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Branch Chair
Mrs Jan Arger

Authority: East Riding of Yorkshire Council

Type of consultation: Planning Consultation

Full details of application/consultation: 21/04625/CM - To construct an extension to the existing West Newton A (WNA) wellsite, test, appraise and produce from the two existing wells and drill, test, appraise and produce from up to four (4) new wells followed by decommissioning and wellsite restoration (Revised scheme of 21/02464/STFUL)

At land at: West Newton Exploration Well Site, Fosham Road, High Fosham, East Riding of Yorkshire

Type of response: Objection

Date of Submission: 1st March 2022

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 and East 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
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Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on this revised application to construct an extension to the existing West Newton A (WNA) wellsite, test, appraise and produce from the two existing wells and drill, test, appraise and produce from up to four (4) new wells followed by decommissioning and wellsite restoration at the West Newton Wellsite A Exploration Site ('WNA'). CPRENEY did not provide comments on the previous application (21/02464/STFUL) as this charity was not operational at that time.

CPRENEY have already provided comments to East Riding of Yorkshire Council ('ERYC'/'The Council') pertaining to the applicants other site at West Newton B regarding a S.73 application to vary the time restrictions relating to previously approved explorations.

CPRENEY **strongly object** to this revised application on the following grounds:

- detrimental impact on the character and openness of the agricultural landscape and loss of visual amenity at this location;
- the cumulative impact of the tall infrastructure required onsite at any one time during most phases of the proposed development and in combination with the site at WNB and other large developments in the skyline within 3km radius of the site;
- the rural road network surrounding the site is completely unsuitable for this type of development;
- the detrimental impact (and lack of consideration) on vulnerable users on the quiet rural lanes;
- the exploration and production of new fossil fuels is completely contrary to the Government's legal aim of reaching net-zero by 2050 or earlier; and,
- the proposed development is not in conformity with the Council's own declared climate emergency.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The National Planning Policy Framework ('NPPF') was updated in July 2021 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF is, therefore, a material consideration which should be taken into account when plan-making and determining applications.

The Development Plan that this application should be determined against consists of the following documents:

- The East Riding Local Plan Strategy Document (adopted April 2016).
- The East Riding Local Plan Allocations Document (adopted July 2016); and
- The Hull City Council and East Riding Joint Minerals Plan (adopted 2019).

The NPPF aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay,*

The Council have recently completed a consultation on the first full draft of the updated East Riding Local Plan. Whilst no weight can be attributed to the 'Update' draft at this time due to the early stage in the formation of the document, several policies have remained unchanged following the review, including the minerals policies. Consequently, in conformity with paragraph 11 of the NPPF and section 38(6) of the 2004

Act, full weight should be attributed to the policies contained within the Development Plan and any relevant material considerations.

The revised proposal subject to this application clearly follows on from an initial planning permission for exploration and appraisal to the production stages, however, also includes the further exploration, appraisal and production of both existing and new wells at the site. The Planning Practise Guidance for Minerals ('PPGM') is the Government's guide to interpretation of the NPPF, and at paragraph 120 sets out importantly that '*when determining applications for subsequent phases, the fact that exploratory drilling has taken place on a particular site is likely to be material in determining the suitability of continuing to use the site only insofar as it established the presence of hydrocarbon resources*' (CPRENEY emphasis). As such, just because the site is currently in existence this should not bear any weight on whether the new application for the extension should be approved. The proposals and its potential benefits and detrimental impacts should consequently be considered afresh and in light of any new evidence as present to the Council.

Members of the Planning Committee refused the previous application in September 2021 based on unacceptable levels of visual impact incongruous to the rural area and increased industrialisation of a rural part of the open countryside that would occur as a result of the previous development proposal. CPRENEY do not consider that the revised application addresses these points having considered documents for both the previous and this revised application. The 0.94ha decrease in the overall site size does little to reduce the incongruous impact on the rural environment because of the revised proposal. This is primarily due to the type of development proposed, the infrastructure involved, the flat open topography of the area and the in cumulative impact of a series of major developments within a 3km radius of the site which all have tall infrastructure and detrimentally impact the landscape and skyline at this location.

Both the Council (in their pre-application response) and the applicant, via their own Planning Statement ('PS'), have confirmed that there are phases where multiple tall equipment will be present on site at the same time. Yet, the applicants Landscape and Visual Impact Assessment ('LVIA') states that the worst-case scenario is limited to 17.5months during the drilling phase when a 55m rig will be present on site. What it doesn't consider is, for example, phase 7 of the operation which could require a workover rig of 35m, a coil tubing unit of 25m, a drill rig of 55m and mobile crane of 60m, yet this has specifically been excluded from the assessment in Table 3 and 6 of the LVIA and not considered 'worst-case' by the applicant. In fact, the only phases where this tall infrastructure is not required are phases 5 and 6. However, activities in other phases will be undertaken concurrently during these phases so there is likely more than one phase occurring at any time, especially during the latter stages of the development. The applicants Table 1 in the LVIA illustrates this point. The visualisations that have been produced by the landscape advisors only show the 55m rig and not the cumulative tall infrastructure which will be present on the site which CPRENY considers shows unrealistic impressions.

At the same time, the applicant has applied to extend the time period for their operations at the WNB site and has stated that they will not undertake drilling activities at the same time as at WNA. However, this again does not take into account the tall infrastructure required to be located on site at all times and frequently, given the number of wells proposed at each (the pre-application enquiry confirms the applicants' intentions for 8 wells at WNB and 6 at WNA) and has not been the subject of a cumulative impact assessment. The planning process sets out clearly that when determining applications, the planning authority should consider the cumulative impact of similar development already in operation and those extant but not yet constructed and those in the planning process. Further given the type of proposal applied for, the applicant should have also considered the impact of the proposed development cumulatively with both the 55m tall Tansterne Energy Plant and the Withernwick Windfarm which are both within a 3km radius of the site, in combination with the proposals for WNB. This lack of information is a fundamental flaw in the application.

The proposed site lies wholly within National Character Area 40 (Holderness) ('NCA') which describes the area as '*from the dip slope of the Yorkshire Wolds, views are extensive in this predominantly flat, open and gently undulating plain. High-quality agricultural land used predominantly for large-scale arable cultivation and some livestock farming.*

Traditional farmstead, houses and other buildings characterised by red brick and pantiles. There is a low density of public rights of way but minor roads and quiet lanes link settlements, enabling walking, cycling and horse-riding activities.'

Two of the main 'landscape opportunities' set out within it are (*inter alia*) '*protect the open, exposed and low-lying landscape in rural areas and on the coast with its long views'; and, 'protect quiet rural areas by encouraging sensitive development, respecting long and open views, strong rural character of the area and local vernacular'*'.

CPRENEY does not consider that the WNA proposal fits with the intention to protect the open, low-lying landscape or strong rural character. Further the fact that the NCA recognises the lack of PROWs and opportunities the quiet lanes offer for walking, cycling and horse-riding is material to the determination of the proposal. Members have contacted CPRENEY raising concerns in relation to their safety in carrying out their recreational activities should the proposal be approved.

The East Riding Landscape Character Appraisal (2018) ('LIA') identifies the site location as within landscape character type 19 (Open farmland in Holderness) characterising the area in a very similar way as the NCA. The overall LCA is sub-divided into 5 smaller LCAs and the wellsite falls into area 19D which sets out clearly that '*There is a large-scale landscape with a gently undulating landform. Panoramic views to the east coast the neighbouring Wolds, to the northwest, are available from this LCA.*'

Whilst the site itself is not within a national or locally designated landscape, the Council's LCA 19D sets out clearly that there is a '*medium/high sensitivity to commercial/industrial development.*'

The applicant has proposed further mitigation by way of reducing the site area (0.94ha) and the loss of 2 of the previously proposed wells and offered further mitigation by way of increased planting. Whilst this is welcomed, it is nowhere near sufficient to mitigate the impacts of the site on nearby users of PROWs, the lanes or local residents. The applicant has proposed to 'soften the appearance' of the 2.4m high security fencing with an additional perimeter hedge to the southern and eastern edge of the wellsite, however, **this is outside of the red line boundary of the site as shown on Appendix A (drawing no: WNA-05) of the LVIA so is not actually part of the planning proposal and can therefore not be conditioned by the Council in the determining of the proposal. Neither is the proposed infill planting to existing hedgerows which would act as a screen to PROWs Aldbrough 18 and Aldbrough 09 running to the east of the site.**

The applicant has helpfully provided a sectional drawing (appendix A to the LVIA, drawing no: WNA-06) which shows the elevation and cross section through the 3m perimeter mound demonstrating the height of perimeter planting and on site during the production phase at 20 years. However, no information is offered demonstrating how the site will be screened in the preceding years. Furthermore, as set out above, the applicant's 'production phase' only demonstrates the site at their stated worst-case scenario – showing only the height of a 15m flare stack, which will, at 20 years, be prominent above the mounds and planting. It does not show the screening with potential multiple tall infrastructure on site which CPRENEY have stated above is the actual worst-case scenario and would clearly not be screened by any of the proposed natural vegetation

CPRENEY therefore believe that the Planning Committee was right to refuse the previous application for its detrimental impact on the landscape and visual aspects of the area and the industrialisation of the landscape

which is clearly considered highly sensitive to such proposals. Simply because tall infrastructure (Windfarm and Tansterne) exist in the locality already does not render the area to be suitable for further development of tall infrastructure on the site automatically. **CPRENEY believe that the fact that this revised application has been reduced by 0.94ha with additional planting mitigation does not alter this impact to sufficient degree to consider the overall proposal would satisfy the council's concerns.**

It is therefore, considered that the proposals are fundamentally not in conformity with Local Plan Policies S4, EC5, ENV1, ENV2 and Joint Minerals Local Plan Policies EM2, EM3, EM4, DM1, DM4, and, Paragraphs 174 and 211 of the NPPF.

The NPPF sets out clearly at paragraph 110 that it should be ensured that '*safe and suitable access to the suite can be achieved for all users*' and '*any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*' It goes on to say at paragraph 111 that '*development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

Finally, paragraph 112 clearly sets out that '*within this context*' (CPRENEY emphasis) applications for development should (inter alia):

- a) '*Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; [...];*
- c) '*Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and responds to local character and design standards...*'

The applicant is proposing 2 routes (orange and blue) and as such both routes should pass the NPPF tests.

The road width on many parts of the two proposed routes are particularly narrow with very little by way of passing places. It is not clear that two large vehicles – HGVs or OGV2s (including wing mirrors) would be able to safely pass each other. Furthermore, intervisibility between those passing places already in existence is not sufficient in all locations – contrary to the advice given by the Council's highways department in their consultation response. The applicant has **proposed passing places on Pasture Lane as part of the revised proposals, however, the location of these do not in themselves address the most concerning parts of the route and should not, therefore, change the earlier decision of the Council to refuse permission.** The proposed passing places would not pass the test set at the Roseacre Woods planning inquiries which sought to ensure visibility between passing places as agreed by the then Secretary of State.

The applicant has assessed a worst-case scenario of a maximum of 60 large vehicular movements per day may be required during peak phases of the development (not including 'normal' car or van movements) however, the applicants website promotes that they would intend to limit this to 10 large vehicle movements per day (except in contingency cases – although this could be excessive when considering all the documentation submitted to the Council). However, CPRENEY are concerned that neither the applicants PS nor their Transport Appraisal seeks to restrict vehicular movements to 10 or even to 60 by way of condition, ensuring that any number of vehicles could be used on any given day during the operation of the site. This level of large vehicular movements which would be directed to either route by the applicant at will, is simply unsuitable for the narrow country lanes.

Furthermore, the applicant has submitted their intentions for **significant side-track drilling operations which will require substantial additional traffic movements; however, this information has not been included in**

the applicants' traffic assessments and is ergo a flaw in the information presented. If the routes are considered unsuitable or unsafe, then it does not matter how many vehicles use the route. It is simply unsafe or unsuitable to them all. The fact that agricultural vehicles may utilise the roads is not a precedent for the type (or volume) of vehicles proposed by the application. Those movements are time-sensitive and sporadic throughout a typical farming year. It is not known how an OGV2/HGV would safely pass a combine harvester or large tractor pulling a wide load along the proposed routes.

As stated above, paragraph 120 of the PPGM sets out that the presence of an exploratory wellsite should not bear weight on the decision to approve other phases of extraction, it is not sufficient for the applicant to attempt to establish a precedent with transport movements in the vicinity, especially when CPRENEY are aware that a Transport Appraisal was not submitted in support of the first exploratory application.

The NCA refers to the rural minor roads and quiet lanes in the site locality. CPRENEY consider this to be a reason for refusal. These narrow rural lanes are well used for recreational purposes by residents to the area and various walking groups who visit. It is also part of a popular cycling route and used by equestrians. These 'vulnerable' or other road users (pedestrians, cyclists and horse riders) who have recently been given priority via the new Highway Code have nowhere to safely move to should they be met with a heavy vehicle on the routes nor, any apparent attempt to demonstrate that the adopted 'safe passing distances' can be achieved along parts of the route (where vehicles must give a wide berth to vulnerable road users). **Most notably, there has been no assessment of risk to vulnerable users, which is a further fundamental flaw in the application.**

As such, **CPRENEY consider the proposals are contrary to the tests set out in the NPPF and should be refused in line with paragraph 111.** The proposals do not allow safe and suitable access to the site, do not give priority to pedestrians and other road users, and cumulatively do not outweigh the benefits of the mineral extraction. There is a significant lack of information in the applicants Transport Appraisal to rule out a potential conflict between vehicular movements associated with the site and other road users and as such the proposal should be refused in line with paragraph 111 of the Framework.

Furthermore, the proposals are contrary to Local Plan Policies EC4, EC5 (which also considers the transport impacts of cumulative developments in an area), Joint Minerals Plan Policy EM4 and NPPF paragraphs 110, 111 and 112.

The UK parliament declared an 'environment and climate emergency' in May 2019 and in the same month the UK government committed the UK to a legally binding target of net zero greenhouse gas ('GHG') emissions by 2050 via the Climate Change Act (2050 Target Amendment) Order 2019. 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.

In November 2021, the Government and other nations signed 'The Glasgow Pact' agreeing to maintain the 1.5°C limit set in Paris. Members agreed that all parties should accelerate towards '*the phasedown of unabated coal power and phase-out of inefficient fossil fuel subsidies*'. Paragraph 17 of the Pact states that Parties recognise that '*rapid, deep and sustained reductions in global greenhouse emissions*' are required to keep 1.5°C in reach. This statement followed a 2021 report from the Intergovernmental Panel on Climate Change ('IPCC') which calculated that global carbon dioxide emissions must be reduced '*by 45 per cent by 2030 relative to the 2010 level and to net zero around mid-century*' in order to keep global average temperature rise below 1.5°C.

On 28th February 2022 the IPCC produced its latest report setting out how **time is running out to reach the**

global target of keeping any rise to a maximum 150°C with the Chair of the report's working group stating "*The scientific evidence is unequivocal: climate change is a threat to human wellbeing and the health of the planet. Any further delay in concerted global action will miss a brief and rapidly closing window to secure a liveable future.*"

The report makes clear that minor, reactive or incremental changes are no longer sufficient to tackle the climate emergency.

In response to the report, U.N. Secretary-General António Guterres stated "*I have seen many scientific reports in my time, but nothing like this, as current events make all too clear, our continued reliance on fossil fuels makes the global economy and energy security vulnerable to geopolitical shocks and crises,*" he said. "**Instead of slowing down the decarbonization of the global economy, now is the time to accelerate the energy transition to a renewable energy future.**" (CPRENEY emphasis).

The UK's sixth Carbon Budget, published in December 2020 by the Commission for Climate Change ('CCC'), sets out that the British 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%. Given that the UK is currently able to produce approximately 1.7million barrels per day at existing sites both on and offshore and the rate of decline forecast by the CCC, it is not considered that this application is required especially in light of the above report.

In response to overwhelming evidence and a report produced by a panel, the Council declared their own Climate Emergency in February 2021. **Approving this application would seem perverse and wholly contradictory to the Council's aims and objectives in terms of tackling climate change.**

Conclusion

CPRENEY welcomes the opportunity to provide ERYC with a written representation objecting to the revised application at WNA for the reasons set out above.

PPGM (para 120) sets out that simply because exploration has taken place on a particular site is likely to be material **ONLY** insofar as identifying the presence of hydrocarbons. In other words, simply because a site exists should not bear any weight on whether new applications for the following phases should be approved and that the potential benefits and detrimental impacts should consequently be considered afresh and in light of any new evidence as present to the Council. CPRENEY believe that time and scientific knowledge has moved on considerably since the original application was approved at this site and that there is currently sufficient evidence as to why this proposal should be refused as set out above.

CPRENEY, therefore, support the numerous residents and community interest groups who have contacted us expressing concerns about the proposals at this location in terms of imposing a detrimental impact on the character and openness of the agricultural landscape and loss of visual amenity at this location; the cumulative impact of the tall infrastructure required onsite at any one time during most phases of the proposed development and in combination with the site at WNB and other large developments in the skyline within 3km radius of the site; the fact that the rural road network surrounding the site is completely unsuitable for this type of development; the fact that the exploration and production of new fossil fuels is completely contrary to the Government's legal aim of reaching net-zero by 2050 or earlier; and, the Council's own climate emergency.

CPRENEY reserve the right to comment further should additional information be consulted upon in support of the development in this location.