



***Rathlin
Energy***



STATEMENT OF COMMUNITY
INVOLVEMENT
WEST NEWTON A WELLSITE

Revision 0

June 2021

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CONTENTS

1. Introduction	4
1.1 The Applicant	4
1.2 Statement of Community Involvement	4
1.3 The Development	4
2. Planning Policy and Guidance	4
2.1 National Planning Policy Framework	4
2.2 Planning Practice Guidance Note: Before Submitting an Application	5
2.3 East Riding Local Plan Statement of Community Involvement, May 2020	5
3. Stakeholder Consultation	6
4. Public Consultation	6
4.1 Results of the Consultation	8
4.1.1 Traffic	8
4.1.2 Noise	8
4.1.3 Lighting	9
4.1.4 Emissions and Climate Change	9
4.1.5 Operational Safety	10
5. Conclusion	10
Appendix 1	11

1. INTRODUCTION

1.1 The Applicant

The Applicant is a privately owned corporation with its operations directed from the Rathlin Energy Office in Beverley, East Riding of Yorkshire. The Applicant is a petroleum exploration, development and production company with operations in the UK. The Applicant is the operator of PEDL 183 and has successfully drilled four (4) exploration boreholes within the licence since 2013, making a hydrocarbon discovery at West Newton A (WNA) wellsite within the Permian age Carbonate formation.

1.2 Statement of Community Involvement

The Statement of Community involvement has been produced to accompany the planning application for appraisal and production development at the WNA wellsite, submitted to the East Riding of Yorkshire Council (Minerals Planning Authority) under the Town and Country Planning Act 1990 and the Compulsory Purchase Act 2004.

1.3 The Development

The Applicant is applying to East Riding of Yorkshire Council (ERYC), the Minerals Planning Authority (MPA), for planning permission to construct an extension to the existing WNA wellsite, test, appraise and produce from the two existing wells and drill, test, appraise and produce from up to six (6) new wells, followed by decommissioning and wellsite restoration, at WNA Wellsite, West Newton, East Riding of Yorkshire. Subsequently referred to in this document as ‘the Development’.

The Development will consist of nine (9) principal phases:

- Appraisal Testing and Workover of Existing Wells;
- Wellsite Extension Construction;
- Drilling;
- Well Treatment and Clean up;
- Well Appraisal Testing;
- Process Facility;
- Well Workovers, Routine Maintenance and Repairs;
- Well and Production Facility Decommissioning; and
- Restoration and Aftercare

Further details on the Development phases are included within the Planning Statement accompanying the application.

2. PLANNING POLICY AND GUIDANCE

The National Planning Policy Framework (NPPF) recognises the importance of pre-application engagement to improve efficiency and effectiveness of the planning system for all parties. This is echoed by in the Planning Practice Guidance (March 2014).

2.1 National Planning Policy Framework

The NPPF sets out the role of local planning authorities in encouraging applicants (where not required to do so by law) to undertake community consultation. Paragraph 40 states (inter alia):

‘...They should also, where they think this would be beneficial, encourage any applicants who area not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.’

2.2 Planning Practice Guidance Note: Before Submitting an Application

The Planning Practice Guidance sets out the value of pre-application engagement in improving the efficiency and effectiveness of the planning application system and improving the quality of planning applications and their likelihood of success.

Paragraph :009 states:

Is pre-application community consultation compulsory?

Pre-application engagement with the community is encouraged where it will add value to the process and the outcome. It is mandatory to carry out pre-application consultation with the local community for planning applications for wind turbine development involving more than 2 turbines or where the hub height of any turbine exceeds 15 metres.

The Applicant is seeking planning consent to construct an extension to the existing WNA wellsite, test, appraise and produce from the two existing wells and drill, test, appraise and produce from up to six (6) new wells, followed by wellsite restoration. As such, there is no formal requirement to undertake community consultation. However, the Applicant, in accordance with the guidance, has undertaken community consultation ahead of the submission of the planning application.

2.3 East Riding Local Plan Statement of Community Involvement, May 2020

The Statement of Community involvement sets out ERYC for community involvement on the preparation of local documents and supplementary planning guidance, as well as community involvement in planning applications.

The Executive summary states inter alia:

'...all applicants are encouraged to do some form of consultation with the public before they submit a planning application. The amount and type of consultation will depend on the nature of the application. The larger the application the more consultation the council would expect to be undertaken.'

Paragraph 3.8 states:

'As well as the council engaging with the community, all applicants will be encouraged to do some form of consultation with the public before they formally submit their applications. The amount and type of consultation will depend on the nature of the application.'

Paragraph 3.8 continues:

'Major Development Proposals¹⁶ - Developers of major schemes will be expected to have canvassed views more widely than for minor developments before their application is submitted. This should include those residents affected by the proposal, the town or parish council and statutory consultees.'

In accordance with National and Local Policy and Guidance, the Applicant has undertaken consultation with the local community.

3. STAKEHOLDER CONSULTATION

The WNA wellsite planning application has been informed by a bespoke process of community and stakeholder engagement, composed of:

- Pre-application consultation with the key stakeholders and the statutory and non-statutory consultees of the planning application process; and
- Community public engagement.

Detailed pre-application consultation was undertaken with the MPA, a copy of the advice given in provided as Appendix 1.

4. PUBLIC CONSULTATION

A community liaison group was established by the Applicant in 2013, prior to the construction of the WNA wellsite and subsequent exploratory drilling and testing operations. As this is an established liaison group, it is normal practice for the Applicant to discuss its projects with the group. In addition, the Applicant has held 'open house' meetings, where local residents can view information display boards and speak directly with key members of the Applicant's team.

Unfortunately, due to the Covid pandemic, it has not been possible for the liaison group to meet in person, nor was it possible to hold 'open house' meetings. With this in mind, an online consultation platform was created by the Applicant, allowing local residents and others to view information display boards and watch video presentations from key members of the Applicant's team. The on-line consultation platform was available to access between 22nd – 29th March 2021.

In addition to the information display boards and video presentations, those visiting the on-line consultation platform could submit questions and comments in a 'Covid-safe' environment.

The on-line consultation platform allowed the Applicant to log the number of visitors to the platform, showing that 618 users visited the registration page. Of these, 383 registered their details and there were 887 sessions on the site. Based on registration forms, 30% who viewed the exhibition were from the neighbouring HU11 4 or HU11 5 postcode sectors and 36% from an HU postcode.

Figures 4.1, 4.2 and 4.3 show the location of visitors to the on-line consultation platform.

There are strict noise levels imposed on hydrocarbon wellsites, which are well understood by regulators and operators, in particular ERYC, who has previously imposed noise limits at the existing WNA wellsite through planning conditions. It is expected that similar noise limits will be imposed by ERYC should planning permission be granted, therefore, the operation will be tightly regulated with numerical limits set to prevent disturbance.

4.1.3 Lighting

Several responses received via the on-line consultation platform raised questions regarding lighting from the Development. A detailed Lighting Impact Assessment accompanies the planning application and concluded that there will be no significant impact as a result of lighting associated with the Development.

Lighting is required to ensure operations can be undertaken safely. During the majority of the production phase (duration 20 years), low level lighting will be utilised. However, during drilling or workover phases, the lighting will be increased to account for the increase in operational activity.

4.1.4 Emissions and Climate Change

A number of responses received via the on-line consultation platform raised consistency of the development with climate change targets. The Applicant supports the roadmap towards net zero by 2050 and believes the UK is better placed to produce indigenous hydrocarbons rather than importing them from overseas. The East Riding is well placed to potentially take advantage of a locally sourced hydrocarbon with the intense energy industry surrounding the Humber estuary.

The need for hydrocarbons will be required for decades to come and the Climate Change Committee (CCC) recognise that hydrocarbons will continue to play a role up to and potentially beyond 2050. Users of hydrocarbons are examining how to reduce their carbon emission by installing carbon capture and storage or using methane to produce hydrogen. The Applicant's role in the hydrocarbon supply chain is to produce a low carbon intensive product for its customers, thus minimising the end user's carbon footprint.

The CCC account for individual industry sectors e.g. buildings, surface transport and fuel supply. The Applicant's operations fall within the industry sector defined by the CCC as a "fuel supply" sector. The CCC has a predicted carbon budget for this sector up to 2050, which demonstrates a need for fuel supply throughout the twenty five (25) year period for which planning consent is sought.

The Planning Statement submitted with the planning application demonstrates that potential emissions released as a result of hydrocarbon production are within the Applicant's control. This ensures that, together with a tight regulatory regime, a lower carbon intensive product is produced, when compared to emissions from overseas imports and benchmarks the Development against the fuel supply carbon budgets.

Accompanying consultation responses received on climate change were consultation responses on emissions and the impact on air quality. An Air Quality Impact Assessment accompanies the planning application and concluded that there will be no significant impact on air quality as a result of the Development.

4.1.5 Operational Safety.

Consultation responses were received via the on-line consultation platform regarding the safety of storing crude oil at a wellsite. On site storage of crude oil is not uncommon for an operational wellsite and is subject to a number of regulatory consents and notification, which are separate to the Town and Country Planning system but complementary to it.

Onshore wellsites have operated safely in the UK for over 100 years, and are subject to some of the most stringent, environmental, planning and safety regimes in the world. All equipment is certified to UK standards and are regulated by the Environment Agency, Health and Safety Executive and the Oil & Gas Authority to ensure that the highest environmental and safety standards are maintained.

The movement of oil to refineries and then from refineries to third-party location occurs daily throughout the UK, for example by road to petrol stations and for home heating for properties not connected to the grid. As such, the Applicant is confident that the transportation of crude oil from the WNA wellsite to the refinery can be undertaken in a safe and responsible manner.

5. CONCLUSION

In developing the details of this planning application, every effort has been made to fully respond to the main themes raised through the pre-application consultation process. Further, detailed assessments, in particular traffic, noise, lighting and climate change have addressed these concerns and conclude that there are no significant impacts as a result of the Development.

APPENDIX 1



EAST RIDING

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Date: 06th October 2020

Dear Mrs Elizabeth Walker

Application type: Major Pre-Application Enquiry

Proposal to extend the operational duration and associated surface footprint of the existing well-sites at West Newton A (WNA) and West Newton B (WNB) to facilitate hydrocarbon production

I write in connection with your pre-application planning enquiry that was received by this office on 21st August 2020. I have now had the opportunity to consider your enquiry and can make the following comments:

Proposal is to extend the operational duration and associated surface footprint of the existing well-sites at West Newton A (WNA) and West Newton B (WNB) to facilitate hydrocarbon production. Up to fourteen (14) (six (6) at WNA and eight (8) at WNB) additional petroleum appraisal and production wells will be drilled followed by appraisal testing and subsequent production.

Development at each site (WNA and WNB) will consist of nine (9) principal phases. However, several phases will be carried out simultaneously, particularly the drilling and appraisal testing of additional wells, which is likely to be carried out during early production from the existing wells.

Phases of development include: 1) Appraisal testing of existing wells; 2) Wellsite extension construction; 3) Main drilling; 4) Well treatment & clean up; 5) Appraisal testing of additional wells; 6) Production; 7) Well workovers, routine maintenance and repairs; 8) Well and production facility decommissioning; and 9) Restoration and aftercare.

Both the WNA and WNB well-sites are existing, with planning consent for temporary exploration. WNA has proven the presence of hydrocarbons from the Permian reservoir formations, however, further testing is required at both WNA and WNB to establish consistent and specific petroleum data to improve the overall understanding of the hydrocarbon potential.

The exploration programme has identified up to four (4) sub-surface targets within the Permian reservoir formations. The additional wells proposed from the WNA and WNB wellsite's will form part of the overall appraisal and production of the West Newton hydrocarbon prospect.

Continued.....

Alan Menzies

Director of Planning and Economic Regeneration

It is anticipated that the life of the well-sites will be twenty (20) years from the commencement of first production. The duration is temporary and the proposed development includes the decommissioning and site restoration upon cessation of hydrocarbon production.

WNA wellsite is located to the north of West Newton and east of Marton approximately 13m Above Ordnance Datum (AOD). The site is currently authorised for hydrocarbon exploration use. West Newton village is 1,130m to the south west and Marton is 800m to the west. The nearest residential properties are Blackbush Farm: 625m North East; Cayley Cottage: 670m East; Wood End Farm: 640m West; and The Old School House: 640m South West. There is one (1) statutory designated site approximately 1km to the north east, which is the Lambwath Meadows Site of Special Scientific Interest (SSSI). Four (4) Local Wildlife Sites (LWS) are within 1km of the wellsite. The closest LWS is the Lambwath Stream, 400m to the north. The area is predominantly arable fields with interspersed woodland and hedgerows. Access to the site is as existing from Fosham Road.

WNB wellsite is located within the Parish of Burton Constable (wellsite) and Humbleton (access track) at National Grid Reference is TA 520425E, 437202N. The site is approximately 11m AOD. The site is currently authorised for hydrocarbon exploration use. The nearest residential properties are Smithy Briggs, 475m west; and West Newton Grange, 675m east. Site access will utilise the existing private WNB access track (approved under planning consent reference DC/14/04107/STPLF/STRAT), leading onto the public highway, Crook Lane, to the North and Pasture Lane to the south.

Treatment options to the wells include acid wash, matrix acidisation and low volume hydraulic fracturing.

It's also noted that once the producing life of the reservoir is complete there is the potential for underground storage of CO₂ may form part of the field development objectives. The option of closing the loop of oil and gas emissions from the production with future sequestration of CO₂ will be considered in more details as part of any future planning application at West Newton well sites A and B to facilitate hydrocarbon production.

Principle of Development: The existing Development Plan for the application site comprises the East Riding Local Plan Strategy Document (ERLP SD April 2016) and the East Riding Local Plan Allocations Document (ERLP AD July 2016) as well as the Joint Minerals Local Plan (JMLP November 2019). The NPPF and its associated PPG are also material planning considerations.

The NPPF highlights the planning system must perform a number of roles (economic, social and environmental) (paragraph 8) to achieve sustainable development.

In relation to minerals the NPPF highlights the planning authority should give great weight to the benefits of mineral extraction including the economy. It also specifically considers oil and gas development and states Local Authorities should (paragraph 209 b):

- *When planning for on-shore oil and gas development, clearly distinguishing between, and plan positively for, the three phases of development (exploration, appraisal and production) whilst ensuring appropriate monitoring and site restoration is provided for.* Officer comment – economic, social and environmental objective.

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Policies EM2 and EM3 of the JMLP refer to applications for Exploration Boreholes and Appraisal Boreholes. Both policies are clear that proposals for such developments will only be supported were they are located in the least environmentally sensitive part of the geological prospect as practically possible minimising impacts to designated heritage, geological and biodiversity assets; mitigation for occupiers of residential properties and users nearby; measures to avoid pollution of ground water, aquifers and potable water supplies; site selection takes account of the impacts over the proposed lifetime of the borehole and potential for it to be retained long term; and full assessment and mitigation of any adverse environmental impacts. In addition, Appraisal Boreholes will only be supported were they are required to determine the quality, extent and characteristics of the deposit.

Policy EM4 of the JMLP refer to applications for Oil and Gas Production and Distribution. This policy is clear that proposals for such developments will only be supported were they are located in the least environmentally sensitive part of the geological prospect as practically possible taking into account environmental, geological and technical factors to minimise impacts on any identified asset; mitigation is provided to ensure operational processes and gas flaring or other arrangements for the disposal of unwanted gas do not cause unacceptable disturbances to the occupiers of residential properties or other land uses and their uses nearby; measures to avoid pollution of ground water, aquifers and potable water supplies; and arrangements are made for the control of all traffic generated by the development, potential for transport of oil and gas for export by non-road transport has been fully explored, and where possible these modes are fully utilised.

The supporting document suggests low volume hydraulic fracturing is proposed. Policy EM6 of the JMPL covers exploration, appraisal and production phases for hydraulic fracturing. It does not distinguish between low and high volume.

Applications for exploration phase will be supported where environmental risks have been assessed and measures will be taken to mitigate any adverse impacts on the environment and the local amenity to acceptable levels; it can be demonstrated that the proposals are located in the least environmentally sensitive part of the geological prospect as practically possible, taking into account environmental, geological and technical factors to minimise impacts on any identified asset; they include measures to avoid pollution of ground water, aquifers, and potable water supplies; they include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity; mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby; they include measures to avoid air pollution; and it can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development.

Where the existence of shale gas is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria for the exploration phase.

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Production phase of the extraction of shale gas can only take place once a full exploration and appraisal programme has been completed and the proposed location has been shown to be the most suitable, taking into account environmental, geological and technical factors.

Proposals for extraction will only be supported where they include adequate provision for the supply of water and disposal of waste water without unacceptable adverse impacts on surface and groundwater flows, quantity and quality; they include measures to avoid pollution of ground water, aquifers, and potable water supplies; they include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity; it can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development; mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby; they will not generate unacceptable adverse impacts on the environment and local amenity; environmental risks have been assessed, and measures will be taken to mitigate any adverse impacts on the environment and the local community to acceptable levels; it includes measures to avoid air pollution; a full appraisal programme for the shale gas resource is included, completed to the satisfaction of the Mineral Planning Authority; and a development framework for the site, incorporating or supplemented by a comprehensive economic assessment is included.

All applications for shale gas development must be accompanied by details of how the site would be restored back to its original use once the relevant operation is completed, subject to it not being approved for further stages of exploitation. The retention of haul roads and hard standing will be permitted only where there are clear agricultural or other benefits of doing so. Schemes should provide details of the timescale for both operational activity and restoration.

Where proposals for shale gas extraction coincide with areas containing other underground mineral resources, evidence must be provided to demonstrate that their potential for future exploitation will not be compromised.

Petroleum is a national resource identified by the Government as being vital to maintaining security of the country's energy supply. Exploring and producing indigenous petroleum resources helps to contribute for to the key aims of the Government in relation to sustainable development.

Policy EM7 is clear the formation of caverns for the underground storage of gas and related surface development will be supported where the integrity of the geological structure and proposed works will ensure there is no possibility of gas escape or land instability; arrangements are in place to minimise the impacts of construction on the local road network; environmental risks have been considered by submission of a robust environmental risk assessment, and measures will be taken to mitigate any adverse impacts on the environment and the local community to acceptable levels; it can be demonstrated that both surface development (including well heads) and the routing of associated pipelines are located in the least environmentally sensitive part of the geological prospect as practically possible, avoiding impacts to designated heritage, geological and biodiversity assets; it can be demonstrated that the location of the well heads and gas processing facility do not raise any implications for coastal defence during their expected lifetime; mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby; and measures are included to avoid pollution of ground water, aquifers, and potable water supplies.

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Paragraph 203 of the NPPF is clear that minerals are essential to support sustainable growth and our quality of life with a sufficient supply required to provide infrastructure, buildings, energy and goods that the country needs. Due to the fact minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure long-term conservation. Paragraph 205 of the NPPF is also clear that when determining applications local authorities should give great weight to the benefits of mineral extraction, including the economy; ensure there are no unacceptable adverse impacts on natural and historic environment, human health or aviation, and taking into account the cumulative effect of multiple impacts; ensure that any unavoidable noise, dust and particle emissions and any blast vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties.

Policy S1 of the ERLP-SD confirms the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy S4 of the ERLP-SD is clear that land outside a development limit will be regarded as the countryside where forms of development, including C7 employment uses in accordance with policy EC1, are supported where development respects the intrinsic character of their surroundings.

Outside of development limits policy ENV1 part D confirms employment development will be supported where it is of an appropriate scale to its location and respects the character of the surrounding landscape. Proposals should, amongst other things, D.4 have a functional need to be in a particular location. Policy EC5 supports development of the energy sector listed in table 7 including oil and gas exploration, appraisal and extraction under fossil fuel energy development as well as carbon capture and storage under low carbon energy development provided significant effects are addressed satisfactorily and residual harm outweighed by the wider benefits of the proposal. Development and associated infrastructure should be acceptable in terms of cumulative impact, character and sensitising of the landscape, local amenity; biodiversity; historic; telecommunications; increased flood risk and land stability/contamination. Where appropriate decommissioning should be included at the end of their operational life. Restoration should result in minimal adverse impact on amenity, landscape and biodiversity; and opportunities taken for enhancements of these features.

In principle planning policies are supportive of the proposed development subject to consideration below.

Design: Design is important to ensure aims of policies DM1, DM3 and DM4 of the JMLP are achieved. Design guidance is also provided within policy ENV1 of the ERLP-SD as well as guidance contained within the NPPF and its associated PPG.

Some design information is provided within the written statement provided with this request for pre planning application. It is recommend further design information is also provided with any future planning application explaining how the design of each well site would change with each stage of the proposed development; in particular scale (including the height of the temporary drill rig), appearance and layout.

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Plans, pictures and or 3D virtual models may also assist with this. A technical explanation of the proposed development may also be beneficial including how ground stability will be secured, subsidence prevented, soils protected, land contamination prevented and the target geological structures. Site restoration and after care details should also be provided.

Landscape and Visual Amenity: Policy ENV1 of the ERLP-SD seeks the incorporation of hard and soft landscaping alongside boundary treatments of an appropriate scale and size to enhance the setting of buildings, public spaces and views (B.8) and ensuring green infrastructure is well integrated into the proposed development (B.12). Policy ENV2 of the same document promotes a high quality landscape whilst ENV5 seeks to strengthen green infrastructure.

Part B5 of policy DM1 of the JMLP seeks to protect character, quality, distinctiveness, sensitivity and capacity of the landscape to accommodate a proposed development. Part B6 of the same policy promotes green infrastructure, biodiversity and geodiversity assets. Part B7 historic landscapes.

Policy DM3 of the JMLP seeks restoration and aftercare of mineral sites. In particular B1 creation of high quality agricultural or forestry land, B2 meeting site conservation objectives, B3 improving strategic network of green infrastructure, B4 creation of geo-diversity, B5 enhanced landscape character and relevant setting of designated local landscapes, and B8 improved public access to the natural environment.

Policy DM4 of the JMLP directs mineral sites, involving best and most versatile land, once restored would not result in an overall loss of soil quality.

There is further guidance regarding landscape and visual amenity within the NPPF and its associated PPG.

Both sites lie close to the Boundary between 19B Burton Constable Farmland and Parkland and 19D Central Holderness Farm Land. Vertical features such as turbines and large scale farm buildings are dominant and detract from landscape character. Other detractors such as communication masts, are spread throughout the area but overall do not seriously harm the quality of the landscape which is assessed to be ordinary to good with pockets of high quality at Burton Constable Registered Park and Gardens and Rise.

Value attached to this relatively low flat landscape is medium level due to presence of some vertical elements (turbines) that detract from the character whilst others, such as Burton Constable Registered Park and Gardens, and a number of ancient woodland blocks, provide elements of high landscape quality. This landscape is highly susceptible to industrial and commercial development.

To enhance landscape character key positive features should be strengthened and reintroduce distinctive features that have been lost such as trees and hedgerows. New development should respect local vernacular, context and mitigate visual prominence within this flat open landscape. Measures to integrate development with the surrounding landscape should include woodland, tree and hedgerow planting. The positive characteristics of the area and attractive or significant key views should be protected. It is through the consideration of the LVIA that the full impact of this development can be assessed including visual amenity from neighbouring settlements as well as the Public Right of Way network in the area particularly those within, adjoining and close proximity of the site.

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The potential for additional landscaping should be considered and details of the full landscaping proposals that can both mitigate and provide wider enhancement of the area, provided with the LVIA. Where possible existing hedgerows and trees should be retained and enhanced with new additional high quality substantial planting. Restoration and aftercare details should also be provided.

If necessary, Mr Stephen Robinson, the Councils Landscape Officer, can be contacted to discuss the LVIA with you via email (Stephen.robinson@eastriding.gov.uk) or phone (01482 393726).

The Councils Trees and Landscape Team have not raised any objections in principal subject to mitigation planting for any hedges removed with replacement of any losses. Consideration of the proposal to create bunds of up to 3m in height is needed or whether a lower height would be more appropriate. Detailed elevations and cross sections of the bunds will be required. A high quality substantial landscaping scheme as well as a suitable restoration and aftercare proposals will be fundamental towards achieving a positive resolution.

Response from the Councils Tree Team is attached for further consideration.

Best and Most Versatile Land: Any future application should demonstrate the grade of agricultural land that will be lost (should the well sites extend beyond their current limits) and that its loss is temporary for mineral extraction. It is relevant that the restoration of the proposal include reinstatement of both well sites back to agricultural land (its current use) when mineral extraction operations are complete, using previously stripped soils to create the same or better grade agricultural land.

This is consistent with the policy objective of protecting and maintaining agricultural land in the area.

Policy DM4 of the JMLP only supports the loss of best and most versatile agricultural land if, amongst other things, the loss is temporary whilst mineral extraction takes place. Further guidance is provided in the NPPF and its associated PPG.

Impact on Living Conditions: Policy ENV1 seeks to safeguard the amenity of existing and proposed properties from harm. Further guidance is provided in the NPPF and its associated PPG. Part B to policy DM1 of the JMLP seeks to protect living conditions regarding the method of working, overall programme of extraction, proposed restoration and aftercare particular part B2. Policy DM2 of the JMLP also protects residential amenity and other uses. Part A relates to no unacceptable adverse effects from noise, dust, vibration and odour.

Nearest residential properties to WNA are Blackbush Farm: 625m North East; Cayley Cottage: 670m East; Wood End Farm: 640m West; and The Old School House: 640m South West. West Newton village is 1,130m to the south west and Marton is 800m to the west. Nearest residential properties to WNB are Smithy Briggs, 475m west; and West Newton Grange, 675m east.

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The main impact to living conditions of local residents as a result of the proposed development are noise, vibration, ground stability, dust and debris, air emission/odour and lighting. Assessments to cover each of these should be provided with any future planning application including details of how these potential nuisances could impact local residents (worst case scenario) and any mitigation measures proposed to be put in place. Cumulative impacts with other similar developments should also be considered.

The Environment Agency have confirmed within their response an environmental permit issued by the Environment Agency will be required for management of mining waste and incineration of waste gas. The environmental permit will be used to regulate noise and other emissions from the mining waste and incineration activities. Regulation of noise produced by activities not covered by the environmental permit, such as the drilling of the exploration borehole, will remain the responsibility of the Local Authority. Any waste that is to be removed from the site will have to be disposed of at an appropriately permitted facility

Public Protection Environmental Control Specialist Team have confirmed the proposed development will be subject to regulation under an Environment Agency Permit, which should provide appropriate controls to prevent pollution and minimise emissions from the activity.

Despite these mitigation measures it is likely should a future planning application be submitted Public Protection will request a precautionary watching brief planning condition for potential land contamination and an appropriate Construction Emissions Management Plan again controlled by condition (unless provided with the application).

Public Protection Environmental Control District Team also recognise the operation of the proposed development would be controlled by an Environment Agency permit covering a number of potential nuisances, including noise.

Regardless of this Public Protection will still seek to protect the amenity of nearby residents. A noise assessment and Construction Environmental Management Plan which would cover noise and mitigation if required during the construction and operational phases should be submitted with any future planning application.

The Environment Agency response as well as both responses from Public Protection are attached for your records.

Flood Risk, Drainage and Ground Water Protection: Policy ENV6 of the ELP-SD seeks to manage Environmental hazards, such as flood risk, coastal change, groundwater pollution and other forms of pollution, will be managed to ensure that development does not result in unacceptable consequences to its users, the wider community, and the environment. Part B3 and B4 to policy DM1 of the JMLP protect surface and groundwater pollutant emissions as well as the effects of climate change including flood risk. Policy DM3 of the JMLP seeks restoration and aftercare of mineral sites, especially part B8 – taking opportunities to reduce flood risk.

Both well-sites are located in low risk flood zone 1. A Site Specific Flood Risk Assessment will be necessary as the site area exceeds 1ha.

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A Drainage Impact Assessment will also be required confirming how surface water (and foul if necessary) will be disposed from the site. Surface water will need to be restricted to existing greenfield run-off rates and SUDS incorporated where necessary.

The Environment Agency have confirmed within their response the geology at the site consists of Chalk from the Upper Cretaceous Chalk Group. The Chalk is classed as a principal aquifer, and is highly vulnerable to any potentially polluting activity. For all new wells, the developer must submit a Notice to the Environment Agency of intention to construct or extend a boring for the purpose of searching for or extracting minerals using Form WR - 11 under the Water Resources Act 1991 (Section 199(1)). A drilling method statement should be submitted alongside the Form WR - 11. Drilling should be carried out to an approved drilling method statement.

It is vital that the proposed development does not adversely affect the quality of water within the underlying Chalk Group aquifer. This is to ensure the proposed development does not adversely affect the quality of water within the underlying Chalk Group aquifer.

Low volume hydraulic fracturing is proposed and any application for this will need to be accompanied by detailed risk assessments, including a hydrogeological impact assessment.

You will also need to apply to the Environment Agency for variations to existing site environmental permits to include the additional proposed activities. The applications will need to be supported by detailed environmental risk assessments. The additional activities cannot be carried out unless permit variations are issued.

Yorkshire Water Services have confirmed risk to Yorkshire Waters groundwater sources are very low and, subject to any information provided at the time of application, likely to be deemed acceptable with regard to protecting the public water supply.

The site is located on thick boulder clay drift overlaying the Chalk aquifer. However, at this location the aquifer has low yield and poor water quality and the applicant is proposing multiple well casings grouted in place to protect the aquifer. Some low pressure/low volume fracturing of the target formations at a depth of more than 1 km below the base of the Chalk aquifer may be required but this is unlikely to present an unacceptable risk to the aquifer; fracture generation is minimal and the depth of the fracturing is great compared to the level of the aquifer.

In addition the applicant will need to seek regulatory approval for this work which will include a further evaluation of the risks and require mitigation to be in place to make identified risks acceptable.

The Councils Lead Local Flood Authority as well as Beverley and North Holderness Drainage Board have not raised any objections to the principal of the proposed development. Both have confirmed any future application will require both a Site Specific Flood Risk Assessment and a Drainage Impact Assessment detailing how the site will drain and the development sites impact on flood risk.

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Potential conditions that could be requested have also been included within Beverley and North Holderness Internal Drainage Board response.

Responses from the Environment Agency, Yorkshire Water Services, the Councils Lead Local Flood Authority and Beverley and North Holderness Internal Drainage Board are attached.

Restoration, Nature Conservation and Ecology: Policy ENV4 of the ERLP-SD seeks to conserve and enhance biodiversity and geodiversity. Part B6 to policy DM1 of the JMLP supports mineral development that promote green infrastructure, biodiversity and geodiversity assets. Policy DM3 of the JMLP seeks restoration and aftercare of mineral sites, especially part B2 – meeting designated sites objectives or support existing biodiversity initiatives. Further guidance is provided in the NPPF and its associated PPG.

West Newton Well-Site A: Well site A is approximately 800m southwest of Lambwath Meadows SSSI and you must consider how the development proposal will affect the nearby SSSIs. Natural England have confirmed if you require further advice to utilise their Discretionary Advice Service (DAS) in order to help comply with the relevant legislation. The Councils Nature Conservation and Ecology Team strongly recommend you use the natural England's DAS service that can be accessed using the following link <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>

Well site A is northeast of a suite of designated Local Wildlife Sites (LWS) attached to the Burton Constable Estate. There are five designated LWSs which occur within 2km of the application site these are as follows; 'The Moors, Burton Constable' LWS designated for its woodland habitat, 'Mill Avenue, Burton Constable' LWS designated for its woodland habitat, 'Burton Constable Parkland' LWS designated for its woodland, parkland and grassland habitats, 'Wycliffe North Plantation' LWS designated for its woodland habitat, and 'Sallymere Plantation' LWS designated for its woodland habitat.

The entirety of the Burton Constable Estate is made up a mosaic of predominately two types of UK BAP priority habitat; 'wood-pasture and parkland' UK BAP priority habitat and 'deciduous woodland' UK BAP priority habitat, though not within the site boundary all considerations within the application should be made as to not adversely affect these habitats.

There are features of biodiversity value on and adjacent to the application area including ditches, hedgerows and trees. Some of these habitats may be suitable to support protected and priority species including bats, breeding birds, common toads and hedgehogs. The Councils Natural Conservation and Ecology Team have requested an ecological appraisal that is proportionate to the nature and scale of the proposals is submitted with any subsequent formal application for planning permission. Preliminary Ecological Appraisal should be undertaken to assess the site for its ecological value and to identify any potential constraints to the proposals. Should the results of the appraisal highlight the need for species specific surveys for protected species these should be carried out within the areas affected by the development before a formal application is submitted for consideration.

A Construction Environmental Management Plan (CEMP: Biodiversity) has also been requested by the Councils Nature Conservation and Ecology Team to ensure that adverse environmental effects of development activities are mitigated. Ideally it will be submitted as part of the planning application for approval by the local planning authority prior to determination of the application.

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Otherwise it will be necessary to impose a pre-commencement condition to secure the CEMP, which will need to be discharged before development begins.

West Newton Well-Site B: The well site B is approximately 1km east of a suite of designated Local Wildlife Sites (LWS) attached to the Burton Constable Estate. There are four designated LWSs which occur within 2km of the application site these are as follows; ‘The Moors, Burton Constable’ LWS designated for its woodland habitat, ‘Mill Avenue, Burton Constable’ LWS designated for its woodland habitat, ‘Burton Constable Parkland’ LWS designated for its woodland, parkland and grassland habitats and ‘Burton Constable Estate’ LWS designated for its woodland, parkland and wetland habitat. The entirety of the Burton Constable Estate is made up a mosaic of predominately two types of UK BAP priority habitat as previously mentioned.

The footprint of well site B appears to be within the original planning permission boundary (14/04107/STPLF) and therefore the Councils Nature Conservation and Ecology Team have confirmed a new Preliminary Ecological Appraisal and a new Construction Environmental Management Plan will not be required at this time. If, however, the footprint to well site B extends outside the currently approved area this would trigger the requirement for a new Preliminary Ecological Appraisal and a new Construction Environmental Management Plan.

West Newton Well-Site A and B: It will be necessary to mitigate the impact of any hedgerow or tree loss by providing compensatory habitat at loss ratio of at least 1:1 and ideally 1:3 to ensure no nett loss and ideally a net a gain of habitat on the site.

The design and operation of lighting should avoid light pollution in any identified “sensitive” areas, ensuring that they remain sufficiently dark for nocturnal species.

Finally the Councils Nature Conservation and Ecology Team have confirmed appropriate enhancement measures should be incorporated into the design of the development and submitted with the development proposals in the form, for example, of a Biodiversity Enhancement and Management Plan.

The Councils Biodiversity Officer has not raised any objections because it is not consider that the extension of the operational duration at West Newton Well-Sites A and B would result in significant adverse impacts on any Local Wildlife Sites.

Please refer to the attached response from Natural England, Nature Conservation and Ecology as well as Biodiversity Council Officers.

Heritage Assets: Policy ENV3 of the ERLP-SD values heritage. Special regard should be paid to the desirability of preserving significance, views, setting, character, appearance and context of heritage assets. Both designated and non-designated, should be conserved especially key features that contribute to East Ridings distinctive historic character. Part B7 to policy DM1 of the JMLP protects historical landscape, sites or structures of existing or potential archaeological, architectural or historical interest and their setting.

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There are no designated heritage assets (such as listed buildings, conservation areas, scheduled ancient monuments etc) within the boundary of the site. However the proposal is in the vicinity of Burton Constable Hall a grade I listed building located within a historic park and gardens which also includes a Scheduled Monument. The grounds also include the grade 1 listed Stables and Carriage House, grade 11* The Orangery, Grade 11* The Menagerie and the grade 11 listed Ha-ha approx 20 metres south. West Newton Test Site A is also in the vicinity of Farmhouse 100 metres north of entrance to Pipers Lane, grade 11, Church of the Most Holy Sacrement grade 11 and The Old School House grade 11.

Historic England have requested you contact them direct should you require pre-application advice. Contact details are provided within their attached response.

The Councils Conservation Team have not raised any objections and within their response confirm well-sites A and B as well as associated works are separated sufficiently and shielded by trees and woodland to affect the setting of Burton Constable Hall and Gardens. Listed buildings surrounding West Newton Test Site A (Farmhouse 100 metres north of entrance to Pipers Lane, Church of the Most Holy Sacrement and The Old School House) are mostly shielded from Well-Sites A and B by existing trees and vegetation and therefore will not be affected by the new works.

In terms of archaeology Humber Historic Environmental Record have confirmed West Newton well-sites A and B have previously been subjected to programmes of archaeological evaluation and subsequent mitigation works. Therefore Humber Historic Environmental Record have no objection to the proposal to extend the operational duration of the sites.

However, if the surface footprint or any new construction work extends outside the area previously subjected to archaeological work then further work could be required to determine whether any archaeological remains will be disturbed and whether any further mitigation work is required.

Please refer to Historic England's, the Councils Conservation Teams and Humber Historic Environmental Records attached response for more information.

Public Rights of Way: Policy ENV5 of the ERLP-SD seeks to strengthen green infrastructure. Policy DM5 of the JMLP-SD identifies proper management of PROW either through retention with mitigation or formal diversion (temporary or permanent) to ensure local residents have pedestrian access to the surrounding environment.

The Councils Public Rights of Way and Countryside Access Team have not raised any objections and confirmed there are no registered Public Rights of Way shown on the working map which are directly affected by this application. However if road closures are required, as have been for other operations at these sites, then the Countryside Access Team should be informed due to the effect on the Public Rights of Way network. Please refer to Councils Public Rights of Way and Countryside Access Team attached response for more information.

Access, Parking and Highway Safety: Policy EC4 of the ERLP-SD seeks to enhance sustainable transport in order to increase overall accessibility, minimise congestion and improve safety, new development will be supported where it is accessible, or can be made accessible, by sustainable modes of transport and addresses its likely transport impact.

Continued.....



Policy DM6 of the JMLP-SD supports transportation by road to mineral development provided there is no practical alternative and the highway network can accommodate the traffic generated. In addition it would not have an unacceptable impact on the environment or local communities. Further guidance is provided in the NPPF and its associated PPG.

The supporting information submitted with this request for pre application planning advice indicates that all HGV traffic to each well site will follow existing agreed routes and hours of operation.

As part of any future planning Highway Development Management have confirmed an update Transport Assessment (TA) will need to be submitted to clarify traffic figures. The TA should also identify if there is to be an increase in staff numbers and include details of parking and servicing provision on site.

Please refer to Councils Highway Development Management Team attached response for more information.

Aviation Safety – The application site has the potential to affect aviation safety due to the height of the rig. No concerns have been raised by NATS Safeguarding. However a response is still awaited from Humberside Airport, the Ministry of Defence and CAA Safeguarding. These will be forwarded upon receipt.

Community Fund – Regarding hydraulic fracturing (not distinguished between low or high volume) the shale gas industry has set its commitment to community engagement in its Charter. This Charter sets out what communities can expect from companies developing shale in their areas. Operators will engage communities in advance of any application for planning permission and then again at each stage of development.

The industry has committed to a package for communities that host shale development. This includes:

- at exploration stage, £100,000 in community benefits per well-site when hydraulic fracturing takes place
- 1% of revenues at production stage will be paid out to communities
- operators will publish evidence each year of how they have met these commitments

Some operators have decided to go further than this, for example by providing community benefits. This Charter and offer to communities will be regularly reviewed as the industry develops and operators consult with communities.

In addition to this, the government has announced that it will create a Shale Wealth Fund to ensure that communities which host shale sites can share the benefits of shale development. The fund will initially consist of up to 10% of tax revenues arising from shale gas production, a proportion of which could be paid out to each community over 25 years. The government has consulted on the priorities and delivery models for the Shale Wealth Fund.

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More information is available at the following government website <https://www.gov.uk/government/publications/about-shale-gas-and-hydraulic-fracturing-fracking/developing-shale-oil-and-gas-in-the-uk>

I would suggest submitting a draft S106 or Unilateral Undertaking with any future application that covers the above should you decide to proceed with low volume hydraulic fracturing or set as to why this is not relevant in this case. If it's the latter I would still expect an annual financial community benefit to be provided.

Community Consultation – Whilst not a planning policy requirement I recommend undertaking your own consultation with local residents, Town/Parish Councils as well as Ward Councillors to inform them of the proposed development. If necessary I can provide the contact details for the Parish/Town Councils whose boundary the application falls within as well as Ward Councillors.

Planning Performance Agreement (PPA) – The Government and East Riding of Yorkshire Council encourages the use of Planning Performance Agreements, a project management tool used to agree timescales, actions and resources for handling particular applications from pre to post application. Planning performance agreements can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working with the Local Planning Authority, and can also help to bring together other parties such as statutory consultees. A PPA is agreed voluntarily between the applicant and the Local Planning Authority prior to the application being submitted, and can be a useful focus of pre-application discussions about the issues that will need to be addressed. In this case I consider a PPA to be appropriate and could cover costs such as security at Planning Committee.

Other Matters: Below is a list of the documents that I would expect to be submitted in support of any subsequent planning application for the proposed development on this site, along with the relevant section of the Council's Validation Checklist which includes additional detail on the information needed:

- Biodiversity/ Ecological assessment with any necessary survey's and report's (such as a phase one ecological assessment) as well as a Construction Environmental Management Plan (Biodiversity: CEMP) and Biodiversity Enhancement and Management Plan (BEMP).
- Hydro-Geological Risk Assessment
- Site Specific Flood Risk Assessment
- Foul and Surface Water Drainage Assessment
- Noise and Vibration Assessment
- Lighting Assessment/ Management Plan
- Air Quality Monitoring assessment
- Construction Emission Management Plan (CEMP: Public Protection Specialist Team)
- A Construction Environmental Management Plan (CEMP: Public Protection District Team)
- Updated Transport Assessment
- Landscape and Visual Impact Assessment (proportion to the proposal) - to demonstrate that proposed landscaping is appropriate, fit for purpose and sustainable in the longer term.
- Tree Survey/ Assessment (only if there are trees within or affected by the proposed development)

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- Archaeology - Staged programme of evaluation beginning with a geophysical survey of the plot followed by a programme of trial trenching (only if you are extending outside the limits of the existing well sites that was not previous subject to archaeological work).
- Best and Most Versatile Land Assessment (only if you are extending outside the limits of the existing well sites)
- Planning/Supporting Statement – (proportionate to the proposal)
- Site construction and layout plans
- Drill rig equipment
- Site Restoration Plan
- Public Consultation Literature (should you chose to undertake your own public consultation)
- Heads of Terms for any Planning Obligations

I must advise you that the contents of this letter are the informal opinion of an officer and cannot prejudice the outcome of a formal application for planning permission. Planning applications are subject to consultation processes and any responses have to be taken into consideration prior to a decision being made.

I trust that this information is satisfactory, should you wish to discuss these matters further please do not hesitate to contact this office.

Yours sincerely

M.Sunman

Matthew Sunman MRTPI
Principal Development Management Officer – Minerals and Waste