

From: [REDACTED]
To: [One Earth Solar](#)
Subject: Re:
Date: 14 December 2025 05:18:29

For the avoidance of doubt my Interested party number is [REDACTED] and the above submission is made under the following terms.

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.

On Sun, 14 Dec 2025 at 05:14, Stephen Fox [REDACTED] wrote:

TO: The Examining Authority (EN010159) **SUBJECT:** SUBMISSION ON THE INDEPENDENT STATUTORY DUTIES OF THE EXAMINING AUTHORITY RE: ALLEGATIONS OF [REDACTED] AND EVIDENCE [REDACTED]

14.12.25

Dear Sirs

1. The Independent Status of the ExA I submit this representation to remind the Examining Authority (ExA) of its status as an independent quasi-judicial tribunal appointed under the Planning Act 2008. The ExA's duty is to the Secretary of State and the public interest. This duty is personal and non-delegable. It cannot be overridden by the internal administrative policies, "speed targets," or case management directions of the Planning Inspectorate's corporate management (specifically the Operations Directorate).

2. The Rule Against Fettering Discretion Under Section 87 of the Planning Act 2008, the ExA has the sole discretion to determine the procedure of this examination. I have provided credible evidence that the Applicant has submitted a [REDACTED] Consultation Report (by suppressing the Mental Health Survey of 109 residents and [REDACTED] the Meeting Script). If the ExA refuses to investigate this evidence based on PINS internal policy (e.g., "we do not look at pre-application conduct" or "this is sub judice"), the ExA is unlawfully fettering its discretion. You are permitting administrative convenience to override your statutory duty to ensure the application is robust and lawful.

3. The Duty of Inquiry (Tameside) The ExA cannot lawfully recommend a Development Consent Order based on a [REDACTED] evidence base. You have a positive duty under *Secretary of State for Education and Science v Tameside MBC* to acquaint yourselves with relevant information. By redacting my previous submissions and refusing to compel the Applicant to produce the [REDACTED] survey, the ExA is actively choosing to remain uninformed. This renders any future recommendation irrational and vulnerable to quashing in the High Court.

4. Demand for Action I require the ExA to exercise its independent powers under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 to: a) Compel the Applicant to produce the unedited "Mental Health Survey" and "Meeting Script" immediately. b) Confirm that the ExA will assess this material independently of any instruction from PINS management.

Failure to do so will be cited as evidence of **Institutional Bias** and **Misfeasance** in any subsequent Judicial Review.

Yours faithfully

Stephen Fox

--

Regards

Stephen