

From: [REDACTED]
To: [One Earth Solar](#)
Subject: Request under Rule 17 and the ExA's procedural powers re 5mm Tolerance
Date: 01 December 2025 09:38:41
Attachments: [Request under Rule 17 and the ExA's procedural powers regarding storage loss tolerance..docx](#)

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]

01 December 2025.

Dear Sirs

This **submission** constitutes a formal request pursuant to Rule 17(1) of The Infrastructure Planning (Examination Procedure) Rules 20101. We respectfully ask the Examining Authority (ExA) to issue a Rule 17 request to the Applicant for the information detailed in the attached document **Request under Rule 17 and the ExA's procedural powers regarding storage loss tolerance.**

Yours faithfully

Stephen Fox

Request under Rule 17 and the ExA's procedural powers regarding storage loss tolerance.

The Examining Authority is requested to issue a direction requiring the Applicant and the Environment Agency, by reference to Table 1, to explain the change in their positions at each date. With reference to table 2 The environment agency is to be asked if table 2 represents their current position. If so to justify this position in detail. The Applicant is to produce evidence that the position as stated in Table 2 is as agreed by the Environment Agency.

Date	Applicant Action/Claim	EA Response/Position	Significance/Procedural Shift
01/03/2025	ES: Initial claim of “no significant floodplain storage loss”; reference to modelling limitations.	EA requests clarification on modelling resolution and volumetric impact. Applicant refers to 5 mm vertical mesh tolerance, no volumetric evidence provided.	Applicant refers to 5 mm vertical mesh tolerance, no volumetric evidence provided.
15/04/2025	FRA: Reiteration of “tolerance” claim; suggests EA agreement in principle.	EA states “no formal endorsement of tolerance threshold”; requests compensatory storage analysis.	Terminology shifts from modelling to regulatory tolerance.
10/06/2025	SoCG Rev 1: Applicant asserts “EA has agreed to 5 mm tolerance.”	EA clarifies position: “Engagement ongoing, no definitive agreement reached.” EA requests further evidence and peer review.	EA requests further evidence and peer review.
01/09/2025	SoCG Rev 2: Applicant cites “agreement in principle” from EA.	EA reiterates “no binding agreement; guidance requires no net loss unless negligible impact proven.” Applicant provides revised modelling, still lacks volumetric justification.	Applicant provides revised modelling, still lacks volumetric justification.
15/10/2025	Deadline 4 Submission: Applicant maintains EA states “tolerance not defined in published guidance; 5 mm		Procedural ambiguity persists.

	tolerance claim. compensatory storage expected.”		
01/11/2025	Final SoCG: Applicant cites EA’s “agreement in principle” as regulatory acceptance.	EA issues statement: “Non-binding; no formal threshold endorsed.” Examining Authority requests clarification.	Examining Authority requests clarification

Table 2

Assessment Aspect	Details
Structures Considered	Panel frames and voided inverter structures
Increase in Flood Depth (West of River Trent)	+2.2 mm
Increase in Flood Depth (East of River Trent)	+3.5 mm
EA Tolerance Indicated	5 mm
Consideration of Flood Risk Impact	Impact is considered negligible based on assessment
Review and Reassessment	To be reviewed at detailed design stage under Flood Risk Mitigation Requirement 22
Environment Agency Confirmation	Matter agreed following review of updated draft FRA; updated FRA to be submitted at Deadline 5