

From: [REDACTED]
To: [One Earth Solar](#)
Subject: SUBJECT: FORMAL RULE 17 REQUEST FOR FURTHER INFORMATION Failure to Respond to Rep 4 – 079 and the Necessity of Quantified Comparative Financial Data for Alternative Site Constellations
Date: 29 November 2025 09:40:56

Interested Party Reference number: [REDACTED]

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.

To **The Examining Authority**

Project Name: **One Earth Solar Farm**

PINS Reference: **EN010159**

From: Stephen Fox Interested Party Reference number: [REDACTED]

Date: 29 November 2025

SUBJECT: FORMAL RULE 17 REQUEST FOR FURTHER INFORMATION Failure to Respond to Rep 4 – 079 and the Necessity of Quantified Comparative Financial Data for Alternative Site Constellations

Dear Sir or Madam,

This submission constitutes a formal request pursuant to Rule 17(1) of The Infrastructure Planning (Examination Procedure) Rules 2010. We respectfully ask the Examining Authority (ExA) to issue a Rule 17 request to the Applicant for the information detailed below.

The necessity of this request arises directly from the Applicant's failure to adequately address the quantitative requirements set out in the Interested Party's submission, Rep 4 – 079. That submission challenged the foundational integrity of the site selection process by establishing that:

- Zero-Flood-Risk Alternative Sites (AP14, AP15, AP17) are sequentially preferable².
- The Applicant's only defence for rejecting these sites is an unquantified assertion of "technical and commercial feasibility," thereby substituting policy compliance with unsubstantiated commercial preference³.

The information requested is essential to audit whether the Order Limits were determined by preferential land deals over the statutory duty to avoid flood risk.

1. Request 1: Quantified Comparative Financial Analysis (The Viability Test)

The ExA must verify the Applicant's claim that the cost penalty of avoiding flood risk (by extending the cable) is genuinely project-breaking.

The ExA is requested to compel the Applicant to submit:

A. The Complete Comparative Financial Model

A full, auditable comparative financial analysis model, demonstrating the financial viability contrast between the Proposed Development (High Marnham) and the most sequentially preferable, zero-flood-risk alternative sites (e.g., AP14, AP15, AP17). This model must quantify the trade-off as follows:

Metric	High Marnham (Proposed Site)	Zero-Flood-Risk Alternative (e.g., AP14)	Justification for Materiality
Total Capital Expenditure (CapEx)	Submitted figure, including required flood mitigation infrastructure (e.g., raised BESS and substations) ⁴ .	Calculated Figure: Estimated cost of extended cable routing (including civil works, materials, and land rights assembly) ⁵ .	To verify that the cable extension cost for the alternative site is sufficiently high to negate the benefit of avoiding significant flood risk.
Operational Costs & Process Losses	Long-term operational costs, including insurance and maintenance in a 54% Flood Zone 2/3 area ⁶ .	Calculated Cost: Monetary valuation of the incremental process losses (reduced yield due to cable distance, AC/DC losses, etc.) over the entire project lifetime ⁷ .	To test the economic efficiency argument for grid proximity against the environmental mandate ⁸ .
Net Present Value (NPV) Analysis	Final calculated financial return, incorporating all mitigation costs.	Calculated NPV: Final financial return, incorporating the CapEx/OpEx penalty of the extended cable run.	To directly compare the commercial viability, which is essential to determine if the Applicant has complied with NPS EN-1 ³ .

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B. Methodology and Assumptions

The Applicant must disclose the key financial and technical assumptions underpinning the NPV calculation, including the Weighted-Average Cost of Capital (WACC) and the Discount Rate used, with justification for the chosen rates⁷.

2. Request 2: Chronological Details of Land Negotiations (The Commercial Motive Test)

The Planning Practice Guidance (PPG) makes clear that alternative lower-risk sites "do not need to be owned by the applicant to be considered 'reasonably available'"⁹. The Applicant's omission of land assembly timelines prevents the ExA from auditing whether the site selection was driven by a prior favourable lease deal¹⁰.

The ExA is requested to compel the Applicant to submit:

A. Chronological Land Acquisition Log

A detailed, parcel-by-parcel log for all land currently within the Order Limits for which the Applicant holds an Option/Lease Agreement or is seeking Compulsory Acquisition (CA) powers. The log must chronologically detail:

- Date of Initial Contact: The date the Applicant (or its agent) first engaged with the landowner/occupier regarding the land parcel.
- Date of Option Agreement Execution: The date any legally binding option agreement or heads of terms for a lease was executed for that specific parcel.

B. Alternative Site Engagement Record

The Applicant must submit the Alternative Site Assessment Log (referenced in the Planning Statement) detailing:

- The engagement undertaken with landowners or agents of the zero-flood-risk alternative sites (AP14, AP15, AP17).
- The documented reason why those lands were deemed "not available," confirming that non-ownership or lack of land assembly was not the deciding factor.

3. Conclusion and Procedural Direction

The failure to provide the requested financial and chronological information constitutes a material gap in the evidence base, preventing the ExA from verifying the Applicant's core justification for site selection. The ExA's use of its Rule 17 power is essential to restore the integrity of the Examination by providing the objective metrics needed for meaningful scrutiny.

We respectfully request that the ExA issues this Rule 17 Request immediately, requiring the Applicant to provide the information within 15 business days, to ensure the Examination proceeds on a robust, verifiable, and legally compliant evidential foundation¹⁰.

Yours faithfully,

Stephen Fox

Footnotes

1. The Infrastructure Planning (Examination Procedure) Rules 2010, Rule 17(1).
2. Sequential and Exception Test Assessment Addendum. Sites AP14, AP15, and AP17 were found to be wholly outside the flood zones, making them sequentially preferable.
3. Overarching National Policy Statement for Energy (EN-1), paragraph 4.3.15, states that alternative selection must consider environmental, social, economic effects, and technical and commercial feasibility.
4. The Applicant's flood mitigation strategy requires all critical electrical infrastructure to be outside of Flood Zones 2 and 3, which necessitates significant CapEx for raised infrastructure.
5. Costs for complex linear infrastructure like cable runs, particularly subterranean systems, are highly variable and must be quantified to justify rejection of alternatives.
6. Approximately 54% of the Proposed Development Order Limits fall within Flood Zone 2 and 3.
7. NPV calculation requires disclosure of WACC and monetary valuation of all technical losses (cable losses, downtime, degradation) for an accurate Levelized Cost of Energy (LCOE).
8. The Applicant's justification for selection is based on grid capacity and proximity, arguing this minimizes process losses and cost.
9. Planning Practice Guidance (PPG), Flood Risk and Coastal Change, paragraph 028: Alternative sites "do not need to be owned by the applicant to be considered

'reasonably available'."

10. Solar farm option agreements typically reserve land for the developer for several years. The date of execution relative to the viability assessment is critical.

11. The ExA is expected to ensure timely submission to maintain the integrity of the Examination timetable.