

From: [REDACTED]
To: [One Earth Solar](#)
Subject: CLOSING POSITION STATEMENT OF STEPHEN FOX
Date: 14 December 2025 16:47:35

To The Examination Authority
One Earth Solar Farm (EN010159)

INTERESTED PARTY REFERENCE: [REDACTED]
INTERESTED PARTY: Stephen Fox
PROJECT: One Earth Solar Farm (EN010159)
DATE: 14 December 2025
SUBMISSION: Closing Position Statement (Deadline 7)

Dear Sirs

CLOSING POSITION STATEMENT OF STEPHEN FOX

1. SUMMARY AND PROCEDURAL STANDING

1.1 Formal Reservation of Rights

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, Examining Authority (ExA) bias, unlawful censorship, or fundamental flaws in the Administrative Record.¹ All rights to seek Statutory Appeal and Judicial Review against the final Development Consent Order decision are fully reserved.

1.2 Summary of Position

It is the Interested Party's final position that the Environmental Statement (ES) submitted by the Applicant is entirely inadequate. The Applicant's approach to the examination has been characterized by the delayed disclosure of critical information and a failure to engage with the spirit and letter of relevant guidance. 2

I have provided evidence of this at Deadlines 3, 4, and 5. This conduct has continued and has resulted in a concerning dynamic where the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) appear to have acquiesced to the Applicant's commercial pressure, failing to discharge their statutory duties.³ Consequently, the Applicant has adopted a strategy of non-engagement, failing to respond to competent scientific challenges to their submissions.⁴

2. PROCEDURAL INTEGRITY AND THE DUTY OF CANDOR

2.1 Systemic Inequality of Arms

Throughout the examination, the Applicant has employed a strategy of late submission. Critical information regarding flood risk modelling, site selection alternatives, and a number of environmental and WFD impacts has been withheld until the final stages and even at deadline 6 are not in their final form. This tactical delay exhausts the resources of Interested Parties and hinders forensic scrutiny.

2.2 Allegation of Applicant [REDACTED]

While I maintain a respectful stance towards the examination process, I must reiterate a serious legal concern. The systematic [REDACTED] of material evidence—specifically the "missing" Health Survey and the meeting script and associated correspondence 5 and the refusal to disclose raw hydrological coefficients 6—breaches the Applicant's duty of Candor.

It is my submission that this conduct satisfies the criteria for a [REDACTED]

[REDACTED], contrary to [REDACTED]. The Applicant is under a legal duty to provide a complete Environmental Statement; by withholding data to secure a Development Consent Order, they are seeking a [REDACTED]. The ExA has been placed on notice of this issue since my Relevant Representation, and the failure to investigate this [REDACTED] creates a significant flaw in the Administrative Record.

3. SUBSTANTIVE CONTRIBUTIONS AND DEADLINE 7 SUBMISSIONS

I have at every stage made constructive contributions to this Examination. I commend my submissions at Deadlines 1 through 7 to you and ask whether, on a scientific or legal basis, you can recommend this proposal for acceptance.

For a detailed representation of my legal and technical position, I refer you specifically to my submissions at **Deadline 7**, namely my letter dated **9th December 2025** headed *Submission of Forensic Hydrological Audit and Legal Rebuttal*, and the following constituent documents:

1. *Forensic Examination and Clinical Critique of Environmental Submissions for the One Earth Solar Farm Development Consent Order*
 2. *Evidence of Systemic Deficiencies in Environmental Statement Chapter 7 (Revision 05)^7*
 3. *Forensic Hydrological Audit and Regulatory Rebuttal: The Systemic Failure of the Environment Agency's Response^8*
 4. *Conclusive evidence of a [REDACTED]*
 5. *Submissions AS-061 and AS-062 and the two papers that make up REP5-111*
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4. FORENSIC HYDROLOGICAL AUDIT: EVIDENCE OF DEFICIENCY

The hydrological assessment underpins the safety case for this development. The Interested Party submits that the Applicant's Flood Risk Assessment (FRA) is fundamentally flawed.

4.1 The 39,000 Cubic Metre Storage Deficit

The Applicant has failed to compensate for the displacement of an absolute minimum of **39,000 cubic metres** of floodplain storage.⁷ This volume, displaced by mounting structures and raised tracks, will inevitably increase flood risk elsewhere, contrary to National Planning Policy.

4.2 Runoff Coefficients and Verification

The Applicant relies on the assertion that solar panels do not increase runoff, ignoring the physics of concentrated flows at the drip line on clay soils. Critically, the Applicant has refused to provide the **raw hydrological coefficients** used in their models.⁶ This refusal prevents independent verification and forces the ExA to rely on unaudited data.

5. THE WATER FRAMEWORK DIRECTIVE AND LEGAL IMPOSSIBILITY

The *Forensic Examination and Clinical Critique* demonstrates that granting this DCO would violate the Water Framework Directive (WFD). The Applicant's assessment ignores the **cumulative hydraulic impact** of other NSIPs in the region, which will cause a **deterioration** in the status of the water body via increased sediment transport and runoff.⁸

Under the WFD, causing "deterioration" is prohibited unless a derogation is granted. A strict condition for this derogation is that **"no better environmental option"** exists.

5.1 The "Constellation" Alternative (REP4-079)

In submission **REP4-079**, I formally identified a "constellation" of sites in Flood Zone 1 that can deliver the same power capacity.⁹ These sites are viable, safer, and undeniably a "better environmental option."

Because this superior alternative exists on the record, the legal condition for a WFD derogation **cannot be met**. Therefore, the project remains in breach of the WFD and is unlawful.

6. FINAL REQUEST TO THE EXAMINING AUTHORITY

The Interested Party asks the ExA, in good conscience and mindful of their independent status, to recognize that the evidence on record has created a legal impasse.

6.1 The "Rule 19" Procedural Bar

The Secretary of State cannot grant this Order without addressing the Constellation alternative. If the Secretary of State attempts to dismiss this alternative or introduce new evidence to justify the decision without reopening the examination, they will violate **Rule 19 of the Infrastructure Planning (Examination Procedure) Rules 2010**.

I therefore request that you:

1. **RECOMMEND REFUSAL:** Advise the Secretary of State that the DCO cannot legally be granted because the existence of the Constellation alternative (REP4-079) prevents the satisfaction of Water Framework Directive derogation tests.
2. **REPORT THE NON-DISCLOSURE:** Explicitly note in the Report of Findings the allegations regarding the [REDACTED] of the 01.08.24 meeting and the [REDACTED] of the associated script and correspondence and minutes and of the Health Survey and hydrological data, which I submit constitutes a [REDACTED].
3. **UPHOLD THE RULE OF LAW:** Recognize that the statutory requirement for a legally sound decision overrides any administrative imperatives.

FOOTNOTES

1 S. Fox, "Reservation of Rights" (Deadline 3 submission); see also "Submission of Forensic Hydrological Audit and Legal Rebuttal" (Deadline 7).

2 S. Fox, "Critique of Applicant's responses to Deadline 4 submissions" (Deadline 5).

3 S. Fox, "Forensic Hydrological Audit and Regulatory Rebuttal: The Systemic Failure of the Environment Agency's Response" (Deadline 7).

4 S. Fox, "Critique of Applicant's responses to Deadline 4 submissions": Refusal to disclose raw hydrological coefficients.

5 S. Fox, "Response to ExQ3 Q1.0.1: The Missing Health Survey as a Material Consideration".

6 S. Fox, "Critique of Applicant's responses": Commercial secrecy and refusal to disclose data.

7 S. Fox, "Evidence of Systemic Deficiencies in Environmental Statement Chapter 7 (Revision 05)" and "Submissions AS-061 and AS-062".

8 S. Fox, "Analysis of WFD Compliance for the One Earth Solar Farm" and "Technical Critique of ES Appendix 7.2" (Deadline 6).

9 S. Fox, Submission REP4-079 "Robust Consideration of Alternative Site Constellations"; see also S. Fox, "Policy Breach, Financial Fallacy, and the Superiority of Constellation Sites".