the proposed development, we believe that it would not be safe to approve the application.

Additionally, concerns have been raised with us about the safety of siting this type of development, involving gas in quantity, so near to village properties.

The three local councils have been invited by Europa to compare the application site at Burniston to Europa’s similar development at Wressle in North Lincolnshire. It is clear, however, that the two sites are very different. Burniston is in a rural setting near to residential properties and close to the North York Moors National Park and the Heritage Coast. Wressle is not near residential properties but is in an industrialized area, close to the town of Scunthorpe (population 81,286) and its steelworks. We do not believe this comparison should persuade North Yorkshire Council to approve the present application.

There are some discrepancies between measurements given in the planning statement and actual distances on the ground.

- Wayside Farm – approx. 200m (not 350m)
- Bridge Close homes – 320m (not 350m)
- Burniston Nurseries – 350m
- Cinder Track -310m (not 400m)
- Cleveland Way – 730m
- A165 – 290m.

The Town Council notes that Policy M17(4) of the MWJP states “Adequate separation distances should be maintained between hydrocarbon development and residential buildings and other sensitive receptors in order to protect against unacceptable adverse individual and cumulative impacts on amenity and public health, in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, will only be permitted following the particularly careful scrutiny of supporting information which robustly demonstrates how in site-specific circumstances an unacceptable degree of adverse impact can be avoided. The Town Council suggests that the information commissioned by Europa to support their application does not satisfy the requirement for *robust* demonstration that a degree of adverse impact unacceptable in all the circumstances, and in particular to the local residents within 500m of the site, can be avoided.

The planning statement says that “...there are no historic or authorised landfills within 1km of the Site”. In fact, the old Burniston tip landfill is around 550m from the site and appears to be directly above the drill area and the old Scalby tip landfill near to Field Lane is approximately 1.25km away.

The planning statement says that “there are no National Trails or National Cycle Network Routes within or near the Site”. In fact, the Scarborough to Hayburn Wyke/Scarborough to Whitby cycle routes run along the Cinder Track, 310 metres from the application site.

Traffic

Table 4.3 in the planning statement gives the assumed HGV movements for the thirty-seven weeks of the appraisal and testing operations (approximately nine months). The total assumed HGV journeys is 1154, meaning that there would be 1154 HGV movements into the site and 1154 leaving it (assumed average per day 8/9). No figures are given for movements of other vehicles to and from the site or for any vehicle movements after the initial thirty-seven weeks.

Policy M17.1(i) of the MWJP states “(i) Hydrocarbon development will be permitted in locations with suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment that (a) ... the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities, businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated, for example by traffic controls, highway improvements and/or traffic routing arrangements; and (b) access arrangements to the site are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users where relevant; and (c) there are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.

The Town Council believes that the assumed level of HGV traffic in the planning application represents a significant increase on the present level of traffic using the Mill Yard site and that the application does not demonstrate that the proposed development would not give rise to an unacceptable impact on local communities, businesses and other users of the highway.

While the site location gives access to the classified, single-carriageway A165, we question whether it is safe and suitable for the nature and volume of the traffic generated by the development. The access is within the 60mph zone; HGVs could be travelling at 60mph as they approach the access and certainly other road traffic could be. Large vehicles entering or exiting the site cannot make this manoeuvre quickly, safely or smoothly and may need

to encroach onto the other side of the carriageway. An additional danger is that the entrance is on a bend, with limited visibility to the South because of a stand of tall trees up to the verge. Furthermore, opposite the site entrance is the entrance to Burniston Nurseries garden centre, which is a long-established and welcome business in the community and which already experiences difficulties with large vehicles accessing its site, causing traffic to back up and/or reverse onto the A165. The A165 is one of the main routes into Scarborough and is busy, particularly in tourist seasons. To add a significant and potentially dangerous amount of heavy goods traffic to this road would detract from Scarborough and district's appeal as a holiday location.

Consideration must also be given to potential routes to be taken by HGVs approaching and leaving the site. It is not clear in the application from where the HGVs would be travelling to reach the site or their destinations on leaving the site. If travelling from the site to the A64 along Coastal Road, they would have to go down the hill, round the sharp S-bend at the narrow bridge over the Sea Cut and up the hill on the other side before proceeding through the residential area to the Peasholm roundabout and then into the town, through Falsgrave and along Seamer Road, where traffic is often heavy, slow and backed up. If travelling to the A64 along Scalby Road, HGVs would have to manoeuvre the mini-roundabout at The Three Jolly Sailors before driving through Scalby and Newby and residential areas of Scarborough to join Seamer Road. If travelling North via the A171, HGVs would have to manoeuvre the mini-roundabout at the Three Jolly Sailors before driving along the narrow road through Burniston and Cloughton villages and up Cloughton Bank to the moors road. None of these options represents an acceptable impact on the local communities.

Footpaths in Burniston are narrow and are well-used by pedestrians, including children walking to and from school. Up to twenty walk-to school routes that would involve the A165 have been counted. Local residents have expressed fears that an increase in HGV traffic arising from this application could represent a danger to pedestrians, including from exhaust emissions and traffic noise.

The application plans do not appear to make provision for suitable arrangements for on-site manoeuvring, parking and loading/unloading of HGVs and consequently would appear not to meet the requirements of Policy M17.1(i).

Policy M17.1(iv) provides that "where hydraulic fracturing is proposed, proposals, where practicable, should also be located where an adequate water supply can be made available without the need for bulk road transport of water". Europa have confirmed to the local councils' working group that the site would not be connected to the local water supply and that water would be taken to and from the site by bulk tanker. Europa have indicated that waste water would be taken to an Environment Agency-approved site,

but we have no idea where this site would be, so cannot say which route away from the site the tankers might take.

Landscape and Visual Amenity

The application site lies at the eastern edge of Burniston village and is currently an open, grassed field, surrounded on three sides by other open fields. The site rises from the south-western to the north-eastern boundary, from where the coast can be seen two or three fields away. The site is within the North Yorkshire and Cleveland Heritage Coast and the Cleveland Way runs along the cliff some 730m away. The Cinder Track footpath and cycle route is 310m away to the West. The site is well within the 3.5km visual sensitivity zone of the North York Moors National Park. The nearest residential property, Wayside Farm, is approximately 200m away and the homes in Bridge Close are 320m away. The site looks down on and is certainly visible from Bridge Close and other parts of the village. The landscape and surroundings of the site are important – “precious” is the term used by a local resident - to the area both for tourism and for local residents.

Policy M17(3) of the JMWP states “hydrocarbon development will be permitted in locations where a high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy, including, where relevant, important visitor attractions”.

Policy D02 of the JMWP states “proposals for minerals and waste development ... will be permitted where it can be demonstrated that there will be no unacceptable impacts on the amenity of local communities and residents, local businesses and users of the public rights of way network and public open space, including as a result of ... visual intrusion, ... (and) the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park”. The JMWP notes, at para. 9.18, that “the North York Moors National Park was designated primarily for its landscape quality and diversity, and also hosts a variety of important habitats and thousands of historic assets, as well as providing opportunities for outdoor recreation, enjoying impressive views and experiencing peace and tranquillity”. Policy D06 of the JMWP states “All landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape ... For proposals which may impact on nationally designated areas including the National Park ... a very high level of protection to landscape will be required. ... Where proposals may have an adverse impact on landscape, tranquillity or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site and any visual impact ...”

Europa's application proposes to excavate the site to create a level floor, building 3m high bunds on the north-eastern and part of the north-western boundaries and laying a containment system of a high-density polyethylene impermeable membrane and protection geotextiles under an aggregate surface to a minimum depth of 300mm. A concrete access ramp and car parking area would be installed. Various buildings, tanks and equipment would be installed on the site, including a mobile crane and a drilling rig 38m high. The open, grassy field would be replaced by a hard-surfaced, industrial compound. This does not indicate to the Town Council a "high standard of protection" for the environmental or recreational assets of the area, nor does it demonstrate that there would be no unacceptable impacts on the amenity of local communities and residents. Where is the "very high level of protection" for the landscape within the National Park visual sensitivity zone?

The 38m high drilling rig would perhaps be the aspect of the development most visually intrusive in the landscape. For comparison, this would be half as tall again as Scarborough Castle keep and twice the height of Scarborough Pier lighthouse. It would undoubtedly dominate the landscape and the village and spoil the views from the Coastal Path, the Cinder Track and the National Park. The photographs in Volume III of the planning statement are not persuasive, since there is no indication that the height of the rig is shown accurately or to scale. Furthermore, the drilling rig would be lit 24 hours a day during at least part of the site operations, in a site that is not currently lit at all and in a rural area that is fairly minimally lit. We suggest that this may well have an adverse impact on dark night skies. We do not accept that the impact of the drilling rig should be discounted because the initial drilling phase is "only" seven weeks; as explained earlier, this application should be assessed as a long-term development during which Europa would drill multiple wells.

In 2011, the owner of the application site submitted an application for two 24.6m high wind turbines (34.2m to tip of the blades) on the site, under reference number 11/00507/FL¹. The application was refused by the then local planning authority and an appeal was also refused, under reference number APP/H2733/A/12/2168578. The planning inspector said in his decision, "... this is an attractive coastal area where the steep cliffs down to rocky coves abut undulating farmland. The coastal footpath offers dramatic views of the rugged coastline, along with contrasting views over a rolling rural landscape towards a backdrop of wooded hills within the National Park. The quality and variety of this landscape give the area considerable scenic value. The *Framework* provides that authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast ... I find that (the proposed turbines) would detract from the landscape resource and that an impact magnitude of high would be appropriate here. The proposed turbines would impair the character, quality and value of the local landscape. I find

¹ N.B. The tip of the blades would have been 3.8m lower than the 38m drilling rig.

that the overall significance of the impact of the proposed development on the landscape resource would be substantial and adverse.” The Town Council agrees wholeheartedly with the inspector’s assessment, which applies as much, if not more, to the development proposed by Europa.

Para. 191 of the National Planning Policy Framework states that planning decisions within the Heritage Coast should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character. Europa accepts that its proposals would be “major development”; its proposals are certainly not compatible with the special character of the Heritage Coast.

Geology

Local residents are very concerned about the risks posed by drilling into the sub-surface structure, as the adjacent cliffs are known to be fragile and prone to landslips. There are also known to be significant faults very close to the application site, in particular the Peak Fault system, which extends below 1km in depth. The Iron Scar & Hundale Point to Scalby Ness Site of Special Scientific Interest runs along the coast adjacent to the site and is notable for its geological structure and its fossils. This scientifically valuable site should not be put at risk by development for hydraulic fracturing. Local residents have also expressed concerns about the potential for damage to the aquifer and local water boreholes from the proposed drilling for gas.

Para.5.154 of the MWJP states “A further specific consideration associated with hydraulic fracturing is the possibility of induced seismicity. This has the potential to impact local amenity adversely and be a significant concern to local communities. ... It will be important to ensure that development which could give rise to induced seismicity is located in areas of suitable geology. Government indicated in an Energy Update Written Statement in November 2019 that the causes of seismicity are highly dependent on local geology and that the limitations of current scientific evidence means it is difficult to predict the probability and maximum magnitude of any seismic events. Proposals should therefore be supported by compelling evidence which demonstrates that induced seismicity can be managed and mitigated to an acceptable level. This should include information which demonstrates the known location of any faults and an assessment of the potential for induced seismicity to occur as a result of the proposed development.”

The planning application does not appear to present any information to address these policy requirements. We note that Europa does not appear to have submitted form NYPA17 (Applications for development relating to the onshore extraction of oil and gas) from the North Yorkshire Council Validation Requirements checklist. The section of NYPA17 relating to Geological Assessment states “Applications will be expected to be accompanied by a full and comprehensive Geological Assessment. A

Geological Survey, normally accompanied by a Plan to a scale of 1:2500, will be expected to include borehole data, together with current ground levels and depths of materials including soils.” The section headed “Hydrological and Hydro-geological Assessment (including where applicable a Groundwater Vulnerability Report and any Aquifer Impact)” states “Applications will be expected to be accompanied by a full and comprehensive hydrological assessment and hydro-geological assessment including details of topography and surface drainage, artificial ground, superficial deposits, landslip deposits, rockhead depth, bedrock geology and details of borehole reports including any information with regard to abstraction licences ...” The section headed “Land Stability/Geotechnical Report and/or Coal Mining Risk Assessment” states “For new developments that are on or adjacent to land which is known or suspected to be unstable, a report by an appropriately qualified engineer shall be submitted giving details of how land conditions are to be dealt with during the course of the development. Where the reports show that there is potential for instability, details of arrangements for monitoring of groundwater shall be submitted together with details of any necessary remediation details to prevent future landslips.”

Europa appear to have some limited subsurface information from older seismic studies, but this is currently mapped on sparse, moderate quality 2D data². No 3D seismic survey has been carried out. The Town Council believes that: without a comprehensive 3D seismic survey; without specific confirmation that the proposed development is located in an area of suitable geology; without compelling evidence that demonstrates that any induced seismicity can be managed and mitigated to an acceptable level; without detailed assessments referred to in NYPA17 that specifically confirm the security of the sub-surface structure of the site, the adjacent SSSI and the local aquifer and water boreholes, it is simply too dangerous to approve this planning application. We would point out that some of the nearby properties are old, with limited foundations, and could be severely damaged by seismic activity. In the event that planning permission were to be granted, it must be conditional upon the provision of a bank- or insurance-backed indemnity against future damage to local properties.

Noise Impact

Europa’s planning statement is dismissive of the concerns of local residents about the impact on them of noise from the proposed development and the results of Europa’s noise monitoring are misleading.

“Noise” generally refers to unwanted sound and “noise pollution” is defined as “harmful or unwanted sounds in the environment, which in specific locales can be measured and averaged over a period of time”.³ Sounds can be continuous or intermittent; the timing and duration of a sound are also

² Europa presentation 13.06.24

³ European Environment Agency

relevant to its potential effects on human health.⁴ Volume of sound is usually measured in decibels (dB), on a logarithmic scale, such that an increase of roughly 10dB represents a doubling of volume.

Europa suggests that the distances between the centre of the wellsite and the nearest sensitive receptors is between 350m and 530m. This is incorrect, or at best misleading, since noise (unwanted sound) would not always or even usually emanate from the centre of the wellsite. Noise could emanate from drilling, from generators, from other machinery, from vehicles. This list is not exhaustive and the source of noise could be at or near the boundary of the site.

Europa's noise assessment identifies four relevant noise-sensitive receptors (NSRs): Wayside Farm, House on Field Lane, House on Bridge Close and Flatts Farm. Wayside Farm is approximately 200m from the application site, and Bridge Close is 320m. Noise monitoring was undertaken at two locations, stated to be "near" the most sensitive identified receptors, Wayside Farm and Flatts Farm. Bridge Close is in fact closer to the application site than Flatts Farm.

Background sound levels are given as 47dB (day) and 30dB (night) near Wayside Farm and 42dB (day) and 30dB (night) near Flatts Farm. Levels near Bridge Close were said to be "not representative". Levels near Wayside Farm were said to be influenced by activity at the Mill, but the Town Council would point out that businesses at the Mill are largely carried out indoors and during a normal eight-hour day, whereas operations at the application site would be outdoors and partly 24 hours a day. Local residents have not raised with us any issues relating to the businesses at the Mill.

Europa predicts that the highest level of noise from the proposed development would be 51dB at Flatts Farm. No predictions are given for Wayside Farm or Bridge Close. Europa states that this level is acceptable and that "there will be no adverse noise or vibration impacts on any nearby receptors as a result of noise emissions from the Proposed Development."

The Town Council would point out that, even if the background levels above are accurate, they are the levels currently experienced by those living closest to the application site, which they are used to and which may be said to be acceptable to them. The fact that they may be equal to or lower than a Lowest Observed Adverse Effect Level or Significant Observed Adverse Effect Level is not relevant because those are not levels which local residents currently experience day to day. The question of what is acceptable should be answered by those who have to live with it. We would point out that operational hours are stated in the application to be 07:00 to 19:00 (12 hours a day) for some phases of operation and 24 hours a day for others. We repeat that this application should not be considered as a short-term development.

⁴ House of Lords Science and Technology Committee, 2nd report of Session 2022-23, HL paper 232

The Town Council would strongly suggest that North Yorkshire Council commission its own assessment of baseline noise levels at the residential properties nearest the application site, before deciding this application.

Air Quality

Local residents have expressed concern about the risk of adverse impact of the proposed development on air quality and potentially on their health.

Policy M17(4) of the MWJP states “Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbon development and residential buildings and other sensitive receptors in order to protect against unacceptable adverse individual and cumulative impacts on amenity and public health, in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, will only be permitted following the particularly careful scrutiny of supporting information which robustly demonstrates how in site-specific circumstances an unacceptable degree of adverse impact can be avoided ... Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.”

We note that there are residential properties within 500m of the site and that the Cinder Track, adjacent agricultural land and Burniston Garden Centre are also within 500m. We note that no air quality monitoring plan or Health Impact Assessment was submitted with the application.

Europa’s Air Quality Impact Assessment confirms that “the principal source of pollutant releases to the atmosphere will be ... stationary diesel engines and generators providing power for site drilling operations, the disposal by incineration of produced natural gas during well testing, non-road mobile plant brought to site for construction and site restoration operations and the movement of heavy-duty vehicles (HDV) for transport operations throughout the proposed development. ... The main pollutants from the combustion of diesel fuel are oxides of nitrogen, carbon monoxide and fine particulate matter. In addition to the combustion of diesel fuel, the natural gas produced during production test operations will be disposed of by incineration. Combustion of natural gas will give rise to the same pollutants as combustion of diesel fuel, although it is not expected that there will be any significant releases of particulate matter.”

In addition to the above pollutants, we are concerned about the potential for dust arising from the proposed development, both from construction and drilling operations and from heavy goods vehicles accessing the site on an

unmade road surface and about the odour from the diesel and gas pollutants.

Europa dismisses the effects of this pollution as “negligible” and “insignificant”. Local residents are not convinced. The Town Council suggests that information supporting the application does not bear particularly careful scrutiny nor robustly demonstrate how in site-specific circumstances an unacceptable degree of adverse impact can be avoided.

The Town Council would strongly suggest that North Yorkshire Council commission its own assessment of baseline air quality levels at the residential properties nearest the application site, at the Cinder Track and at the agricultural property next to the application site, before deciding this application.

Lighting Impact

Local residents have expressed concern about the effect of light pollution from the proposed development, which is on a site that currently has no artificial lighting at all. Light pollution can be defined as “light shining where it is not intended or wanted”. Light pollution can be “a source of annoyance to people, harmful to wildlife and undermines enjoyment of the countryside or the night sky, especially in areas with intrinsically dark landscapes.”⁵ Artificial light at night can disturb sleep and circadian rhythms and thereby affect human health.

The National Planning Policy Framework (2024) states that “planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment ... In doing so they should ... c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”⁶

The potential for unacceptable impact of site lighting on the amenity of local communities and residents, local businesses and users of the public rights of way network and public open spaces is recognised in Policy D02 of the MWJP. Policy D04, at Para. 9.27, states “When considering the setting of National Parks and AONBs the issue is not whether the proposal will be seen but whether its scale, nature and location will detract from the special qualities of the area. One of the purposes of the National Park designation is to promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public. This purpose can be significantly eroded by development located outside the National Park boundary, especially where the development would be prominent in the context of the views into

⁵ Government paper “What is light pollution? – 17th December 2024

⁶ Para. 198

and out of the Park, particularly from important public rights of way, or where it would harm tranquillity and impact on the dark night skies.”

Para. 9.47 states “The relatively undeveloped nature of large parts of the Plan area, particularly within the National Park and AONBs, mean that there are substantial areas with low levels of light pollution, leading to high-quality starscapes at night which are increasingly rare in England. Proposals for minerals or waste development, particularly those with a requirement for significant amounts of external lighting and which are situated in rural locations should ensure that the impact of development on dark night skies is considered ...” The North York Moors National Park was designated an International Dark Sky Reserve in December 2020. The application site falls within the 3.5km visual sensitivity zone of the National Park.

Para. 5.152 of the MWJP states “Unlike other forms of minerals development currently taking place or expected in the Plan area, some types of hydrocarbons development, such as the drilling of a well, require 24-hour operations. Such operations have acute potential to impact on local residents adversely, for example due to noise and light intrusion. ...The Authorities consider that the potential for adverse impacts to arise will tend to increase with greater proximity to sensitive receptors and that proposals within 500m of sensitive receptors are generally likely to create higher risks of harmful impacts on amenity. ...A 500m distance from the well pad boundary (excluding site access) is considered to represent a reasonable distance of immediate sensitivity ...”

Wayside Farm, Bridge Close and other residential properties are well within 500m from the proposed well pad boundary. Furthermore, the application site is on rising ground and looks down on the eastern end of the village. The application site can also be seen from higher parts of the village, such as Limestone Road. The boundary of the National Park is approximately 800m to the North and 2,150m to the West of the site.

Europa accepts that the site is within an Environmental Zone 2 for lighting, namely “rural, with low district brightness typical of sparsely inhabited rural areas and villages.”

Europa’s proposals appear to include

- External lighting on nine buildings on the site
- 20 floodlights on or around the drilling rig, at mounting heights between 4.645m and 34.103 m
- Up to 12 lighting towers
- 12m high flares.

We suggest that this is quite inappropriate for this edge of village rural location and would represent an unacceptable impact on the amenity of local residents. Additionally, it would adversely impact on views from the National Park and impinge on dark night skies, detracting from the special qualities of the area.

Ecology

The preliminary ecological appraisal carried out by ADAS in support of Europa's application is disappointing, in that the field survey appears to have been undertaken on a single day in June 2024. While the appraisal acknowledges the local ecological importance of hedgerows and wooded areas on the boundaries of the site, and their potential to provide opportunities for common nesting bird species and as corridors for local bat populations, no attempt seems to have been made to take investigations further. On the other hand, a survey by a local ornithologist on one day in March 2025 reports observation of 26 species of bird, including barn owl, skylark, linnet, yellowhammer, reed bunting, dunnock, song thrush, lapwing and grey partridge. Many locals could confirm the presence of these and other species at or near to the application site.

Other wildlife, such as deer and hares, is often seen around the application site. Evidence of badger and fox trails across the application site was noted on the local councils' joint working group site visit. The site is within the barn owls' hunting area, so there are likely to be prey species there.

The Town Council is concerned about the inevitable disturbance to wildlife by the proposed development. While there are no proposals to remove the hedgerows, the creation of the topsoil storage bunds and the surrounding batters would undoubtedly severely disrupt them. We have already mentioned the need to remove trees from the northern boundary to allow for straightening and widening of the access to accommodate HGVs. We know that migrating birds follow habitual paths across the site; they would undoubtedly be disrupted by industrialisation of the site, in particular the drilling rig, lighting towers and flares. Light from the site at night could disrupt bat movement, as Europa acknowledges.

The biodiversity net gain assessment prepared by ADAS to support Europa's application is based on the presumption that all works to the site would be temporary and that all existing habitats would be fully reinstated and expected to return to their pre-works condition in two years. This presumption is fanciful, in light of Europa's stated intention to retain equipment on the site and, if the gas appraisal is commercially successful, to exploit the site for ten to twenty years. An important point for North Yorkshire Council to remember in this context, however, is that if the development were to be permitted, the site would still need to be fully restored in ten or twenty years' time and that Europa should provide a bank- or insurance-backed bond to guarantee full reinstatement.

Economic and Social Benefits

Europa's argument that the development would bring positive benefits to the local economy is tenuous. Local food outlets and petrol stations might benefit from spend by on-site workers. Europa says that they intend to support local businesses such as electricians, pipework fabricators, construction companies, crane suppliers and road hauliers but there is no guarantee and it is equally possible that they would choose to source trades and suppliers from outside the area, such as near their other sites. Europa representatives confirmed to the local councils' joint working group that the economic and job benefits to our communities during the appraisal would not be large. The significant contribution to the local economy from tourism, however, is unquestionable. We suggest that the adverse effect on tourism from impact of the proposed development on visitors to the local area, for example, the Cleveland Way and the National Park, would far outweigh any, admittedly modest, benefits of the development on the local economy.

The Town Council acknowledges that the proposed development, if permitted, could contribute to a reduction in the nation's reliance on imported gas but does not believe this outweighs the disbenefits of the proposed development to our local communities. Furthermore, we believe that declining to add to the use of fossil fuels in this location will benefit the country and contribute towards its achieving net zero as soon as possible.

Conclusion

Europa states that "the planning application is accompanied by an assessment of all greenhouse gas emissions arising from the construction and operation of the appraisal wellsite at Burniston." We question whether this is fully compliant with the 2024 decision of the Supreme Court in *Finch*.⁷

The facts in *Finch* are strikingly similar to those of the current application at Burniston. The developer in that case sought planning permission from Surrey County Council to retain and expand an existing onshore wellsite (comprising two wells) and to drill for four new wells, enabling the production of hydrocarbons from six wells over a period of 25 years. The environmental impact assessment for the project considered the environmental impacts of "the direct releases of greenhouse gases from within the wellsite boundary resulting from the site's construction, production, decommissioning and subsequent restoration over the lifetime of the proposed development". It did not, however, assess the environmental impacts of the downstream gas emissions that would inevitably result when the oil extracted from the development site was later refined and then used, for example, as fuel. The Council granted planning permission and Ms

⁷ R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others [2024] UKSC 20

Finch applied for judicial review of that decision, the issue being whether it was lawful for the Council not to require the environmental impact assessment to include an assessment of the impacts of downstream greenhouse gas emissions resulting from the eventual use of the refined products of the extracted oil. The Supreme Court held that the Council's decision was unlawful because the emissions that would occur when the oil was processed and burned as fuel were within the scope of the EIA required by law.

To accord with that judgment, the EIA accompanying Europa's application should include an assessment not only of the greenhouse gas emissions arising from the construction and operation of the appraisal wellsite but also the impacts of the downstream greenhouse gas emissions resulting from the 20 year lifetime production of gas from the site.

Newby and Scalby Town Council has set out in this consultation response the issues and concerns that have been raised with us by local people. We note that Para 5.98 of the MWJP says that the "expected increase in commercial interest in gas in the Plan area in future years ... together with the highly sensitive nature of the environment in large parts of the area covered by new and existing PEDLs, presents a significant challenge. An appropriate balance has to be achieved between the provision of a degree of support and flexibility to enable development to take place in appropriate locations, and the need to provide a high standard of protection to local communities and the environment." We believe that if North Yorkshire Council considers this response appropriately, they will agree that the site east of the Mill Yard, Burniston is not an appropriate location for the proposed development, since it would have multiple unacceptable impacts on the local communities and the environment, which should be afforded a high standard of protection.

In light of the above, Newby and Scalby Town Council strenuously objects to this proposal and strongly urges North Yorkshire Council to refuse this application.