



The countryside charity
North Yorkshire

PO Box 189
York
YO7 9BL

www.cprenorthyorkshire.co.uk

Tel: 07983 088120
Email: info@cprenorthyorkshire.co.uk

Branch Chair
Mrs J Arger

Authority: East Riding of Yorkshire Council

Type of consultation: Planning Application

Full details of application/consultation: 21/04629/CM - Variation of Condition 2 (24month time limit) of planning permission 14/04107/STPLF (Construction of a temporary (24 month) well site, erection of a drilling rig to a maximum of 50m with associated plant, equipment and access track followed by well site restoration) to allow for a further thirty-six (36) months to complete the approved activities

At land at: West Newton B Wellsite, Crook Lane, Burton Constable, East Riding of Yorkshire

Type of response: Objection

Date of Submission: 2nd February 2022

Please be aware that CPRE The Countryside Charity are in the process of transferring members of the now dissolved East Riding CPRE local group into the existing CPRE north Yorkshire Branch which will become known as CPRE North and East Yorkshire in time. Until all formalities are finalised, responses to planning matters will be responded to by CPRE North Yorkshire.

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
Katie Atkinson, BA (Hons), Dip TP, MA
MRTPI
www.kvaplaning.co.uk

Comment

The North Yorkshire County branch of CPRE 'The Countryside Charity' ('CPRENY') welcomes the opportunity to comment on this S.73 application to vary condition 2 (restricting the permitted development to 24 months) of the original planning application 14/04107/STPLF - (Construction of a temporary (24 month) well site, erection of a drilling rig to a maximum of 50m with associated plant, equipment and access track followed by well site restoration) to allow for a further thirty-six (36) months to complete the approved activities.

CPRENY recognise that the proposal for drilling itself is not the subject of this application, therefore, will constrain comments to the principle of the variance of time limit in question.

The applicant (Rathlin Energy) applied for the original development proposal in 2014. The application was approved on 16th June 2015. Condition 1 of the Decision Notice sets out that the permission had to be commenced within five years from the date of the Decision Notice. This was complied with.

Condition 2 of the Decision Notice, states that site preparation and construction, drilling and testing activities shall be carried out for a limited time-period of 24 months. It goes on to state that at the end of the 24-month period, drilling and test activities shall cease, and all equipment removed from the site, the well plugged and abandoned, fencing and bunds removed, and the site restored and regraded to its previous state. It is now beyond 24months since the applicant initially implemented the application. The applicant states in section 7 of their Planning Statement that due to circumstances beyond their control only half of the activities permitted have been undertaken, therefore the justification for requiring an additional 3 years is to complete the drilling and testing of the second well and allow sufficient time for a variance to the Environmental Permit Application to be determined which must be obtained from the Environment Agency prior to drilling.

Addressing timescales applied for, CPRENY are of the opinion that the Council permitted the original application for the drilling and testing of 2 wells and restoration for 24 months for the reason given '*in the interests of protecting the visual amenities of the area.*' Therefore, logically it follows that given this is an application for the remaining 1 well to be explored – 36 months is too long a time scale especially when considering the detrimental impacts on the surrounding landscape, highways networks and residential amenity from the equipment and associated infrastructure required on the site. Acknowledging the time taken for a variance to the permit to be approved, 24 months should be ample time especially as the construction pad and access road are already in situ from the previous works which would cut down the number of tasks to do within the timeframe.

This opinion is further justified by the Planning Practice Guidance for Minerals ('PPGM') which sets out the amount of time typically required '*For conventional hydrocarbons, exploration drilling onshore is a short-term, but intensive, activity. Typically, site construction, drilling and site clearance will take between 12 to 25 weeks.*' (PPGM Paragraph: 098 Reference ID: 27-098-20140306). In point of fact, the applicant could have applied for the variance of the environmental permit without a planning permission in place at any time since taking equipment off site in 2021 which would again cut down the time extension required as the granting of planning permission and the environmental permit are two separate regimes.

Notwithstanding the above opinion, since the original application was approved in 2015, there has been a huge shift in understanding in terms of climate change. As such, CPRENY do not support any applications for new fossil fuel wells at either exploratory or production phases. This is an extension of time for an exploratory well application, therefore, **CPRENY strongly object to the extension of time being granted.**

It is understood that no oil was found as a result of the first drill at WNB vertically or as a result of side-track drilling and that having used an aggressive acid wash the applicant has caused formation damage to that well-bore. It is acknowledged that it may be found through the drilling of a second, however, that does not mean that it should be drilled. CPRENY believe that despite the NPPF currently placing great weight on the benefits

of mineral extraction, including to the economy, and the Council's Development Plan being supportive of mineral exploration sites (subject to certain criteria being met) other material planning considerations should now be considered in the determination of this application in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that an application should be determined in accordance with the development plan '*unless material planning considerations indicate otherwise*'.

The UK parliament declared an 'Environment and Climate Emergency' in May 2019 and the UK government committed to a legally binding target of net zero greenhouse gas ('GHG') emissions by 2050 via the Climate Change (2050 Target Amendment) Order 2019. This is a much more ambitious target than the previously set target of at least an 80% reduction of emissions from 1990 levels. The UK government is also a signatory of the Paris Agreement, the principal aim of which is to strengthen the global response to the threat of climate change by keeping the global temperature rise this century well below 2°C above pre-industrial levels and to limit the temperature increase even further to 1.5°C. Following on from this, Nations adopted the Glasgow Climate Pact 2021 at COP26, collectively agreeing to work to reduce the gap between existing emission reduction plans and what is required to reduce emissions, so that the rise in the global average temperature can remain limited to 1.5°C.

The Sixth Carbon Budget – 'the UK's path to net zero' (2020) was published by the Committee for Climate Change ('CCC') in December 2020. The pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. The economy is forecast to become more energy efficient with total energy falling around 33% between now and 2050 – demand for oil is forecast to fall by 85% to 360,000 barrels per day. Given that the UK is currently able to produce approximately 1.6 million barrels per day at existing sites both on and offshore and the rate of decline forecast by the CCC, **CPRENY consider that this application should be refused as there is no longer any justifiable need for new oil extraction sites.** Indeed, the latest Government Statistical Release on Energy Trends, dated 21st December 2021 sets out how the UK has been exporting UK sourced oil and gas – thereby reducing the argument that home-grown oil is essential.

The Council declared a Climate Emergency as a result of accepting the recommendations of a Climate Change Review on 24th January 2021. The Report of the Review Panel sets out accurately that in order to minimise the impact of climate change, the Local Plan has a set of objectives with the first being to '*Contribute to reducing emissions which cause climate change and ensure that the local impact of climate change, including rising sea levels, increased rates of coastal erosion and more frequent flooding events, are minimised, managed and adapted to.*' It goes on to say how the Council's Carbon and Energy Management Strategy has operated with the aim of reducing carbon emissions and improving efficiency of Council-owned stock. It further recommends that the Council join the UK 100 Group and buys only renewable energy, generating more of its own electricity and implements more heat networks.

It would, therefore, be perverse to approve this application for more time to allow a company to extract a fossil fuel which directly contributes towards carbon emissions at odds with the Local Plan objectives and Council's own aims and ambitions towards addressing the Climate Emergency. Furthermore, the Parish of Aldbrough where the site is located is relatively close to the Humber where carbon emissions are reported to be the highest per resident across the country measuring 13.9 tonnes per Humber resident – over twice the national average.

National planning policy sets out that it is essential that there is a sufficient supply of energy minerals to meet the county's needs, however, a lot of oil extracted and sold by the operator (a private company) goes to the best bidder as they are commercially entitled to do. The oil, therefore, often ends up being used for the manufacture of plastics rather than for energy use. Given that Mineral Planning Authorities ('MPA') are not

required to question the need to explore for energy minerals, this is a loophole that many operators are taking advantage of. **CPRENY, therefore, request that the MPA does question the intended/likely use of the end product (being 'not required to' do not equate to 'should not') as the world simply does not require the production of any more single-use plastic which we know is destroying the natural environment.**

The applicant has also submitted a revised application (21/04625/CM) to the Council for the expansion and extraction of oil via 4 further wells (totalling 6) at West Newton A and that currently 2 have been applied for at WNB. However, we know from the Council's published response to the pre-application request dated 6th October 2020 that the applicant proposes '*up to 14 (6 at WNA and 8 at WNB) additional petroleum appraisal and production wells will be drilled followed by appraisal testing and subsequent production.*' It goes on to state that 9 phases have been identified for each site but that '*several phases will be carried out simultaneously, particularly the drilling and appraisal testing of wells.*' **CPRENY strongly object to the extraction of new fossil fuel sites as a result of the climate emergency. 14 (or any number of) new wells would be totally contrary to the Council's aim to reduce carbon emissions and tackle the emergency.**

Furthermore, paragraph 17 of the PPGM sets out clearly that the MPA should '*ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable. The cumulative impact of mineral development is also capable of being a material consideration when determining individual planning applications.*' (PPGM paragraph: 017 Reference ID: 27-017-20140306). **CPRENY consider that the cumulative impact on the landscape and highway network from the 2 proposed wellsites, principally the multiple tall structures at each site required in all phases of the operation, contained within the flat topography would be totally incongruous with the rural landscape at this location and should be weighed against the proposal in the determination process.** Not only are there 2 proposed wellsites, but a large windfarm to the immediate north of the site and to the southeast the Tansterne Biomass Plant, the operators of which have just submitted an application to the Council for a substantial extension. **Cumulatively, the tall infrastructure associated with all 4 of these developments bring a much more industrialised aspect to the landscape, altering the character of the Parish which is facing large scale development in much of its rural area.** The fact that the sites are located in area of land which is not designated for landscape value does not mean that the site is not valued locally.

In addition, the applicant has not sought to vary Condition 12 listed on the Decision Notice for 14/14/04107/STPLF as part of this S.73 application or any other that CPRENY are aware of. This condition expressly prohibits hydraulic fracturing on the site. The Council's response to the applicant's pre-application advice specifically states that supporting documentation, submitted by the applicant, suggests that '*low volume hydraulic fracturing is proposed.*' The Council does not distinguish between low-volume and high-volume hydraulic fracturing in its Policy EM6. Further the PPGM defines hydraulic fracturing as '*the process of opening and/or extending existing narrow fractures or creating new ones (fractures are typically hairline in width) in gas or oil-bearing rock, which allows gas or oil to flow into wellbores to be captured.*' (PPGM paragraph: 129 Reference ID: 27-129-20140306). This definition does not differentiate between high or low volume hydraulic fracturing merely stating that it is the act of fracturing a rock or 'fracking'. Since 2nd November 2019, the Government introduced a moratorium against 'fracking' (high-volume) for shale gas (an unconventional hydrocarbon) in the UK – ending all support for such activities. Whilst this is not an application to extend the time-period for shale gas extraction, CPRENY are aware that the undertaking of hydraulic fracturing must have been indicated by the applicant to prompt the response (detailed above) by the Council. **As such, it is expected that the proposal will be refused in line with Condition 12 of the original application which strictly prohibits hydraulic fracturing.**

As an aside, CPRENY are concerned that the Council's response to the applicant's pre-application enquiry dated 6th October 2020 did not mention the Government's moratorium against the extraction of shale gas and instead detailed policies which would support such proposals (although we acknowledge that this isn't a shale gas exploration).

Conclusion

CPRENY welcomes the opportunity to comment on this S.73 application to extend the time-period for drilling, appraisal and restoration to a further 36 months at WNB.

CPRENY strongly object to this proposal on the grounds that there has been a significant shift away from the reliance on fossil fuels for energy production since the original application was approved. Political and public focus is now firmly on the requirement to reach the UK's legally binding agreement of not allowing the world's climate to increase beyond 1.5°C and to reach net-zero carbon emissions by 2050 or earlier to tackle climate change. The Council has also declared a climate emergency and introduced a Climate and Carbon Energy Management Strategy, therefore, to approve this application would be entirely at odds with such an approach.

If the Council were to approve the proposal, the cumulative impact of this proposal, the proposed site at WNA and other tall infrastructure in this area would constitute overdevelopment and be entirely incongruous within the flat rural landscape of Holderness and the Parish of Aldbrough.

Further, CPRENY are concerned that the applicant is proposing to undertake hydraulic fracturing to access the conventional mineral in which case Condition 12 of the original application strictly prohibits this activity and it should be refused. The Condition, as worded, must apply to both high and low volume hydraulic fracturing as confirmed by the fact that the Council (and PPGM) do not differentiate between the two.

The CCC predict demand for oil to fall by 85% by 2050 which is also confirmed by the applicant. There is, therefore, no need for any new fossil fuel extraction sites given the reduced quantity that the UK will need and that which is currently exported.

Within the Planning Statement, the applicant confirms that if the extraction of oil at WNB is considered viable, the applicant will not restore the site but apply for full planning permission for oil production (lasting 20+ years), in which case the product could be used to manufacture single use plastics. CPRE actively campaign to end the use of such plastic which is so harmful to the natural world and therefore consider the proposal should be refused.

Notwithstanding the fact that CPRENY strongly object to the principle of the extension of time, CPRENY consider that the timescale proposed by the applicant (36 months) is simply too long and will conflict with the visual amenities of the area.

CPRENY reserves the right to comment further should any additional information be submitted in support of the proposal.