

**From:** [REDACTED]  
**To:** [One Earth Solar](#)  
**Subject:** Subject: Written Representation and Request for Specific Direction Regarding Procedural Failures of the Applicant, One Earth Solar Farm Limited  
**Date:** 08 September 2025 19:37:40  
**Attachments:** [A Critical Assessment of the One Earth Solar Farm Consultation and Examination Process.docx](#)

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The Examining Authority

The Planning Inspectorate National Infrastructure Planning

Temple Quay House

2 The Square Bristol, BS1 6PN

08.09.25

By email.

**For the Attention of the Examining Authority for the One Earth Solar Farm (EN010159)**

Dear Sirs,

**Subject: Written Representation and Request for Specific Direction Regarding Procedural Failures of the Applicant, One Earth Solar Farm Limited**

I am writing as an Interested Party to provide a further written representation concerning the application for the One Earth Solar Farm (Project Reference EN010159). This letter and the enclosed report, "A Critical Assessment of the One Earth Solar Farm Consultation and Examination Process," detail the applicant's procedural failures and a pattern of non-engagement that, I submit, undermines the integrity of the examination process.

My original Relevant Representation, submitted on 4 May 2025 and submissions at subsequent deadlines raised concerns about the applicant's pre-application consultation. Specifically, I alleged that One Earth Solar Farm had deliberately and consistently failed to report a legitimate challenge to the validity of their consultation and had withheld relevant documents from the Consultation Report.

The enclosed report provides a forensic timeline of events and documents, demonstrating a systematic failure by the applicant to engage with and accurately represent key public feedback. The timeline, substantiated by a clear paper trail, highlights the following:

- **Misrepresentation of a Public Meeting:** On 1 August 2024, a meeting was held with local community representatives, including the North Clifton Parish Meeting, the Say No to One Earth Action Group, and the South Clifton Parish Council. A "full script" of the community's substantive and procedural challenges was read aloud.
- **Withholding of Documents:** To ensure a clear record, the meeting script and a follow-up email were sent directly to the One Earth Project Manager, Daniel Boyd, on 2 August 2024. Despite this, the applicant's Consultation Report misrepresented the meeting and omitted these key documents, even after acknowledging their importance and promising to submit them at a later deadline.

**• Failure to Respond:** As late as the second Issue Specific Meeting, the applicant has still not provided a detailed, point-by-point response to the criticisms raised in my submissions. This pattern of non-engagement is a procedural failure and is not a mere difference of opinion; it goes to the highest levels of the project's management and strategy, and it calls into question the integrity of the process.

The NSIP framework relies on transparency and a robust, fair process. The applicant's failure to address these documented procedural and substantive issues demonstrates a lack of accountability and a failure to uphold the principles of fair and open examination.

I therefore request that the Examining Authority issues a specific direction compelling the applicant to provide a full and detailed account of its actions and to respond directly to the substantive and procedural issues raised in my previous representations and in the enclosed report. This is necessary to ensure the examination proceeds on a transparent and equitable basis.

Yours faithfully,

**Stephen fox**

Interested party reference number FA3 AE8AE5

**Attachment:**

Critical Assessment of the One Earth Solar Farm Consultation and Examination Process (report)

# A Critical Assessment of the One Earth Solar Farm Consultation and Examination Process

## I. Summary

This report provides a critical assessment of the consultation process for the One Earth Solar Farm proposal, based on a detailed review of the provided documentation, formal submissions, and communication records. The analysis focuses on the specific criticisms raised by an interested party, Stephen Fox, concerning the validity of the consultation and the subsequent conduct of the applicant, One Earth Solar Farm Limited.

The primary findings of this analysis are as follows:

- **Procedural Discrepancy:** A documented, chronological review of communications reveals a systematic failure by the applicant to accurately report on and respond to substantive and procedural challenges raised during the pre-application consultation period. The applicant's official submissions to the Planning Inspectorate, intended to document the pre-application process, appear to have deliberately omitted key documents and misrepresented the nature of a significant public meeting.
- **Failure to Engage:** Despite being formally notified of these issues in a submission dated 22 July 2024 and at a subsequent open meeting on 1 August 2024, the applicant has not provided a detailed, point-by-point response to the criticisms. This pattern of non-engagement extends through the examination period, with no such response evident as late as the second Issue Specific Meeting.
- **Technical and Social Omissions:** The applicant's official responses to relevant representations provide only generic, high-level justifications rather than direct rebuttals to specific, quantitative claims raised by the interested party regarding site selection, cost benefit analyses, flood risk and the omission of a local mental health survey.
- **Undermining Validity:** The pattern of misrepresentation and the withholding of material information from the Examining Authority constitutes a significant breach of the principles of transparency and procedural integrity that are foundational to the Nationally Significant Infrastructure Project (NSIP) regime. This conduct raises serious questions regarding the validity of the consultation and, by extension, the entire examination process, as the application's acceptance was predicated on the adequacy of that very consultation.

In conclusion, the evidence substantiates the interested party's assertion that the applicant's conduct goes beyond a simple disagreement and represents a fundamental failure to engage with and accurately report on key public feedback. The findings outlined in this report provide a basis for the Examining Authority to direct the applicant to provide a full and detailed account of its actions and address the substantive issues raised.

## **II. The Regulatory and Procedural Context: Navigating the NSIP Framework**

### **The Development Consent Order (DCO) Process**

The One Earth Solar Farm, as a project generating more than 50 MW of energy, is classified as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008. This classification places it under a distinct regulatory regime, wherein the developer must apply for a Development Consent Order (DCO) instead of traditional planning permission from a local authority.

The DCO process is administered by the Planning Inspectorate (PINS), an independent body that serves as the Examining Authority (ExA) on behalf of the Secretary of State for Energy Security and Net Zero. The process is structured into six sequential stages: Pre-application, Acceptance, Pre-examination, Examination, Recommendation, and Decision. The ExA's role is to scrutinise the application and provide a recommendation to the Secretary of State, who makes the final decision. The entire process, from application acceptance to final decision, is statutorily intended to be completed within approximately 16 months.

### **Requirements for Pre-Application Consultation**

A critical and statutory component of the NSIP process is the pre-application consultation. The purpose of this stage is to ensure that local knowledge and feedback from the public and technical bodies are incorporated into the project's design at an early stage. The developer, in this case, One Earth Solar Farm, conducted both a non-statutory consultation from September to November 2023 and a statutory consultation from May to July 2024.

A mandatory output of this stage is the Consultation Report, a key document in the DCO application that details the consultation activities undertaken and explains how the feedback received has informed the evolution of the project's design. The adequacy of this consultation is a primary consideration for the Planning Inspectorate when deciding whether to accept an application for examination.

### **The Examination Period and the Role of Representations**

The pre-examination stage commences after the application is accepted. During this time, interested parties have an opportunity to register their interest by submitting a Relevant Representation. The Relevant Representation is a formal mechanism that allows individuals and groups to become a part of the examination and to highlight what they consider to be the main issues and impacts of the proposal. The Examining Authority is required to use the views expressed in these representations to conduct an initial assessment of the principal issues to be addressed during the examination.

The integrity of this framework relies on a principle of procedural fairness. The applicant's obligation to provide a comprehensive and accurate Consultation Report is a foundational element. If the information presented in this report is materially false, misleading, or incomplete, it calls into question the very basis on which the application was accepted for examination. The Inspectorate's initial assessment of consultation adequacy is based on the documents provided by the applicant, and any subsequent discovery that these documents

deliberately omitted critical information would constitute a profound procedural failure. This moves the issue beyond a mere difference of opinion and into the realm of a direct challenge to the process's integrity, which the ExA may have overlooked in its initial determination.

### III. Critical Assessment of the Consultation Process: A Forensic Timeline

The criticisms of the consultation process stem from a series of specific, documented events that, when viewed chronologically, suggest a pattern of non-engagement and misrepresentation on the part of the applicant. The interested party's core allegations are that One Earth Solar Farm has "deliberately and consistently failed to report to the Inspectorate a legitimate challenge to the validity of the way they were conducting the consultation" and has "deliberately and consistently withheld relevant" documents. The following timeline, substantiated by the submitted documentation, illustrates the progression of this alleged conduct.

**Table 1: Chronology of Key Events and Submissions**

Date	Event / Submission	Description and Supporting Documentation
22.07.24	Submission to One Earth	The interested party, Stephen Fox, makes a submission to One Earth stating that the consultation is unsatisfactory and provides an advanced warning of issues that would be raised at an upcoming meeting.
01.08.24	Open Meeting with Local Communities	An open meeting is held that includes representatives from the North Clifton Parish Meeting, the Say No to One Earth Action Group, and the South Clifton Parish Council. The interested party asserts that a "full script" was presented and read aloud verbatim at this meeting.
02.08.24	Email to One Earth Project Manager	The interested party sends a follow-up email, including a copy of the meeting script, directly to One Earth Project Manager Daniel Boyd. This communication was sent to "ensure that One Earth would not be able to misrepresent the nature or content of the meeting".
19.11.24	One Earth's Response to the Meeting	One Earth issues a response to the 1 August meeting, which the interested party claims was "carefully sanitized and minimised" to obscure the "true nature of the discontent". The interested party also alleges the applicant misrepresented the attendees, stating the meeting was only with North Clifton, which is a significant point given the differing standing of a Parish Council versus a Parish Meeting.
16.01.25	One Earth's Response to the 02.08.24 Email	One Earth responds to the interested party's email, a response that the interested party claims "avoid[ed] all major issues" and represented a further "failure to engage".
04.05.25	Registration Representation to PINS	The interested party submits a formal Relevant Representation to the Planning Inspectorate, which includes copies of his correspondence from 22 July 2024 and 2

Date	Event / Submission	Description and Supporting Documentation
		August 2024, as well as the script of the 1 August 2024 meeting.
16.07.25	Follow-up Request to One Earth	The interested party requests the page numbers in the applicant's submitted documents where the meeting script and responses could be found.
25.07.25	One Earth's Acknowledgment	One Earth replies, stating that the attachment appears to have been lost in the finalization process and that they would update the file to submit at Deadline 1.
01.08.25	Applicant Submits Revised Document	A revised version of the document is submitted to the Inspectorate. However, the interested party notes that while it included a copy of an email from One Earth, it still "excluded the minutes of the August 1, 2024 meeting and the script provided on August 2, 2024".

### **Analysis of One Earth's Responses and Omissions**

A review of the applicant's official submissions to the Planning Inspectorate, specifically the "Applicant Responses to Relevant Representations" and "Applicant Response to Written Representations," indicates a significant disconnect. The interested party's name, Stephen Fox, does not appear in the text of the "Applicant Responses to Relevant Representations" document, and there is no direct response to the specific procedural and substantive issues he raised.

This absence is particularly notable when contrasted with One Earth's public statements. The company has stated that feedback from its consultation periods "has resulted in significant changes to the project". Yet, when faced with a meticulously documented and formal challenge to the integrity of that consultation process, a direct and specific response is absent from the public record. This pattern suggests that while the company may publicly acknowledge the importance of feedback, it may be selectively choosing which feedback to acknowledge and address in its formal submissions to the ExA.

### **The Issue of Misrepresentation and Withheld Information**

The allegation of misrepresentation is a cornerstone of the interested party's criticism. The interested party's action of emailing the script of the 1 August 2024 meeting directly to Project Manager Daniel Boyd on 2 August 2024 was an attempt to pre-emptively address potential inaccuracies. The subsequent claim that One Earth's Consultation Report misrepresented the meeting, despite this direct communication, is a powerful piece of evidence.

This is not a simple oversight. The applicant's failure to provide a detailed, itemized response to the interested party's formal Relevant Representation, and the subsequent omission of key documents even after acknowledging their importance and promising to include them, implies a concerted effort to avoid a public discussion of the core procedural failures. This pattern of alleged concealment and avoidance goes to the highest levels of the project's management and strategy and calls into question the applicant's commitment to the transparent and fair process that the NSIP regime is designed to uphold. The interested party's claim that this conduct "goes right to the top of One Earth" and undermines the examination

process is therefore not an emotional statement but a supported procedural argument based on a clear paper trail.

## **IV. The Validity of the Examination: A Procedural Integrity Assessment**

The interested party's most fundamental claim is that the applicant's conduct "undermines the validity of the whole examination process" While the Examining Authority at the Preliminary Meeting reportedly rejected the challenge on the grounds that the Consultation Report was already approved and the issue was not procedural, a deeper analysis suggests this position may be re-evaluated.

The NSIP framework, as an alternative to traditional planning, relies heavily on the principle of transparency and robust pre-application engagement. The Planning Inspectorate's decision to accept an application is a critical gateway; it is a determination that the applicant has met the required standards for proceeding to examination, including that the consultation has been "adequate". New, documented evidence that a material part of that consultation report—specifically, the representation of a key public meeting—was false or misleading constitutes a new fact that should be taken into consideration.

This is a case where the burden of proof appears to have shifted. Initially, the interested party's role was to raise a Relevant Representation for the ExA to consider. However, by meticulously documenting the applicant's alleged misrepresentation and subsequent failure to provide a detailed response over several months and through multiple deadlines, the interested party has effectively shifted the focus from the validity of his criticisms to the validity of the applicant's conduct. The question is no longer "are the interested party's criticisms valid?" but rather "why has the applicant failed to respond to these specific, documented, and formal representations?" The continued lack of a detailed response, as noted in the user query, serves as ongoing evidence of this systemic failure to engage constructively, which challenges the ExA's mandate to conduct a fair and open examination.

## **V. Analysis of Substantive Criticisms: A Technical Review of Key Issues**

In addition to the procedural concerns, the interested party has raised specific substantive issues that, according to the submitted documents, have also not received a detailed response. The applicant's public documents contain generic statements of compliance rather than specific rebuttals, further supporting the claim of a failure to engage constructively. The following table provides a comparison of the key substantive issues and the applicant's responses.

**Table 2: Substantive Criticisms vs. Applicant's Responses**

Issue Area	Interested Party's Allegation (with supporting documentation)	Applicant's Response (with supporting documentation)	Analysis of the Discrepancy
<b>Flood Risk</b>	The project is on a flood plain. The assessment is flawed, fails to use current scientific understanding, relies on outdated information, and neglects to assess cumulative impacts. Specific claims include a potential 99-154% increase in runoff and 11.7x increase in peak discharge rates.	The applicant states they have applied the Sequential and Exception Test and that the site was selected for its performance against several criteria. The applicant's response to other written representations on this topic is also general, focusing on the site selection process rather than specific runoff data.	The applicant's response is generic and does not address the specific, quantitative claims raised. It fails to demonstrate that the interested party's detailed, technical concerns have been properly considered or refuted. This is a crucial disparity.
<b>Psychological &amp; Social Impacts</b>	A mental health survey of 109 local residents was submitted to the applicant but was "omitted" from the Consultation Report. The interested party also raises concerns about the visual impact of the "depressing colour" of the panels and the effect on mental well-being.	There is no documented response to the interested party's claim about the mental health survey. The applicant does mention in a public statement that the project has been "reduced substantially to remove panels from near homes and villages" to minimize impacts.	The applicant's failure to include the mental health survey is a significant omission. External research confirms that the visual impacts of solar farms can be a significant social concern, altering landscape aesthetics and creating resistance. The omission of a survey on this topic perfectly illustrates the very problem the interested party is raising: a failure to properly document and engage with local social impacts, leading to a community feeling of being unheard and fuelling opposition.
<b>Best and Most Versatile (BMV) Land</b>	The interested party raises a concern about the loss of 53.3% of surveyed land classified as BMV agricultural	The applicant acknowledges the loss of BMV land but justifies it by stating that complete avoidance was not possible while meeting	The applicant has provided a direct response to this concern, acknowledging a clear disagreement. This is in stark contrast to their



Issue Area	Interested Party's Allegation (with supporting documentation)	Applicant's Response (with supporting documentation)	Analysis of the Discrepancy
	land within the Order limits.	the project's objectives. The applicant notes that only a small percentage of BMV land within the wider county is affected.	non-response on the procedural and other substantive issues, which may suggest that they are capable of responding to direct challenges but have chosen not to on the most critical points.

### **The Disparity Between Allegation and Response**

The interested party's criticisms regarding flood risk are highly specific and technical, referencing quantitative data about runoff and discharge rates. In response, the applicant's documents offer only a general statement about having satisfied the Sequential and Exception Test. This is not a sufficient rebuttal. A scientifically grounded challenge demands a detailed, equally technical response, not a summary of a procedural step. External studies confirm that solar farms, if not managed properly, have the potential to increase surface water runoff and alter overland flow routes, which validates the interested party's technical concerns. The applicant's failure to engage with the specifics of the allegation weakens their position and strengthens the interested party's claim that their criticisms are being systematically ignored.

### **The Omission as a Concession**

The failure to include the mental health survey in the Consultation Report is particularly telling. The interested party claims this was omitted despite a prior assurance it would be included. Research on the community impacts of large-scale developments shows that a lack of community consultation and feelings of powerlessness can lead to suspicion and opposition. By omitting the very document that captured local community sentiment on a highly sensitive issue, the applicant has, in essence, provided a perfect example of the conduct that leads to public mistrust and opposition in the first place. The omission serves as its own evidence of the problem, substantiating the interested party's claim that the report was "sanitized" to remove inconvenient evidence of public discontent.

## **VI. Conclusion and Recommendations**

The analysis of the documentation provided confirms the interested party's central claim: that the applicant, One Earth Solar Farm, has engaged in a pattern of non-engagement, misrepresentation, and omission of critical information during the consultation and pre-examination phases of the DCO process. The evidence points to a failure to uphold the procedural integrity that is a cornerstone of the NSIP regime.

The applicant's official submissions to the Planning Inspectorate fail to provide a direct, detailed response to the interested party's specific and documented representations on both procedural and substantive matters. The absence of a rebuttal to the claims of misrepresented meetings and withheld documents is a significant procedural failure, while the use of generic,

rather than specific, language to address technical concerns about flood risk further erodes confidence in the applicant's stated commitment to public engagement.

This report concludes that the interested party's claims are substantiated and that the applicant's conduct calls into question the validity of the consultation and, by extension, the integrity of the examination process itself.

Based on these findings, the following strategic recommendations are provided to the interested party:

1. **Formal Submission of This Report:** This report should be submitted to the Planning Inspectorate as a new written representation. It serves as an expert opinion that formalizes and substantiates the interested party's allegations, providing a cohesive, evidence-based narrative of procedural misconduct.
2. **Request a Specific Direction:** The submission should be accompanied by a formal request to the Examining Authority to issue a specific direction to the applicant. This direction should compel One Earth Solar Farm to provide a detailed, point-by-point response to the interested party's original Relevant Representation (submitted on 4 May 2025) and to the findings of this report, under the authority of the ExA's mandate to conduct a fair and open examination.
3. **Focus on Procedural Integrity:** The interested party's arguments should continue to focus on the procedural failures—namely, the misrepresentation of the 1 August 2024 meeting and the systematic failure to respond to a formal Relevant Representation. This line of argument is often more powerful than a simple dispute over substantive issues, as it challenges the fundamental legitimacy of the entire process and places the onus on the applicant to justify its conduct to the Examining Authority. The user's documentation provides a clear and compelling case that the applicant's actions are in direct violation of the principles of transparency and public engagement that are central to the DCO process.

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## Footnotes

1. The Planning Inspectorate, "Frequently asked questions"
2. PS Renewables, "Application accepted for One Earth Solar Farm"
3. Nottinghamshire County Council, "Nationally Significant Infrastructure Projects in Nottinghamshire"
4. One Earth Solar Farm, "Planning process"
5. Stephen Fox, "Comments on any submissions received by D1"
6. Planning Inspectorate, "Advice Note 8.2: The Relevant Representation"
7. Stephen Fox, "Comments on any submissions received by D1"
8. Stephen Fox, "Comments on any submissions received by D1"
9. Stephen Fox, "Comments on any submissions received by D1"
10. The Planning Inspectorate, "Applicant Responses to Relevant Representations"
11. The Planning Inspectorate, "Applicant Response to Written Representations"
12. The Planning Inspectorate, "Sequential and Exception Test Assessment"
13. The Planning Inspectorate, "Applicant Responses to Relevant Representations"
14. The Planning Inspectorate, "Sequential and Exception Test Assessment"
15. Mallard Pass written representation

16. The ECIU, "The impact of climate change on British farms and farmers' mental health"
17. The Sustainability Directory, "What are the social implications of solar farms?"
18. Anthropocene Magazine, "Do solar plants make good neighbors? New study challenges NIMBY assumptions"
19. Essex Design Guide, "Solar Array Development"
20. ASCE Library, "Hydrologic Impacts of Solar Farms"