



**From: Cllr Richard Parsons,
Chair of Burniston Parish Council.
On behalf of Burniston Parish Council.**

**and
Cllr Derek Bastiman, NYC Councillor for Scalby and the Coast.**

To: Richard Flinton, Chief Executive

Copy to: Nic Harne, Corporate Director Community Development

North Yorkshire Council County Hall, Northallerton DL7 8AD

**Formal Request for Self-Referral and Independent Procedural Review – Planning
Application NY/2025/0030/ENV.**

Dear Mr. Flinton,

I am writing to you on behalf of Burniston Parish Council to formally request that North Yorkshire Council (NYC) refers its handling of planning application **NY/2025/0030/ENV** (Hydrocarbon drill and appraisal at Burniston Mill) for an immediate external review by the Planning Advisory Service (PAS) or an equivalent independent body.

The Parish Council, alongside the 1,600+ people who have engaged with this process, has lost confidence in the transparency and procedural integrity of the current handling of this planning application. Our request is based on many areas, a few of which are listed below.

1. Failure to Accurately Record and Display Public Comments There is clear evidence of a systemic failure in the administration of the planning portal. Over the last year some respondents to this application have reported that their formal objections and technical submissions have either not appeared on the public register or have been lost in the transition between systems. This failure violates the Council's **Statement of Community Involvement (SCI)** and the public's statutory right to be heard.

After a freedom of information request by this Council, a large amount of information was revealed covering the period 25th January 2025 to 12th Nov 2025. This information was not in the public domain. Later amendments to the planning portal, post FOI information receipt, did then include much of the information received from the FOI request, leaving very little time to review and respond to, prior to the intended Strategic Planning Committee meeting date.

2. Procedural Omissions Regarding Forms NYPA15 and NYPA17 We draw your attention to the detailed correspondence from **Mr. Kearsley**, which remains unaddressed. The applicant has submitted form **NYPA15** (intended for near-surface mineral activity), whereas the nature of "proppant squeeze" and deep-well appraisal strictly requires form **NYPA17** (Onshore Oil and Gas Extraction).

- **NYPA17** mandates detailed geological data and deep-structure analysis that is currently absent from the application.
- By accepting the "wrong" form, the Council has allowed the applicant to bypass the rigorous geological scrutiny necessary for a site with known fault lines (e.g., the Peak Fault).

3. Intentional Marginalization of Substantial Submissions A significant number of highly technical submissions from environmental experts, geologists, and local stakeholders appear to have been ignored or categorized as "general objections" rather than being treated as material considerations. The lack of detailed rebuttal or engagement with these scientific concerns suggests a failure in the Council's "duty to inquire."

4. Premature Conclusion and Bias in the Officer's Report. The Planning Officer's report, which recommends **approval**, appears to have reached this conclusion with alarming haste. The report fails to give due consideration to its own policy, the Minerals and Waste Joint plan, particularly in relation to the proximity of sensitive receptors and overlooks the cumulative impact of 1,600+ objections.

The report shows the date of the 26th June 2025 as its target date. It is clear that the majority of submissions, post that date, have not been given due consideration. This gives the appearance of **pre-determination**, suggesting the report was drafted as a justification for a foregone conclusion rather than a balanced assessment.

5. Disregard for Shifting Legislative and Policy Frameworks. The Council has shown scant regard for the rapidly evolving national policy landscape. This includes the government's stated intent to ban all forms of fracking (including "proppant squeeze" loopholes) and the removal of the "great weight" traditionally afforded to fossil fuel extraction in the **National Planning Policy Framework (NPPF)**. To approve this application as recommended by the planning officer now, would be to lock the community into a development that is fundamentally at odds with upcoming statutory guidance and Net Zero obligations.

Conclusion and Request for Action

The above concerns, of which there are many more, should be more than enough for NYC to self-refer. We are very aware that North Yorkshire Council is a relatively new organisation that has had to undertake the work of North Yorkshire County Council and all of the other Planning Authorities, post Local Government Reorganisation. This is the perfect moment for North Yorkshire Council to have its planning procedures tested by an independent body.

Since NYC is still establishing a unified "Local Plan," high-profile or controversial applications like **NYP/2025/0030/ENV** serve as a litmus test for their new governance standards.

A self-referral now, would signal a commitment to "gold-standard" transparency with a thorough test as to the required level of independent scrutiny of planning application NYP/2025/0030/ENV, before older district-level habits or inconsistencies become baked into the new unitary system.

Given the scale of the opposition and the apparent procedural irregularities, Burniston Parish Council, who are aware that the Secretary of State is considering a call in, request that the Council refers its processes for an immediate external review, by the Planning Advisory Service (PAS) or an equivalent independent body into its handling of NYP/2025/0030/ENV.

In the interests of openness, honesty and transparency and to allay the large scale public concerns over the handling of planning application NY/2025/0030/ENV, it is imperative that North Yorkshire Council are fully open to scrutiny and if errors are identified, for full public confidence, they are never repeated.

We would be happy to be involved, provide information for and assist in an external review.



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