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Screening Opinion for Environmental Impact Assessment (EIA):

Proposal –West Newton D Well Site for Onshore Oil and Gas Exploration

At – Land West of Low Fosham Farm, Low Fosham Road, Aldbrough

I refer to your email (and attached screening request report) dated 3 August 2020. I am writing to provide you with a screening opinion of the Local Planning Authority (LPA) under S.5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 for the above proposal (see attached).

Given its understanding of the site environment and the development proposal at the time of writing, the LPA considers that the development proposal would not comprise EIA development. As such, the LPA cannot ask you to undertake an EIA of the development proposal or submit an Environmental Statement (ES) with the application for planning permission.

Yours Sincerely

A. Wainwright

Andy Wainwright
Strategic Development Services Manager

Enc: Screening Opinion

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Introduction

The purpose of this document is to provide a Screening Opinion on the need for an EIA in relation to the above development proposal. It therefore provides an outline of relevant legislation and guidance, as well as the Local Planning Authority's (LPA's) interpretation and application of this legislation and guidance in the case concerned.

Relevant Legislation and Guidance

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 require the submission of an Environmental Statement (ES) with applications for planning permission for "EIA development".

The 2017 Regulations differentiate two types of EIA development - Schedule 1 and Schedule 2. Schedule 1 development (and changes/extensions thereto) is EIA development and therefore requires an EIA. Schedule 2 development (and changes/extensions thereto) is only EIA development if - in the opinion of the LPA - it is likely to have significant effects on the environment by virtue of factors such as size, nature or location.

In seeking to determine whether the Schedule 2 development comprises EIA development, the LPA is required by the Regulations to take into account the criteria as set out in Schedule 3 (i.e. selection criteria for screening Schedule 2 development):

1. Characteristics of development (e.g. size, cumulation, use of natural resources, waste production, pollution and nuisances, risk of accidents);
2. Location of development (i.e. environmental sensitivity with regard to existing land use, relative abundance and regenerative capacity of natural resources in area, absorption capacity of the natural environment - and in particular areas such as wetlands, coastal zones, nature resources, densely populated areas etc);
3. Characteristics of the potential impact (i.e. the potential significant effects of development in relation to the extent, magnitude, complexity, probability, duration, frequency and reversibility of the impact concerned).

Statutory Guidance

The National Planning Practice Guidance (NPPG) provides guidance to LPA's on the interpretation and implementation of the 2017 Regulations.

In order to help LPA's determine the need for EIA of a development proposal, the NPPG (Paragraph 030) provides a flow chart with five tests ("the fivefold test") as follows:-

1. Is the development type listed in Schedule 1?
2. Is the development type listed in Schedule 2?
3. If Schedule 2 development, is it in a sensitive area?

4. If Schedule 2 development, but is not in a sensitive area, does it meet any of the relevant thresholds and criteria in Schedule 2?
5. If Schedule 2 development (and is either in a sensitive area or meets one of the relevant thresholds and criteria in Schedule), is it likely to have a significant adverse effect on the environment?

The NPPG includes, at paragraph 058, an Annex on Indicative Screening Thresholds, to aid the LPA in assessing whether a project is likely to have significant environmental effects. The table also gives an indication of the types of impact that are most likely to be significant for particular types of development.

Application of Legislation and Guidance to the Development Proposal Concerned

Applying this "fivefold test" to the development proposal concerned, it is possible to state the following:-

- a. The development is not a Schedule 1 development.
- b. The development is Schedule 2 development because it falls into the category 2(d – deep drillings) and 2(e – surface industrial installations for the extraction of petroleum).
- c. The development is not in a sensitive area as defined within the 2017 regulations.
- d. The development does meet the applicable thresholds and criteria for Schedule 2 (d – 1 hectare and e – 0.5 hectare).
- e. The proposed development would not give rise to any significant effects on the environment within the meaning of the 2017 Regulations and the associated guidance.

Conclusion

This proposal is for the West Newton D Well Site for Onshore Oil and Gas Exploration. The proposal falls within Category 2 (d) and 2 (e) of Schedule 2.

The proposal exceeds both applicable thresholds and criteria for schedule 2 (site area is over 1 hectare in area). Indicative thresholds and criteria in the NPPG are 5 hectares and 10 hectares.

A Screening Report, submitted with this EIA Screening Opinion Request, includes detailed consideration of hydrology; ecology; the developments environmental effects; including emissions to air; transportation of fuel and visual impacts. In considering the points raised, it is likely that the proposals effects would be limited to the local area and the impacts mitigated against.

Despite the fact the site stands within the open countryside it is not defined as a 'sensitive area' by Part 1(2) of the Regulations. Any future application will be submitted with a full reports cover matters of hydrology; ecology; the developments environmental effects; including emissions to air, transportation of fuel and visual impacts. It is, however, anticipated – due to its nature – the proposed development could be undertaken without significant impacts on the environment.

With references to selective criteria in Schedule 3, development characteristics (size, design, cumulative, use of natural resources, production of waste, pollution, nuisances, risk of major accidents and risks to human health) are limited and a significant effect is not likely ; in terms of location the environmental sensitivity of the geographical areas to be affected by the development

are again limited and a significant effect is not likely; and finally the proposal will not have a transfrontier impact; the magnitude, spatial extent, nature, transboundary, intensity, complexity, cumulative (with West Newton Well Sites A, B and C) and complexity of the impact as well as the onset, probability, duration, reversibility and frequency would also be limited and a significant effect is not likely.

With this in mind the Screening Opinion of the Local Planning Authority (LPA) is that although the development would compromise works which meet the applicable threshold and criteria in column 2 it does not compromise EIA development as it would not have the potential to have significant adverse impact on the environment within the meaning of the 2017 Regulations.

Taking into the account the selection criteria at Schedule 3 of the 2017 Regulations and the advice at Paragraph 018 of the NPPG, the Screening Opinion of the LPA is that the proposed development does not comprise EIA development. Therefore an Environmental Statement does not need to be submitted.

Matthew Sunman
Principal Development Management Officer – Minerals and Waste
East Riding of Yorkshire Council