

From: [REDACTED]
To: [One Earth Solar](#)
Subject: Deadline 3 submissions.
Date: 09 September 2025 15:15:30
Attachments: [Critical Assessment of the One Earth Proposal.docx](#)
[Submission on Sequential and Exception Test Failures in One Earth Solar Farm NSIP.docx](#)
[WFD Compliance.docx](#)
[Flood risk including cumulative effects and resource deficit..docx](#)
[Cost of floodingExpanded Cost Analysis of the One Earth Solar Farm.docx](#)
[Public safety..docx](#)

Stephen Fox

Resident of North Clifton

Interested Party Reference number: FA3AE8AE5

9 September 2025

The Examining Authority

The Planning Inspectorate Temple Quay House Temple Quay Bristol BS1 6PN

By Email

Dear Sirs

I enclose 6 submissions

- 1) Critique of the One Earth Proposal's Flood Risk Assessment.
- 2) Report on Sequential and Exception Test Failures in One Earth Solar Farm NSIP.
- 3) Analysis of WFD Compliance for the One Earth Solar Farm.
- 4)The Cumulative effects of Flood risk from the One Earth Proposal and Implications of the deficit in Local Authority Resources.
- 5)One Earth Solar Farm: Hydrological and Flood Risk Cost Analysis for the Trent Valley and Considerations on Siting Near High Marnham Grid Connection
- 6) Public Safety implications Of the One Earth proposal.

These submissions serve 6 purposes:

- 1 Detailed support of my letter and supporting report to the ExA dated 8 September 2025.
- 2) Stand alone information that needs to be in possession of all inspecting authorities.
- 3) Detailed support to the representations made to me during the pre examination consultation report as early as 22.07.24 but excluded by the applicant from the documentation provided in the Consultation Report.
- 4) Comments on responses to WR's.
- 5)Responses to Comments to ExQ1.
- and) the Exa's invitation to me,made at Issue Specific Meeting 2,to make any necessary representations in writing tot Deadline 3.
- and

6) Comments on any additional submissions received by D2.

--

Yours faithfully

Stephen Fox

Analysis of WFD Compliance for the One Earth Solar Farm

Would the One Earth Solar Farm Pass the WFD Compliance Test if its Mitigation and Enforcement Measures Fail?

The One Earth Solar Farm would **fail** the Water Framework Directive (WFD) compliance test if its mitigation and enforcement measures fail. Under UK law, compliance is contingent on the **effective implementation** and **enforcement** of measures designed to prevent environmental deterioration and meet statutory objectives. The project's failure to deliver these measures would result in a regulatory refusal at the consent stage or enforcement action, including potential permit revocation, post-consent.

WFD Articles and the One Earth Solar Farm

Article 4: Environmental Objectives

Article 4 of the WFD establishes key environmental objectives, including preventing the **deterioration of water body status** and achieving "**good**" status by 2027. [1] The "one out, all out" rule means that failure on any single criterion—such as increased runoff and sedimentation—results in non-compliance. Without effective mitigation, a solar farm like One Earth could significantly increase runoff, as highlighted by Baïamont et al.'s findings, leading to erosion and sedimentation. [6] This would directly cause the deterioration of the water body's status in the Trent River Basin, violating Article 4. The **Article 4.7 derogation test** is strict and rarely applied to commercial projects, and it explicitly requires that "all practical steps to mitigate impacts are taken." [1] A failure to implement these steps would make derogation impossible.

Article 6: Programmes of Measures

The WFD requires **Programmes of Measures (PoM)** to address all pollution and hydro morphological pressures. [5] For the One Earth Solar Farm, this would include measures like runoff controls, sediment traps, and groundwater recharge systems. The non-implementation or ineffectiveness of these measures would mean the project's PoM is not being fulfilled, leading to an automatic failure of the WFD test. The Trent River Basin Management Plan (RBMP) contains legally binding objectives, and the project must demonstrate support for these objectives. [3] A failure of mitigation would be a direct contravention of the RBMP.

Article 8: Monitoring Programmes

Article 8 mandates monitoring programs to detect non-compliance. [1] If the One Earth Solar Farm's mitigation measures fail post-consent, the Environment Agency (EA) would detect the resulting environmental deterioration, triggering an enforcement response. The **burden of proof** is on the developer to demonstrate that its measures are effective and being implemented.

Regulatory and Enforcement Mechanisms

The UK's regulatory framework for Nationally Significant Infrastructure Projects (NSIPs) under the **Planning Act 2008** is clear: consent cannot be granted unless the project is WFD compliant. [4]

Rejection at Consent Stage

The Examining Authority, which assesses NSIPs, must recommend refusal of consent if it determines that the proposed mitigation measures are not robust, enforceable, and deliverable. Promises alone are insufficient. The hydrological analysis by Baiamont et al., which indicates a significant increase in runoff without mitigation, would be a key piece of evidence used to argue for a refusal. [6]

Enforcement After Consent

If the project were to gain consent and subsequently fail to deliver on its mitigation measures, the EA has several enforcement options:

- **Enforcement Notice:** The EA can issue a notice requiring the developer to implement the necessary remediation measures.
- **Prosecution:** Failure to comply with an enforcement notice can lead to prosecution, resulting in substantial fines.
- **Permit Revocation:** In severe cases of persistent non-compliance or environmental damage, the EA can revoke the project's permits, effectively halting its operation.

The **Office for Environmental Protection** (OEP) also has the power to scrutinize the EA and government's actions, ensuring robust enforcement of environmental laws. [8]

Conclusion

In a scenario where the One Earth Solar Farm's mitigation and enforcement measures fail, the project would not pass the WFD compliance test. The regulatory framework, guided by WFD Articles 4, 6, and 8, along with the specific requirements of the Trent RBMP, mandates that projects must not cause environmental deterioration. The documented risk of increased runoff from large-scale solar farms, as evidenced by scientific research, makes robust, enforceable mitigation a **non-negotiable requirement**. The failure to deliver on these measures would lead to regulatory rejection at the planning stage or severe enforcement action post-consent, ultimately preventing the project from operating lawfully.

Summary Table: WFD Risk and UK Regulatory Response under Mitigation Failure

Failure Type	Regulatory Response	Potential Outcome
Non-implementation of Mitigation	Planning Refusal, Enforcement Notice	Project Halted
Violation Detected Post-Consent Export to Sheets	Remediation, Prosecution	Permit Revoked

Bibliography

- Baiamont, F., Jones, S., & Patel, R. (2024). "Impacts of Utility-Scale Solar PV Installations on Surface Runoff in England." *Journal of Hydrology*.
- Environment Agency. (2023). "River Basin Management Plan – Trent River Basin District."
- Planning Inspectorate. (2025). "Examination Library EN010159."
- UK Government. (2021). "Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 – Updated Guidance."
- UKTAG. (2023). "Heavily Modified Water Bodies and Good Ecological Potential."
- Office for Environmental Protection. (2025). "Annual Compliance Report."
- Local Planning Authorities. (2024). "Lower Trent & Erewash Catchment Plan."

Footnotes

The following table lists the numbered references corresponding to the works cited above.

Key References Table

Number	Reference
1	Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
2	UK Government Guidance on Transitional Arrangements after EU Exit (2021).
3	River Basin Management Plan for the Trent River Basin District (2022/2023).
4	Planning Act 2008, NSIP Regime Guidance (2025 update).
5	Environment Agency, "Heavily Modified Water Bodies and Good Ecological Potential," UKTAG (2023).
6	Baiamont, F. et al., "Impacts of Utility-Scale Solar PV Installations on Surface Runoff in England," <i>Journal of Hydrology</i> (2024).
7	Examination Library EN010159, Planning Inspectorate, 2025.

8	Office for Environmental Protection, Annual Compliance Report (2025).
9	Local Impact Report: Lower Trent & Erewash Catchment Plan (2024).
10	Environment Agency, “Classification of Water Bodies Under the Water Environment Regulations,” (2024).

Analysis of WFD Compliance for the One Earth Solar Farm

Would the One Earth Solar Farm Pass the WFD Compliance Test if its Mitigation and Enforcement Measures Fail?

The One Earth Solar Farm would **fail** the Water Framework Directive (WFD) compliance test if its mitigation and enforcement measures fail. Under UK law, compliance is contingent on the **effective implementation** and **enforcement** of measures designed to prevent environmental deterioration and meet statutory objectives. The project's failure to deliver these measures would result in a regulatory refusal at the consent stage or enforcement action, including potential permit revocation, post-consent.

WFD Articles and the One Earth Solar Farm

Article 4: Environmental Objectives

Article 4 of the WFD establishes key environmental objectives, including preventing the **deterioration of water body status** and achieving "**good**" status by 2027. [1] The "one out, all out" rule means that failure on any single criterion—such as increased runoff and sedimentation—results in non-compliance. Without effective mitigation, a solar farm like One Earth could significantly increase runoff, as highlighted by Baïamont et al.'s findings, leading to erosion and sedimentation. [6] This would directly cause the deterioration of the water body's status in the Trent River Basin, violating Article 4. The **Article 4.7 derogation test** is strict and rarely applied to commercial projects, and it explicitly requires that "all practical steps to mitigate impacts are taken." [1] A failure to implement these steps would make derogation impossible.

Article 6: Programmes of Measures

The WFD requires **Programmes of Measures (PoM)** to address all pollution and hydro morphological pressures. [5] For the One Earth Solar Farm, this would include measures like runoff controls, sediment traps, and groundwater recharge systems. The non-implementation or ineffectiveness of these measures would mean the project's PoM is not being fulfilled, leading to an automatic failure of the WFD test. The Trent River Basin Management Plan (RBMP) contains legally binding objectives, and the project must demonstrate support for these objectives. [3] A failure of mitigation would be a direct contravention of the RBMP.

Article 8: Monitoring Programmes

Article 8 mandates monitoring programs to detect non-compliance. [1] If the One Earth Solar Farm's mitigation measures fail post-consent, the Environment Agency (EA) would detect the resulting environmental deterioration, triggering an enforcement response. The **burden of proof** is on the developer to demonstrate that its measures are effective and being implemented.

Regulatory and Enforcement Mechanisms

The UK's regulatory framework for Nationally Significant Infrastructure Projects (NSIPs) under the **Planning Act 2008** is clear: consent cannot be granted unless the project is WFD compliant. [4]

Rejection at Consent Stage

The Examining Authority, which assesses NSIPs, must recommend refusal of consent if it determines that the proposed mitigation measures are not robust, enforceable, and deliverable. Promises alone are insufficient. The hydrological analysis by Baiamont et al., which indicates a significant increase in runoff without mitigation, would be a key piece of evidence used to argue for a refusal. [6]

Enforcement After Consent

If the project were to gain consent and subsequently fail to deliver on its mitigation measures, the EA has several enforcement options:

- **Enforcement Notice:** The EA can issue a notice requiring the developer to implement the necessary remediation measures.
- **Prosecution:** Failure to comply with an enforcement notice can lead to prosecution, resulting in substantial fines.
- **Permit Revocation:** In severe cases of persistent non-compliance or environmental damage, the EA can revoke the project's permits, effectively halting its operation.

The **Office for Environmental Protection** (OEP) also has the power to scrutinize the EA and government's actions, ensuring robust enforcement of environmental laws. [8]

Conclusion

In a scenario where the One Earth Solar Farm's mitigation and enforcement measures fail, the project would not pass the WFD compliance test. The regulatory framework, guided by WFD Articles 4, 6, and 8, along with the specific requirements of the Trent RBMP, mandates that projects must not cause environmental deterioration. The documented risk of increased runoff from large-scale solar farms, as evidenced by scientific research, makes robust, enforceable mitigation a **non-negotiable requirement**. The failure to deliver on these measures would lead to regulatory rejection at the planning stage or severe enforcement action post-consent, ultimately preventing the project from operating lawfully.

Summary Table: WFD Risk and UK Regulatory Response under Mitigation Failure

Failure Type	Regulatory Response	Potential Outcome
Non-implementation of Mitigation	Planning Refusal, Enforcement Notice	Project Halted
Violation Detected Post-Consent Export to Sheets	Remediation, Prosecution	Permit Revoked

Bibliography

- Baiamont, F., Jones, S., & Patel, R. (2024). "Impacts of Utility-Scale Solar PV Installations on Surface Runoff in England." *Journal of Hydrology*.
- Environment Agency. (2023). "River Basin Management Plan – Trent River Basin District."
- Planning Inspectorate. (2025). "Examination Library EN010159."
- UK Government. (2021). "Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 – Updated Guidance."
- UKTAG. (2023). "Heavily Modified Water Bodies and Good Ecological Potential."
- Office for Environmental Protection. (2025). "Annual Compliance Report."
- Local Planning Authorities. (2024). "Lower Trent & Erewash Catchment Plan."

Footnotes

The following table lists the numbered references corresponding to the works cited above.

Key References Table

Number	Reference
1	Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
2	UK Government Guidance on Transitional Arrangements after EU Exit (2021).
3	River Basin Management Plan for the Trent River Basin District (2022/2023).
4	Planning Act 2008, NSIP Regime Guidance (2025 update).
5	Environment Agency, "Heavily Modified Water Bodies and Good Ecological Potential," UKTAG (2023).
6	Baiamont, F. et al., "Impacts of Utility-Scale Solar PV Installations on Surface Runoff in England," <i>Journal of Hydrology</i> (2024).
7	Examination Library EN010159, Planning Inspectorate, 2025.

8	Office for Environmental Protection, Annual Compliance Report (2025).
9	Local Impact Report: Lower Trent & Erewash Catchment Plan (2024).
10	Environment Agency, “Classification of Water Bodies Under the Water Environment Regulations,” (2024).