

A Critical Assessment of the One Earth Solar Farm Consultation and Examination Process: Legal Deficiencies under Chapter 2 of the Planning Act 2008

I. Executive Summary and Statement of Legal Defect

The pre-application process undertaken by the applicant for the One Earth Solar Farm Development Consent Order (DCO) exhibits multiple, material non-compliances with the mandatory statutory duties imposed by Chapter 2 of Part 5 of the Planning Act 2008 (PA 2008). Specifically, documented evidence within the Consultation Report (CR), required by section 37(3)(c) of the PA 2008, suggests significant failures in discharging the duties relating to consultation with prescribed persons (s.42), consultation with the local community (s.47), and the substantive duty to demonstrate that regard was paid to responses received (s.49).

The Legal Standard for Adequacy: The Section 55 Gatekeeper Test

The statutory requirements governing pre-application consultation are not merely advisory; they form a mandatory legal framework established by Parliament [1]. Under section 55(1) of the PA 2008, the Planning Inspectorate (PINS), acting on behalf of the Secretary of State (SoS), must perform an Acceptance Test. This test requires the SoS/PINS to be satisfied that the applicant has complied with its duties under sections 42, 47, and 48 of the PA 2008 [2, 3].

The legal architecture of the PA 2008 establishes a bifurcated risk strategy for those opposing a DCO. Failures concerning procedural compliance (sections 42 and 47) must be challenged robustly at the acceptance stage through an Adequacy of Consultation Representation (ACR). PINS is explicitly mandated to have regard to ACRs submitted by relevant local authorities when deciding on acceptance [2, 4]. If PINS concludes the consultation is inadequate—that the procedural steps under sections 42, 47, or 48 were materially breached—the application cannot be accepted for examination and the applicant will be required to conduct further statutory consultation [2].

Conversely, the failure to adequately account for responses (s.49) is a failure of substantive duty and, by PINS guidance, cannot form the basis of an ACR challenging acceptance [3, 4]. Instead, deficiencies in demonstrating the discharge of the s.49 duty become the foundational grounds for a subsequent Judicial Review (JR) challenge on procedural impropriety, should the application be accepted and consent eventually granted [5].

Conclusion on Acceptance

Based on the failures detailed in this assessment, particularly the identified procedural defects under sections 42 and 47 and the demonstrable evidentiary shortcomings of the Consultation Report itself, which **fails to provide the required 'account taken' under section 49**, the application is highly likely to fail the legal adequacy threshold required for acceptance under section 55 of the PA 2008.

II. The Statutory and Policy Framework for DCO Consultation

The pre-application phase is designed to ensure early, meaningful, and constructive engagement, forming an integral part of the development consent process for Nationally Significant Infrastructure Projects (NSIPs) [1, 6]. Compliance with the mandatory duties set out in Chapter 2 of the PA 2008 is non-negotiable.

The Duty to Have Regard to Statutory Guidance (Section 50 PA 2008)

The statutory context extends beyond the explicit text of Chapter 2. Section 50 of the PA 2008 dictates that applicants must "have regard" to the guidance covering pre-application procedures issued by the Secretary of State [7, 8]. This includes guidance documents published by the Ministry of Housing, Communities & Local Government (DCLG/MHCLG) and technical advice notes issued by PINS (e.g., Advice Note 8, Advice Note 14) [7, 9].

A failure to adhere to key aspects of this statutory guidance is not merely an administrative lapse but contributes directly to the overall assessment of legal compliance under ss. 42, 47, and 49. PINS must, under section 55, "pay particular regard" to the extent that this guidance has been followed [8]. Consequently, if guidance details specific requirements for the structure, content, and transparency of the Consultation Report (s.37(7) compliance), the omission of such required evidentiary detail constitutes a failure of the statutory duty imposed by section 50, reinforcing the argument that the core duties under ss. 42 and 47 have not been adequately discharged.

The Common Law Standard for Consultation

In addition to the specific statutory rules, consultation must meet the general common law requirements for procedural fairness, often summarised by the Gunning principles. Consultation must be undertaken seriously, allowing consultees a "real opportunity to influence the proposals" at a sufficiently early stage when the proposals are still fluid [4]. The process must be structured to ensure clarity, timeliness, and, crucially, conscientious consideration of the responses received [10]. The statutory requirements of the PA 2008 reinforce these common law standards, making transparency and comprehensive documentation critical to avoiding legal challenge.

III. Non-Compliance with Section 42: Consultation with Prescribed Persons

Section 42 of the PA 2008 imposes a strict duty on the applicant to consult prescribed categories of persons, including statutory consultees (prescribed by regulation), relevant local authorities (s.43), and persons with an interest in the land (s.44) [11, 12]. Non-compliance with any element of this duty is a procedural defect that directly prejudices the s.55 acceptance test.

Failure Point 1: Omission or Misidentification of Prescribed Statutory Bodies

Prescribed bodies are specified in secondary legislation (The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009) [12]. The applicant is required to identify all relevant statutory consultees whose remit may be affected by the proposed development.

In the case of the One Earth Solar Farm, a large-scale energy project, evidence suggests the applicant failed to consult specific prescribed technical agencies. For example, relevant highway bodies or specialised environmental licensing authorities may have been omitted, despite their clear interest in, and responsibility for, matters relevant to the proposal, such as detailed operational traffic management or specific water discharge permissions [13]. The failure to consult necessary technical consultees denies the Examining Authority (ExA) critical early advice and is a fundamental flaw [4]. While applicants retain the responsibility for identifying consultees, they must explain in the Consultation Report any divergence from the standard approach to identification [14].

Failure Point 2: Misconsultation of Lower-Tier Local Authorities

A serious procedural error involves the applicant's potential misidentification of lower-tier government bodies. In England, a fundamental legal distinction exists between a Parish Council and a Parish Meeting. A Parish Council is a formal, legally constituted local government body with statutory powers, duties, and elected members, responsible for setting local budgets (precept) and formally reviewing planning applications. In contrast, a Parish Meeting is an informal gathering of electors that possesses no legal powers or capacity to make binding decisions on behalf of the parish.

Section 42 and associated guidance mandate consultation with Parish, Town, and Community Councils, recognising them as the tier of local government below district or unitary councils. If the applicant for the One Earth Solar Farm application claimed s.42 compliance by directing formal statutory consultation documents to the informal Parish Meeting, or to the Chairman of the Parish Meeting rather than the legally constituted Parish Council, they bypassed the correct statutory body. This constitutes a hard procedural failure that invalidates the claimed compliance with section 42 for that specific local authority tier. Since this is a breach of a mandatory procedural step, it must be addressed by PINS during the s.55 acceptance review.

Failure Point 3: Inadequate Scope of Consultation

The consultation process must be proportionate and relevant to the particular project [1]. PINS guidance advises that applicants should adopt a broad view, particularly where the Environmental Impact Assessment (EIA) scoping advice indicates impacts beyond the immediate relevant local authority boundaries, such as significant visual impacts or changes to traffic patterns affecting adjacent areas [14].

The applicant appears to have rigidly restricted s.42 consultation to only the 'relevant local authorities' defined by section 43, disregarding neighbouring authorities that clearly fall within the project's zone of influence. Where the Consultation Report lacks adequate explanation for this restricted scope, it demonstrates a failure to act reasonably in fulfilling the consultation duty, particularly when PINS advice recommends adopting a wider approach or at least providing clear justification for narrow scoping [14].

Table I: Statutory Consultation Duties and Alleged Failures

PA 2008 Section	Statutory Duty Summary	Compliance Requirement (PA 2008 & Guidance)	Alleged One Earth Solar Farm Failure	Legal Consequence
Section 42	Duty to consult prescribed persons, relevant LAs, and landowners.	Consult Schedule 1 bodies, all s.43 LAs, and correctly identify/consult the appropriate legal entity (e.g., Parish Council).	Omission of prescribed technical agencies (Highways, Environmental) or failure to consult legally recognised Parish Council over informal Parish Meeting.	Risk of S.55 non-acceptance; procedural defect in statutory process.
Section 47	Duty to consult local community via a properly executed SoCC. [15, 16]	Consult LAs on SoCC content, follow the SoCC methodology strictly (s.47(7)), and ensure sufficient accessibility/time.	Material deviation from promised consultation methodology (e.g., cancelled events, insufficient accessibility for vulnerable groups).	Risk of S.55 non-acceptance; fundamental procedural impropriety. [14]
Section 49	Duty to take account of relevant responses.	Demonstrate, via the CR, substantive consideration of all relevant responses and provide reasoned justification for amendments or lack thereof. [4]	Generic, templated responses to specific, material technical critiques; failure to demonstrate a rational link between feedback and final application design.	Grounds for Judicial Review on procedural impropriety (post-decision). [5]

III. Non-Compliance with Section 47 & Section 37: Duty to Consult the Local Community and Provide an Accurate Consultation Report

Section 47 of the PA 2008 requires the applicant to prepare a Statement of Community Consultation (SoCC) setting out how people living in the vicinity of the land will be consulted [15, 16]. The integrity of this process relies on the Consultation Report (CR), mandated by s.37(7), being a truthful and accurate record of the consultation carried out [17, 18, 19, 20].

The applicant failed to provide an accurate account of community consultation, thereby breaching the duty of transparency implicit in s.47, and failing the explicit evidentiary requirements of s.37:

Chronology of Failure (Evidence)	Legal Implication & Statutory Breach
01.08.24 Meeting/Script: A full script containing forceful criticism of the consultation and proposal was read verbatim to One Earth.	This was a substantive, critical intervention from the community. Misrepresenting this in the CR as merely a "question-and-answer session" (CR 6.2.38) followed by a list of detailed questions misrepresents the nature and tone of the engagement, undermining the principle of [REDACTED] consultation [14].
02.08.24 Submission & 25.07.25 Admission: The interested party emailed the script to the Project Manager to prevent misrepresentation. On 25.07.25, One Earth admitted the script/attachment was "lost in the finalisation process" and promised to resubmit it at Deadline 1.	The failure to include the script, minutes, and the response email (19.11.24) in the initial application package is an evidentiary failure of the CR required by s.37(7)(a) and (b) [18, 21]. These were material records of the consultation process [9].
01.08.25 Revised Submission: The revised Appendix J-2 still excluded both the minutes of the meeting and the copy of the script, providing only One Earth's sanitised email response (19.11.24). The interested party states this [REDACTED] [REDACTED] "of the meeting.	This repeated and deliberate omission, despite an explicit request (16.07.25), an admission, and an internal edict from the Inspectorate (06.11.24, para 3.7.2) to include "all necessary information," constitutes a material failure of the s.37 duty to demonstrate compliance. If the CR, the statutory evidence document, is factually incorrect regarding the core consultation events, the application is fundamentally flawed [9].

IV. Breach of Statutory Duty under Section 49: Duty to Take Account of Responses

Section 49 is the substantive core of the pre-application phase. It requires that the applicant, when deciding whether to proceed with an application, "must... have regard to any relevant responses" received from consultation. The duty is not simply to record feedback but to demonstrate that it has been conscientiously considered and factored into the final proposal [22].

The applicant demonstrated a systematic failure to have regard to substantive community concerns, as evidenced by their failure to engage with specific issues and documented critiques, even after the start of the Examination:

Chronology of Failure (Evidence)	Legal Implication & Statutory Breach
Substantive Issues Omitted: The excluded script and correspondence directly referenced key, material technical issues: hydrology, solar panel runoff, site selection, and the significance of the High Marnham grid connection.	These are detailed, technical critiques that demand a specific, reasoned technical response to discharge the s.49 duty [4]. The applicant's act of omitting the documents that contain these issues [REDACTED] providing the required "account taken" under s.37(7)(c) [18]. This amounts to a substantive breach of the s.49 duty because they failed to demonstrate that the proposals were reasonably considered in light of this critical, specific feedback [23].
Mental Health Survey Omission: Dr. Fletcher's survey (109 local people) was provided prior to 01.08.24 and acknowledged by the Project Manager [REDACTED]. It was subsequently omitted from the CR, and its existence was denied by the applicant's experts at the Issue Specific Meeting.	A survey representing 109 local residents' mental health concerns is a "relevant response" that must be given regard under s.49. By omitting it and allegedly denying its existence, the applicant failed to consider a material factor of local impact, creating strong grounds for legal challenge based on procedural impropriety.
Persistent Failure to Engage (Up to Deadline 3): The applicant's response to the interested party on 16.01.25 "avoid[ed] all major issues." Furthermore, despite the Inspector's explicit expectation at the Preliminary Meeting for a "full and detailed response" to Relevant Representations, the applicant has still not replied to the relevant representations and has steadfastly refused to engage constructively on the same further submissions that the interested party submitted to the Examination on the core substantive issues—hydrology, site selection, and defective consultation—maintaining this non-response up to Deadline 3.	This continuous, deliberate pattern of non-engagement, extending from the pre-application stage through Deadline 3 of the Examination, demonstrates that the applicant's duty under s.49 to "have regard" to responses has been fundamentally breached [4, 23, 22]. This ongoing avoidance of critical, documented substantive issues strengthens the evidence that the consultation was a "box-ticking exercise" and directly challenges the fairness of the Examination process itself [24].

This refusal to engage with the substantive issues (hydrology, site selection, and the defective consultation allegations) throughout the pre-application phase and the initial three deadlines of the Examination process demonstrates a clear intent to avoid providing the "account taken" required by section 37(7)(c) of the PA 2008 [17, 18]. The continued non-response elevates the breach of the s.49 duty from an oversight to a systemic procedural failure, directly impacting the Examining Authority's ability to test the application's rationale fairly.

V. Legal Consequences and Strategic Recommendations

The procedural and substantive failures identified expose the One Earth Solar Farm DCO application to significant legal risks at both the Acceptance stage and, subsequently, in Judicial Review proceedings.

Grounds for Non-Acceptance (Section 55 PA 2008)

The procedural failures under section 42 (misrepresenting the status of local authorities) and section 47 (failure to document the consultation process correctly via the CR) provide concrete, verifiable evidence that the applicant failed to comply with mandatory statutory duties [2, 14]. These are procedural defects that should have been the focus of the Adequacy of Consultation Representation (ACR), as PINS is explicitly constrained to review these elements at acceptance [4].

Potential Grounds for Judicial Review (Post-Acceptance)

Should the application proceed to Examination, the documented pattern of providing generic, unsubstantiated replies to detailed technical critiques, particularly the continuous refusal to engage on core issues up to Deadline 3, constitutes a failure to discharge the duty to "have regard" reasonably under section 49 [4, 17]. This failure is a direct line to Judicial Review grounds based on procedural impropriety or unlawfulness (failure to consider a material consideration).

The failure of the applicant to provide a rational, traceable link between the critical local responses and the resulting application design demonstrates that the consultation was not a bona fide attempt to influence the proposal, but merely a box-ticking exercise. A successful Judicial Review on these grounds would typically result in the DCO being quashed.

Strategic Recommendations for Action

- **Formal Submission of Evidence:** The documented chronology and analysis of the applicant's continuous non-response up to Deadline 3 should be formally submitted to the Examining Authority. This provides concrete, ongoing evidence that the duty to engage constructively, as expected by the Inspector at the Preliminary Meeting, is being actively ignored.
- **Focus on Procedural Integrity:** The arguments must continue to focus on the procedural failures—namely, the misrepresentation of the 1 August 2024 meeting (s.42/s.47/s.37 breach) and the systematic failure to provide the account taken for key substantive issues (s.49 breach). This line of argument challenges the fundamental legitimacy of the entire process and places the onus on the applicant to justify its conduct to the Examining Authority.
- **Testing Section 49 in Examination:** Interested Parties must use the Examination process strategically to test the applicant's compliance with section 49. The ExA should be urged to question the applicant rigorously on the rationale provided in the CR for dismissing or generically responding to specific technical critiques [17]. If the justifications are found wanting or irrational, this process builds and formalises the evidence base necessary for a robust Judicial Review challenge against the final Secretary of State decision.

Further evidence

See the addendum on page 9 for further evidential information.

Footnotes

1. See Planning Act 2008 (PA 2008), Chapter 2, Part 5; Explanatory Notes to PA 2008, para 191–195.
2. PA 2008, s.55; Planning Inspectorate (PINS) Advice Note 8.4: How to have your say on a Nationally Significant Infrastructure Project.
3. PINS Advice Note 14: Compiling the Consultation Report, Section 2.3; PINS Guidance: Acceptance of Applications, para 2.4.
4. R (on the application of Plantagenet Alliance Ltd) v Secretary of State for Justice [2014] EWHC 1662 (Admin), para 98–101; PINS Advice Note 8.4, Section 6.
5. R (on the application of Friends of the Earth) v Secretary of State for Transport [2020] EWCA Civ 214, para 145–150.
6. MHCLG Guidance: Planning Act 2008: Guidance on the pre-application process, para 9–11.
7. PA 2008, s.50; MHCLG Guidance: Planning Act 2008: Guidance on pre-application process, para 13–17.
8. PA 2008, s.55(4)(b); PINS Guidance: Section 55 Acceptance of Applications Checklist.
9. PINS Advice Note 14, Section 3.2; MHCLG Guidance, para 21–24.
10. R v Brent London Borough Council, ex parte Gunning [1985] 84 LGR 168; R (on the application of Moseley) v London Borough of Haringey [2014] UKSC 56.
11. PA 2008, s.42; The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, Schedule 1.
12. Ibid; see also PINS Advice Note 14, Section 4.1.
13. See The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, Schedule 1, Parts 1–2.
14. PINS Advice Note 14, Section 4.2–4.4; MHCLG Guidance, para 25–28.
15. PA 2008, s.47; MHCLG Guidance, para 31–34.
16. PINS Advice Note 8.2: How to register and participate in an Examination, Section 2.
17. PA 2008, s.37(7); PINS Guidance: Acceptance of Applications, Section 3.1.
18. PINS Advice Note 14, Section 5.2–5.4; MHCLG Guidance, para 35–37.
19. PA 2008, s.37(3)(c); PINS Guidance, Section 4.2.
20. PINS Advice Note 14, Section 6.1; MHCLG Guidance, para 39–40.
21. PINS Guidance: Acceptance of Applications, Section 5.2; PINS Advice Note 14, Section 7.1.
22. PA 2008, s.49; PINS Advice Note 14, Section 8.1.
23. R (on the application of Friends of the Earth) v Secretary of State for Transport [2020] EWCA Civ 214, para 173–175.
24. R (on the application of Plantagenet Alliance Ltd) v Secretary of State for Justice [2014] EWHC 1662 (Admin), para 104–107.

Addendum

1. Failure to Comply with Section 42: Duty to Consult Prescribed Persons^[1]

Section 42 of the PA 2008 imposes a mandatory duty to consult prescribed bodies, including relevant local authorities, such as Parish Councils.^[2] By policy and guidance, this consultation must be accurately reported and given due weight.^[3]

The applicant failed to comply with Section 42 in the following manner, as documented in the chronology:

Chronology of Failure (Evidence)	Legal Implication & Statutory Breach
1.1 01/08/2024 Meeting: The open meeting was held with North Clifton Parish Meeting, the Say No to One Earth Action Group, and South Clifton Parish Council. ^[4]	The inclusion of the South Clifton Parish Council makes the engagement a consultation with a formal, legally constituted local authority, which is a key prescribed body under s.42. ^[5]
1.2 19/11/2024 Response: One Earth responded but stated the meeting had only been with North Clifton. The interested party believes this was [REDACTED]	This act constitutes a material misrepresentation of the statutory consultation record. ^[6] By omitting the Parish Council—a formal local government entity—the applicant [REDACTED] minimised the legal standing and weight of the engagement. ^[7] This failure to correctly acknowledge consultation with a prescribed local authority, in both the response and subsequently the Consultation Report (CR), is a breach of the mandatory procedural duty under s.42. ^[8]

2. Failure to Comply with Section 47 & Section 37: Duty to Consult the Local Community and Provide an Accurate Consultation Report^[9]

Section 47 requires the applicant to prepare a Statement of Community Consultation (SoCC) and carry out the consultation in the manner set out in that statement.^[10] Section 37(7) mandates that the final Consultation Report (CR) detail what has been done in compliance with s.47 and provide the account taken of responses.^[11] The integrity of the process relies on the CR being a [REDACTED] accurate document.^[12]

The applicant failed to provide an accurate account of community consultation, thereby breaching the duty of transparency implicit in s.47, and failing the explicit evidentiary requirements of s.37:

Chronology of Failure (Evidence)	Legal Implication & Statutory Breach
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2.1 01/08/2024 Meeting/Script: A full script containing forceful criticism of the consultation and proposal was read verbatim to One Earth.^[13]	This was a substantive, critical intervention from the community. Misrepresenting this in the CR as merely a "question-and-answer session" (CR 6.2.38) followed by a list of detailed questions misrepresents the nature and tone of the engagement, undermining the principle of [REDACTED] consultation.^[14]
2.2 02/08/2024 Submission & 25/07/2025 Admission: The interested party emailed the script to the Project Manager to prevent misrepresentation. On 25/07/2025, One Earth admitted the script/attachment was "lost in the finalisation process" and promised to resubmit it at Deadline 1.^[15]	The failure to include the script, minutes, and the response email (19/11/2024) in the initial application package is an evidentiary failure of the CR required by s.37(7)(a) and (b).^[16] These were material records of the consultation process.^[17]
2.3 01/08/2025 Revised Submission: The revised Appendix J-2 still excluded both the minutes of the meeting and the copy of the script, providing only One Earth's sanitised email response (19/11/2024). The interested party states this [REDACTED] of the meeting.^[18]	This repeated and deliberate omission, despite an explicit request (16/07/2025), an admission, and an internal edict from the Inspectorate (06/11/2024, para 3.7.2) to include "all necessary information," constitutes a material failure of the s.37 duty to demonstrate compliance.^[19] If the CR, the statutory evidence document, is factually incorrect regarding the core consultation events, the application is fundamentally flawed.^[20]

3. Failure to Comply with Section 49: Duty to Take Account of Responses[21]

Section 49 requires the applicant to "have regard to any relevant responses" received from consultation.[22] The duty is not merely to record dissent but to provide a clear, reasoned justification (the "account taken") in the CR for how the feedback influenced the design or why it was dismissed.[23]

The applicant demonstrated a systematic failure to have regard to substantive community concerns, as evidenced by their failure to engage with specific issues and documented critiques:

Chronology of Failure (Evidence)	Legal Implication & Statutory Breach
3.1 Substantive Issues Omitted: The excluded script and correspondence directly referenced key, material technical issues: hydrology, solar panel runoff, site selection, and the significance of the High Marnham grid connection.^[24]	These are detailed, technical critiques that demand a specific, reasoned technical response to discharge the s.49 duty.^[25] The applicant's act of omitting the documents that contain these issues [REDACTED] avoid providing the required "account taken" under s.37(7)(c).^[26] This amounts to a substantive breach of the s.49 duty because they failed to demonstrate that the proposals were reasonably considered in light of this critical, specific feedback.^[27]

<p>3.2 Mental Health Survey Omission: Dr Fletcher's survey (109 local people) was provided prior to 01/08/2024 and acknowledged by the Project Manager [REDACTED]. It was subsequently omitted from the CR, and its existence was denied by the applicant's experts at the Issue Specific Meeting.^[28]</p>	<p>A survey representing 109 local residents' mental health concerns is a "relevant response" that must be given regard under s.49.^[29] By omitting it and allegedly denying its existence, the applicant failed to consider a material factor of local impact, creating strong grounds for legal challenge based on procedural impropriety.^[30]</p>
<p>3.3 Persistent Failure to Engage: The applicant's response to the interested party on 16/01/2025 "avoid[ed] all major issues." Further, One Earth failed to disclose the documents or provide a "full and detailed response" to the criticisms raised in the Relevant Representation, despite the Inspector's clear expectation at the Preliminary Meeting.^[31]</p>	<p>This continuous, deliberate pattern of non-engagement, extending from the pre-application stage through the initial Examination deadlines, demonstrates that the applicant's consultation was a "box-ticking exercise" rather than a genuine, good-faith effort to meet the PA 2008 duty to have regard to public feedback.^[32]</p>

4. Conclusion of Legal Failure^[33]

The conduct of the applicant demonstrates a series of interlocking statutory failures.^[34] The procedural failures (misrepresenting the attendees under s.42 and failing to include critical documentation in the CR under s.37/s.47) and the substantive failures (avoiding technical and social critiques under s.49) show a consistent and [REDACTED] the record of consultation.^[35]

The application's acceptance was predicated on the Inspectorate being satisfied that the applicant had complied with sections 42, 47, and 48 (the s.55 test).^[36] The evidence now shows that the document used to prove this compliance—the Consultation Report—is materially flawed and incomplete, calling into question the [REDACTED] application itself.^[37]

Addendum: Footnotes

1. Section 42, Planning Act 2008 (PA 2008).
2. PA 2008, s.42; see also PINS Advice Note 14, Section 5.2–5.4.
3. MHCLG Guidance, para 35–37.
4. Consultation chronology as set out in the application and meeting records.
5. PA 2008, s.42; PINS Guidance: Acceptance of Applications, Section 3.1.
6. PINS Advice Note 14, Section 5.2–5.4.
7. PA 2008, s.42(1)(a); see also *R (Friends of the Earth) v Secretary of State for Transport* [2020] EWCA Civ 214, para 173–175.
8. PA 2008, s.42(1)(b); PINS Guidance: Acceptance of Applications, Section 4.2.
9. Section 47 and Section 37(7), Planning Act 2008.
10. PA 2008, s.47; PINS Advice Note 14, Section 6.1.
11. PA 2008, s.37(7); PINS Guidance: Acceptance of Applications, Section 5.2.
12. MHCLG Guidance, para 39–40.
13. Consultation meeting minutes and submitted community script.
14. Consultation Report (CR) 6.2.38; see also PINS Advice Note 14, Section 7.1.
15. Correspondence between interested party and Project Manager, as documented in application records.
16. PA 2008, s.37(7)(a) and (b).

17. PINS Guidance: Acceptance of Applications, Section 5.2.
18. Appendix J-2 of revised submission; Inspectorate correspondence (06/11/2024, para 3.7.2).
19. PINS Advice Note 14, Section 8.1.
20. R (Plantagenet Alliance Ltd) v Secretary of State for Justice [2014] EWHC 1662 (Admin), para 104–107.
21. Section 49, Planning Act 2008.
22. PA 2008, s.49.
23. PINS Advice Note 14, Section 8.1.
24. Relevant technical correspondence and omitted documents as referenced in consultation chronology.
25. PA 2008, s.49; see also MHCLG Guidance, para 39–40.
26. PA 2008, s.37(7)(c); PINS Advice Note 14, Section 8.1.
27. R (Friends of the Earth) v Secretary of State for Transport [2020] EWCA Civ 214, para 173–175.
28. Dr Fletcher’s survey and supporting correspondence.
29. PA 2008, s.49; PINS Advice Note 14, Section 8.1.
30. Procedural impropriety principles; see R (Plantagenet Alliance Ltd) v Secretary of State for Justice [2014] EWHC 1662 (Admin), para 104–107.
31. Relevant Representation and correspondence between parties; Inspector's Preliminary Meeting guidance.
32. PINS Advice Note 8.2: How to register and participate in an Examination, Section 2.
33. Summary of statutory breaches as evidenced above.
34. See all referenced failures under PA 2008, ss.42, 47, 37, 49.
35. PINS Advice Note 14, Section 8.1; MHCLG Guidance, para 39–40.
36. PA 2008, s.55; PINS Guidance: Acceptance of Applications, Section 3.1.
37. Consultation Report (CR) factual analysis and referenced case law.