

From: [REDACTED]
To: [One Earth Solar](#)
Subject: ALERT REGARDING SYSTEMIC INTEGRITY FAILURE - FORMAL SUBMISSION TO THE ONE EARTH SOLAR FARM EXAMINATION (EN010159)
Date: 30 November 2025 09:32:41

To **The Examining Authority**
Project Name: **One Earth Solar Farm**
PINS Reference: **EN010159**

From: Stephen Fox Interested Party Reference number: [REDACTED]
Date: 30 November 2025

Dear Sirs

Reservation of Rights (Litigant in Person)

This submission is made under **explicit protest** and strictly **without prejudice** to the Interested Party's right to challenge the lawfulness and procedural integrity of the Examination.

The Interested Party's continued participation is legally **compelled** by the statutory process (Planning Act 2008) to maintain standing, but this action does **not** constitute a waiver, acceptance, or validation of any alleged procedural impropriety, ExA bias, unlawful censorship, or fundamental flaws in the Administrative Record.

All rights to seek Statutory Appeal and Judicial Review against the final Development Consent Order decision are fully reserved.

ALERT REGARDING SYSTEMIC INTEGRITY FAILURE - FORMAL SUBMISSION TO THE ONE EARTH SOLAR FARM EXAMINATION (EN010159)

This formal Submission is provided to the Examining Authority (ExA) to formally alert its offices and the Planning Inspectorate (PINS) to irrefutable documentary evidence demonstrating a **systemic integrity failure** within the Nationally Significant Infrastructure Projects (NSIP) consenting regime. The evidence confirms a concerted effort by the Applicant and the Examination process to [REDACTED] mandatory national planning guidance, resulting in a [REDACTED] process designed to allow [REDACTED] development on Flood Zones 2 and 3 for commercial benefit at the expense of local communities.

I. Illegal Authorisation of Hydrological Risk and Statutory Failure

The entire application is underpinned by an attempt to [REDACTED] build on Flood Zones 2 and 3. This is facilitated by a material failure of the Environment Agency (EA) and Lead Local Flood Authorities (LLFA's) to enforce policy and adopt scientific standards. In the case of the EA there is clear evidence of the undue influence of the developer.

A. Calculated Sequential Test Misrepresentation

The Applicant's constraint on the search area for alternative sites constitutes a [REDACTED] action designed solely to justify a pre-selected location containing substantial areas of high flood risk land (56% Flood Zones 2 and 3a/3b) [^2]. The

Applicant appears to have [REDACTED] the availability of alternative sites with lower flood risk for commercial gain facilitated by local land lease deals, thereby [REDACTED] the mandatory Sequential Test required under NPS EN-1 [^2]. The whole process appears to have been a concerted effort on the part of the Applicant and the ExA to **circumvent** national planning guidance rather than enforce it.

B. Undue Influence, Scientific Failure, and [REDACTED] Flood Risk

The Environment Agency (EA) is entirely at fault for agreeing to technical assumptions that authorize unacceptable levels of flood risk. The **undue influence of the developer** over the EA is a material factor that resulted in statutory agencies ignoring modern science in favour of outdated, insufficient guidance, such as the historical treatment of run-off in NPS EN-3 [^3].

1. **Illegal Flood Storage Loss:** Despite the mandatory requirement of "no net loss of floodplain storage" [^4] for development in Flood Zone 3b, the EA has agreed to an illegal tolerance that authorises a flood storage loss of an absolute minimum of **39,000 cubic metres** [^4]. This profound breach of NPS EN-1 places the local community at increased, unmitigated flood risk.
2. **Catastrophic Run-off Acceleration:** The failure of the EA, and the Local Lead Flood Authorities (LLFAs), also relates directly to surface water run-off and the failure to follow modern science. They have failed to take into account the catastrophic implications created by a vast, approximately 4,000-acre solar farm accelerating the flow of storm water by up to **11.7 times** and doubling the surge effect (irrespective of ground cover), during storm events [^3]. This amplification of flow and surge effect across the flood plain and local and regional drainage remains unassessed and unmitigated.
3. **Water Framework Directive (WFD) Breaches:** The failure to properly model and account for this accelerated peak discharge and increased surge effect constitutes a breach of WFD objectives, including long-term impacts on watercourses and water quality [^7].

II. Systemic Procedural Bias and Institutional Cover-Up

The Examination process is structurally biased, demonstrating a palpable resource deficit for statutory consultees and institutional suppression of critical evidence.

A. ExA Administrative Malfeasance and Corruption of the Record

The ExA has moved beyond initial negligence to active institutional complicity by assisting in the cover-up of the Applicant's [REDACTED] (e.g., the Consultation Report which omitted and [REDACTED] key stakeholder objections [^5]) and corruption of the record:

- **Failure to Cure the Defect (Rule 17):** The ExA initially missed the material

omission of key consultation documents. **Crucially, when notified of the omission at the Preliminary Meeting, the ExA first advised me that my only recourse was to pursue the matter after the examination was over, and that it wasn't a matter for the examination.** This advice was procedurally false. He then issued a verbal instruction to the applicant to correct the record but failed to enforce it. Subsequently, he permitted this failure to persist by being **tardy in issuing and failing to enforce** Rule 17 requests to compel the applicant to correct the record and engage adequately with stakeholder submissions. " [^1].

- **Active Censorship and Manipulation:** The ExA resorted to a verifiable cover-up, including the **illegal suppression and Redaction** of submissions that pointed out the ExA's remissness [^6]. These acts constitute active manipulation of the statutory record, breaching public law fairness.

B. Procedural Unfairness at Hearings

The observed conduct during hearings confirms a gross procedural imbalance:

- **Applicant Privilege:** The Applicant is allowed all the time it likes, and patently unsatisfactory, non-answers on their part are the norm and go unchallenged.
- **Suppression of Consultees and Parties:** Public meetings are observed to operate on the basis that Statutory Consultees (including the EA and LLFAs) are seen, but speak when spoken to, reflecting their structural subjugation. Interested Parties are treated as an irritation.
- **Resource Deficit:** The resource deficit of Statutory Consultees relative to that of the Applicant is palpable, creating an inherently unbalanced examination where the Applicant's material advantages are reinforced by the ExA's permissive procedure.

III. Governance Crisis and Institutional Defence

A. Authorization of Cover-Up by PINS Management

The ExA's conduct in illegally suppressing evidence and altering the statutory record is an administrative act of such gravity that it must have required the knowledge, sanction, or **direct instruction of senior PINS management** [^8].

The institutional failure to intervene confirms that **PINS management authorised the cover-up of the Applicant's [REDACTED] and the ExA's malfeasance or was reckless as to the resulting [REDACTED] of the examination record.**

B. Failure of Government Oversight

This systemic integrity failure is further compounded by the failure of the government legal department (GLD) and the Secretary of State (SoS) to intervene when formally notified of the [REDACTED] involved in this [REDACTED] process. The continued institutional defence of an Examination process demonstrably tainted by [REDACTED] and active, documented censorship confirms an institutional intent to actively protect this *modus operandi* at the highest level of government oversight.

IV. Procedural Crisis: Mandatory Requirements for Lawful Continuation

The evidence presented throughout this Submission demonstrates that the Examination for EN010159 has been irreparably corrupted. This systemic failure is the direct result of **PINS institutional pressure, which prioritizes delivery speed over sound planning policy and the rule of law**, thereby creating an environment where Applicant [REDACTED], material failures by Statutory Consultees (EA/LLFAs), and active censorship by the Examining Authority (ExA) could occur and be defended [⁸].

The integrity of the statutory examination is now lost. **The Examination cannot be allowed to proceed without the immediate execution of the following mandatory requirements to cure these terminal defects:**

The Examining Authority must immediately satisfy its statutory duties under the Infrastructure Planning (Examination Procedure) Rules 2010 (Rules 8 and 17) to restore integrity to the process.

- 1. Mandatory Rule 8 Compliance (Curing Procedural Defect):** The ExA must immediately issue a formal Procedural Decision (PD-xxx) confirming the definitive outcomes (granted, denied, or under review) of the formal procedural requests submitted on 8 September 2025 and 20 September 2025 [¹]. This is a fundamental requirement to cure the documented defect in the Examination Library and restore procedural transparency.
- 2. Compulsory Rule 17 Action (Compelling Statutory Evidence):** The ExA must invoke its Rule 17 powers to compel the Applicant to submit and validate the necessary, legally required evidence, specifically: a. A revised, unconstrained Sequential Test assessment that rigorously addresses all reasonably available sites and satisfies the mandatory requirements of NPS EN-1. b. Revised hydrological modelling based on modern scientific data that accounts for peak discharge (up to 11.7x acceleration), the [REDACTED] 39,000 m³ flood storage loss, and WFD implications [³, ⁴].

Formal Notification: The continued progress of the Examination without the timely fulfilment of these requirements will constitute a deliberate administrative choice to protect a corrupted process, confirming that the statutory duties of the Examination are being subverted for administrative expediency.

Footnotes

[¹]: Formal procedural demand for decision under Rule 8 and Rule 17, noting submissions were treated merely as "enquiries" and documenting the failure to maintain a judicially defensible record.¹

[²]: Policy requires steering development to the lowest flood risk area and considering all "reasonably available" sites regardless of ownership; the Sequential Test is a precondition for applying the Exception Test in Flood Zones 3a/3b.2

[³]: Scientific research contradicts outdated assumptions found in policy guidance

(e.g., NPS EN-3) regarding solar array runoff, suggesting run-off could increase significantly and peak discharge rates could increase by as much as 11.7 times.

[^4]: NPS EN-1 requires "no net loss of floodplain storage" in Flood Zone 3b 2; the EA's agreement to a minimum flood storage loss of 39,000 cubic metres breaches this mandatory requirement.

[^5]: The Applicant's Consultation Report secured examination acceptance while omitting and [REDACTED] key stakeholder objections, confirming a material defect in the statutory consultation record.⁴

[^6]: The Examining Authority committed an act of administrative misconduct by unlawfully suppressing and heavily redacting an Interested Party's formal submissions, constituting censorship and manipulation of the statutory record.⁶

[^7]: The failure to assess the amplified peak discharge and runoff risks presents a clear and material risk to achieving Water Framework Directive (WFD) objectives.

[^8]: The Examining Authority, appointed by the Planning Inspectorate, has a duty to ensure the lawfulness and integrity of the examination process.⁷

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Yours faithfully

Stephen Fox