

From: [REDACTED]
To: [One Earth Solar](#)
Subject: Re: Statutory Minimalism and Technical Denial
Date: 02 December 2025 22:11:12

For the avoidance of doubt the above submission is made on the following terms and conditions
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

Regards

Stephen Fox

On Tue, 2 Dec 2025, 16:46 Stephen Fox, [REDACTED] wrote:

TO: The Examining Authority **PROJECT:** One Earth Solar Farm (EN010159) **FROM:** Stephen Fox (Interested Party Ref: [REDACTED]) **DATE:** 02.12.25 **SUBJECT:** CLOSING SUBMISSION: The “Evidentiary Vacuum” and the Unquantified Risk to Public Safety

Dear Sirs

Please accept this as a submission for deadline 6.

Statutory Minimalism and Technical Denial

1. Summary: A Verdict on Evidence, Not Assertion

1.1 This submission serves as a final critique of the Applicant’s conduct and evidence base throughout this Examination. It is the position of this Interested Party that the Applicant has adopted a strategy of **Statutory Minimalism and Technical Denial**. When faced with specific, peer-reviewed scientific challenges regarding hydrology, and clear legal challenges regarding site selection, the Applicant has responded with corporate opinion, procedural deflection, and reliance on “standard practice” rather than robust data.

1.2 As the Examination closes, a dangerous “**Evidence Gap**” remains on the record. Most critically, in their Deadline 4 response (D4R82), the Applicant admitted that “**fluvial hydraulic modelling... is ongoing.**” This is a startling admission that the fundamental safety case for this Nationally Significant Infrastructure Project (NSIP) remains incomplete.

1.3 The failure of Statutory Consultees to call out the evidence gap at the earliest stages of, and throughout, the examination is a major concern rendering a head count of their opinions vacuous.

1.4 The ExA is therefore being asked to recommend approval based on a hypothesis of safety, rather than demonstrated proof. To do so would be legally hazardous and a

derelection of the Precautionary Principle.

2. The Hydrological Deficit: Science vs. Dogma

The Argument: 2.1 Throughout the Examination, I have submitted evidence from **Baiamonte et al. (2023)** demonstrating that utility-scale solar arrays act as “disconnected impervious surfaces.” The empirical data confirms that the concentration of rainfall at the panel dripline increases kinetic energy, leading to a **peak discharge increase of up to 11x** compared to greenfield sites.

The Applicant’s Failure (Ref: D3 Response 5.3.3): 2.2 The Applicant dismissed this peer-reviewed science solely on the basis of “climate context” (arguing it was based on Mediterranean soils because of their failure to understand what a controlled experiment is). This is a **hypothesis**, not a rebuttal. 2.3 The Applicant has failed to provide:

- **A Control Model:** No site, or UK, specific modelling has been run to prove that the physics of kinetic energy concentration does not apply to the specific soil compaction profile of the One Earth site.
- **Compaction Data:** No analysis of how the driven-pile foundation method permanently alters deep-soil infiltration rates.

The Conclusion: 2.4 The Applicant is relying on the 2013 *Cook & McCuen* standard, effectively arguing that “grass solves physics” (the latter called for the empirical and scientific evidence provided by Baiamonte). By refusing to model the *Baiamonte* coefficients using the **SHETRAN** method requested, the Applicant has failed to prove the scheme will not increase flood risk elsewhere.

3. The “Phantom” Evidence: Admission of Incomplete Modelling

The Admission: 3.1 In response to **D4R82**, the Applicant states: “*The EA have requested that fluvial hydraulic modelling be undertaken to assess the impact of the Proposed Development on flood flows. This modelling exercise is ongoing.*”

The Implications: 3.2 This is a critical procedural failure. The NSIP regime is predicated on a “front-loaded” process.

- **Lack of Scrutiny:** Interested Parties and Local Authorities cannot critique modelling that does not exist. We are effectively excluded from the examination of this critical safety data.
 - **Decision Risk:** If the ExA closes the Examination while this modelling is “ongoing,” the Secretary of State will be making a decision based on incomplete environmental information, rendering the DCO vulnerable to Judicial Review.
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4. The “Tillbridge” Fallacy: A House of Cards

The Applicant’s Defence (Ref: D4R76): 4.1 The Applicant attempts to dismiss the need for a **Joint Regional Hydrological Model** by citing the recent *Tillbridge Solar Project* decision, arguing that because the Secretary of State did not require it there, it is not required here.

The Rebuttal: 4.2 This is a dangerous logical fallacy and its reflects on the PINS NSIP process for assessing huge solar farms that it could even be considered credible). If the *Tillbridge* examination also relied on outdated 2013 hydrological assumptions and failed

to account for the “11x peak discharge” factor, then that precedent is factually unsafe. 4.3 Relying on a previous administrative decision to ignore new scientific evidence presented in *this* Examination is unlawful. The cumulative risk of the Trent Valley “Cluster” (One Earth, Cottam, West Burton, Great North Road) represents a systemic hydrological alteration. A legal shield is not a flood defence.

5. The Sequential Test: Legal Non-Compliance

The Policy Shift: 5.1 The September 2025 clarification to the **Planning Practice Guidance (PPG)** explicitly states that for the Sequential Test, “**Ownership is irrelevant**” when assessing the availability of alternative sites.

The Applicant’s Failure (Ref: D4R77): 5.2 The Applicant claims they did not discount sites “solely” because of ownership. This is a retrospective alteration of their narrative. Their site selection methodology heavily weighted “willing landowners” within a narrow 10km search area. 5.3 They have failed to produce a re-evaluation of **Flood Zone 1 (FZ1)** sites based purely on **suitability** (i.e., could a solar farm technically be built there?), ignoring the ownership constraints. 5.4 Consequently, the Applicant has failed to demonstrate that there are no reasonably available sites at lower flood risk, placing the application in breach of the NPPF.

6. Procedural Conduct: A Pattern of Evasion

6.1 The Applicant’s conduct throughout this process has been characterised by evasion.

- **The “Lost” Minutes:** The [REDACTED] omission of the 1 August 2024 meeting script and minutes from the Consultation Report (admitted in D3/D4 but dismissed as non-statutory) demonstrates a willingness to [REDACTED]
 - **The Resource Gap:** The Applicant’s dismissal of Nottinghamshire County Council’s admitted lack of resources to police the drainage strategy (D3 5.5.2) relies on the *theory* of enforcement rather than the *reality* of public safety.
 - **The moving feast of their representation of what the Environment have agreed.**
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7. Final Request to the Examining Authority

The Applicant has met **Scientific Evidence** with **Corporate Assertion**. They have met **Legal Challenge** with **Procedural Deflection**.

I respectfully request that the Examining Authority:

1. **RECOMMENDS REFUSAL** on the grounds that the Applicant has a) failed to demonstrate, via completed and tested modelling, that the project is safe for its lifetime and will not increase flood risk elsewhere (NPS EN-1), b) failed to legally apply the Sequential Test c) failed to demonstrate that their proposal complies with WFD requirements and d) have failed to conduct themselves in accordance with requirements of the planning act and associated guidance.
2. **DISREGARDS THE TILLBRIDGE PRECEDENT**, as it does not account for the specific geotechnical and hydrological risks (driven pile compaction and Baiamonte runoff factors) presented in evidence for *this* specific site.

3. **RECOGNISES THE EVIDENCE GAP:** To approve this project is to approve a risk that has been identified but not quantified.
4. **Recommends to the secretary that:** the NSIP assessment regime for assessing Solar Farms is put on hold and reviewed urgently and that the resource gap displayed by both the LLFA's and the Environment agency is addressed as a matter of urgency as it renders NSIP planning approval regime unsafe.

Statement of Truth: The submissions made by this Interested Party have been substantial, technical, and evidenced. The Applicant's failure to engage with them substantively represents a failure of the DCO process to protect the public interest.

Yours faithfully

Stephen Fox Interested Party Ref: [REDACTED]