
WEST NEWTON

Update Briefing on Second Planning Application

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Background

In August 2021 I produced a report for Fossil Free East Yorkshire on the Transport Implications of the application for petroleum drilling at West Newton A. Following my report, the proposal was refused by East Riding of Yorkshire Council. A key reason was the increase in Heavy Goods Vehicles, particularly larger articulated (OGV2) vehicles on narrow country lanes.

A new application has now been lodged by Rathlin Energy which again seeks planning permission on the site.

The evidence base is similar and although I have updated my report I have reached similar conclusions. This note explains what has and hasn't changed and should be read in conjunction with my detailed assessment.

Very Little Has Changed

The application is essentially the same but for 4 wells instead of 6. Having achieved that precedent there is, of course, no reason why additional wells could not be applied for and, as the application material still includes 'sidetracking', that could require additional traffic.

Moreover, the traffic impacts are similar, albeit the overall time of impact is less. However, if the roads are unsafe or unsuitable, they are unsuitable however many times you undertake an operation.

There are still no limitations on when and how many HGVs could be involved, whether they would be convoyed and how that would be managed. There is no control over night-time or weekend movements.

The new application has made no changes to either the physical or traffic management with the exceptions of passing points on Pasture Lane. Those do not, in my view, address the most concerning parts of the route and should not, therefore, change the earlier decision to refuse permission.

The Test

The test is simple and is set out in the National Planning Policy Framework. Are the roads safe and suitable for the activity proposed on them? In this case the key question is not the overall traffic levels, it is the impact of the HGVs, particularly large articulated (OGV2) vehicles.

Similar levels of OGV2 traffic have led to refusal of petroleum drilling proposals at other locations down narrow country lanes, notably at Roseacre where the refusal was tested at two public inquiries and both times upheld.

A key issue was the 'inherent deficiencies' of the route, which included narrow carriageways, poor visibility, and the presence of vulnerable users (pedestrians, cyclists and horse riders).

And given that the applicant is proposing two routes, which they can use at will, to pass the test I consider both must fulfil the requirement to be safe and suitable.

Those elements are also present at this site and lead me to conclude it should be refused.

Fewer Wells but Same Precedent

The reduction in wells does not change the precedent. The maximum anticipated HGV movements is still 60 per day (although there is no cap on that) so the impact when it happens will be the same.

Roads Unsafe and Unsuitable

The roads remain unsafe and unsuitable, and my worst concerns have not been addressed. These include that fact that they are:

Too Narrow

The roads are too narrow. Despite extensive evidence provided in my report on road width, there are no swept paths on much of the route.

I do not believe development lorries can safely pass cars, let alone other HGVs using the road, and let alone vulnerable users.

Instead, the latest TA relies on theoretical passing width which would be just about wide enough on a straight, urban street with pavements but are inadequate on a winding country lane.

Poor Visibility

The roads have poor visibility at some junctions and many parts of the routes and there are sections where trees and hedges limit the view ahead.

Nowhere for Vulnerable Users to go

There is simply nowhere for vulnerable users to go on many parts of the route. Despite including an acknowledgement in the latest TA that the route includes signs warning of vulnerable users, little has been done by the applicant to assess the risk to pedestrians, horse rides and cyclists. In particular there is no attempt to demonstrate that the safe distances now adopted in the Highway Code can be achieved along parts of the route.

Travel at Night and Weekends

The application, if granted, would allow large articulated HGVs to use either route during the night and at weekends for extensive periods of the permission. However, the additional risks that poses, including the presence of deer, have not been considered in the TA.

Passing Places

The introduction of Passing Places on Pasture Lane may benefit the efficiency of the operation by Rathlin Energy. However, it does not address the more serious flaws in the routes elsewhere. It appears the Passing Places would currently fail the test set at the Roseacre Inquiries of visibility between Passing Places.

NPPF says NO

In my view the situation has not changed and the reasons for refusal of the first application remain equally valid to this one. I cannot see any good reason to diminish those reasons.

The proposals fail the transport test of the NPPF in that the routes are neither safe nor suitable for the proposed purpose. As the Inspector said at Roseacre, safety is paramount.

Moreover, many of the issues, such as the use of passing places, the reliance on Manual for Streets to justify road width, the claim that the number of HGVs were low have been offered at other sites where permission has been refused. In the case of Roseacre they were tested extensively at two Public Inquiries and the refusal upheld.

While every site is different, I believe there are sufficient concerns about the safety and suitability of both routes proposed here to justify refusal of the proposals and if either route fails it should be refused.

I think refusal would also be in the interest of those who wish to legitimately use these highways, especially the most vulnerable users, and who have a right to do so in a safe and suitable manner themselves.