



Amy Taylor
North Yorkshire County Council
Minerals & Waste Planning Unit
County Hall
Northallerton
North Yorkshire
DL7 8AH

Our ref: RA/2025/148133/01-L01
Your ref: NY/2025/0030/ENV
Date: 14 May 2025

Dear Amy,

CONSTRUCTION OF A TEMPORARY WELL-SITE FOR THE APPRAISAL OF GAS, INCLUDING DRILLING OPERATION, PROPPANT SQUEEZE AND FLOW TESTING OPERATION AND SITE RESTORATION AT LAND EAST OF THE MILL YARD, BURNISTON MILL, COASTAL ROAD, BURNISTON, SCARBOROUGH, NORTH YORKSHIRE YO13 0DB

Thank you for your consultation regarding the above proposal which we received on 12 March 2025 via email. We have reviewed the information submitted with the application including, the Planning Statement (February 2025), the Environment Impact Assessment Vols 1-3, the Hydrogeological Impact Assessment (ref 3729/ HIA, vF3, December 2024), associated Drawings and other Supporting Assessments.

The Environment Agency recommends refusal for the planning application based on our **objection** to an unacceptable risk to groundwater, while we consider that the proposed flare for disposal of waste gas may not be a Best Available Technique (BAT).

Please see our full and detailed reply below.

Environment Agency position

Groundwater

We **object** to the proposal due to an unacceptable risk to groundwater quality.

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
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The proposed development would pose an unacceptable risk of pollution of groundwater. We recommend that planning permission should be refused on this basis, in line with paragraph 187 of the National Planning Policy Framework.

In order to protect groundwater, the Environment Agency will review proposals and supporting information to ensure that adequate levels of protection are in place to prevent the loss of groundwater resources or any detrimental impact to groundwater quality. This protection will consist of suitably designed well casings that are appropriate to the geological conditions and to the sensitivity of any vulnerable resources.

Reference to the 'Hydrogeological Impact Assessment' document dated December 2024 (HIA) indicates that a borehole will be drilled to target the Carboniferous Yoredale Succession, expected at depths between 2168m - 2746m TVDSS. Drawing 3729/HIA/07a and table 3729/HIA/T4 of the document indicates proposed casing in the borehole. It is noted that not all aquifers are individually cased off. While the document states "the active zone of groundwater movement is considered likely to occur within the top 150 m of the bedrock", the [legal definition of groundwater](#) is: "*All water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil*" and all groundwater pollution must be prevented as per Position Statement G1 of [The Environment Agency's approach to groundwater protection \(2018\)](#). Casing over multiple aquifers may allow potentially polluted groundwater to migrate vertically and impact the groundwater in overlying aquifers.

Reason

Our approach to groundwater protection is set out in '[The Environment Agency's approach to groundwater protection](#)'. In implementing the position statements in this guidance, we will oppose development proposals that may pollute groundwater especially where the risk of pollution is high.

In this case position statement G1 applies. We consider that the proposed development poses an unacceptable risk of causing a detrimental impact to groundwater quality because there is the potential for vertical migration of pollutants to groundwater in the overlying aquifers.

Overcoming our objection

The applicant should revise their well casing construction to ensure each aquifer is individually cased off to prevent vertical migration of polluted groundwater. The following casing is proposed:

- Mid Jurassic
- Lower Jurassic
- **Lower Jurassic to Mercia Mudstone**
- **Mercia Mudstone to Bunter Shale or Rotten Marl**
- Bunter Shale or Rotten Marl to Kirkham Abbey

(Highlighted in **bold** is the additional casing proposed above that is shown in drawing 3729/HIA/07a).

Additionally, the applicant will need to submit to us for approval, a notice of intent for the drilling for minerals ([Drilling for minerals: notice of intent form and guidance - GOV.UK](#)).

We will further expect well integrity to be tested and assurance provided to us that the construction is sound. These checks will be carried out as part of the Water Resources Act 1991 s.199 notification (linked above) and also through pre-operational conditions on any environmental permit that is required prior to the commencement of any permitted groundwater activity.

Conditions

If the above objection can be overcome, then we will recommend the planning condition below.

Condition 1

No development shall take place until a detailed construction method statement has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the following:

- the timing of the works
- the measures to be used during the development in order to minimise environmental impacts of the works (considering both potential disturbance and pollution) construction methods
- pollution protection methods
- proposed scheme for monitoring

Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason

To ensure that the proposed development, including the construction phase, does not harm the water environment in line with paragraph 187 of the National Planning Policy Framework and Position Statement C7 of the [‘The Environment Agency’s approach to groundwater protection’](#)

Method Statement – Environment Agency observations and assumptions

The site is underlain by Long Nab Member, consists of sandstone, siltstone, and mudstone, which are classified as Secondary A aquifer.

The Environment Agency has assessed that no piling is being carried out and, if this position changes or our conclusion is incorrect, we would expect to be reconsulted.

The applicant has stated in Hydrogeological Impact Assessment, December 2024: '3.3 Phase 3: Well testing that any fluids produced from the well during this phase of the operations will be stored in bunded tanks. The operator will transport this and any surface water off-site in road tankers by a licensed waste contractor and managed via a licensed facility. Controlled discharge is therefore not relevant and

will not be pursued in this report.'

'3.2 Phase 2: Drilling operations

Most chemicals will be transported in powder form and mixed with water on-site. The only liquids transported to the site during this phase will be water and fuel oil for machinery. Standard road tankers will deliver fuel directly into the drilling rig's fuel tanks, located within the active drilling site's secured and controlled area. Foul drainage from the cabins will be stored in dedicated under-cabin tanks or connected to a buried cess tank, which a registered contractor regularly empties at an approved treatment facility.'

In the Site Layout Plan - Indicative Well Testing Phase 500 Scale A3, Site Layout Plan - Indicative Proppant Squeeze Phase with Workover Rig 500 Scale A3, Site Layout Plan - Indicative Proppant Squeeze Phase with Coil Tubing Unit 500 Scale A3, Site Layout Plan - Indicative Drilling Phase 500 Scale A3, Site Layout Plan - Indicative Construction Phase 500 Scale A2, the applicant has shown in all the drawings that site activities will be delivered on hard standing during all development phases.

We support the statements above and the recommended planning condition is provided on this basis. The Environment Agency must be reconsulted if any of these positions change.

Permitting

This development will require a permit under the Environmental Permitting Regulations (England and Wales) 2016. We do not have enough information to know if the proposed development can meet our requirements to prevent, minimise and control pollution.

The development will likely comprise mining waste activities, installation activities, groundwater activities and management of naturally occurring radioactive material (NORM).

The developer is advised to contact the Environment Agency for enhanced pre-application advice before submitting an environmental permit application. An environmental permit would require waste gas to be disposed of using best available techniques (BAT). Dependent on the specific details of the well testing proposal, the disposal of gas from some stages of the test may need to be carried out in one or more enclosed flares rather than the shrouded flare identified in the planning application documents.

We recommend that the developer considers parallel tracking the planning and permit applications as this can help identify and resolve any issues at the earliest opportunity. Parallel tracking can also prevent the need for post-permission amendments to the planning application.

Further guidance can be found at <https://www.gov.uk/government/collections/risk-assessments-for-specific-activities-environmental-permits>

Note to applicant

Should you wish us to review any technical documents or want further advice to address the issues raised/ address our planning objections, we may do this as part of our charged for planning advice service.

We must highlight that this service is discretionary and we frequently have need to pause its availability due to other priorities.

Further engagement will provide you with the opportunity to discuss and gain our views on the potential options to overcome our objection with us, before formally submitting further information as part of your planning application. This will provide some certainty of our position as to what our response to your planning application will be. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. For planning advice, we currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

Please contact us at the details below if you would like further details or to arrange a meeting.

We trust this response will enable the local planning authority to determine the application and please contact me if you require clarification to any point.

Yours sincerely

Mr. Neil Wallace
Planning Specialist

Direct e-mail: Neil.Wallace@environment-agency.gov.uk

Direct team email: sp-yorkshire@environment-agency.gov.uk

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.
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