

Yorkshire and Humber Office
Devonshire House
37 York Place
Leeds
LS1 2ED

26 September 2014

Mrs Shirley Ross
Planning Officer
East Riding of Yorkshire Council
County Hall
Beverley
East Riding Of Yorkshire
HU17 9BA

Dear Mrs Ross

Planning Application: 14/02622/STVAR

Variation of Condition 2 of planning permission 12/02945/STPLF to allow a further 24 months in which to complete the approved operations - Land South West Of Crawberry Hill Walkington Heads Walkington East Riding Of Yorkshire

Friends of the Earth objects to the application from Rathlin Energy (14/02622/STVAR) to vary condition 2 of planning consent 12/02945/STPLF for a further two years.

The original decision to grant planning permission for the development that would compromise the protection of the Wolds area of High Landscape Value was incorrect. Specifically, the decision contravened the following policies of the Joint Structure Plan

- Policy SP4 to protect distinctive landscape character.
- Policy DS5 as it does not meet any of the criteria set out in the policy (i.e. essential infrastructure, rural diversification, requiring direct access to rail or water transport or provision for sport, recreation, tourism or agriculture)

We also note the Joint Minerals Plan, specifically:

- Policy DC1 states that “adequate proposals are made to minimise visual and other amenity impacts to an acceptable level”. We consider that the attempts to restrict development to two years identified that impacts were not simply limited to scale but also to duration and that to extend the timescale for development would extend the impacts beyond the level of acceptability.
- Similarly, Policy DC2 seeks to ameliorate harm. We maintain that an extension to development would fail in this amelioration.
- Policy DC4 on groundwater places the onus on the applicant to demonstrate that development will not adversely affect the integrity of such areas. We note that the development is within the Groundwater Protection Zone 3 and would direct the Planning

Authority to the growing evidence of risks to groundwater.

- Policy DC7 on Areas of Landscape Quality. The applicant states that the development is temporary and of short duration. We are of the opinion that an extension for development up to four years can no longer be considered to be “of short duration”. The planning authority has sought to minimise the effect to an acceptable degree by imposing a two year restriction and to extend would breach the intended effect of the original condition.
- Policy DC16 states that development will not be permitted unless there is no need for the mineral that cannot be met from a suitable alternative source. It is our opinion that there is sufficient gas to meet the UK’s energy requirement and, indeed, to maintain our legal obligations under the Climate Change Act to be found elsewhere (largely offshore).

The original decision, and therefore the proposed extension is also inconsistent with the National Planning Policy Framework on the following grounds:

- It is contrary to the National Planning Policy Framework as there would be unacceptable adverse impacts on the natural environment (NPPF para 144)
- It is inconsistent with the precautionary principle and EU water legislation;
- It is incompatible with the need for Planning to reduce climate change emissions (NPPF paras 17 and 93)

We consider then, given Condition 2 of the original planning decision restricted the development to a two year period from date of commencement, an extension for a further two years would both compound this error and further compromise the loss of amenity and the High Landscape Value for a period of up to four years, extending the period of development beyond the three years granted at Rathlin Energy’s West Newton.

This would set a **dangerous precedent** for further developments impacting on the Wolds High Landscape Value area and seriously undermine the Local Planning Authority’s case for the Wolds to be granted Area of Outstanding Natural Beauty (AONB) status.

We also consider that approval would undermine the Secretary of State’s intention, expressed alongside the announcement of DECC’s 14th onshore licencing round, to strengthen protection for countryside from oil and gas exploration and production. It is clear from these statements that the Government is of the view that exploration and, by implication, the extension of planning consent should only be allowed in areas of High Landscape Value in exceptional circumstances.

We are also of the opinion that Rathlin Energy’s justification for the extension to the development are erroneous.

- The technical guidance for conventional and unconventional onshore oil and gas exploratory operations was published by the Environment Agency in July 2013 (not October 2013 as indicated in the application). This means that Rathlin Energy took some seven months to prepare the application documents prior to application to the Environment Agency. We would question, given they were in full knowledge of the requirements of Condition 2, that they were not able to prepare and submit the required information in the time necessary to complete the application.
- The drilling of water monitoring boreholes within a Groundwater Protection Zone would constitute best practice and a necessary part of compliance with Policy DC4 of the Joint

Minerals Plan. Hence, it should have been carried out, or at last planned for, before the amendments to regulations.

- The presence of protection camps at Crawberry Hill, although a welcome and important presence, has had a minimal effect on the development and certainly not a sufficiently large impact to necessitate a two year extension to development.

We also note that there has been evidence of local effects from Rathlin Energy's activities at both the Crawberry Hill and the West Newton sites, including those pertaining to hedgerows, Habitats Directive Annex II species and to breaches of transport management plans.

We are also concerned that East Riding of Yorkshire Council may be about to give planning consent to activities at Crawberry Hill which have had demonstrable effects on amenity at the West Newton site, i.e. air quality impacts on local communities, without full knowledge of the reasons behind these impacts and the necessary mitigation required to avoid them at Crawberry Hill.

Indeed, it would be dangerous for the Mineral Planning Authority to consider the application at Crawberry Hill in isolation from that at West Newton and the seismic testing which is currently going ahead under Permitted Development Rights in other areas of the East Riding. We are concerned that the applicant is embarked on a significant programme of development which they have failed to communicate in the application and that would have a **significant cumulative impact** on the environment and the local amenity enjoyed by residents.

The Authority should take into consideration rates of well failure. Various reports indicate that well failure is a problem for the oil and gas industry, that these problems increase over the lifetime of the wellⁱ and that more evidence and study is required. The Authority must also take into account that "up to 53% of the 2,152 hydrocarbon wells which were drilled onshore in the UK between 1902 and 2013 were drilled by companies that no longer exist, or have been taken over or merged".ⁱⁱ

Conclusion

The application to extend drilling is at risk of breaching NPPF and local planning and minerals policy because it may have "unacceptable adverse impacts". (NPPF para 144). In particular we are concerned because the impacts are uncertain on the Groundwater Protection Zone.

The application contains inadequate information about a number of impacts meaning that a precautionary approach must be applied and the application should not be granted.

The Authority must refuse this application on climate change grounds because of the carbon impacts of oil and gas activities. (NPPF paras 17 and 93)

We are also concerned that the Authority grants planning permission that may set a dangerous precedence for future proposed developments of this nature and that insufficient attention has been paid to the cumulative impacts of a long term programme of development by the applicant. We therefore urge you to reject the application.

Please keep us informed of progress of the application.

Yours sincerely,

Simon Bowens
Yorkshire and Humber Campaigner
Friends of the Earth

ⁱ <http://www.foe.co.uk/sites/default/files/downloads/drilling-without-fail-review-empirical-data-well-failure-oil-gas-wells-46473.pdf>

ⁱⁱ <https://www.dur.ac.uk/news/newsitem/?itemno=20617>