KVA PLANNING CONSULTANCY

THE TOWN AND COUNTRY PLANNING SPECIALISTS

21/02464/STFUL - To construct an extension to the existing West Newton A (WNA) wellsite, test, appraise and produce from the two existing wells and drill, test, appraise and produce from up to six (6) new wells followed by decommissioning and wellsite restoration

Land at: West Newton Exploration Well Site, Fosham Road, High Fosham, East Riding of Yorkshire

Applicant: Rathlin Energy Limited

Report prepared on behalf of: **Fossil Free East Yorkshire**
Date: 26th August 2021

RTPI Chartered Town Planner

Written Representation on behalf of Fossil Free East Yorkshire

(21/02464/STFUL)

Application: To construct an extension to the existing West Newton A (WNA) wellsite, test, appraise and produce from the two existing wells and drill, test, appraise and produce from up to six (6) new wells followed by decommissioning and wellsite restoration

Applicant: Rathlin Energy Ltd

At: West Newton Exploration Well Site, Fosham Road, High Fosham, East Riding of Yorkshire

Local Planning Authority Reference: 21/02464/STFUL

KVA Planning Consultancy
Project Manager

Katie Atkinson
18 Westgate
Old Town
Bridlington
East Riding of Yorkshire
YO16 4QQ

CONTRACT
This report describes work commissioned by Fossil Free East Yorkshire in July 2021. The Client representative for the contract is Sarah Hockey. Report prepared by Katie Atkinson, BA (Hons), Dip TP, MA, MRTPI.

PURPOSE
This document has been prepared as a written representation on behalf of Fossil Free East Yorkshire to be submitted to the East Riding of Yorkshire Council. KVA Planning Consultancy accepts no responsibility or liability for any use that is made of this document other than by the Client for the purposes for which it was originally commissioned and prepared.

KVA Planning Consultancy has no liability regarding the use of this report except to Fossil Free East Yorkshire.

COPYRIGHT
The contents of this document must not be copied or reproduced in whole or in part without the written consent of KVA Planning Consultancy.

Contents **Page**

Foreword by Fossil Free East Yorkshire 2

1. Introduction 3

2. Grounds for Objection 4

3. Summary of the Proposed Development and Site Context 5

4. Planning Context 8

5. Conclusion 26

Appendix 1 – Gerald Kells – Highway Matters Report

Appendix 2 – List of names and addresses for those in Fossil Free East Yorkshire (who are represented by this response). – **CONFIDENTIAL** ***SENT SEPARATELY AND NOT FOR PUBLICATION***

Foreword

Fossil Free East Yorkshire is a group which has evolved out of nine years of campaigning against drilling by Rathlin Energy in the county of East Yorkshire.

It started with a few local people who were deeply concerned about the effects of oil and gas exploration on the people, wildlife, local environment, and climate change.

They are all unpaid volunteers, and not professional campaigners, many finding time out with the professional lives to work tirelessly over the years to monitor the existing sites and raise awareness to the wider community.

Numbers have grown significantly over the years as more people have realised the devastating effects this industry will have on their lives and that of future generations as the impacts of climate change become more widely felt.

As people have joined together in a more organised capacity, they have utilised their skills to raise funds to employ the expertise required to form a robust objection to the mass expansion to Rathlin's operations in East Yorkshire.

Fossil Free East Yorkshire

August 2021

1. Introduction

1.1 KVA Planning Consultancy ('KVA') has been instructed by Fossil Free East Yorkshire ('FFEY') to consider the below referenced Planning Application submitted by Rathlin Energy Ltd ('the applicant') to East Riding of Yorkshire Council ('ERYC' / 'the Council') who are the Minerals Planning Authority ('MPA'), MPA reference: *21/02464/STFUL - To construct an extension to the existing West Newton A (WNA) wellsite, test, appraise and produce from the two existing wells and drill, test, appraise and produce from up to six (6) new wells, followed by decommissioning and wellsite restoration.* At land at *West Newton Exploration Well Site, Fosham Road, High Fosham, East Riding of Yorkshire.*

1.2 KVA has extensive experience in assessing planning proposals for the exploration of hydrocarbons, including shale gas and oil from hydraulic stimulation techniques, including proposals at Kirby Misperton (North Yorkshire), Grange Road (Lancashire), Preston New Road – 2x appeals (Lancashire), Roseacre Woods - 2x appeals (Lancashire), Wressle 1A Well – 3x appeals (Northern Lincolnshire), Marsh Lane (Derbyshire), Woodsetts (Rotherham), Biscathorpe (Lincolnshire) and Great Altcar (Lancashire). KVA has also been heavily involved with the preparation of the Joint Minerals and Waste Plan for North Yorkshire County Council, North York Moors and the City of York and participated fully in the recent Examination sessions and a recent High Court Judgement in a challenge against a Written Ministerial Statement over the ambiguities surrounding the definition of 'fracking' in the Infrastructure Act and the Planning Practise Guidance Minerals.

1.3 The MPA and the SOS have confirmed that the proposed development does not require an EIA, however, as requested by the Case Officer via a pre-application enquiry the applicant has submitted various reports in support of the proposal. Accompanying the application, therefore, is a planning and design and access statement ('PDAS'); lighting assessment; air quality assessment; noise assessment; transport assessment; landscape and visual assessment; ecological impact assessment; heritage impact assessment; hydrogeological and flood risk assessment; commercial operations illustration and various plans and drawings.

1.4 KVA reserves the right on behalf of FFEY to make additional comments should further information be submitted on behalf of the applicant as part of the planning process.

1.5 Appended to this document is a report commissioned by FFEY specifically relating to highways matters by Mr Gerald Kells, an independent Policy and Campaigns Advisor with a background in transport, planning and environmental issues to provide evidence on matters relating to transport and associated infrastructure. This response relies on Mr Kells extensive experience, including in hydrocarbon extraction projects having provided evidence at the Roseacre Woods planning inquiry, Woodsetts planning inquiry (Rotherham) and also for an application at Altcar Moss (Lancashire), when considering the planning merits of the proposal against relevant highways and infrastructure planning policies.

2. Grounds for Objection

2.1 Having taken the opportunity to consider the documents submitted on behalf of the applicant in support of the planning application, FFEY strongly objects to the proposals for the following predominant reasons:

- The proposed routes (blue and orange) are neither safe nor suitable for the significant levels of large vehicular movements over the lifetime of the operation.
- There is a significant lack of information and investigation presented via the applicant's transport assessment to meet the requirements of the NPPF (e.g., a lack of consideration of: vulnerable road users, public rights of way, inadequate swept path analysis, insufficient road widths, convoying or road closures, lack of holding areas for large vehicles, and lack of consideration of various settlements and attractions on routes).
- The detrimental impact on the landscape including from cumulative major developments (including inadequacies with the information presented).
- The detrimental impact from noise associated with the proposal; and
- The proposed extraction of a fossil fuel is wholly inappropriate and contrary to the Government's aim of achieving net zero greenhouse gas emissions by 2050.

2.2 Thus, it is considered that the proposals are not in conformity with relevant planning policies at both the national and local level.

2.3 For the reasons set out in this representation, FFEY respectfully ask that the application be refused.

2.4 The reasons for objection are discussed in further detail within section 4 of this report alongside setting out other matters of concern and the general lack of information as submitted on behalf of the applicant.

3. Summary of the Proposed Development and Site Context

3.1 The applicant is the operator of the Petroleum Exploration and Development Licence (PEDL) 183 in which the application site is located. The applicant has drilled four exploration boreholes at sites at Crawberry Hill (1) and West Newton (3) (West Newton A 'WNA' is subject of this proposal and West Newton B 'WNB' - circa 1.4miles apart as the crow flies). The Crawberry Hill site was decommissioned at the end of 2015, and the surface of the site restored to field in 2016.

3.2 The applicant previously obtained planning permission for an exploratory application from the MPA in January 2013 to construct a temporary drilling site with associated access to drill a borehole for the purposes of mineral exploration. This was followed by a second application in April 2013 to discharge conditions relating to the previous application (e.g., commencement, traffic management plan, foul drainage, noise management, dust management, rig specification and landscape bunding details).

3.3 The applicant submitted another application in December 2015 to vary the original application to allow an extension of time period (for a further 36 months). This was approved. A second application to vary the original permission to extend the time period of exploration and testing for a further 36 months was approved in November 2018.

3.4 In addition to the two existing wells at the WNA (WNA-1 and WNA-2) wellsite, the applicant is proposing to drill, test, appraise and produce from up to a further six boreholes. The proposed operations subject to this proposal are described in a series of nine phases within the PDAS. Phase 1 – appraisal testing and workover of existing wells; Phase 2 – wellsite extension construction; Phase 3 – drilling; Phase 4 – well treatment and clean up; Phase 5 – well testing; Phase 6 – process facility; Phase 7 – well workovers, routine maintenance, and repairs; Phase 8 – well and production facility decommissioning; and Phase 9 – restoration and aftercare. All nine phases are described in detail in section 7 of the applicant's PDAS.

3.5 The applicant is proposing to use various equipment on site throughout the life of the operation including for example (not exhaustive): a drill rig of up to 55m in height, a (likely) 35m high workover rig and/or 25m coil tubing unit, 60m crane, 11m 360 excavator possible 5m beam pumps, PW flare – 12.5m, enclosed gas flare – 15m generators, 10m storage tanks, Conductor rig 15m, 6m welfare and office buildings etc and multiple 9m lighting columns. The enlarged wellsite will be enclosed by 3m high earth mounds with native woodland planting to the outer slopes and a 2.4m high security fence around the perimeter.

3.6 The total amount of time proposed by the PDAS for each phase is set out within each descriptive phase section in section 7 of the PDAS and within the LVIA (table 1), although it is recognised that the actual time on site may vary dependant on timings for equipment availability and whether any issues are encountered which may cause delays. Phases 6 and 7 (production or 'process facility' and 'well workover and maintenance') are proposed for 15-20 years, although other phases may take weeks to years to complete, and some phases may run concurrently. The application form states a total of 25 years for the project. Of this time, only phase 9 ('restoration') is reported as not requiring an element of 24hour operations.

Site Context

3.7 The proposed site equates to circa 3.46Ha of land which includes the existing wellsite (0.84Ha). The existing wellsite entrance will be retained on Pipers Lane and a second entrance will be created off Fosham Road, approximately 160m east of the existing entrance to allow for vehicle routing from both the north and the south.

3.8 The surrounding countryside is mainly in arable (Grade 3) usage interspersed with hedges and woodland areas.

3.9 There are a number of Public Rights of Way ('PROW') within the vicinity of the application site, although non directly cross the wellsite area. Those closest to the site include: Footpath Aldbrough No. 9 which runs south from Withernwick, joining Fosham Road adjacent to the northeast corner of the wellsite; Footpath Aldbrough No. 18 commences on the southern side of Fosham Road – 150m east of the wellsite and runs southwest to West Newton; and Burton Constable Footpath No. 1 which commences on Piper's Lane, circa 500m west of the wellsite and heads in a northerly direction to Withernwick, across Straits Bridge and the Lambwath Stream.

3.10 The Trans Pennine Trail, Hornsea Rail Trail and National Cycle Route 65 follow the disused railway line between Hornsea and Hull and at its closest lies 2.3km west of the wellsite.

3.11 The nearest residential properties to the application site are: 'Caley Cottage' (High Fosham) - 480m to the east of the wellsite; 'Fosham Garth', High Fosham – 515m to the east of the wellsite. 'Church House' (Grade II Listed) Marton – approximately 540m southwest of the wellsite; 'Old School House' (Grade II Listed) Marton - approximately 560m to the southwest of the wellsite.

3.12 The site is situated to the north of West Newton (1130m) and east of Marton (800m), within the Parish of Aldbrough.

3.13 There is one statutory designated site approximately 1km to the northeast – Lambwath Meadows Site of Special Scientific Interest (SSSI) and four Local Wildlife Sites (LWS) also within 1km of the site – the closest being Lambwath Stream – 400m to the north.

3.14 There are no heritage assets within the site. However, there are several heritage assets within relatively close proximity of the site, including three Grade II Listed Buildings from the post-medieval period, a medieval moated site at Marton circa 600m to the southwest of the wellsite. Historical records also show that the development site may well have been included in an area used a the Lambwath Deer Park.

3.15 Burton Constable Hall (Grade I Listed) and Park and Garden (Grade II* Listed) lies approximately 800m to the south of the wellsite (closest part). The gardens were designed by Capability Brown and retain elements of the late 17th and early 18th century designs. Within the Parkland (open to the public 7 days per week) is a large holiday park, offering glamping, camping, and caravanning – the holiday park is 2.9km away at its closest part.

3.16 The site is not situated within an Air Quality Management Area, designated landscape or within a Green Belt designation.

4. Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

4.2 In July 2021, the Government produced a revised National Planning Policy Framework ('NPPF' or 'the Framework') setting out the Government's planning policies for England and how these should be applied, this replaced the 2012, 2018 and 2019 documents and is, therefore, a relevant material consideration to the determination of this application.

4.3 The planning system should contribute to achieving sustainable development. The NPPF aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

> c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
>
> d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
>
> I. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
>
> II. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*.'

4.4 Paragraph 219 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

4.5 The Development Plan that this application should be determined against consists of the following documents:

- The East Riding Local Plan Strategy Document (adopted April 2016).
- The East Riding Local Plan Allocations Document (adopted July 2016); and
- The Hull City Council and East Riding Joint Minerals Plan (adopted 2019).

4.6 The Council have recently completed a consultation which considered the first full draft of the updated East Riding Local Plan. This consultation was the second stage in updating the Local

Plan, following an Options Document consultation and call for sites in 2018. Whilst no weight can be attributed to the 'Update' draft at this time due to the early stage in the formation of the document, a number of policies have remained unchanged following the review, including the minerals policies. Consequently, paragraph 11 of the NPPF should not be triggered and full weight should be attributed to the policies contained within the Development Plan.

4.7 The site is wholly within the East Riding of Yorkshire Council area and as such the policies contained within the adopted Local Plan ('LP') and the Joint Minerals Plan ('JMP') are highly relevant to the determination of the application. FFEY consider that other material considerations to be given due weight in the planning balance by the MPA when determining this proposal should include the online Planning Practice Guidance – particularly relating to minerals ('PPGM'), natural environment ('PPGNE'), noise ('PPGN'), climate change ('PPGCC'); The Infrastructure Act 2015; the National Policy Statement for Energy - EN1 (2011); Climate Change Act 2019; Committee on Climate Change – Net-Zero Report 'The UKs contribution to Stopping Global Warming' (2019); The Sixth Carbon Budget – the UKs path to net zero (2020); and The Energy White Paper (2020).

4.8 The NPPF confirms that it is essential that there is a sufficient supply of minerals to provide the energy that the country needs and that minerals are a finite resource and can only be worked where they are found.

4.9 It also provides at paragraph 211 that great weight should be given to the benefits of mineral extraction including to the economy. Despite this clear direction, it also ensures that these benefits do not outweigh other important considerations by clearly stating that MPAs, when determining mineral extraction proposals should: (inter alia)

> b. *"Ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in the locality.*
> c. *Ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigate or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties."*

4.10 Specifically relating to extraction of oil and gas, the NPPF states that mineral planning authorities should "*clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for*." The ERYC LP and JMP clearly provide appropriate policies for hydrocarbon extraction including distinguishing between all three phases.

4.11 The proposal subject to the determination of this application clearly follows on from initial exploration and appraisal, however, also includes the further exploration and appraisal of

both existing and new wells at the site. The PPGM, at paragraph 120[1] sets out importantly that '*when determining applications for subsequent phases, the fact that exploratory drilling has taken place on a particular site is likely to be material in determining the suitability of continuing to use the site* ***only insofar*** *as it established the presence of hydrocarbon resources*' (KVA emphasis) . As such, just because the site is currently in existence this should not bear any weight on whether the new application for the extension should be approved. The proposals and its potential benefits and detrimental impacts should consequently be considered afresh.

4.12 The remainder of this section sets out the main policy assessment for the FFEY reasons for objection.

The proposed routes (blue and orange) are neither safe nor suitable for the significant levels of large vehicular movements over the lifetime of the operation. There is a significant lack of information and investigation presented via the applicant's transport assessment to meet the requirement of the NPPF

4.13 FFEY commissioned Mr Gerald Kells (an Independent Policy and Campaigns Advisor with a background in transport, planning, and environmental issues) to consider the highway infrastructure matters pertaining to the application at WNA because of significant local concern. His overall concern and conclusions relating to the inadequacy of the documentation submitted in support of the application inform this assessment against planning policy.

4.14 Having considered the documentation in full, Mr Kells 'Highways Matters Report' ('HMR') is set out in full at appendix 1 to this report and should be considered in the determination of this application.

4.15 The HMR concludes that neither of the applicants suggested routes (orange or blue) can provide '*safe or suitable access'* to the development site as required by the tests in paragraph 110 of the NPPF. Paragraph 111 goes on to require that there is not an '*unacceptable impact on highway safety'* or that the impact on the network is deemed '*severe*' otherwise the proposal should be refused on highway grounds. Paragraph 112 clarifies that '*within this context...'* (referring to paragraph 11*1) '…applications for development should:'* (inter alia)

A. *'Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas…'* and
C. *'Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles…'*

4.16 The final paragraph in the 'sustainable transport' chapter of the Framework (paragraph 113), requires that '*all developments that generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport*

[1] PPGM – Paragraph 120 – ID:27-120-20140306 - MHCLG

statement or transport assessment so that the likely impacts of the proposal can be assessed.' Mr Kells discusses in great detail the failings and inadequacies of the Transport Assessment ('TA') submitted in support of the proposal, including the lack of consideration of vulnerable road users including horse riders, cyclists and pedestrians accessing the PROWs and bridleways at various points along the routes.

4.17 Mr Kells provides a detailed assessment of both proposed routes (blue and orange) in his HMR which has not been undertaken by the applicant. Given paragraph 120 of the PPGM sets out that the presence of an exploratory wellsite should not bear weight on the decision to approve other phases of extraction, it is not sufficient for the applicant to attempt establish a precedent with transport movements in the vicinity, especially when a TA was not submitted in support of that application and various prolonged road closures occurred (preventing access to some PROWs). It is noted that this aspect has not been considered in the applicants current TA as it should have done.

4.18 The applicants TA confirms that the routes are well used by cyclists but does not consider the impact on the Hornsea Rail Trail National Cycle Route. Cyclists are particularly vulnerable to collision involving articulated lorries because of both visibility and trailer paths. This does not appear to have been addressed. Nor does the presence of horses, despite clear signage identifying horses use both routes. There is no consideration given to the safety of equestrians using established hacking trails in the area within the TA.

4.19 The TA does not address pedestrian users accessing the established PROWs and bridleways along both routes including those pedestrians crossing the road to access specific PROWs (e.g., Lambwath Lane to access the Hornsea Rail Trail) or those using footpaths to West Newton then returning along Pasture Lane or using Pipers Lane to access the nearby PROWs. Further, various parts of the routes do not have footpaths running adjacent to the highway and pedestrians, therefore, must walk on the road or verge. Many of these verges have evidently been over-run at times making conflict and intimidation even more likely.

4.20 FFEY note that the Council's Countryside Access Team did not raise any objections to the pre-application enquiry and note that there were no registered PROWs shown on the 'working map' requiring that they be informed should road closures be necessary on the grant of planning permission. At the time of writing this report, they had not responded to the actual planning application. FFEY believe it is not sufficient to state that as the PROWs do not cross the site, the proposal should not be objected to. The potential impact on the PROWs and surrounding route network should be considered over the lifetime of the proposed development, especially on those popular routes which are in the immediate vicinity of the site as discussed in the HMR.

4.21 There does not appear to have been a draft Transport Management Plan submitted in support of the proposals which includes how convoying to the site would be managed on either route or how disruptive that might be.

4.22 Further the applicant has not provided detailed swept paths analysis along both routes to show the likelihood of conflict in the route, particularly the articulated lorries related to the development and cumulatively with other vehicles.

4.23 Mr Kells argues that the both the orange and blue routes fail the NPPF tests of being safe and suitable over the prolonged lifespan of the operation (25years) nor can the impact of highway safety be ruled out, for multiple reasons, including:

- Road width (being less than 3m wide on Pipers Lane and under 5m on various stretches of the route (the HMR provides photographic evidence of this) which would not allow two HGVs or OGV2s to pass safely (especially when considering the impact of wing mirrors);
- Lack of visibility and bends along both routes (Burton Constable Road is particularly poor).
- The likely presence of vulnerable users on the route.
- Pipers Lane had to be closed during exploratory work restricting access to three PROWs (it may reduce the risk of accident but the impact on other users potentially over a longer period of time should be considered).
- Pastures Lane is especially narrow but straight – which may encourage speeding which is not suitable for the vehicles envisaged.
- The holding area north of Coniston is not close enough to the route.
- The route is not suitable for convoying – this has happened at both exploratory sites (WNA and WNB) and has caused restrictions for road users.
- Analysis of likely conflict with deer – particularly on the orange route.
- The potential for conflicts resulting from peaks in access to Burton Constable Hall.
- There appears to be no suitable holding areas for HGVs entering the route.
- The impact on the village of Sproatley – parking already restricts the width of the road and there are likely to be pedestrians crossing; and
- The risk of conflict with vulnerable road users is increased at the weekend (more activity along the routes) or at night as the hours of operation are not restricted.– There is nothing to stop vehicular movements in darker hours (from 4pm in winter months) as the TA suggests many operations will continue until 7pm - there is no street lighting on much of the routes.

4.24 The HMR produced by Mr Kells also provides specific highway matters to be conditioned, should the Council be so minded as to grant planning permission for the proposal, which whilst locally specific, are also in line with those in use at other large hydrocarbon extraction sites.

4.25 The Council's Local Plan Policy EC4 supports proposals where congestion is minimised, and highway safety has been improved. LP Policy EC5 states clearly that '*proposals for the development of the energy sector […] will be supported where any significant adverse impacts are addressed satisfactorily and the residual harm is outweighed by the wider*

benefits of the proposal.' It goes on to list a number of criteria which must be met in order for the proposal to conform to the policy. This includes the '*cumulative impact of the proposal with other existing and proposed energy sector developments'* and the effects of development on '*local amenity – including traffic, vibration and dust*' '*transport – and the capacity of the road network to accommodate the development*' . Whilst capacity might not be considered an issue, the routes clearly are not considered safe or suitable and no cumulative impact has been undertaken with the proposed site at WNB or other built energy developments in the vicinity.

4.26 JMP Policy EM4 deals specifically with oil and gas production and states that proposals will be supported where (amongst other things) '*Arrangements are made for the control of all traffic generated by the development...*' This is the only reference to the generation of traffic associated with this type of development pertaining to hydrocarbon exploration, appraisal or production in the JMP. It is considered that the applicant has not provided any information in relation to the control of traffic generation and has not produced a thorough TA or Transport Management Plan ('TMP') as set out by Mr Kells. As such the policy is not satisfied.

4.27 The Development Plan policies for the assessment of development proposals against highway matters are relatively limited, however, given the evidence set out in the attached HMR relating to the obvious flaws in the applicant's TA, lack of TMP and lack of consideration of vulnerable road users along both routes and within close proximity of the site, FFEY conclude that the proposals are contrary to those Development Plan policies above.

4.28 Having considered the evidence presented by Mr Kells in the HMR it is the considered opinion of FFEY that the proposals are thus contrary to the tests set out in the NPPF. The proposals do not allow safe and suitable access to the site, do not give priority to pedestrians and other road users, and cumulatively do not outweigh the benefits of the mineral extraction. There is a significant lack of information in the applicants TA to rule out a potential conflict between vehicular movements associated with the site and other road users and as such the proposal should be refused in line with paragraph 111 of the Framework.

The detrimental impact on the landscape including from cumulative major developments (including inadequacies with the information presented)

4.29 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of the planning application. This is shown in Appendix 6 of the PDAS. The overall conclusion (section 9) is that the LVIA has "*not identified any notable landscape or visual effects that would justify a refusal in planning permission. This is due primarily to the short-term temporary nature of the prominent drilling works, the low-key nature of the long-term*

production facility and the relatively low number of receptors within the vicinity. Any longer-term effects would be limited to the road and footpaths immediately adjacent to the wellsite and would be fully reversible at the end of the operational period." FFEY believes that the LVIA has some significant omissions and as such believe that the above statement is fundamentally flawed. There is simply insufficient information and assessment presented within Appendix 6 to make this conclusion and as such the proposals must be considered contrary to both local and national planning policies.

4.30 Firstly, whilst the LVIA states within paragraph 1.1 that the methodology for the appraisal was based on 3 separate documents – no actual information has been presented to explain how the methodology was undertaken, nor how the landscape or visual effects were actually assessed. Based upon our experience in assessing major applications of this nature, it would normally be expected that the applicant would have presented a scoring system assessing the significance of change and effect on both 'landscape' and 'visual' elements that the proposed development may have over the course of the project lifespan as well as showing an existing baseline. Instead, Table 3 has been presented offering a subjective qualitative assessment of 'potential effects on the landscape' but no scoring system.

4.31 The information presented within Table 3 only appears to consider (qualitatively) the drilling rig during phase 3. It does not appear to consider (and makes no mention of) the requirement for the other tall infrastructure on site cumulatively as set out helpfully within Table 1 of the same report including (amongst others) 60m crane, 35m work over rig, 25m coil tubing unit, 15m conductor setting rig etc. Nor does it take into account the other phases which require the drill rig and tall infrastructure to be present – for example, phase 1 or phase 2 which still requires the 60m crane. In fact, the only phases where these are not required are phases 5 and 6 – although phase 6 does require a 15m enclosed gas flare. It is thought that all of these tall infrastructures, especially alongside the fact that they will be highly viewable towards the beginning of the operations (due to proposed mitigating whips being proposed at 1-2m in height at this stage planted on the 3m bund) should be assessed in combination for their potential impacts on the landscape for the 25 years lifespan of the project. It is acknowledged that not all infrastructure will be present on site at the same time over the production phase. However, there will be a need for regular well maintenance, repair and checks for 8 boreholes at the WNA site, as such the equipment is likely to be on site frequently and ergo this worst-case scenario should be considered in order to ensure that the proposed mitigation is actually sufficient.

4.32 It is simply not possible to state that "*due to the smaller size equipment required during the production phase, along with the proposed woodland planting to the perimeter mounds the wellsite would be less intrusive that the drilling operations*" as set out in the summary of this section, for the reasons set out above.

4.33 In a similar way, the information presented by the applicant in section 6 of the LVIA report, does not sufficiently appraise all the potential visual impacts from the proposed development. This is shown in section 1.1 when the applicant states that the production phase "*would require smaller equipment (up to 15m) and would have a duration of 15 to 20 years*."

4.34 The applicant has presented a similar set of results for the two phases (drilling and production) in Table 5 'Predicted Visual Effects' again, with no scoring mechanism. Whilst assessment has been undertaken from the 11 viewpoints and from a residential amenity point of view, a scoring system determining the magnitude of change throughout the lifespan of the project (25years), taking account of the varying levels of proposed mitigation including tree growth, would be more useful to determining the accurate impacts of the proposal.

4.35 Further, the submission of photomontages from the 11 viewpoints, whilst useful to some degree, do not show the entire concept of the proposed development at each phase including the 'worst-case scenario' of having multiple high infrastructures on site at the same time (rig, crane, workover rig, lighting etc). They have merely concentrated on the drill rig.

4.36 It is not understood why a 3km study area was agreed to by the Council and the applicant as this information isn't in the public domain. It is considered that a minimum of 5km study area, ideally 10km, would have been more effective given the low level and flat topography of the area. The 3km study area means that the Tansterne Power Station (former Hull Biomass Plant) which is approximately 3.4km southeast of the wellsite has not been included within the assessment. However, no assessment appears to have been made considering the landscape or visual impact of the proposed site in combination with the Withernwick Windfarm to the northeast of the wellsite - located 1.9km from the wellsite boundary.

4.37 A cumulative assessment considering both potential landscape and visual impacts looking at all three sites in combination has not been presented. It is acknowledged that images of the turbines appear on the proposed drill and production views on the photomontage from viewpoint 1 – (it is also noted that the images only show the drill rig on site for drilling and no other tall infrastructure e.g. crane, drill rig, workover rig – for the production phase which is not considered to be the worst case scenario), however, no assessment appears to have been made in the text as to what this impact is considered to be.

4.38 It is, therefore, unclear as to where the statement set out in the 'summary of potential effects on landscape character' (section 8) is derived from which sets out that "*The drilling rig would detract from the rural character of the landscape, although the degree of change would be lessened by the presence of the turbines at Withernwick Wind Farm which would be more than twice the height of the drilling rig (to blade tip) and the tall stack at the Tansterne bio-mass plant to the east. However, the adverse effects on the rural character of the*

landscape (LCA19D) would be temporary and reversable, lasting a maximum of 24 months, after this time the drilling rig and equipment would be removed, and the site restored."
There is no evidence this has been assessed to reach this conclusion.

4.39 The above statement also implies that the site would be restored after 2 years rather than move on to the production phase and does not recognise the other tall site infrastructure on site during both phases so is factually incorrect.

4.40 Finally, no consideration seems to have been given to the proposed development at WNB in the LVIA and how this further impacts the landscape at this location. It is recognised that this application is limited to the WNA site, however, the exploratory site is in existence at the moment (ref: 14/04107/STPLF) and jointly with the proposed development at WNA was discussed via a pre-application enquiry with the Council, which is shown at Appendix 4 of the PDAS, and as such, is in the public domain linked to this application. The planning system requires applicants to consider cumulative development, including the site in question, those permitted and those within the planning system. Consequently, the LVIA should have considered the applicant's other site at WNB – which is within the applicant's study area (between 1-2km from the site). This is another fundamental flaw in the evidence submitted in support of the proposal.

4.41 This is required by paragraph 211b of the NPPF (as set out in para 4.9 above) and also by ERYC LP policy EC5 sets out clearly that:

"Proposals for the development of the energy sector […] will be supported where any significant adverse impacts are addressed satisfactorily, and the residual harm is outweighed by the wider benefits of the proposal. Developments and associated infrastructure should be acceptable in terms of:

1. *The cumulative impact of the proposal with other existing and proposed energy sector developments.*
2. *The character and sensitivity of landscapes to accommodate energy development, with particular consideration to the identified Important Landscape Area…"*

4.42 Incidentally the PDAS does not discuss this policy which is considered to be a fundamental LP policy in the determination of this application. LP Policy EC5 goes on to state other criteria which must be met to satisfy the policy in order for the Council to support the proposal. The supporting text to this policy at paragraphs 7.71-7.72 sets out what is required to satisfy the policy setting out that this should be submitted alongside the application (therefore should be requested prior to determination) and would be inappropriate to request by condition.

4.43 The LVIA has also not considered that users of the popular PROWs and recreational routes (e.g., pedestrians, dog-walkers, cyclists and horse riders) would experience all sites in

relatively close proximity and at times with multiple sites in the same viewpoint to the detriment of the experience of the user. In a similar vein, whilst transient, road users could encounter the same experience, and this has not been assessed, contrary to policy EC5 point 2 and 3i.

4.44 The PDAS sets out that the development fully accords with the provisions of Policy ENV2 (promoting a high-quality landscape) setting out that it is supported by an LVIA which concludes that "*with mitigation in place there will be no significant landscape impact*". FFEY consider that due to the flaws in the assessment contained within the LVIA report and lack of cumulative assessment this conclusion simply cannot be reached.

4.45 Section 7 of the applicant's LVIA sets a series of proposed mitigation measures in order for the proposal to assimilate more sympathetically within the landscape. However, whilst mitigation is welcomed, FFEY fundamentally disagree that the mitigation will be sufficient. Dealing with each one in turn:

- 3m soil bunds *would provide screening for the low-level equipment form nearby receptors.* – Table 1 which shows the key components of each development phase highlights that there is very little low-level equipment and only 1 key component lower than the bunds – the 2.4 m security fence which will actually be located in front of the bunds
- *To minimise cumulative landscape and visual effects drilling works (involving the 55m rig) would not be undertaken concurrently with work at WNB* – This shows a lack of understanding of the project as a whole as it does not take into account the fact that other tall infrastructure will be required on site at various stages in the 25year life of the operation – at both wellsites. This also does not consider the fact that the 55m drill rig would be 'hired in' for the operation so will have to be used when it is available . *NB* this is the only mention of cumulative impact in the LVIA, so FFEY is unsure how this mitigation technique was reached.
- *During the operation phase structures and equipment will be painted a visually recessive colour to minimise the appearance of the wellsite* – whilst non-reflective paint is welcomed generally, given all the infrastructure is of significant size much of this will be visible above the bunding and proposed trees for many years – how will this be painted so as not to look completely incongruous with the skyline. Also, some 'hired in' equipment may not be able to be painted as out of the applicant's control, as such this may not be enforceable.
- *15m flare would be fully enclosed screening flames from the surrounding area* – this is welcomed but is required as standard. It does not remove the fact that the flare is 15m and as such will be visible.
- *Minimise glare from mobile lighting masts, floodlights and dome lights and angle downwards lighting where possible – to maintain a dark landscape.* This is welcomed as is the lighting impact assessment. However, FFEY considers that this does not

remove the fact that there will be security lighting on all tall infrastructure, and a significant amount of lighting introduced into a typically dark rural area within the East Riding countryside.

- *During the production phase, the slopes of the permitter mounds will be planted with native trees and shrubs – comprise a mix of indigenous species but also some Scotts Pine and Holly for year-round screening. Majority to be planted as 60-90m whips* – the planting is welcomed. However, no landscape plan or proposed landscape plan drawing has been provided by the applicant so it is difficult to see proposed heights of the planting, what seasonal cover will look like in reality, or how long these species will take to reach a substantial height to actually provide some form of effective screening over the lifetime of the proposed operation.

4.46 Finally, the remaining proposed mitigation point is related to restoration (phase 9). This point suggests that at the end of the operational period the wellsite including the perimeter mounds would be removed in their entirety and returned to agricultural production, reinstating soils (used to form the bunds) and the short sections of hedgerow (to be removed for the second access) reinstated. This is clearly not a mitigation measure but a requirement of planning policy. However, it is noted that despite the Council asking for restoration plans to be submitted as part of the planning application, in the pre-application enquiry response, this has not been submitted and the PDAS gives very little information with no 'plan' drawing having been submitted.

4.47 Without the information discussed comprehensively within this section, there is insufficient information to determine the development proposals effectively so as to rule out a significant and demonstrable negative impact on the landscape and environment surrounding the well site.

4.48 The author of the LVIA appears to be reliant on the statement "*energy generation is an established land use within the LCA, including Withernwick Wind Farm , Tansterne bio-mass plant and other hydrocarbon production facilities*" (section 8) to justify the approval of this application. Simply because other infrastructure and developments exist, is not reason to approve further schemes in the area, especially should the landscape be at risk of over-industrialisation.

4.49 PPGM paragraph 120[2] sets out that '*when determining applications for subsequent phases, the fact that exploratory drilling has taken place on a particular site is likely to be material in determining the suitability of continuing to use the site* ***only insofar*** *as it established the presence of hydrocarbon resources*' (KVA emphasis) . As such, just because the site is currently in existence this should not bear any weight on whether the new application for

[2] PPGM – Paragraph 120 – ID:27-120-20140306 - MHCLG

the extension of the site and further exploration, assessment and production should be approved.

4.50 The NPPF states at paragraph 174b that planning decisions should contribute to and enhance the natural and local environment by "*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*." The Council asked the applicant to provide an assessment of Best and Most Versatile Land Assessment if they were extending beyond the limits of the existing well site. The application clearly requests a significant extension requiring a loss of circa 2Ha of Grade 2 (Very Good) agricultural land. Other than mention of this fact in the LVIA, FFEY cannot find any such assessment submitted in support of the proposal. The NPPF clearly directs new development away from the best and most versatile land.

4.51 FFEY ultimately consider that the proposals will cause significant harm to the landscape in this part of East Riding, especially in combination with other major developed sites, and this is not in conformity with national or local planning policies and should be refused.

Detrimental Noise associated with the proposal

4.52 Tranquillity is a natural resource, and an essential quality of the countryside. It is a much-valued aspect of human experience. As such, it should be protected. Paragraph 185b sets out that planning decisions should ensure that new development is appropriate for its location by protecting '*tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'*. This is replicated at the local level by the MPA's policy which sets out that noise associated with energy developments will be treated in accordance with national policies and guidance.

4.53 The NPPF sets out (at paragraph 185a) that noise should be mitigated and reduced "*to a minimum*" in order to "*avoid noise giving rise to significant adverse impacts on health and quality of life*" of nearby receptors and the surrounding environments. The PPGN sets out technical guidance on noise impact assessment requirements etc. whilst the PPGM (paragraph 27[3]) sets very specific levels for noise management associated with minerals operations. Within this, there are specific instructions as to what the levels should be during the day (07:00-19:00hrs), evening (19:00-22:00hrs) and even stricter controls for night-time noise levels (22:00-07:00hrs). The levels to be conditioned to any planning application are all dependent upon baseline data showing existing accurate background noise levels.

[3] PPGM – paragraph 27 – ID:27-021-20140306 - MHCLG

4.54 The baseline noise levels set out in Chapter 5 of the Noise Impact Assessment (appendix 12 of the PDAS) are recorded at the various locations as being between 37-62dB LAEQ during the daytime period and between 29-34 Db LAEQ at night-time, in all bar one location which measured 40dB LAEQ. As such, it is fair to say this represents a typical rural environment.

4.55 Caley Cottage is recorded as being the closest residential property to the wellsite extension site (480m) and as such is highly susceptible to change – especially at night-time when it is understood from WHO guidance that anything above 30dB can cause nuisance and sleep problems. FFEY, therefore, welcomes the applicant's intentions as set out at paragraph 7.12 of the RPS Noise Report, stating that "*If needed, Caley Cottage could be protected by a bund or hoarding to the west boundary of the wellsite*" by way of extra mitigation. However, it is thought that these particular proposals could cause the perception of forced enclosure. For the residents of the Cottage who are used to open flat landscape this could impact their health over the lifespan of the operation (25years) which whilst reversible is a long timeframe in human life. Also, the bund/hoarding has not been assessed as to whether this is sufficient to reduce further the noise levels to make them acceptable.

4.56 Further, other residential dwellings, which would experience a rise above baseline levels, especially those equal to or over 35dB LAEQ at night-time should also be considered for further mitigation of some description. Simply because they are below 42dB (the absolute cap set out in PPGM) is not sufficient to render the increased level acceptable.

4.57 According to planning policy, the developer should demonstrate that they have reduced (or mitigated) noise from their proposed development to the lowest level possible before experiencing 'onerous burden'. The applicant, therefore, needs to demonstrate this onerous burden. The NIA has shown that certain mitigation techniques have been embedded into the design, however, the MPA will need to be satisfied that they have indeed 'reduced to a minimum' in line with the NPPF and PPGM.

4.58 However, neither the NIA or the PDAS offer any proposed conditions or levels of restriction for noise levels at this stage, nor does it seek to demonstrate a 'burden'. Therefore, it is assumed that there is no such burden as yet.

4.59 The MPA should therefore require the applicant to prove that they have 'reduced to a minimum' all noise associated with the developments where possible by providing proof of burden. The MPA should give great weight to the health and amenity of those receptors nearest to the well site who currently experience low levels of background noise, particularly at night-time. This is supported by LP policy EC5 which sets out that '*proposals for the development of the energy sector […] will be supported where any significant adverse impacts are addressed satisfactorily, and the residual harm is outweighed by the wider benefits of the proposal*.' It goes on to set out a list of criteria to satisfy the policy including '*the effects of the development on local amenity – including noise'*(inter alia).

4.60 FFEY consider that the potential detrimental harm to the nearest receptors by way of noise disturbance to their health and quality of life, could be significant and the proposal should subsequently be refused as contrary to both national and local planning policy.

The proposed extraction of a fossil fuel is wholly inappropriate and contrary to the Government's aim of achieving net zero greenhouse gas emissions by 2050.

4.61 The UK parliament approved a motion to declare an environment and climate emergency in May 2019 and in the same month the UK government committed the UK to a legally binding target of net zero greenhouse gas ('GHG') emissions by 2050 via the Climate Change Act (2050 Target Amendment) Order 2019. This is a much more ambitious target than the previously set target of at least an 80% reduction of emissions from 1990 levels. The UK government is also a signatory of the Paris Agreement, the principal aim of which is to strengthen the global response to the threat of climate change by keeping the global temperature rise this century well below 2°C above pre-industrial levels and to limit the temperature increase even further to 1.5°C.

4.62 The Sixth Carbon Budget – the UK's path to net zero (2020) was published by the Committee for Climate Change ('CCC') in December 2020. The pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. The economy is forecast to become more energy efficient with total energy falling around 33% between now and 2050 – demand for oil is forecast to fall by 85%. Given that the UK is currently able to produce approximately 1.7million barrels per day at existing sites both on and offshore and the rate of decline forecast by the CCC, it is not considered that this application is required.

4.63 It is acknowledged that current government policy sees UK oil production as a necessity to transition towards net zero. However, FFEY believe that the development of a new fossil fuel extraction site is wholly inappropriate and cannot comprehend how the proposed development of this oil production site would fit with these statutory commitments to decarbonise the economy. On April 20th, 2021, the Government announced that it was committed to cutting greenhouse gases by 78% by 2035[4] (i.e., in 14 years' time).

4.64 Notwithstanding the above, the IPCC report[5] recently published (August 2021) sets out unequivocally that "*the dominant role of humans in driving recent climate change is clear. This conclusion is based on a synthesis of information from multiple lines of evidence, including direct observations of recent changes in Earth's climate; analyses of tree rings, ice cores, and other long-term records documenting how the climate has changed in the past; and computer simulations based on the fundamental physics that govern the climate*

[4] https://www.gov.uk/government/news/uk-enshrines-new-target-in-law-to-slash-emissions-by-78-by-2035
[5] https://www.ipcc.ch/report/ar6/wg1/#TS

system." It goes on to state *"Most human activities, including energy production, […], result in emissions of gaseous and particulate pollutants that modify the composition of the atmosphere, leading to degradation of air quality as well as to climate change*." It is, therefore, absolutely evident that we must limit our (human) influence on the earth. As such a new fossil fuel extraction site is wholly inappropriate and the approval of such a facility go against Government thinking in the lead up to the COP26 in Glasgow in November 2021.

4.65 The global and local impact of a new fossil fuel extraction site should be considered carefully by the MPA in the planning balance when determining this proposal, especially when the site is located relatively close to the Humber where carbon emissions are reported to be the highest per resident across the country measuring 13.9 tonnes per Humber resident – over twice the national average.

Other matters

4.66 Whilst section 2 of this report highlights the primary grounds for objection, FFEY have a number of other concerns relating to the proposal, mentioned in brief below.

4.67 It is notable that the PDAS offers different measurements (in terms of distance) than the technical appendices for the nearest residential receptors. Those measurements shown are for the existing well site and do not take account of the well site extension which has the effect of bringing the operation closer to those receptors. This has been picked up by both the LVIA, the NIA and the Ecological Impact Assessment. FFEY would hope that the Council (who used the figures stated in the PDAS in their response to the pre-application enquiry) would ensure that the correct measurements are used when assessing the merits of the case in the determination of the proposal.

4.68 The application is described as being exploration and production of a conventional hydrocarbon resource and sets out clearly that this not an application for hydraulic fracturing or 'fracking' – meaning high volume hydraulic fracturing ('HVHF'). However, FFEY believe that this application for the extraction of oil could be accessed via an acid wash, matrix acidisation and low volume hydraulic fracturing. ERYC's policies do not distinguish between high volume or low volume fracking and whilst HVHF is undertaken at greater depths, the environmental impact can be very similar.

4.69 PPGM at paragraph 112[6] sets out which hydrocarbon issues can be dealt with by other regulatory regimes. However, it also states that *'some issues may be covered by other regulatory regimes but may be relevant to mineral planning authorities in specific circumstances.'* It goes on to clarify that before *'granting planning permission they will need*

[6] PPGM - Paragraph 112 - ID:27-112-20140306 - MHCLG

to be satisfied that these issues can or will be adequately addressed by taking the advice of the regulatory body.'

4.70 FFEY, therefore, consider that the MPA should absolutely be satisfied that these regimes will work effectively and not simply assume that they will. The first Inspector at the Wressle 1A planning inquiry illustrated how a planning authority can differ from the opinion of a statutory consultee if sufficient (or lack of) evidence is demonstrated so as to not be satisfised in line with the PPGM requirements. He set out at chapter 41 of his report[7] that "*I also take into account the EA's primary role as regulator in the protection of water resources. The EA has considered the proposals acceptable subject to conditions, resulting in the issue of the Environmental Permit. Nevertheless, these matters do not outweigh other considerations. It is consistent with PPG that a decision maker should be satisfied with regard to issues concerning the effect of development on groundwater resources and water courses. Having regard to my conclusions on the absence of a ground conditions survey report and of sufficient evidence on the adequacy of the GCL covering, it has not been shown that unacceptable adverse impacts to groundwater resources and water courses would not arise during the life of the development*." Therefore, it is incumbent on the MPA to adequately assess the proposals to ensure their satisfaction prior to determination.

4.71 The EA has confirmed in their letter to the MPA dated 04.08.21, that a variation application to the Environmental Permit including various risk assessments has not yet been forthcoming by the applicant. As such the MPA should ensure that the detail asked for by the EA is submitted prior to determination of this planning application and not dealt with as a pre-commencement condition. The EA has not yet seen the new evidence for the permit variation and as such need to ensure all technical information is adequate before being able to offer a concise opinion to the MPA.

4.72 National Planning Policy is very clear that proposals should integrate biodiversity as part of their design, especially where this can secure measurable net gains for biodiversity (paragraph 180c). The emerging Environment Bill is expected to set out a requirement for all proposals to achieve a net gain of 10% in biodiversity, which is already being rolled out as good practice across the country.

4.73 Appendix 7 of the PDAS is the applicant's Ecological Impact Assessment ('EcIA'). Whilst this describes the habitats and assesses the likely impact on protected species it does not offer any metric to measure whether a net gain for biodiversity has been achieved, neither does the applicant's LVIA. The proposed restoration in phase nine would be a return to arable use which will not provide a measurable net gain. It is acknowledged that some ecological habitat is likely to be created by the proposed mitigation of tree planting, however, to what

[7] Joint Appeal Decisions APP/Y2003/W/17/3173530, APP/Y2003/W/17/3180606 and APP/Y2003/W/17/3182879 PINS inspector Keri Williams 04.01.18

extent with the proposed traffic movements, employees on site, noise, emissions, lighting and infrastructure all on site is unknown. The 55m strip of hedgerow to be removed to facilitate the new access is to be reinstated, however, will take many years to achieve the same level of biodiversity as would be found currently. It is, therefore, considered that the development provides little opportunity to promote a demonstrable net gain for biodiversity to justify conformity with the NPPF or Local Plan policy.

4.74 Further, the Council requested the applicant provide a 'Biodiversity Assessment' (different to the submitted EcIA) as well as a 'Construction Environmental Management Plan' and a 'Biodiversity Enhancement and Management Plan'. All three of these documents are missing and should be submitted prior to the determination of the proposals. FFEY are aware that there are deer present adjacent to the site, as identified by the road signage and within Mr Kells report on Highways Matters. The EcIA has not addressed any mitigation for this species, particularly in relation to the increase of vehicular movements and size of the vehicles in their report.

4.75 The Heritage Impact Assessment has understandably considered the Grade I Listed Burton Constable Hall and the Grade II Listed Park and Garden associated with it and recognised that due to intervening trees and woodland cover the wellsite will have very little impact on the Hall. However, it has not recognised the impact of increased vehicular movements associated with the proposal passing directly in front of the Hall and immediately within its setting. It is considered that as the proposed orange route passes directly in front of the estate some acknowledgement and potential worst-case assessment should have been made in terms of the significance of this increased heavy infrastructure (potentially OGV2s and HGVs) in its immediate setting. Further, as Mr Kells suggests, should the route become congested as a result of convoying or blocked up, this may impact the setting of the estate and its operation and given its 25year lifespan, could occur frequently.

Summary

4.76 As set out within section 4 of this report, there are significant inadequacies and flaws in the information provided by the applicant in support of this application, particularly in relation to highway matters, the LVIA, noise mitigation impacts, ecology and other factors as set out above.

4.77 Further, the proposal is wholly contrary to the Government's aim to achieve net zero greenhouse gas emissions by 2050 and approving this application for planning permission would be fundamentally flawed.

4.78 Notwithstanding the above, FFEY consider that prior to the determination of this proposal, the Council should require further information from the applicant to address our concerns. They should also be satisfied that all regimes will operate effectively as indicated by the

PPGM. Should this require the Council to undertake further assessment or studies of their own, the PPG does not prevent them from doing so. The fact it sets out that 'it should not be necessary' conversely means that in some cases it will be.

5. Conclusion

5.1 This report has been commissioned by Fossil Free East Yorkshire to form a written representation to an application submitted on behalf of Rathlin Energy Ltd to East Riding of Yorkshire Council for the *construction of an extension to the existing West Newton A wellsite, test, appraise and produce from the two existing wells and drill, test, appraise and produce from up to six (6) new wells, followed by decommissioning and wellsite restoration*. The site is located at land at West Newton Exploration Well Site, Fosham Road, High Fosham, East Riding of Yorkshire.

5.2 The primary grounds for objection are set out in section 2 of this report with a detailed policy assessment relating to each reason presented in section 4, alongside other concerns raised by FFEY.

5.3 It is the opinion of FFEY that whilst directed to give great weight to mineral extraction when determining applications, due to the significant change of direction in government policy in relation to climate change made after the publication of the NPPF and the Development Plan, including documentation published by the CCC recently, very little weight should be attributed to any perceived government support for new oil developments as a benefit of the proposals in the planning balance when determining the application.

5.4 Insufficiencies and inadequacies in the technical appendices to the PDAS inform, to a large extent, the areas of objection for this planning focus relating particularly to highway matters, the landscape and visual impact of the proposals, noise mitigation matters, amongst the other matters addressed in section 4. It is considered that the lack of information relating to specific parts of the proposals are such, that the MPA could not satisfactorily determine that the proposals would result in no detrimental harm to the surrounding environment, wildlife, road users and nearby populations. The applicant has also not suggested any planning conditions to help ensure mitigation of specific matters.

5.5 Further, it is considered that the proposal is wholly contrary to the Government's aim to achieve net zero greenhouse gas emissions by 2050 and approving this application for planning permission would be fundamentally flawed

5.6 It is, ergo, respectfully recommended that these proposals be refused for the reasons set out above.

5.7 FFEY reserve the right to comment further as necessary, should the applicant submit further information to the MPA.

Appendix 1 - Gerald Kells – Highway Matters Report, August 2021

WEST NEWTON A PROPOSAL FOR WELL EXTENSION

Highway Matters Report for Fossil Free East Yorkshire

Gerald Kells

August 2021

1. Introduction

I was asked by Fossil Free East Yorkshire to consider proposals for an extension to the existing West Newton A (WNA) wellsite, test, appraise and produce from the two existing wells and drill, test, appraise and produce from up to six (6) new wells, followed by decommissioning and wellsite restoration, at West Newton A (WNA) (East Riding Planning Application 21/02464/STFUL) and to advise on potential traffic issues.

Following a preliminary examination of the two proposed routes on Google Maps, I undertook a site visit on 4 Aug 2021.

I have also taken into consideration the Transport Assessment (TA) undertaken for Rathlin by Local Transport Projects (LTP), as well as other related documents, such as the Planning and Design Statement (PDS), along with material associated with the previous decision on the test wells and subsequent extensions. (12/04193/STPLF, 15/03056/STVAR, 18/02924/CM). Unfortunately, no Transport Assessment was done for the test wells.

There is currently no published Transport Management Plan for the scheme but I have also reviewed the TMP for the 2012 application.

I have briefly looked at material relating to the West Newton B test site, which also has permission for exploration.

I have found no reason to question the general accuracy of the material provided by LTP. However, my review raises a number of issues, firstly, about the approach to transport assessment in relation to HGVs, particularly the largest articulated OGV2s, and, secondly, about the impact of additional HGVs on the surrounding network, including vulnerable users.

The relevant tests are set out in the Revised NPPF published in July 2021.

In Para 110, among other things an applicant is required to ensure *'safe and suitable access'* can be provided to a development site and in Para 111 there is a need to show that there is not an unacceptable impact on highway safety or that the impact on the network is deemed *'severe'*. Unfortunately, none of these terms are clearly defined so need to be considered on a case-by-case basis, taking account of relevant guidance.

The revised NPPF provides further clarification in Para 112. It says: *'Within this context...'* to demonstrate that the requirements in Para 111 relate to the elements in Para 112 including giving *'priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas'* and creating

'places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles.'

And while the NPPF also requires a positive approach to planning for oil and gas on-shore applications in Para 215, reference to *'unconventional hydrocarbons'* was removed in the Ministerial Statement of 23 June 2019. In as much as Para 215 is relevant it would not override the requirements that access is *'safe and suitable'*.

Indeed, Para 8 makes clear that the economic objective of the NPPF is, among other things, to ensure *'that sufficient land of the right types is available in the right places.'* The obvious corollary is that the NPPF does not seek to provide land in the wrong places or where it would conflict with other parts of the NPPF when *'read as a whole'*, the term used in Para 3 of the NPPF.

This was demonstrated by the Secretary of State's acceptance of the view of the Inspector in relation to the first Inquiry at the Roseacre Exploratory Hydrocarbon Extraction site in Lancashire. As she stated in Para 12.860 of her report:

'Since the proposed development would be neither safe nor sustainable, it would not have the support of the WMS. The national need for shale gas exploration cannot therefore be pleaded in support of this appeal. Even if it were appropriate to take that factor into account, I believe that the need to ensure the safety of members of the public is paramount and would strongly outweigh that important consideration.'

Moreover, the NPPF criteria needs to be applied having regards to changes in traffic at each stage of the development and the Traffic Management Plan (TMP) for a scheme needs to work for all levels of HGV traffic.

It is also worth noting that the applicant partly relies on precedents he claims are set by the exploratory application (TA Para 6.3.5). This is not an interpretation I would accept. As PPGM Para 120 is clear in relation to exploratory drilling:

'When determining applications for subsequent phases, the fact that exploratory drilling has taken place on a particular site is likely to be material in determining the suitability of continuing to use that site ***only*** *insofar as it establishes the presence of hydrocarbon resources.'*[1]

However, it does suggest that decisions in relation to the safety and suitability of access routes may be called in aid of further development on existing neighbouring or on new mining sites in the area, that is to say the applicant would be seeking to establish a precedent.

[1] Paragraph: 120 Reference ID: 27-120-20140306

2. Key Points

My key conclusion is that I do not consider either route clearly fulfils the NPPF criteria of being safe and suitable. While the impact will be intermittent it will continue over a long period of time (on and off for 23 years) and there will be peaks of HGV usage.

While I consider that the Blue Route fails because of the width, visibility and bends in the road, particularly on Burton Constable Road I consider the failure of the unclassified section of the Orange Route is more serious, because the same issues are exacerbated by the long stretches of straight road likely to encourage speeding, particularly on Pasture Lane, which mean it is not suitable for the vehicles envisaged.

Pipers Lane is also too narrow and has needed to be closed for the exploratory work, restricting access to three PROWs.

The likely presence of vulnerable users on both routes exacerbates my concerns, as well as the presence of deer. I am also particularly concerned about conflicts resulting from the peaks in access to Burton Constable Hall.

I can also see no suitable holding area for HGVs entering the Orange Route.

In addition, I am concerned about the impact on parts of the B1238, particular the village of Sproatley where parking restricts the width of the road and at the new junction arrangement with the Preston Road.

However, if planning permission is granted conditions should be imposed:

- to restrict the timing of HGVs, e.g., at night, at the weekends, when they might conflict with deer.
- as well as the daily maximum for HGVs.
- and the use of particular routes, for example, use of the Orange Route during peak hours because of the potential for congestion on the B1238.
- mitigation should be provided to accommodate traffic, for example, passing places on the narrow section of Pasture Lane (WNB).
- as well as mitigation to provide safe refuge for vulnerable users.

3. General Approach to Transport Assessment

As stated, the most important question is whether the two proposed access routes are 'safe and suitable' in the terms of the NPPF and if not, whether there is mitigation that would mean it could be acceptable. A subsidiary question, if planning permission is granted, is about any conditions that should be imposed.

In effect the main question relates to the increase in HGVs travelling along these routes as the volume of additional cars and LGVs are not in my view likely to be significant.

The number of larger OGV2 class of vehicles is also a consideration. The importance of this was established at Roseacre. In this case it is admitted that a significant number would be the largest articulated lorries. These are inherently more dangerous because, unlike other HGVs, the rear of the vehicle cuts across the carriageway (taking the shortest route) making it more likely to hit other vehicles and vulnerable users such as cyclists, horse riders and walkers.

The LTP Transport Assessment emphasis average daily HGV numbers, although it also includes 'maximum' numbers. In terms of safety, I consider that the maximum number of vehicles is what needs to be tested. Moreover, some contingency needs to be allowed for.

There is no daily limit being proposed on HGVs so higher numbers of vehicles are not restricted. That was the case, for example, at the Preston New Road Exploratory Site where a similar figure was predicted but in the first year up to 100 a day were recorded. One reason given for this was the level of rain fall requiring additional tanker movements to relieve the impermeable water barrier on site (See Appendix 1).

However, the number of HGVs is only one consideration, I have considered whether the route is likely to be unsafe and/or unsuitable for HGVs, however many there are.

Furthermore, the use of convoying creates additional and sometimes different risks and impacts. Despite the previous TMP explicitly excluding convoying, it has been employed during exploratory work at West Newton A, so it is reasonable to assume it would also be used during the long period of this application.

I note that the LTP Assessment does not adopt a 'risk assessment' approach which would considers whether the additional traffic might be dangerous or deter use by others, particularly vulnerable users.

Moreover, there are a number of areas where the data provided in the TA does not answer specific points, for example there is only limited Swept Path Analysis and traffic counts are limited to use of junctions, as opposed to use of the specific route envisaged. There are no road widths given. Speed data is restricted to the approaches to the junctions.

There is no information on use by pedestrians or horse riders and the impact on the Public Rights of Way (PROWs) is discounted (PDS 6.7), even though the route crosses several PROWs and could act as a deterrence to their use.

Furthermore, some potential implications are not addressed at all in the TA. For example, the TA assumes the routes will remain open to traffic. The work on the Exploratory Wells, however, required lengthy closures of Pipers Lane and Fosham Road. It is nowhere assumed in the TA that there would be such a requirement for the much more extensive proposed operation of this phase.

Lastly, the TA relies on the use of two routes, (See Figure 7 of the TA) the existing route from the A165, via Mulberry Lane and Burton Constable Road (the blue route) and a new route from the B1238 via Pasture Lane and Burton Constable Road (Orange Route).

It is assumed (TA para 3.2.2) that the A165 and B1238, both being classified roads are inherently suitable. I have not made that assumption, particularly in regards to the B1238 (between Pasture Lane and the A165). The B1238 passes through Sproatley and Bilton before reaching the A165. This requires the lorries to pass through busy village centres.

I do not think, therefore, that the suitability of the B1238 should be assumed and I have very broadly considered issues of safety and suitability along that route.

I have also not assumed, either in that case or on the unclassified roads, that the current use of a route by HGVs, especially larger articulated OGV2s, of itself, demonstrates the route is suitable for that use in the terms of NPPF.

In regards to the northerly route (through New Ellerby), permission has been granted for access to the site for testing and the TA assumes it is implicitly adequate for the purpose. However, the fact that they are now undertaking an assessment of the route would suggest they consider this is needed.

The southerly route (along Pasture Lane to the B1238) has never been tested, and it seems to me there are significant issues with that route which may mean it is even more unsuitable for HGVs as I discuss later. There is no claim of a precedent for that route.

I assume the addition of a second route is to give flexibility as not reason is given in the text. However, it is unclear whether both routes would be used or only one. Only AILV journeys are restricted to the Orange Route. One must assume, therefore, that all the HGVs could be using either route. Both routes will need to fulfil the requirements of NPPF under those conditions.

There is also no restriction on the time when the routes would be used. HGV movements on Sundays are described as ‘minimal’. The TA includes ‘envisaged hours of operation’ (Table 6) but I can see no restrictions on movements which would ensure that took place. For example, vehicles could travel after dark or during periods where there were likely to be deer on the road as I discuss later.

Lastly, the TA does not assume any road closures or traffic restrictions, as has explicitly been the case for other similar proposals (for example Harthill in Rotherham), except presumably for AILV movements. I have, therefore, assumed the roads will remain open to all forms of traffic.

4. More Specific Issues in Relation to Assessment

a. Road Width

I cannot find comprehensive details of road widths on the unclassified sections of the route in the applicant's material.

The width of a 16.5 m OGV2 is 2.55 m but additional account needs to be taken of wing mirrors (0.25m each side according to Fig 6.18 of Manual for Streets).

Manual for Streets (at pages 79-81) gives some guidance on required carriageway widths but this is predominantly aimed at an urban setting. It suggests two HGVs can pass at 5.5m but this would not be an easy manoeuvre.

For HS2 a design approach statement was developed in consultation with Local Authorities. HS2 Rural Road Design Criteria sought to more appropriately address the issues of new and existing rural roads. It suggests:

'Rural road widths for diversions should generally match the existing, subject to a minimum of 5.5 metres (the minimum for two cars to pass in safety at low speed). This minimum width shall be increased to 6.0 metres for lengths with occasional use by buses or heavy goods vehicles and 6.8 metres for roads where buses or heavy goods vehicles are likely to pass each other on a regular basis. The need for any increased lane width at bends shall be determined on a case-by-case basis using vehicle tracking design tools.' (Para A 6.3 – A 6.4)

It goes on to say:

'However, on higher speed roads with regular pedestrian, cyclist or equestrian use, it may be preferable to provide a wider verge on one or both sides of the road with a parallel path (or paths, as appropriate to the level of demand) comprising an unbound surface separated from the carriageway by a grass verge.' (A 7.5)

While this guidance has not been universally adopted and is primarily aimed at newly designed roads it provides a useful comparison, suggesting that a width below 6m without paths is unlikely to be adequate for routes where HGVs, particularly OGV2s, are likely to meet other HGVs (whatever their size).

The first Roseacre Inspector reached that similar view at para 12.473 of her report:

'*The MfS Figure 6.18 shows typical dimensions for a lorry as being 2.5m wide with 0.25m for each wing mirror giving a total width of 3m when wing mirrors are taken into account. Mr Ojiel's scenario would require there to be no*

protruding wing mirrors or for one wing mirror for each passing vehicle to overhang the hedgerows. It would certainly be a tight squeeze and a manoeuvre that would require great care and a very slow speed. Whilst it might be theoretically possible for two HGVs to pass at a width of 6m, I do not consider that passing places A, B and C should be regarded as providing adequate space for two HGVs to pass each other safely.' The Secretary of State agreed with her reasoning (at DL 94).

In considering the importance of this issue it is also worth noting that the effective width of rural roads, particularly for large vehicles, may be impacted by how straight the road is, the condition of the kerb as well as any overgrowing vegetation. It may be reduced further by parked vehicles.

In the case of this application, and taking account of the bends in the road, I believe it would be desirable to have a consistent road width of at least 6m to ensure two HGVs could pass safely. Appendix 2 includes measurements taken along the route by members of Fossil Free East Yorkshire, which suggest this is not achieved on many sections including at locations with other concerns, such as visibility. It can be seen that there are significant stretches which do not meet this criterion and I discuss those more specifically in my detailed route analysis

b. *Swept Path Analysis*

A further problem arises from the lack on swept path analysis. Swept paths are only provided for the turn onto Pipers Lane from Burton Constable Road and the junction between the two branches of Pasture Lane (TA Appendix 3).

No swept paths are provided for any other part of the route, including junctions where vehicles may cross into opposing traffic or narrow sections of the route where the road width suggest two vehicles may not be able to safely pass.

While different drivers are likely to vary how they manoeuvre into and out of specific bends, so swept paths analysis needs to be tempered with an understanding of driver behaviour at those locations, swept paths could at least show areas elsewhere where conflict is almost certain to arise.

In the case of the exploratory works at Woodsetts, for example, with a similar number of HGVs, swept paths were provided all along the unclassified roads.

c. *Collision Records*

The TA includes accident data for some of the routes. Para 4.1.2 sets out the Study Area. Although Mulberry Lane is part of the Blue Route accidents are surprisingly only included on part of Mulberry Lane. This specifically excludes a cluster of 4 collisions close to the A165. The TA also does not analyse any accidents on the B1238.

The accident record was considered over a 5-year period consistent with the National Planning Policy Guidance (NPPG). I have taken a similar period (using CrashMap data) but also identified collisions in Sproatley and at the Preston Road/B1238 Junction at Bilton. In the latter case, remediation work had been (recently I understand) undertaken.

However, it is important to stress that NPPG does not exclude other considerations and it can be dangerous to rely solely on past accident statistics to predict future risks, especially where there is a significant change in traffic composition, in this case an increase in larger HGVs.

A key difficulty with relying on accident records is that they do not include the development traffic making it easier to identify existing risks than eliminate future risk.

This problem is exacerbated on smaller rural roads, where a lower level of traffic means there are likely to be less accidents overall, even if the risk of an accident is comparable to an urban or inter-urban road.

Because it is harder to identify patterns using accident records on rural roads, I compared the 5-year data with a longer twenty-year time span. This confirmed the cluster on Mulberry Lane but also suggested issue where Mulberry Lane joins Lambwath Lane, as well as locations along the B1238. Other collisions along the unclassified sections of road were consistent with concerns I express later about junctions and bends in the road, including the entrance to Burton Constable Hall.

A further issue (which goes to the heart of the question of 'safety and suitability') is that the presence of additional HGVs may deter behaviour. This has not made the road safer, but it may not lead to an increase in personal accidents.

This is why one has to also consider the 'inherent deficiencies' of a route, as the Inspector at the Roseacre Inquiry termed them in Para 12.75 of her report:

'There are inherent deficiencies and obvious risks associated with what is proposed that have yet to be addressed and which could not be satisfactorily overcome by the imposition of planning conditions.' and which the Secretary of State accepted at Para 94 of his Decision Letter.

d. Existing Traffic Levels and Speed

The increase in HGVs is an issue, but also the nature of those HGVs compared to the existing situation.

Of particular concern are articulated OGV2 vehicles because they manoeuvre in a different way to rigid lorries, with the back of the trailer taking the shortest

route. This creates an inherently greater risk to opposing traffic and vulnerable users.

The TA identifies the number of OGV2 vehicles at several junctions but it is not clear how many were making the manoeuvres envisaged for this proposal. Some may be passing through or stopping at locations on the route. The TA says counts were taken at each arm of the junction but these are not provided.

Nevertheless, one can make some inferences from the data. If one considers the traffic data in Table 1, it can be inferred that many of the OGV2s at Site 3 (Lambwath Lane/Mulberry Lane[2]) have not proceeded onto Burton Constable Road because of the lower number of OGV2s at Site 1 and 2. What we cannot infer is how many are currently traversing to or from Mulberry Lane at that Junction. On the other hand, we do know that all the development traffic using the Blue Route would have to undertake that manoeuvre (where it does not have priority).

Traffic Surveys by FFEY members at the Pipers Lane Junction (Appendix 3) suggested lower levels of OGV2 use at that location, although the survey time is not necessarily the same. They also noted that, as well as agricultural vehicles most of the HGVs, some regular users, were companies associated with agriculture. Their survey also did not include all of the peak period so may not have accurately captured buses which use the route to pick up school children.

Another difficulty with Table 1 is that the daily figures show a marked reduction on Friday and larger OGV2 uses on a Sunday. It is not clear why this is, but clearly may be related to specific agricultural activities. What can be inferred is that the level of HGVs and particularly OGV2s on the route from Burton Constable Road all along Pasture Lane is currently much lower.

Moreover, the TA only provides data on traffic volume, there is no speed data so it is unclear whether this is an issue. The TA says average speed was below the speed limit at the Junctions. (This does not, of course, include the Junction of Lambwath Lane and Burton Constable Road.)

This seems to me problematic, firstly because the average speed does not explain variations in speed (The 85th percentile is sometimes used). Moreover, the Junction the Pasture Lane Junction is subject to a 60-mph speed limit, and that, as an average speed, would be a significant issue given the visibility at the junction.

Furthermore, in terms of speed, I would be concerned about behaviour on the long stretches of straight road, where there are then tight curves, curves with poor visibility or junctions.

[2] This is wrongly identified on the TA map as Mulberry Lane/Burton Constable Road

e. Traffic Management Plan

There is no draft traffic management plan provided with the application. The previous TMP may give some clues as to the management regime, although as already noted the use of convoys was not envisaged in that TMP.

Moreover, residents have made a number of complaints in regards to breaches of that TMP. In one case vehicles were being routed through Sproatley in breach of the TMP. East Riding considered this was appropriate since there was a blockage to the existing route. Breaches such as this raise concerns as to the enforcement of routes within any future TMP (Appendix 4).

However, there are specific elements which cannot be dealt with in that. For example, the holding area North of Coniston Village is roughly 2.47 km from the Blue Route but it is not close to the Orange Route. It is unclear where HGVs would be held on that route.

f. Vulnerable Users

Pedestrians

The TA provides no information on vulnerable users, apart from cyclists who are included in Table 1 of Daily Movements. There is no consideration given to pedestrians or their movement, either along the route or at points where significant numbers of pedestrians might wish to cross the road, for example, at the crossing of the Hornsea Rail Trail. The route currently includes specific pedestrian signage through Marton.

Pedestrians on Burton Constable Road

Cyclists

The TA does include cycle figures for the relevant Junctions. However, no mitigation is suggested in relation to cyclists. The TA does not consider whether there are routes which are likely to attract significant numbers of cyclists, for example routes identified by STRAVA, or where cyclists might cross the route, such as at the Hornsea Rail Trail, which is also Route 65 of Sustrans' National Cycle Network.

Horse Riders

The TA does not consider the risk to horse riders. There are signs on the Burton Constable route from Marton which specifically identify horse riders on the road. The TA does not identify the location of stables or any hacking routes. Inquiries by FFEY have suggested various hacking routes in the area, including the West Newton Road-Flinton Road-Crook Lane-Engine Lane and Pasture Lane in front of Burton Constable Hall, where horse riding is sign posted.

Horse Riding on Burton Constable Road

Accommodating Vulnerable Users

In relation to vulnerable users the Highway Code says that, when overtaking, drivers should *'give motorcyclists, cyclists and horse riders at least as much room as you would when overtaking a car'*. (Appendix 5)

In terms of horses the Government's Think Horse webpage advises drivers to *'Pass wide and slow when overtaking; giving the horse plenty of room. Don't accelerate rapidly once you have passed them'*. (Appendix 36

Horse Riders in New Ellerby

Cyclists in New Ellerby

Lancashire Police, as one example, set out a distance of 1.5m to avoid cyclists, and a further 0.75 m between cyclists and the kerb, which amounts to 2.25 m in total. However, where there are potholes, cyclists may be forced out further from the edge. (Appendix 7)

The government is also currently consulting[3] on updating the Highway Code to be more specific in relation to vulnerable users, including the following advice:

[3] https://www.gov.uk/government/consultations/review-of-the-highway-code-to-improve-road-safety-for-cyclists-pedestrians-and-horse-riders/summary-of-the-consultation-proposals-on-a-review-of-the-highway-code

When you see a horse on a road, always slow down to a maximum of 15 mph. Be patient, don't sound your horn or rev your engine. When safe to do so, pass wide and slow, allowing at least 2.0 metres space.

On narrow sections of road, at road junctions and in slower-moving traffic, cyclists may sometimes ride in the centre of the lane, rather than towards the side of the road

Give motorcyclists, cyclists, horse riders and horse drawn vehicles at least as much room as you would when overtaking a car (see Rules 211 to 215). As a guide:

- *leave a minimum distance of 1.5 metres at speeds under 30 mph*
- *leave a minimum distance of 2.0 metres at speeds over 30 mph*
- *for a large vehicle, leave a minimum distance of 2.0 metres in all conditions*
- *pass horse riders and horse-drawn vehicles at speeds under 15 mph and allow at least 2.0 metres space*
- *allow at least 2.0 metres space where a pedestrian is walking in the road (e.g., where there is no pavement) and you should pass them at low speed*
- *you should wait behind the motorcyclist, cyclist, horse rider, horse drawn vehicle or pedestrian and not overtake if it is unsafe or not possible to meet these clearances*
- *take extra care and give more space when overtaking motorcyclists, cyclists, horse riders, horse drawn vehicles and pedestrians in bad weather (including high winds) and at night.*

Achieving these safety margins is likely to be difficult on parts of the route, particularly where the width is less than 6m. In doing so it may also force HGVs onto the opposite carriageway, presenting a risk to approaching traffic.

g. Deer

The TA does not address the issue of deer although there are deer signs on either side of the Moors Plantation.

h. Burton Constable Hall

The TA does not consider the impact on access to Burton Constable Hall, although the Orange Route would directly impact on the historic hall and visitor attraction.

5. Summary of Routes

The following summary of the routes is based on my observations of the site visit, along with data from google and Bing maps, as well as the CrashMap site.

Summary of the Blue Route

The Blue Route leaves the A165 along Mulberry Lane which later becomes Langthorpe Road. There is a sharp bend with poor visibility followed by an access road. There have been four collisions close to the island, and two collisions, one serious, in the vicinity of the access road. Road markings encourage vehicles to show to 40 mph. There is no pavement or lighting but wide grass verges.

There is a turning to the left onto Ellerby Road but the road is generally straight but beyond Langley Cottage there is a bend where visibility is reduced. There have been two collisions close to this point in the last five years. There is a Public Right of Way opposite Langthorpe Hall which meets the Hornsea Rail Trail and continues to Old Ellerby. There is some parking on the opposite side of the road. It is also approximately 330 metres from New Ellerby.

The road slows to 30 mph as it enters New Ellerby. There are about 20 houses on each side of the road as well as a pavement but no lighting.

West Newton A Vehicles in New Ellerby

There have been two collisions on the entry to New Ellerby and four more close to the junction, one serious. A further collision occurred on the route through New Ellerby.

Vehicles give way onto Lambwath Lane at a T-Junction. There is a post-box at this location. Lambwath Lane continues through New Ellerby. There are houses with driveways and a pavement on the western side. However, this crosses the road just past the Railway Pub as the houses continue on eastern side as far as Burton Constable Road.

The route cross the line of the Hornsea Rail Trail. Users must cross Lambwath Lane.

The route leaves Lambwath Lane at a T-junction with Burton Constable Road. The speed limit is now 40 mph. Burton Constable Road is a narrow country road with widths generally below 6m, often below 5.5m and sometimes below 5m wide including at bends. There is no lighting. There are narrow verges with drainage ditches. There are a number of farm entrances.

As you enter Marton there are signs for horses and pedestrians for two miles. On my site visit I observed a woman with a pram using the road verge. There are properties, including farms, along one side of the road and approximately six bends, with limited vision through Marton. There is evidence along the road of verge damage caused by overtaking vehicles.

Verge Damage during Exploration at West Newton A

The route turns into Pipers Lane at a T-Junction. Burton Constable Road has been widened to accommodate the turn. Piper's Lane is a narrow road approximately 3m wide but largely straight. Three passing places are provided along the approximately 780m route. They were measured as between 5.6 and 6.4. Visibility between the entrance to Piper's Lane and the first passing point as well as between the first and second passing point is restricted by hedge growth. Pipers Lane becomes Fosham Road which leads to a farm, beyond which there is no public access.

Visibility of Passing Point One from Burton Constable Road Junction

There are three public rights of way on Pipers Lane/Fosham Road. The first goes north to South End close to the second passing point, the second goes north to South End beyond the site and the third slightly further on goes South to West Newton.

Orange Route

The orange route leaves the A165 at the roundabout linking Holderness Road and Ganstead Lane on the outskirts of Hull. It proceeds along the B1238 through Bilton and Sproatley. There have been a series of collisions along the B1238 in Bilton in the last five years. The longer data suggests there are clusters around several junctions, including the junction where the B1238 leaves the Preston Road, the Total Junction. A new cycle way has been introduced.

New Cycle Way, Preston Road

Beyond this point the road becomes more rural in nature with sharp bends with a few properties, intermittent pavement and lighting. There have been a number of collisions including one fatality.

As you enter Sproatley there is a 30-mph speed limit. There have been a series of collisions at the triangle junction with the B1240. Through the village there is pavement, but not always on both sides of the road. Although the road width appears adequate, I observed significant on-street parking. Notably a number of properties, 'The Chichester Bungalows' and a row of terraces in particular, do not have off street parking. There is a turn onto Pasture Lane but it is restricted by a property on the corner. The B1238 returns to an unlit rural road and there is a sharp bend at Long Lane before it continues to the Pasture Lane turn close to the West Newton B site, which is a T-Junction on a bend.

On Street Parking, Sproatley

Junction of Pasture Lane (WNB) and B1238 showing visibility issues

At this point the Orange Route joins the unclassified network. Pasture Lane West Newton B branch (WNB) is largely straight from the junction. However, its width with grass verges is less then 5m in places. There is some evidence of verge damage from passing vehicles.

Pasture Lane (WNB)

Traffic leaves Pasture Lane (WNB) at a T-junction with Pasture Lane which has the priority. There is restricted vision to the left when leaving Pasture Lane (WNB). However, HGVs leaving Pasture Lane onto Pasture Lane (WNB) would be likely to swing out at the junction. Although they would be visible to vehicles on from WNB or on-coming vehicles on Pasture Lane, it would not be clear to those vehicles whether they were likely to encroach on their path.

Pasture Lane continues past Brickyards Cottage where there are shallow curves. On-coming HGVs would be visible, however again it would be difficult to judge whether a vehicle was encroaching.

There is no pavement on Pasture Lane as far as Piper's Lane and evidence of encroachment onto the verge.

There is a T-Junction with Engine Lane, which has limited visibility onto Pasture Lane, and a warning sign for pedestrians and horses for 2 miles. This suggests that while there are no PROWs on the Orange route it is used by vulnerable users and this makes sense given the location of PROWs, to West Newton for example, where an obvious circular route would include Pasture Lane.

There is then a long stretch past Burton Constable Hall. There have previously been several collisions at the entrance to the Hall thought not in the last five years. However, there is no evidence of mitigation which might allow for this change. Pasture Lane then enters a wooded area with warning of deer crossing.

There are a number of shallow and sharper bends all with poor visibility due to the trees, as well as the turning to West Newton. Road width varied along this section but were as narrow as 4.8m. A concern I noted was the long stretches of straight road leading up to these bends. This would I suspect encourage speeding. The road does not have a speed limited until the end of the wooded area, where the 40-mph speed limit (which runs through Marton) commence and a second deer sign signals the end of that risk.

Narrow Route with Poor Visibility at Bends

The route continues to Piper's Lane. At this point the route narrows to 4.8 metres. There is a ditch on one side of the road and bollards have been placed on the opposite verge to discourage encroachment and the road curves round to the junction with Piper's Lane. Unlike the blue route there is poor visibility down Piper's Lane due to hedgerows and equally no visibility of the orange route from Piper's Lane.

Once on Piper's Lane the route is the same as the Blue Route.

While there have been few collisions over the 5-year period on the Orange Route, the longer collision data is consistent with areas of risk I identified when looking at the route.

6. Areas of Concern

Having considered the two routes in detail I have identified a number of areas of concern.

a. Increase in HGV, particularly OGV2s

The proposals require a significant increase of large HGVs, and in particular the largest Articulated 3 and 4-wheel OGV2s, along roads which were not designed for those vehicles. I do not consider the roads can be considered suitable for their use. The current use of the route by OGV2s is limited and I suspect is mainly for agricultural purposes. In particular, the Orange Route has very limited use by HGVs, although insufficient data has been provided in the TA to accurately measure that.

b. Impact on villages/B1238

The Orange Route requires the use of the B1238 to access Pasture Lane. The road passes through Bilton and Sproatley. Although it is a B-Road, the route is windy in some parts. The width of the road is generally adequate. However, I was particularly concerned by the presence of parked cars in Sproatley at a point one would expect there to be pedestrian movements across the road. The risk at this point would potentially be exacerbated by the use of convoys.

c. Junctions

A number of junctions raise concern. Below is a list of potential conflicts.

<u>Orange Route</u>

B1238/Preston Road

The new arrangement of the Junction removes the slip road, requiring HGVs travelling East to make a more complex manoeuvre potentially crossing the centre line on the Preston Road and then encroaching the West-Bound Lane of Main Road.

Moor Lane/Long Lane

HGVs travelling West may cross the centre line.

Moor Lane/Pasture Lane

HGVs may cross the centre line when turning into Pasture Lane. Visibility for on-coming traffic on Moor Lane restricted.

Pasture Lane (WNB)/Pasture Lane

Limited Visibility on the approaches. Vehicles travelling north may not be seen. Swept Path shows HGVs travelling south encroaching onto northward carriageway. HGVs joining from Pasture Lane (WNB) have limited visibility of vehicles travelling north.

Burton Constable Road/Pipers Lane

Limited Visibility on entering Pipers Lane. Swept Path shows cab making a wider circuit than trailer which crosses into the opposing lane. Equally, limited visibility while leaving Pipers Lane mean HGV may have to nudge out to see on-coming traffic.

Blue Route

Mulberry Lane/A165.

Sharp turn into Mulberry Lane with limited visibility beyond trees, may cause HGVs (or their trailers) to cross centre line.

Mulberry Lane/Lambwath Lane

HGVs travelling onto Mulberry Lane potentially encroaching into far lane to make turn.

Lambwath Lane/Burton Constable Road

HGVs turning onto Burton Constable Road potentially encroaching into opposing lane. Trailor of HGVs turning from Burton Constable Road encroaching into opposing lane of Lambwath Lane

Burton Constable Road/Pipers Lane

Poor Visibility of on-coming traffic when entering Pipers Lane.

d. road width/curves

Blue Route

The road width on the Blue Route is generally acceptable as far as Burton Constable Road. However, the road width from the junction of Burton Constable Road to Pipers Lane is generally inadequate for opposing vehicles to pass an HGV. This is exacerbated by a series of sharp curves some with limited visibility and the lack of any refuge for vulnerable users.

The road width on Pipers Lane is only adequate for traffic in one direction. The Passing places are in some places hardly sufficient for two HGVs to pass and there is poor visibility between then. There is little refuge for vulnerable users.

Orange Route

The road width on the Pasture Lane (WNB) section is inadequate for HGVs to pass either cars, LGVs or other HGVs without encroaching onto the verge. No passing places are considered on this section of the road which runs for approximately 1.1 kms. However, the visibility is generally good.

The road width from the Pasture Lane Junction to Pipers Lane is generally inadequate. The issue is exacerbated by the curves at Brickyard Cottage on the approach to West Newton Road and on the exit of 'The Moors'. The long straight approaches to those curves (over a km on the stretch in front of Burton Constable Hall) are likely to encourage speeding and incursions into the opposing lane. The route is particularly narrow (Under 5m) on the approach to Pipers Lane. I do not consider there is sufficient space for an HGV to safely pass on-coming traffic.

e. Holding Points

The safe operation relies on holding points to ensure HGVs are kept back so they can safely travel along the routes. In the case of the Blue Route the one anticipates the holding places would be similar to the exploratory phrase. The Layby North of Coniston is some 2.5 km from Mulberry Lane. However, there is a further holding point on Mulberry Lane before it enters Lambwath Lane. There is, of course, no guarantee these will be free of other traffic.

There are no equivalent holding places that I can identify on the Orange Route. I could not find the TMP for West Newton B or whether any need for holding areas was identified with that site. However, a holding place would need to be identified for vehicles wishing to enter Pasture Lane and it is unclear if there is any suitable location.

f. Convoying

The use of convoys to access the site would raise additional concerns. They would increase the impact on the highway as roads were closed to facilitate the convoys passage. They could also exacerbate the risk in villages such as Sproatley and New Ellerby where they would have to negotiate parked vehicles. I would be concerned about the details of convoy operation including the ability of lead vehicles to communicate with the convoy to ensure roads such as Pasture Lane were clear of vehicles and the location of banks men to ensure the safety of vulnerable users.

As an example, the Environmental Statement for proposals for exploration at Woodsetts in Rotherham which had similar maximum vehicle requirements and

included a simpler convoying route, included details of how convoys would be managed and how many vehicles would be permitted.

g. Hours of Operation

The hours of operation are not restricted although the TA gives general guidelines. There is nothing to stop operations at night or in hours of darkness in the winter since many the TA suggests many operations will continue until 19.00. The risks would clearly increase during hours of darkness when there is no street lighting on much of the route.

Operations would include weekends. This is likely to increase the impact on vulnerable users. The TA Table 1, for example, shows increased levels of cycling of a Friday and Saturday. While the TA suggests HGVs will be minimal on a Sunday, they are not excluded.

h. Impact on pedestrians/cyclists/horse-riders

As well as the impact on other road vehicles, I would be particularly concerned about the impact on other road users. There are four footpaths as well as the Hornsea Rail Trail (PROWs) which are impacted by the Blue Route. The Planning Statement refers to the three on Pipers Lane but no others:

- Footpath Aldbrough No.9, which runs south from Withernwick, joining Fosham Road adjacent to the northeast corner of the wellsite;
- Footpath Aldbrough No.18, which commences on the southern side of Fosham Road (some 150 metres east of the wellsite) and runs southwards to West Newton; and
- Burton Constable Footpath No.1, which commences on Piper's Lane (at a point about 500m west of the wellsite) and heads in a northerly direction to Withernwick, across Straits Bridge and the Lambwath Stream.

However, there are also pedestrian and cycle routes on both the Blue and Orange Routes where there are likely to be vulnerable users on the road.

In terms of pedestrians this would include on the Blue Route people crossing the Lambwath Road to use the HRT, as well as pedestrians accessing the footpaths on Pipers Lane via Marton and on the Orange Route pedestrians who are using the footpaths to West Newton then returning along Pasture Lane. The current signage identifies these users. Furthermore, pedestrians using Pipers Lane to access the footpaths would be impacted.

I am concerned that the impact on pedestrians does not appear to have been addressed.

In terms of cyclists the TA identifies that the routes themselves are well used by cyclists but does not consider the impact on the HRT. They are particularly vulnerable to collisions involving articulated lorries because of the issues of both visibility and trailer paths. As well as the HRT National Cycle Route the TA identifies significant cycle usage, particularly on parts of the Orange Route. This is confirmed by STRAVA routes.

I am concerned that although it is noted the impact on cyclists does not appear to have been addressed.

A further issue is the presence of horses. The signage clearly identifies that there are horses using both routes. However, there is no consideration given to the safety of horse users and no establishment of local hacking routes.

i. Road Closures

Convoying to both exploratory sites (West Newton A and B) has already required some restrictions to road users. Without a clear TMP describing how convoying would work it is hard to establish how disruptive these would be. Clearly convoying during peak periods could have greater impact on other road users.

Furthermore, during exploratory work on West Newton A Pipers Lane was closed to all other road users (apart from residents and businesses on the road) to facilitate public safety while works took place at West Newton A. This, in effect, closed one footpath and restricted access to two others. The closure of Pipers Lane would clearly reduce the risk of accident. However, it has impacts on other users which need to be considered. Given that such a closure was required for the exploratory work it would seem likely that a similar closure perhaps for a longer period of time would be required for the current application and should be accounted for in the TA.

j. Impact on Deer

There appears to have been no assessment of the impact on deer, particularly on the Orange Route, or any mitigation required to safeguard both the deer and other roads users. The need to avoid specific times of year or day when deer are likely to be crossing the road is not addressed.

The AA identify that more than 42,000 deer are killed every year and 400 motorists injured. They also give clear advice on when the risk is greatest.

1. Accidents involving deer peak in May, October and November.
2. The worst times of day are around sunrise and sunset to midnight

It is noticeable that some of these times would be within the operating hours for the site.[4]

k. Burton Constable Hall

The Orange Route passes in front of Burton Constable Hall, which is a both a historic building and a Visitor Attraction with specific events, both during the day and in the evening. The impact on the Hall is not considered in the TA. I understand the Hall includes a car parking capacity of 1400 spaces. So, while it is not likely to generate large amounts of daily traffic there will be events which attract significant additional traffic. Despite that, the Planning Statement addresses the impact on the Hall and Gardens only in relation to landscape and setting.

Clearly, the HGVs will be visible to the Hall. However, more importantly, the Hall will at times attract significant volumes of traffic, particularly along the Orange Route. There is a particular risk if development traffic mixes with traffic to the hall, in many cases unfamiliar with the local roads, and there may be disruption, particularly if convoying occurs along the Orange Route with significant periods when traffic is restricted along Pasture Lane and Burton Constable Road.

[4] Deer collisions on the road | AA (theaa.com)

7. Conclusion

Having considered the route in detail I do not consider it fulfils the NPPF criteria of being safe and suitable. While the impact will be intermittent it will continue over a long period of time (on and off for 23 years) and there will be peaks of HGV usage.

I consider the Blue Route fails because the width, visibility and bends in the road, particularly on Burton Constable Road mean it is not suitable for the vehicles envisaged.

The likely presence of vulnerable users on the route exacerbates my concerns.

Pipers Lane is also too narrow and has needed to be closed for the exploratory work, restricting access to three PROWs.

The use of the holding area North of Coniston is also not close enough to the route.

It is also not a route suitable for the use of convoys.

I consider the failure of the unclassified section of the Orange Route is more serious, because the issues of width, visibility and bends in the road are exacerbated by the long stretches of straight road likely to encourage speeding, particularly on Pasture Lane mean it is not suitable for the vehicles envisaged.

Pipers Lane is also too narrow and has needed to be closed for the exploratory work, restricting access to three PROWs.

The likely presence of vulnerable users on the route exacerbates my concerns, as well as the presence of deer. I am also particularly concerned about conflicts resulting from the peaks in access to Burton Constable Hall

I can see no suitable holding area for HGVs entering the route.

I am also concerned about the impact on the village of Sproatley where parking restricts the width of the road and there are likely to be pedestrians crossing. There are other concerns on the B1238, such as the new junction arrangements with the Preston Road which I believe add weight to those conclusions.

It is, therefore, also not a route suitable for the use of convoys and this issue is compounded by the deficiencies set out above.

8. Further Work

I have relied on evidence supplied by the applicant. The following area areas where I consider further work may be required:

a. Swept Paths for both routes to show the likelihood of conflict on the route, particularly between articulated lorries related to the development and other vehicles.
b. Comprehensive road width on both routes
c. A draft TMP which includes how any convoying to the site would be managed on either route and how disruptive that might be.
d. Analysis of the potential impact on vulnerable users, including pedestrians, cyclists and horse riders identifying where they would rely on the route or conflict with it, including at PROWs and in villages. Mitigation may be required if planning permission were granted.
e. Analysis of the likely conflict with deer, particularly on the Orange Route
f. Assessment of the impact on Burton Constable Hall.

9. Conditions

As well as the question of the principle of development my analysis suggests there may also be issues which would need to be conditioned if planning permission is granted.

These could include as examples:

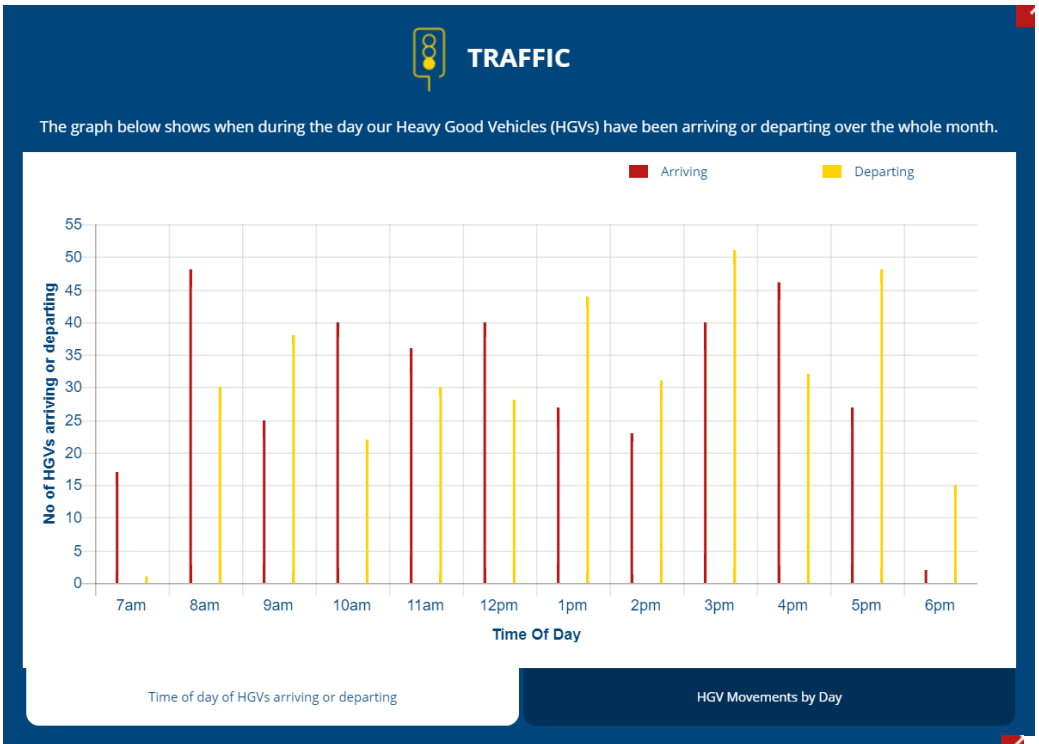
- Restrictions on the timing of HGVs, e.g., at night, at the weekends, when they might conflict with deer.
- A daily maximum for HGVs. (They claim the maximum is approximately 60 two-way movements but that is not a condition.)
- Restrictions on the use of particular routes, for example, use of the Orange Route during peak hours because of the potential for congestion on the B1238.
- Provision of mitigation to accommodate traffic, for example, passing places on the narrow section of Pasture Lane (WNB).
- Provision of mitigation to provide safe refuge for vulnerable users.
- Required Holding Areas

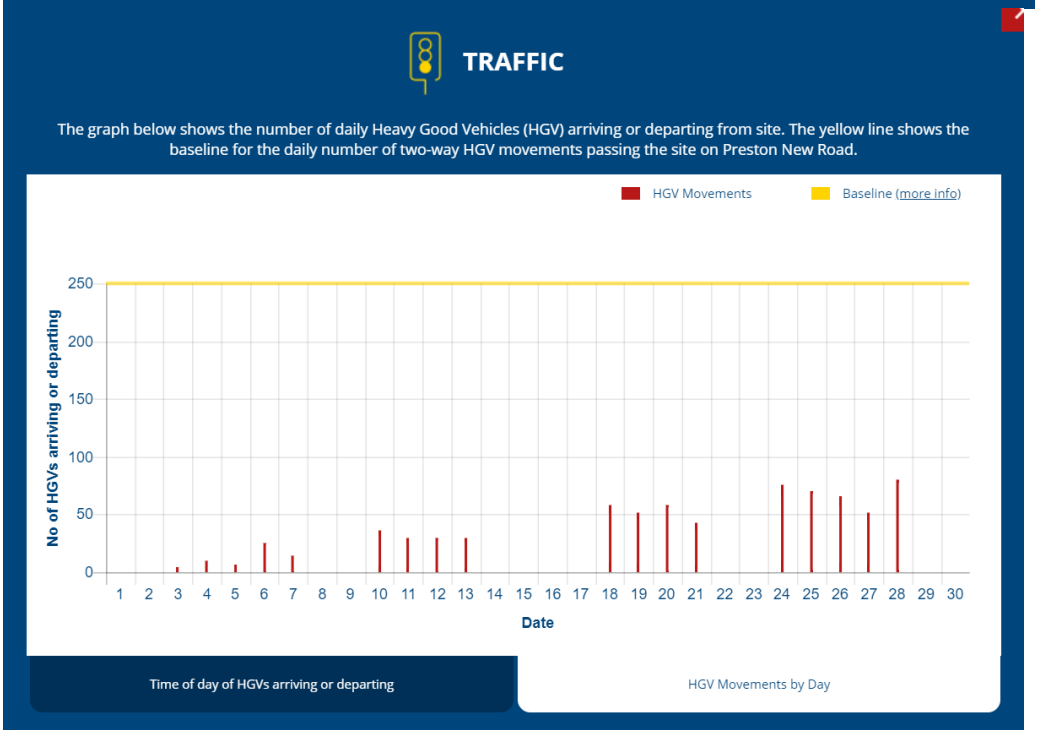
Appendix 1 - Preston New Road Traffic Data

Cuadrilla's HGV Traffic Volumes at PNR by month, data from Cuadrilla's Resources Portal

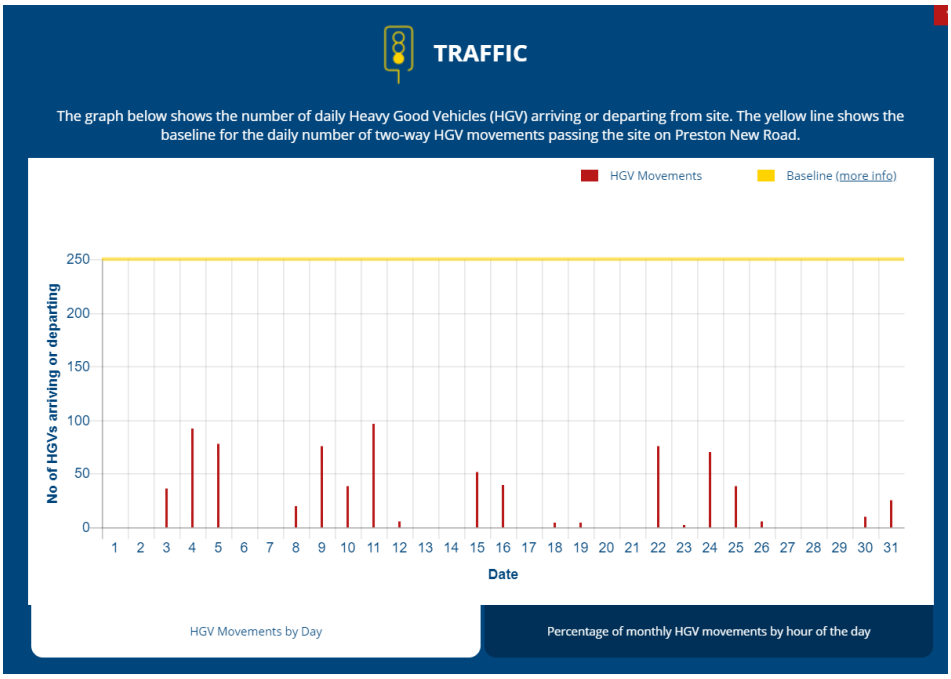
Link - https://www.cuadrillaresourceseportal.com/january2017.html

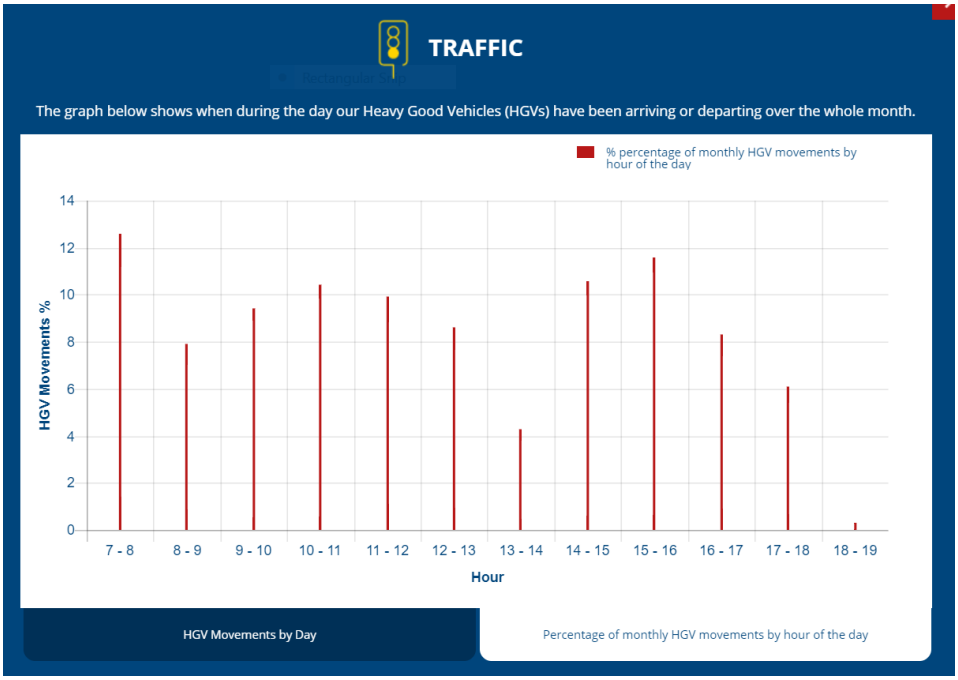
April – Site Preparation





May - Site Preparation

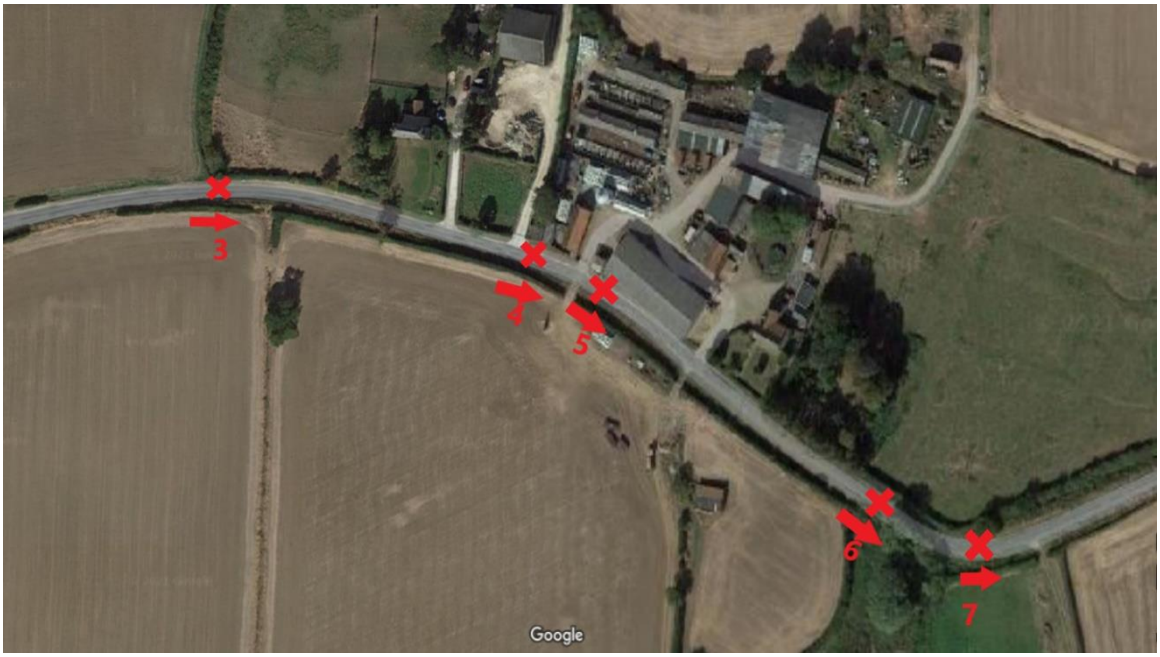




Appendix 2 - West Newton Road Measurements and Map Locations

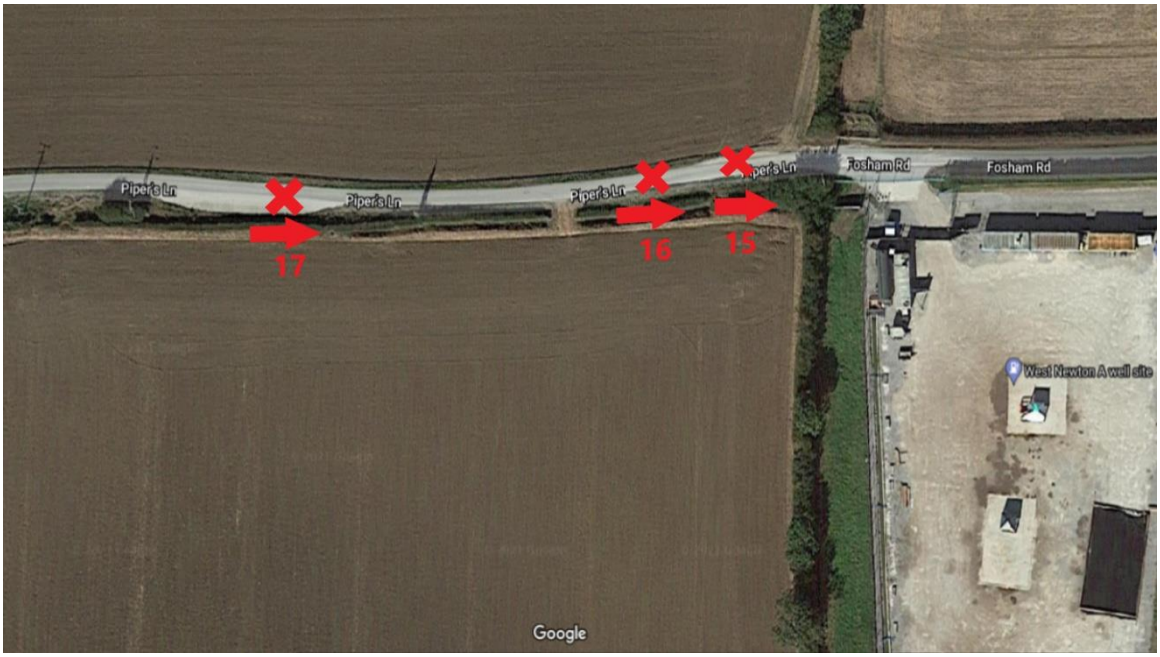
Route	Location	Map Number	Width
Blue	Burton Constable Road, New Ellerby	1	5.2m
Blue	Burton Constable Road, New Ellerby	2	5.0m
Blue	Burton Constable Road, Marton	3	4.8m
Blue	Burton Constable Road, Marton	4	5.5m
Blue	Burton Constable Road, Marton	5	5.4m
Blue	Burton Constable Road, Marton	6	4.9m
Blue	Burton Constable Road, Marton	7	5.5m
Blue	Burton Constable Road, Marton	8	5.6m
Blue	Burton Constable Road, Marton	9	5.1m
Blue	Burton Constable Road, Marton	10	4.9m
Blue	Burton Constable Road, Marton	11	4.8m
Blue	Burton Constable Road, Marton	12	4.7m
Blue	Burton Constable Road, Marton	13	4.9m
Blue	Burton Constable Road, Marton	14	5.0m
Both	Pipers Lane	15	3.7m
Both	Pipers Lane	16	2.7m
Both	Pipers Lane, Passing Place	17	5.6m
Both	Pipers Lane	18	2.6m
Both	Pipers Lane, Passing Place	19	5.9m
Both	Pipers Lane, Passing Place	20	6.4m
Both	Pipers Lane	21	3.0m
Orange	Pasture Lane	22	4.8m
Orange	Pasture Lane	23	4.8m
Orange	Pasture Lane	24	5.2m
Orange	Pasture Lane	25	5.5m
Orange	Pasture Lane	26	5.8m
Orange	Pasture Lane (West Newton B Section)	27	4.8m

1
2
Google


3
4
5
6
7
Google

H Swift And Son
8
9
10
11

12
13
14
Piper's Ln
Piper's Ln
Piper's Ln
Google


Piper's Ln
Piper's Ln
Piper's Ln
Fosham Rd
Fosham Rd
17
16
15
Google

Piper's Ln
Piper's Ln
Piper's Ln
Piper's Ln
Piper's Ln
20
19
18
21

Piper's Ln
Piper's Ln
Piper's Ln
22
23
Google

The Catholic Church of the Most Holy
24
Google

Map of Measurement Locations (from Google Maps)

Appendix 3 - Traffic Survey Data

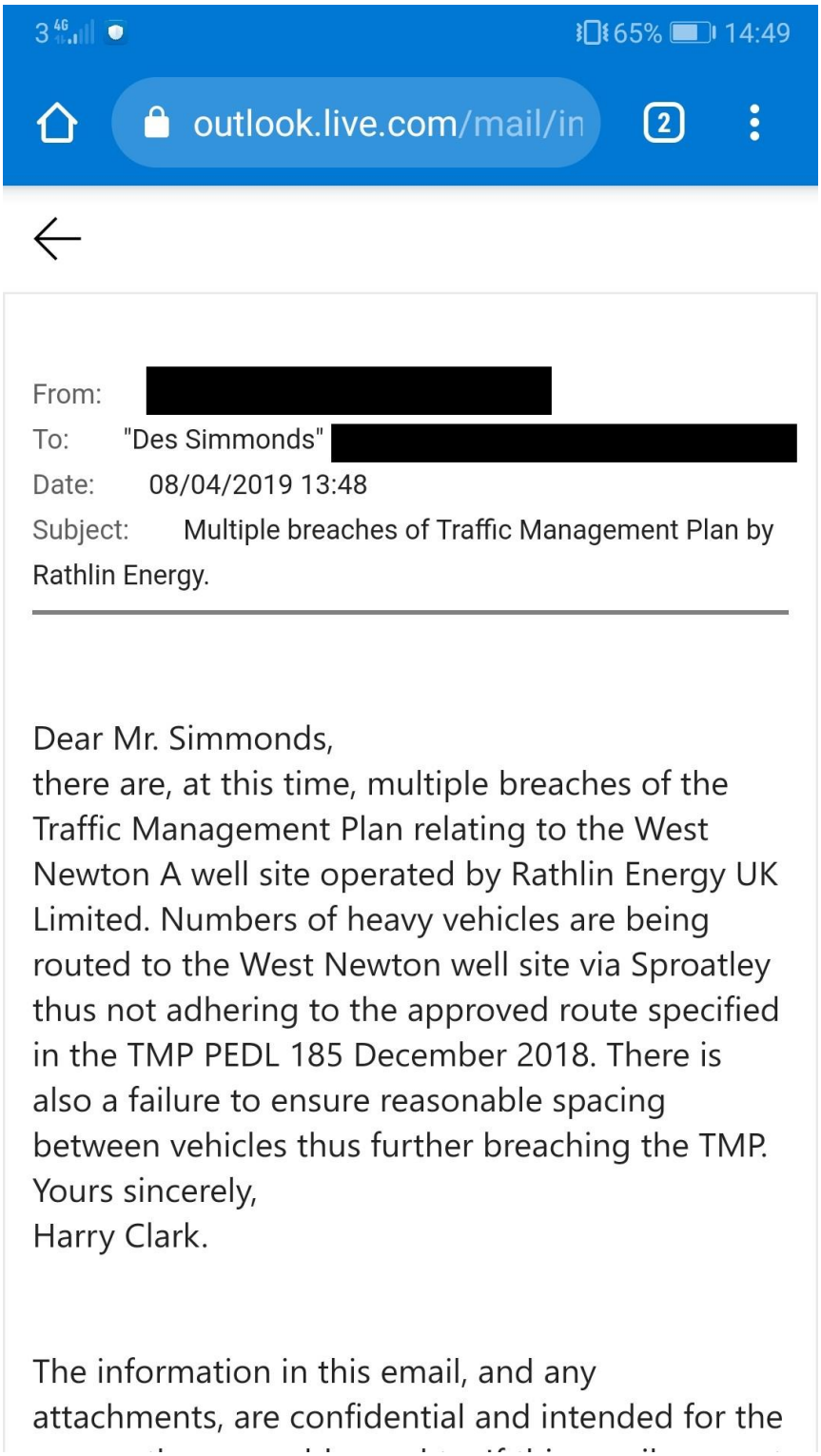
FFEY Traffic Survey Figures

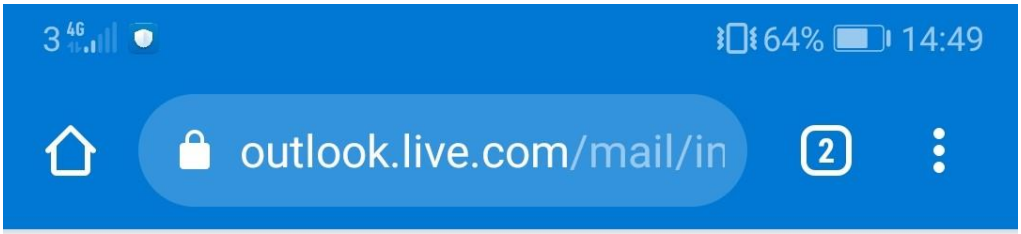
Top of Piper's Lane, Marton	From New Ellerby, Thurs 12 Aug 8.20-6.00	To New Ellerby, Thurs 12 Aug 8.20-6.00	From New Ellerby, Sat 14 Aug 9.00-6.00	To New Ellerby, Sat 14 Aug 9.00-6.00
Cars	237	235	192	226
LGV	46	53	22	21
OGV1	7	3	2	3
OGV 2	7	4	2	1
Buses and Coaches	0	0	1	0
Motorcycles	9	12	2	6
Cyclists	10	14	16	11
Tractor and Trailer	10	15	9	9
Quad Bikes	3	1	0	0
Combine Harvesters	2	0	0	0
Land Rover and Trailer	3	1		

Regular HGV companies

K Newton - regular route user
Matthew Watson
JR Hood - regular route user
Stuart Saunt
Manor Farm Feeds - regular route user
Bata Feed - regular route user

Appendix 4 - TMP Traffic Breach Example





[redacted]
Sent: 08 April 2019 15:00
To: [redacted]
Subject: Re: Multiple breaches of Traffic Management Plan by Rathlin Energy.

Dear Mr Clark

Thank you for your e-mail earlier today in connection with the above. I have contacted Rathlin Energy by phone and they have confirmed that there was an incident on one of the lorries going to the site and because of this incident all further lorries were diverted to come to the site from Sproatley. Therefore as this incident left Rathlin Energy no alternative but to breach the Traffic Management Plan i do not consider this is a matter that would warrant formal action being taken by the Council. Having said that I will be awaiting Rathlin Energy to confirm in writing the details of what actually happened before making a final decision. Obviously I will keep you informed.

Regards

Des Simmonds
Principal Enforcement Officer

Appendix 5 - Think Horse

http://think.direct.gov.uk/horses.html

Horses

Pass horses wide and slow

Horses are large powerful animals but they can easily panic and bolt if startled. The consequences to drivers, their car, the horse and its rider can be horrendous. By following some basic advice, drivers and riders can help avoid accidents involving horses on the road.

The facts

- 11 horse riders were killed and 116 seriously injured in collisions with motor vehicles, in the five years to 2015.
- Horses can weigh more than half a tonne – they are easily scared by noise and may panic around fast-moving vehicles.

The Law

Horse riders and animals - The Highway CodeOpens new window

THINK! Advice

Advice for motorists

- Slow down and be ready to stop if necessary
- Look out for riders' signals to slow down or stop
- Watch out for sudden movements, horses can be easily frightened and unpredictable
- Don't sound your horn or rev your engine
- Pass wide and slow when overtaking; giving the horse plenty of room. Don’t accelerate rapidly once you have passed them.
- On roundabouts, horse riders will keep to the left within the roundabout until reaching their exit, when they will signal left. They will normally signal right only when approaching exits they don't intend to use

Advice for horse riders

- Always display fluorescent/reflective clothing on both horse and rider whatever the weather or light conditions
- If at all avoidable, don't ride in failing light, fog or darkness. Avoid icy or snowy roads
- If riding a horse that is not used to roads, ask a rider with a horse who is experienced and calm to accompany you
- Never take a mounted group of more than eight horses on the road
- If riding two abreast, move into single file as soon as it is safe for the motorist to overtake. Don't ride more than two abreast on the road
- Always cross major crossings in a group, rather than trickling across one by one
- Leave details of your intended route and estimated time of return with a responsible person

WATCH: The British Horse Society and THINK!'s co-produced video showing how to pass horses safely.

- Pass horses wide and slow

Subject to third party copyright.
Visit Road safety professionals resourcesOpens new window

Appendix 6 – Highway Code on Overtaking

https://www.gov.uk/guidance/the-highway-code/using-the-road-159-to-203

The Highway Code

Overtaking (rules 162 to 169)

Rule 162

Before overtaking you should make sure

- the road is sufficiently clear ahead
- road users are not beginning to overtake you
- there is a suitable gap in front of the road user you plan to overtake.

Rule 163

Overtake only when it is safe and legal to do so. You should

- not get too close to the vehicle you intend to overtake
- use your mirrors, signal when it is safe to do so, take a quick sideways glance if necessary into the blind spot area and then start to move out
- not assume that you can simply follow a vehicle ahead which is overtaking; there may only be enough room for one vehicle
- move quickly past the vehicle you are overtaking, once you have started to overtake. Allow plenty of room. Move back to the left as soon as you can but do not cut in
- take extra care at night and in poor visibility when it is harder to judge speed and distance
- give way to oncoming vehicles before passing parked vehicles or other obstructions on your side of the road
- only overtake on the left if the vehicle in front is signalling to turn right, and there is room to do so
- stay in your lane if traffic is moving slowly in queues. If the queue on your right is moving more slowly than you are, you may pass on the left
- give motorcyclists, cyclists and horse riders at least as much room as you would when overtaking a car (see Rules 211 to 215).

Remember: Mirrors – Signal – Manoeuvre

Rule 163: Give vulnerable road users at least as much space as you would a car

Rule 164

Large vehicles. Overtaking these is more difficult. You should

- drop back. This will increase your ability to see ahead and should allow the driver of the large vehicle to see you in their mirrors. Getting too close to large vehicles, including agricultural vehicles such as a tractor with a trailer or other fixed equipment, will obscure your view of the road ahead and there may be another slow-moving vehicle in front
- make sure that you have enough room to complete your overtaking manoeuvre before committing yourself. It takes longer to pass a large vehicle. If in doubt do not overtake
- not assume you can follow a vehicle ahead which is overtaking a long vehicle. If a problem develops, they may abort overtaking and pull back in

Rule 164: Do not cut in too quickly

Rule 165

You **MUST NOT** overtake

- if you would have to cross or straddle double white lines with a solid line nearest to you (but see Rule 129)
- if you would have to enter an area designed to divide traffic, if it is surrounded by a solid white line
- the nearest vehicle to a pedestrian crossing, especially when it has stopped to let pedestrians cross
- if you would have to enter a lane reserved for buses, trams or cycles during its hours of operation
- after a 'No Overtaking' sign and until you pass a sign cancelling the restriction.

Laws RTA 1988 sect 36, TSRGD regs 10, 22, 23 & 24, & ZPPPCRGD reg 24

Rule 166

DO NOT overtake if there is any doubt, or where you cannot see far enough ahead to be sure it is safe. For example, when you are approaching

- a corner or bend
- a hump bridge
- the brow of a hill.

Rule 167

DO NOT overtake where you might come into conflict with other road users. For example

- approaching or at a road junction on either side of the road
- where the road narrows
- when approaching a school crossing patrol
- between the kerb and a bus or tram when it is at a stop
- where traffic is queuing at junctions or road works
- when you would force another road user to swerve or slow down
- at a level crossing
- when a road user is indicating right, even if you believe the signal should have been cancelled. Do not take a risk; wait for the signal to be cancelled
- stay behind if you are following a cyclist approaching a roundabout or junction, and you intend to turn left
- when a tram is standing at a kerbside tram stop and there is no clearly marked passing lane for other traffic.

Rule 168

Being overtaken. If a driver is trying to overtake you, maintain a steady course and speed, slowing down if necessary to let the vehicle pass. Never obstruct drivers who wish to pass. Speeding up or driving unpredictably while someone is overtaking you is dangerous. Drop back to maintain a two-second gap if someone overtakes and pulls into the gap in front of you.

Rule 169

Do not hold up a long queue of traffic, especially if you are driving a large or slow-moving vehicle. Check your mirrors frequently, and if necessary, pull in where it is safe and let traffic pass.

Appendix 7 – Lancashire Police Cycling Safety Diagram and Cycle Lane Photographs

KVA PLANNING CONSULTANCY

This report has been commissioned by Fossil Free East Yorkshire

RTPI Chartered Town Planner