

Dear Mr. Ashcroft,

**Objections to Planning Application by Rathlin Energy (UK) Ltd for a new Well site at West Newton B, Crook Lane, West Newton**

I write to object to the application by Rathlin Energy (UK) Ltd to create a third well site to explore for petroleum in the East Riding.

I have nine objections to an application which does not provide sufficient information for the officers or elected members of the East Riding of Yorkshire Council to reach a decision based on evidence.

**Objections**

1. A principal objection to exploration for hydrocarbons is the need to ensure that 80% of existing fossil fuel reserves stay in the ground if we are to avoid irreversible climate change. This must be a priority in the East Riding which has the highest risk of flooding from sea-level rises, river flooding and severe weather events of any Local Authority in England.

The Flood Risk Assessment report attached to Rathlin's application quotes Environment Agency guidance(DLCCG,2012b) which charts the increased risks over the next 100 years( Table 4.1.p.19); the information for the next 50 years is relevant given the 50 years option for land for development obtained by Rathlin.

The National Planning Policy Framework (March 2012) highlights the role of the planning system to lead to sustainable development including the need to *"mitigate and adapt to climate change including moving to a low carbon economy."*

Similarly, the East Riding Local Plan Policy EC5 requires assessment of the impact of any development on *"increasing the risk of flooding"* (Ref. EC5 3.vi).

The East Riding of Yorkshire and Kingston upon Hull Joint Minerals Development Plan also proposes the need to consider *"Impacts upon wash-lands and floodplains, ground water, surface water, drainage, water courses and water bodies."*(Ref.DM1 iii)

Given the high risk of flooding in Hull it is surprising that no consultation has taken place with Hull City Council on the basis of the Joint Minerals Development Plan about the impact of Rathlin's current operations or this new application.

The application is silent on the impact of new petroleum production (which is the stated aim of Connaught Oil and Gas and Rathlin Energy (UK) Ltd..

It is not acceptable to proceed without an independent assessment of the impact of substantial, new conventional oil and gas production in the East Riding on statutory local and national carbon reduction targets.

**The precautionary principle must apply. East Riding of Yorkshire Council (ERYC) should postpone a decision on this application until there is a full assessment of the impact of Rathin's planned development on local and national carbon reduction targets as well as the impact on flooding risks, within the context of the NPPF, the East Riding Local Plan and the East Riding and Hull Joint Minerals Development Plan.**

**It is obvious that this needs to be undertaken jointly with Hull City Council given the importance of the city to the economy and transport networks of the East Riding.**

2. A second objection is that Rathlin's application is misleading about their long-term plans which have, according to the ERYC Director of Development Control and Economic Regeneration and the Chief Executive, been fully explained from the start. Rathlin have not shared their intentions with local residents. It took a High Court hearing to establish that their current exploration is linked to 50 year options giving the right to lease the land to produce oil and gas. Initially Rathlin were part of the Coalition Government's drive to "Go all out for Shale" having confirmed their intention to explore the potential of the Bowland Shale for gas.

The current licence (PEDL 183) from DECC permits them to explore for shale gas and it is only because of the success of the national and local campaigns highlighting the serious environmental risks arising from shale gas production by unconventional, high volume, hydraulic fracturing (fracking) that their current application emphasises they will not be exploring for shale at West Newton B.

The fact remains that Connaught purchased the licence to explore in the East Riding because they believed there were reserves equal to the North Sea which has produced oil and gas for almost 50 years. (Connaught website 2014, since removed). The exploration sites at Crawberry Hill and West Newton received permission because they were deemed to be temporary, similarly this application repeatedly refers to a "temporary" site at West Newton B.

Para 2.6. of the current application is headed Restoration and Aftercare but reveals the more realistic outcome of an application which is a prelude to 50 years of production across the East Riding, "*If, however, commercial quantities of petroleum are present, then the Applicant will suspend the well pending the outcome of a decision on a planning application for the production of petroleum.*"

The "Planning Statement - Appendix 3 Pre-Application Responses" included with the application proves that neither Rathlin nor ERYC have been transparent about Connaught/Rathlin's strategic plans for the East Riding.

The Appendix consists of a letter dated 8<sup>th</sup> July 2014 from ERYC, responding to a letter from Rathlin's agent on the 25<sup>th</sup> April 2014 followed by a meeting on the 29<sup>th</sup> April. The heading of the letter is,

Pre-Application enquiry for two exploration boreholes for petroleum at West Newton B wellsite, Crook Lane, Burton Constable, East Riding.

This means that Rathlin planned a possible third well site in the East Riding before they resumed activity at Crawberry Hill and West Newton A in May 2014 and received a response from the ERYC Planning officer before well testing started at West Newton A in July 2014. **The obvious question arising is how many more wells Rathlin plan to apply for and how much of their overall strategic plan is known by ERYC?**

At the 2<sup>nd</sup> October 2014 Planning Meeting to consider Rathlin's application to continue exploration at Crawberry Hill, Councillor Boatman explained he was supporting the application because Planning Officers had advised that the principle of exploration had already been conceded.

It will be difficult for the ERYC to oppose "a planning application for the production of petroleum" having agreed to the principle of exploration.

**Instead of colluding with the fiction that Rathlin are merely engaged in temporary exploration ERYC must now publish a full explanation of the strategy agreed when Rathlin made their intentions clear at the start of their relationship with the Chief**

**Executive and Director of Economic Regeneration so that the impact of the 50 year plan can be fully assessed by local residents and members of the Planning Committee.**

3. A third objection to the application is the extent to which it ignores the realities of the global market for oil and gas by pretending that oil and gas production in the East Riding is essential for long-term security and economic growth (thereby confirming references to “temporary” exploration are misleading; how can any “temporary” exploration help the security and the national economy in the long term?).

Section 3.5(p.17) The Need for Petroleum Development describes the decline in North Sea production after a peak in 1999. It argues *“the need for more reliable and secure sources of oil and gas, the exploration and development of onshore prospects is of ever increasing importance, to ensure the continued growth of UK energy supply and security.”*

This is nonsense. Huge new oil resources have been discovered off Shetland, the latest at Clair Ridge. It is the global price of oil which will determine whether or not these resources are developed. If current prices prevail North Sea investment will fall regardless of concerns about “reliable and secure” energy sources.

In addition reference is made to the growing demand for imported oil and gas and claims,

*“These significant increases in demand are also being seen in many other countries, consequently, there will be continued demand for mineral resources in the future.”*

(3.5.p.17)

This is also untrue. One of the contributory factors in the global fall in demand for oil and gas is the success of renewable energy in Europe, North America and China. In the case of China it is concern about pollution which is driving rapid development of solar energy.

Finally Rathlin claim *“If the UK does not maintain security of supply it will become more susceptible to fluctuations in price and demand volatilities.”* (3.5 p.18)

This ignores the reality of OPEC and in particular Saudi Arabian control of global oil and gas prices. The size of OPEC reserves means that they control supply and prices. The recent 50% fall in oil prices has the specific effect of putting the high cost shale industry of North America, including Connaught Oil and Gas, under severe stress.

It is simply not credible to claim that Rathlin’s exploration aims to ensure our “security of supply” as if Connaught will continue with their investment here if they cannot make a profit.

In contrast, the current global crisis for marginal oil exploration companies like Connaught/Rathlin highlights the risk of allowing them to explore in the East Riding. Financial viability is not currently a material consideration in reaching planning decisions but is under consideration because of a Labour amendment to the Infrastructure Bill.

If Connaught/Rathlin go bankrupt or simply withdraw from the East Riding it is the ERYC who will foot the considerable bill to clean up the exploration sites here.

ERYC and Yorkshire Water i.e. the council tax and water rate payers of East Riding will also bear the cost of any long-term pollution arising from water or air pollution resulting from well failures after Rathlin's departure.

**The precautionary principle must apply. No decision should be taken until the sensible proposal in Parliament to make financial viability a material consideration in planning decisions is confirmed and in any case, if Rathlin are as socially responsible as they claim, they will have no difficulty in responding to a request to publish details of their financial planning related to oil and gas price forecasts in the medium term. In addition there should be no difficulty in Connaught/Rathlin depositing a bond against possible clear up costs if they are confident about their strategic plans and safety record.**

In addition to these key objections about the lack of honest explanation of Connaught/Rathlin's strategic plan for the East Riding in the context of rapid changes to the demand for and prices of oil and gas there are some significant gaps and mistakes in the detail of the application.

4. A fourth objection is that the Application makes no reference to the significant difficulties experienced at Rathlin's previous site at West Newton A.

The technical Glossary on pages 8 and 9 and the detailed explanation of technical aspects of exploratory drilling and testing makes no reference of the experience of Rathlin's activity at West Newton. The "Fact and Evidence-Based Consultation" summary attached to Rathlin's application simply denies all the evidence gleaned from Freedom of Information request responses from the Health and Safety Executive and the Environment Agency.

The Glossary (p.8 & 9) needs to explain the following terms to help understand serious problems which have arisen and new techniques not explained in the report.

- Well Intervention Kit – specialist equipment which had to be brought by road from Aberdeen to deal with unexpected pressure problems in the well.
- Cold venting – release of gases, including known carcinogens, because of failure of arrangements to burn off gas produced during testing.
- Formation shift – the explanation given for the abandonment of the West Newton well. If strata have shifted this may damage the well casing and it is essential to have a full explanation.
- Well ignition – reported to the Health and Safety Executive.
- Directional Drilling – a new approach, referred to in the report with no explanation.

**Consideration of Rathlin's application should be deferred until they provide a full evaluation of the lessons learned from the well testing at West Newton A including reference to the four issues identified above.**

5. A fifth objection is that serious Health and Safety breaches and inspections by the Environment Agency are only known about because of the vigilance of local residents and the Protectors camped at West Newton A. Much of the detailed

information about Rathlin's operation only exists because of repeated Freedom of Information requests.

Experience of Rathlin's operation in the East Riding since May 2014 underlines the weaknesses in the regulatory regime for onshore oil and gas exploration and production. According to Rathlin, *"The oil and gas industry is heavily regulated, with a number of review processes and permissions required before any operation can commence."* (Para3.8. p.20)

This statement confuses the concept of permission with active independent regulation based on regular and periodic unannounced inspection.

In reality the oil industry is self-regulated on the basis of their own reports to the statutory agencies, the Health and Safety Executive, the Environment Agency and the Department for Energy and Climate Change. Much of what we know about what went wrong at West Newton A arises from complaints by individuals rather than regular inspection.

The Director for Development Control and the Chief Executive for ERYC have refused a request from residents to ensure a coordinated inspection regime to monitor Rathlin's activities. There is no provision for unannounced inspection and reports from West Newton A suggest that work there stopped before HSE or EA inspectors arrived and started as soon as they left so they did not see all breaches of regulations. This is not a "heavily regulated" industry.

There is a specific lesson to be learnt for members of the Planning Committee.

On the 2<sup>nd</sup> October 2014 a member of the committee asked if Rathlin had done anything wrong, and the answer from the Planning Officer was "No".

In reality ERYC Planning Dept does not have the resources to monitor Rathlin's sites and does not maintain regular contact with HSE or the EA. Had they done so they would know about the repeated efforts made by the Environment Agency in September 2014 to persuade Rathlin to get control of releases of gas from the site, following contravention of regulations.

Apparently ERYC also no longer has the resources to monitor the media, if so they would have read the report in the Guardian of 19<sup>th</sup> September 2014 and the Planning Officer would have been able to investigate and report differently to the 2<sup>nd</sup> October Planning Committee.

**The absence of a national framework for rigorous inspection of oil and gas sites does not remove the responsibility of ERYC senior managers to make arrangements with HSE and the EA to share information on a regular basis. Local developers expect routine and unannounced visits by ERYC planning officers and similar arrangements should be included in any planning permission considered for Rathlin in future.**

What follows is a number of specific objections which refer to errors or oversimplification in the planning application which require clarification before any report is placed before the Planning Committee.

6. There is confusion in the Flood Risk Assessment.

Figure 2.1 Site Plan (page9) shows that access to the site will be achieved by a new road which continues from Piper's Lane across farm land south to West Newton Road and then south across farm land to the proposed well site.

The main body of the report does not contain alternative information so it is fair to assume that the Flood Risk Assessment is based on this route.

However Appendix A site plan shows that access will be made via a different new road built across farmland to the south of the proposed well site.

None of the other appendices which deal with queries to ERYC about flood risk and to Yorkshire Water about sewers show this new route on the maps provided and it is not clear whether the new access proposal has been fully assessed from a flood risk point of view.

Obviously this discrepancy needs to be addressed so that local residents, especially farmers, can understand what risks there may be of flooding on their property or local roads.

The flood risk assessment assumes that the site will be temporary but for reasons given above it may well be that the site is in place for up to 50 years.

The flood risk assessment should therefore include the Climate Change predictions used in Para. 4.6. to assess the longer term risks, which may well contradict the claim in the report that *"...climate change will have a negligible impact on the flood risk baseline established in Section 4 of this FRA."* (p.19). In any case this conclusion is based on a misunderstanding of the application, i.e. *"...the Applicant seeks planning permission for temporary works with an operation phase of approximately 90 days."* This misunderstanding is compounded by the statement in Para.5.1, *"An allowance for climate change has not been incorporated due to the temporary nature of the works at the Site."* (p.20)

Previous experience at West Newton A highlights the risk of pollution that may arise from the inadequate proposal made in the application based on this faulty Flood Risk Assessment.

Para 5.1. appears to provide reassurance about severe rainfall events such as the three which affected Cottingham, Market Weighton and Beverley in the summer of 2014.

*"During a rainfall event surface water will be routed across the impermeable HDPE membrane to the perimeter drains. During periods of site activity this water will be tankered offsite for treatment and disposal at an environment Agency approved waste water treatment works."* (p.20)

At West Newton A this arrangement failed and surface water from the site overflowed from the perimeter drains onto the adjacent farm track and hedgerow and into the drain which fed into the watercourse running through the nearby Site of Significant Scientific Interest. (Photographic evidence available.)

Similar drainage arrangements failed at Crawberry Hill where excess surface water drained from a faulty tank onto an adjacent pea field harvested for Birds Eye. (Photographic evidence available.)

This eventuality is acknowledged in the Flood Risk Assessments, *“During periods of inactivity surface water collecting in the perimeter drains will be discharged to the adjacent field drain at greenfield runoff rate via a Class 1 full retention oil separator.”* (p.20)

A site visit on Wednesday 4<sup>th</sup> February 2015 after two days of snow and rain revealed a large area of ponded water on the proposed site and examination of the drainage ditch from the bridge on West Newton Road north of the site revealed a heavy discharge of water from the field drains under the field. This watercourse feeds into the Lambwath drain.(Photographs available)

Para.7.7.9 Spillages acknowledges that spillages may occur on the site, without considering the potential for major oil spillage if loss of control of the well occurs. Spills of chemicals, radioactive waste from deep drilling or chemicals used in drilling fluids added to rainwater create an obvious risk of pollution.

Given two crises at West Newton A when specialist equipment and experts from Cuadrilla and Schlumberger had to be brought in, the risk of a major incident involving pollution from oil and or toxic gases which may remain at ground level should be assessed; if rainwater can be *“discharged to the adjacent field drain”* what would happen during a major incident?

This information raises serious doubt about the reassurance in Para.7.7.1. of Rathlin’s planning application which describes the Site Liner,

*“The area covered by the liner will include the perimeter ditches. This will ensure that any surface water falling on the site will be captured in the sites (sic) perimeter ditches which surround all four sides of the site. The liner will prevent any contamination of groundwater by creating a barrier.”* (p.43)

There will be periods of heavy rainfall during the “temporary” period of exploration at the site. There will be many more such events over the 50 year timeframe for the site.

Contrary to Para.7.7.1 of the application this rainfall may overflow onto surrounding fields, roads and drains and into the local water courses with potential impact on agriculture, wildlife and groundwater.

**The precautionary principle means that no decision should be taken until all these issues have been thoroughly clarified and subject to full consultation.**

7. Detailed observation by Protectors and local residents at West Newton Aand Strawberry Hill demonstrates that the independent assessment of the risks to the local environment and wildlife and monitoring by ERYC’s Ecology officer proved inadequate. There is a similar complacency in the Appendix 6 Ecological Assessment which is bluntly dispelled by reference to control of vermin in the main report.

The Ecology report focuses on listed species whereas experience at Crawberry Hill and West Newton A indicates that there may be a variety of unlisted rodents as well as water voles present. Predators, notably owls and red kites will not distinguish between these species so the ecological assessment should assess the overall impact on the food chain.

Local residents reported unusual behaviour of rodents at West Newton A. They appeared confused by persistent noise vibration from the testing rig and generators. In addition local residents reported feeling unwell when gases were vented from the well. Heavier and toxic gases will seriously affect rodents living on the ground.

These concerns have been dismissed by Rathlin and the ERYC Ecology officer by explaining the need to poison "vermin".

The current application therefore contains completely contradictory information.

In the page of "Fact and Evidence-based Consultation" and in response to complaints Rathlin state:

*"Poisoned wildlife – this is completely untrue"*

In contradiction to this Section 7.1 Ecology (p.41) states,

*" From the Applicants own experience, following recent operations at West Newton A1 well, vermin control may well be required at the proposed well site. Control of vermin is necessary to prevent spread of diseases and potential damage to equipment, which left uncontrolled could lead to significant fire risk. Such control was discussed with the ecologist and mitigation was implemented."*

This statement does not explain how or why "vermin" appeared on the site. There is no explanation of how predators will be able to distinguish between poisoned wildlife and "vermin" in the area with a risk to the food chain of listed species.

However, the Ecology report does admit what happened at West Newton A1 by indirectly referring to the drowning of hundreds of rodents, including voles, in the drainage ditches.

"Other Fauna

*The well-site will be secured by chain link fencing during operation. To ensure no fauna gets stuck in the perimeter drains of the site compound, netting ladders will be intermittently placed along their length to provide escape routes in the unlikely event that any animals get trapped. Site staff will closely monitor the perimeter drains to ensure any trapped fauna are removed to a place of safety."* (Para.7.2 Ecology Report)

Such netting was installed at West Newton A1 after the deaths of hundreds of rodents by drowning. There is still no explanation of the unusual behaviour of animals around that site and it is hard to understand what would attract them across open fields to the uninviting oil exploration site. No reference to current "vermin" is evident in the Ecology report for West Newton B – so where do these animals come from?

**It should also be noted that no safety netting is in place to save small animals from drowning at Crawberry Hill. The only difference between the two sites is that Protectors and residents have prevented well testing at Crawberry Hill, which is a strong hint that animal deaths at West Newton were related to noise, and/or vibration, and/or release of toxic gases and any worthwhile Ecology survey would have identified and investigated this.**

Reference to security fencing is welcome because had Rathlin conformed to their planning permission and Environment Agency permit at Crawberry Hill by installing security fencing at the start of well testing, the death by drowning of Brown Hares in the drainage ditches there might have been avoided.

However the Ecology Report for West Newton B repeats the mistake of previous Ecology reports by suggesting that Brown Hares have not been observed in the area. Although large mammals should be prevented by security fencing from entering the site the Ecology reports neglects to assess the impact of the long new roads built to access the site and makes no reference to the possible impact of additional road traffic generated by West Newton B.

Appendix 5 Indicative Vehicle Movements provides a summary of 2098 vehicle movements anticipated during construction, operation and site renovation. It neglects to mention daily movements of security staff, contractors and Rathlin employees.

The Ecology report fails to assess how such additional road traffic may affect wildlife.

Finally the report assumes that lighting at the site will be temporary. This overlooks the fact that security lighting is employed permanently at the East Riding well sites. Impact on bats and birds may therefore be much greater than the report suggests.

**The precautionary principle must apply. The Ecology report needs to demonstrate that the significant impact on wildlife at West Newton A, which is a similar site to West Newton B, has been properly assessed. The report also needs to assess the full impact of new roads and significant road traffic on the ecology of the wider area. There is no effort to assess the cause of large scale wildlife mortality.**

**The report makes no reference to vermin control and does not assess any impact of the use of poisons on the food chain for the ecology of the area. The Ecology report needs to be revised and subject to further public consultation.**

8. There is little point in commenting in detail on the Traffic Management plan because experience shows this to be a fictional document. Rathlin contractors and the Humberside Police have consistently ignored traffic management plans at West Newton and Crawberry Hill and ERYC have removed all the signage which is supposed to be part of the traffic management plan for Crawberry Hill. Section 2(p.8) of the Traffic Management Plan states,  
*“Police will be consulted and Humberside Police may require Rathlin Energy to use an alternative access route, thus deviating from the plan.”*

Given the extensive use of heavy goods vehicles and in particular a 100 ton crane unit this is not acceptable in the context of several small bridges and narrow roads on the alternative routes to the site.

In addition there is no reference to consultation with Hull City Council or parish councils along the designated and alternative routes for chemicals brought into the site or waste water, which will include radioactive waste, from the site.

**The precautionary principle must apply. Details of alternative routes to be advised by Humberside Police should be assessed and provided in a revised report which should be subject to consultation with all local authorities and parish councils on routes to the approved waste disposal sites.**

9. In Para.3.6 Geology the Applicant makes passing reference to directional drilling. Directional drilling is an established technology in conventional oil exploration and production. Directional drilled wells can extend for several miles from the well head. The accompanying Stratigraphic log Fig.2. (p.19) gives no information about direction of the well and there is no further information in the main application or the relevant Appendices.

Drilling under property without a landowner's permission is trespass. Local businesses which rely on boreholes or whose property may be affected by this drilling need to know the direction of drilling, the depths and the timing of this work.

**There is no additional information about directional drilling for ERYC Planning Officers or local residents and the Precautionary Principle must be applied, no report should be presented until it includes the results of consultation about the detailed plans for directional drilling.**

The East Riding of Yorkshire Council Planning Committee cannot make an informed decision on the basis of the existing application 14/04107/STPLF.

In view of the failure of ERYC senior officers to ensure an overview of the regulations affecting oil exploration in the East Riding local residents and the wider environment have been subject to unacceptable risks and immediate measures should be put in place to address the need for closer inspection and monitoring.

The current application does not reveal the full extent of strategic plans for oil exploration and subsequent production in the East Riding which makes it impossible to assess the impact of the application.

Please give full attention to these material considerations detailed in the nine objections above; do not hesitate to contact me if you require photographic evidence or detailed references to support the statements made in this letter.

Yours sincerely,

J.W. Mager

