

To: The One Earth Solar Case Team

Deborah Allen

Case Manager

One Earth Solar Farm (Scheme Ref: EN010159)

From: Stephen Fox

Resident of North Clifton

Interested Party Reference number: [REDACTED]

Stephen Fox (Interested Party)

Date: 10 October 2025

By mail.

Subject: URGENT: Demand for Formal Procedural Decision on Submissions of 8 September and 20 September 2025 (EN010159)

Dear Deborah,

Thank you for your email of 9 October 2025.

I must reiterate that my correspondence of 8 September 2025 (requesting a specific direction to the Applicant) and 20 September 2025 (submitting a critique and a formal Rule 17 request) are substantive submissions intended to inform the Examination and raise matters of procedural legality. These documents have been published in the Examination Library (EL) as formal submissions, and as such, cannot be treated merely as "enquiries".¹

The failure to provide a public, definitive decision on these requests prevents the EL from accurately recording the ExA's handling of procedural challenges, which is contrary to the requirements of transparency and is procedurally unsound. The ExA is duty-bound to make and publish Procedural Decisions (Rule 8) concerning the conduct of the Examination.²

I therefore formally demand, with immediate effect, that the ExA issues a formal Procedural Decision (via a Rule 8 letter or equivalent) confirming the definitive outcome of these two submissions:

- Formal Request for Direction (8 September 2025): Has this request been granted, denied, or is it still under formal consideration?
- Formal Rule 17 Request (20 September 2025): Has this statutory request been granted or denied?

This is a mandatory requirement to ensure the Examination maintains a judicially defensible procedural record.³ I expect confirmation that this request for a formal Procedural Decision has been immediately escalated and actioned.

Sincerely,

Stephen Fox BA MSc

Footnotes

1. Fox, S. (2025). Submission to Examination Library: Request for Direction. Dated 8 September 2025.
2. Infrastructure Planning (Examination Procedure) Rules 2010, Rule 8. UK Statutory Instruments.
3. Fox, S. (2025). Submission to Examination Library: Formal Rule 17 Request. Dated 20 September 2025.

Stephen Fox

Resident of North Clifton

Interested Party Reference number: [REDACTED]

Submission Reference: Deadline 4 Submission (14 October 2025)

Project: EN010159 - One Earth Solar Farm

Subject: Formal Allegation of Procedural Impropriety, Apprehended Bias, and Consequential Denial of Access to Justice

I. Introduction: Purpose of Submission

This submission is presented for the formal attention of the Examining Authority (ExA) as a Written Representation (Rule 10) intended to inform the ExA's assessment of the overall lawfulness and fairness of the examination process.¹ It consolidates formal challenges to specific procedural decisions and conduct within the examination which compromise the principles of openness, transparency, and impartiality.²

The issues raised are:

- The ExA's decision to mandate virtual-only hearings, which causes a material denial of public access and exacerbates the democratic deficit.³
- Substantive allegations of Apprehended Bias arising from the conduct of Issue Specific Meeting 2 (ISH2).
- The ExA's persistent failure to issue formal Procedural Decisions regarding outstanding formal requests for direction.⁴
- The arbitrary redaction of names of Applicant representatives, impairing transparency and accountability.⁵

II. Procedural Impropriety: Denial of Physical Access to Justice

The ExA's recent decision to mandate that forthcoming public hearings be conducted in a virtual-only format constitutes a procedural impropriety in the specific context of this project.⁶

The ExA's discretion over the format of hearings (Section 94 of the Planning Act 2008) is constrained by the common law duty to uphold procedural fairness and the requirement to ensure public access.⁷ PINS policy advises that hearings can be held in a 'blended event' format to combine in-person and virtual attendance, which acts as a crucial safeguard against claims of exclusion.⁸ The decision to remove this blended option causes substantial prejudice to the local community.

Specifically, the virtual-only mandate is procedurally unfair because:

- Exacerbation of Intimidation and Exclusion: Many local residents who are not legally represented and who feel intimidated by the process had been waiting for the opportunity to attend in person. They were relying on the opportunity for a physical appearance to ensure their voice was heard. The total exclusion of a physical venue denies a reasonable opportunity for these individuals to present their case, directly undermining the Hearing Rule.⁹
- Public Perception of Process Control: The decision to mandate the most restrictive format, immediately following formal complaints about the Examiner's conduct, fuels the growing perception within the community that the ExA is intentionally streamlining the process to the detriment of local participation and transparency. This is an unnecessary and avoidable legal risk.¹⁰

III. Formal Allegation of Apprehended Bias and Democratic Deficit

The concerns raised in my emails of 6th and 20th September 2025 are now reiterated as a formal allegation of Apprehended Bias. The ExA's conduct during Issue Specific Meeting 2 (ISH2), when viewed objectively, creates a reasonable suspicion that the process is being managed to favour project expedition over fair scrutiny:¹¹

- Differential Treatment: The Examiner was observed complaining about interventions by lay members while permitting the Applicant's counsel to offer "jovial non-responses" that evaded key points. I was then promptly closed down when attempting a legitimate follow-up question regarding Order Limits/footpaths, following a clearly evasive answer.¹²
- Failure to Enforce Engagement: The Applicant's subsequent and consistent failure to engage constructively with written questions from Interested Parties, combined with the Examiner's failure to challenge this pattern, reinforces the conclusion that the ExA is tolerating the Applicant's contempt for the community.¹³

The Democratic Deficit: The combination of these actions—streamlining process, restricting access, and tolerating non-engagement—results in a clear democratic deficit that breaches the Examiner's commitment to impartiality.¹⁴

IV. Procedural Failure: Unanswered Formal Submissions

The ExA's continued non-response to formal submissions undermines the statutory process:¹⁵

- My formal letter of 8 September 2025, requesting a specific direction to the Applicant concerning non-substantive responses, remains without a formal ruling.¹⁶
- My Rule 17 Request (submitted on 20 September 2025), a statutory procedural tool, remains without a formal decision confirming whether it has been granted or denied.¹⁷

This failure to publish a Procedural Decision (Rule 8) on requests made by an Interested Party constitutes a serious procedural failure, preventing the public and other parties from knowing how conflicts regarding the integrity of the examination are being resolved. I reserve the right to rely on this documented procedural failure in any subsequent statutory challenge.¹⁸

V. Arbitrary Confidentiality: Redaction of Names of Applicant Representatives

The decision by the Case Team to redact the names of individuals, particularly in the Chronology, is challenged as it constitutes an unnecessary and arbitrary restriction on transparency.¹⁹

These individuals are acting in their capacity as officers or experts for the Applicant and are involved in generating evidence, participating in public meetings, and submitting formal documents to the Examination. Public accountability requires that the identities of professionals involved in generating evidence and acting as public representatives for the DCO application be transparent.²⁰ The legal precedent affirms that public employees' expectations of privacy are diminished regarding on-the-job performance, and disclosure is generally required for records concerning employee conduct that are relevant to public business. Redacting these names obstructs the public's ability to accurately track engagement and hold the Applicant accountable for the evidence and statements made by their representatives.²¹

VI. Requested Remedial Actions

I formally request that the ExA issue a Procedural Decision and immediately implement the following remedial actions to restore public confidence and procedural fairness:

- **Reversal of Format Decision:** The ExA must immediately reverse the virtual-only mandate and provide a Blended Event format for all future public hearings to mitigate the denial of access for intimidated local residents.²²
- **Formal Rulings on Submissions:** The ExA must issue formal, publicly logged rulings (via Rule 8 letter) on the outstanding submissions of 8 September and 20 September 2025.²³
- **Direction on Applicant Conduct:** The ExA must issue a clear, public direction to the Applicant mandating prompt and substantive responses to all formal written queries from Interested Parties and ensuring procedural parity for all speakers at future hearings.²⁴
- **Review and Reversal of Redactions:** The ExA must immediately review and reverse the redactions applied to the names of Applicant officers and experts in the Chronology and related submissions, recognising that withholding their identities impairs public accountability and transparency.²⁵

Footnotes

1. Planning Inspectorate, "Advice Note Eight: Overview of the nationally significant infrastructure planning process for members of the public and others," 2023.
2. Planning Act 2008, c.29, Section 94; Common Law Principles of Administrative Fairness (UK).
3. Planning Inspectorate, "Arrangements for Hearings during National Infrastructure Examinations," 2022.
4. Planning Act 2008, Section 89; Rule 8 & Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.
5. Information Commissioner's Office, "Access to information about public authorities' staff," 2016.
6. Planning Inspectorate, "Arrangements for Hearings during National Infrastructure Examinations," 2022.
7. Planning Act 2008, c.29, Section 94.
8. Planning Inspectorate, "Advice Note Eight," 2023, para. 5.1–5.2.
9. Planning Inspectorate, "Advice Note Eight," 2023, para. 6.3.
10. House of Commons Library, "Public Participation in Planning Decisions," Briefing Paper Number 06768, 2023.
11. ExA Case Correspondence, EN010159 Examination, 2 September 2025.

12. Examination Hearing Transcript, Issue Specific Hearing 2 (ISH2), EN010159, 2025.
13. Interested Parties' Written Questions Log, EN010159, 2025.
14. House of Commons Library, "Public Participation in Planning Decisions," 2023.
15. Planning Act 2008, Section 89; Rule 8 of the Infrastructure Planning (Examination Procedure) Rules 2010.
16. Submission: Letter to ExA, 8 September 2025.
17. Submission: Rule 17 Request, 20 September 2025.
18. Planning Inspectorate, "Advice Note Eight," 2023, para. 6.5.
19. Information Commissioner's Office, "Access to information about public authorities' staff," 2016.
20. Information Commissioner's Office, "Access to information about public authorities' staff," 2016.
21. Case Law: South Gloucestershire Council v Information Commissioner [2017] UKFTT 2016_0267 (GRC).
22. Planning Inspectorate, "Arrangements for Hearings during National Infrastructure Examinations," 2022.
23. Planning Act 2008, Section 89; Rule 8 of the Infrastructure Planning (Examination Procedure) Rules 2010.
24. Interested Parties' Written Questions Log, EN010159, 2025.
25. Information Commissioner's Office, "Access to information about public authorities' staff," 2016.