

From Mr David White
On behalf of the communities of North and South Clifton
Email: [REDACTED]
29th Dec 2025

To: The Planning Inspectorate

IP Ref: [REDACTED]

Subject: Procedural Fairness and Outstanding Consultee Responses – One Earth Solar Farm (EN010159)

Dear Sirs,

We write to submit the following documents in relation to the One Earth Solar Farm examination:

- **1-Procedural Fairness Letter – Lincolnshire Fire and Rescue Concerns (Dec 29, 2025)**
Highlights concerns regarding access to information from Lincolnshire Fire and Rescue Service.
- **2-Original FOI Request to Lincolnshire Fire and Rescue Service (13 Oct 2025)**
Copy of the FOI request submitted by the Interested Party.
- **3-FOI Response from Lincolnshire Fire and Rescue Service (FOI Ref: 14104338, 18 Dec 2025)**
Copy of the response/refusal received.
- **4-FOI Internal Review Request – Lincolnshire Fire and Rescue Service (Dec 29, 2025)**
Our internal review request under the Environmental Information Regulations.
- **5-Rule 17 Request – Disclosure of Fire Safety Evidence (Dec 29, 2025)**
Formal request for the Examining Authority to compel submission of evidence from Lincolnshire Fire and Rescue Service and/or the Applicant, including correspondence, reports, and technical assessments relating to the proposed BESS.
- **6-Procedural Fairness Letter – Environment Agency (Oct 31 & Nov 28, 2025)**
Documentation of FOI requests to the EA and absence of substantive response.
- **7-Original FOI Request to Environment Agency (13 Oct 2025)**
Copy of the FOI request submitted by the Interested Party.
- **8-FOI Response from Environment Agency (FOI Ref: EIR2025-36263, 4 Nov 2025)**
Copy of the response/refusal received.
- **9-2nd FOI Request to Environment Agency (28 Nov 2025)**
Copy of the 2nd FOI request submitted by the Interested Party.
- **10-Rule 17 Request – Disclosure of Environment Agency Evidence (Dec 29, 2025)**
Formal request for the Examining Authority to compel submission of environmental evidence relating to WFD compliance, water storage, and drinking water safety.

We are submitting these documents to ensure the Examining Authority is aware of a **pattern of limited access to relevant information from key statutory bodies**. The absence of timely disclosure has **materially constrained the ability of Interested Parties to fully review and respond to matters of environmental and public safety risk**, particularly in a **time-limited examination**.

These outstanding responses are particularly significant given the **potentially severe environmental and public health implications**, including flooding risks, compliance with the Water Framework Directive, and impacts on the **North Clifton Reservoir, the River Trent, and the Anglian Water treatment plant**, which supply drinking water to approximately **100,000 residents of Lincoln**.

We note that the Applicant's **final submission is scheduled for 6 January 2026**, and the examination closes on **8 January 2026**. Given the timing, Interested Parties will **not have sufficient opportunity to review or respond** to evidence once it is provided by the Environment Agency or Lincolnshire Fire and Rescue Service. This situation is particularly disappointing, as our communities have consistently sought to engage **meaningfully, knowledgeably, and constructively** throughout the examination, yet we are being **thwarted by the absence of critical information**.

We respectfully request that the Examining Authority:

- **Notes these submissions** and the broader pattern of delayed or withheld information;
- **Considers procedural steps** to ensure all relevant evidence is made available, including whether further submissions from Interested Parties should be permitted once the withheld information is received;
- **Encourages timely provision** of evidence from statutory consultees where possible, so that the examination record is complete and capable of proper scrutiny.

These steps are requested **in the interests of procedural fairness, transparency, and robust engagement with all relevant evidence**, and to ensure that the examination can properly consider matters of public health, environmental protection, and safety before it concludes.

Please do not hesitate to contact us should you require any further clarification regarding these submissions.

Yours sincerely,

Mr David White
On behalf of the communities of North and South Clifton

From Mr David White

On behalf of the communities of North and South Clifton

Email: [REDACTED]

29th Dec 2025

To: The Planning Inspectorate

IP Ref: [REDACTED]

Application Reference: EN010159 – One Earth Solar Farm

Subject: Examination Representation – Procedural Fairness and Access to Information from Statutory Consultees (Lincolnshire Fire and Rescue Service)

Dear Sirs,

We write to raise a **matter of procedural concern** arising from our attempts to obtain relevant information from statutory and technical consultees during the course of the examination of the above application. This representation is submitted separately and specifically in relation to our concerns about **transparency, timing, and fairness** in the examination process, rather than any perceived merits of the development itself.

As an interested party, we have sought throughout the examination to engage constructively and on an informed basis with matters of **environmental risk, emergency response, and public safety**. To that end, we submitted a Freedom of Information / Environmental Information Regulations request to Lincolnshire Fire and Rescue Service on **13 October 2025**, seeking information directly relevant to fire safety considerations, emergency response capability, and consultation undertaken in respect of the proposed development.

While we acknowledge that Lincolnshire Fire and Rescue Service subsequently requested additional time to respond, a substantive response was not provided until **18 December 2025** (copy submitted alongside). By this stage, the examination was approaching its conclusion. Regardless of the legal merits of the response itself, the timing has **materially limited our ability**, and that of other interested parties, to consider, test, or respond meaningfully to matters of fire safety and emergency planning during the examination period.

We respectfully submit that the timing of access to information is **not a peripheral issue** but goes to the heart of procedural fairness in a **time-limited examination process**. Once an examination window closes, the opportunity for effective scrutiny, informed questioning, or responsive representation is significantly curtailed, even if information is disclosed at a later date.

Lincolnshire Fire and Rescue Service has confirmed that it holds information within the scope of our request but has declined to disclose it at this stage, citing exceptions under the Environmental Information Regulations relating to the **confidentiality of proceedings and internal communications**. We do not seek, in this representation, to challenge the legal application of those exceptions (we have requested a review – copy also submitted). However, we consider it important to draw the Examining Authority's attention to the practical effect of this position.

In particular:

- Published examination documents, including the **Statement of Common Ground**, confirm that Lincolnshire Fire and Rescue Service has engaged with the applicant on **fire safety** and **emergency response** matters.
- The **underlying correspondence, internal assessments, and technical documents** referenced in that engagement **are not publicly accessible** through the Planning Inspectorate's document library.
- We have **not been able to obtain these documents via our EIR requests** during the examination period.
- As a result, interested parties have **limited ability to fully review or test** the fire safety and emergency response evidence relied upon by the applicant and consultees during the examination.

We also note that, as set out in our **additional letters submitted today**, similar concerns arise in relation to other statutory and expert bodies. The **Environment Agency** has not responded in any detail to **two Freedom of Information requests** despite the statutory deadlines, the 2nd of which expires in two days, and the **Drinking Water Inspectorate** and **Defra** appear not to have been meaningfully consulted. Taken together, these issues suggest that key evidence from multiple relevant bodies may not have been made available to interested parties during the examination, further limiting our ability to engage fully with the assessment of environmental and public safety risks.

The cumulative effect is that the examination is progressing, and potentially concluding, without interested parties having had timely or equal access to information that may be relied upon, implicitly or explicitly, by decision-makers. This creates an **asymmetry of information** which, in our respectful view, is difficult to reconcile with the principles of **transparency** and **openness** that underpin the examination of nationally significant infrastructure projects.

We also note that the reasons given for withholding information place significant weight on the need to avoid scrutiny, challenge, or external questioning during the live examination process. While we understand the importance of orderly decision-making, we respectfully observe that the ability of the public to **understand, question, and engage** with the evidence base is not interference but a fundamental component of a **fair and robust examination**.

We further note that, even where some degree of confidentiality may properly apply to draft or internal deliberations, the Environmental Information Regulations encourage proportionate approaches, including **partial disclosure, redaction, or staged disclosure**, particularly where the **public interest in contemporaneous understanding** is strong. No such approach has been adopted in this instance.

Taken together, our concerns are not limited to a single authority or request, but point to a broader issue: that the examination risks concluding without full, transparent, and **testable visibility** of key consultee input on matters of **fire safety, environmental risk, and emergency response**. This is particularly concerning given the scale of the proposal and its potential implications for sensitive environmental receptors and public safety.

Closing

We respectfully request that the Examining Authority note these concerns and consider whether the current evidential position affords interested parties a fair opportunity to engage with, and respond

to, the information relied upon in the examination. In light of these concerns, and given **the limited time remaining** before the close of the examination, we further request that the Examining Authority considers whether procedural steps are required to remedy this imbalance, including the use of its powers under **Rule 17** to ensure that evidence relied upon by the Applicant and statutory consultees is available for scrutiny within the examination.

We raise this matter in good faith and in the interests of ensuring that the examination process is, and is seen to be, procedurally fair, transparent, and robust.

Yours sincerely

Mr David White
On behalf of the communities of North and South Clifton

Mr David White,

Email: [REDACTED]

10th Oct 2025

Freedom of Information Officer

Lincolnshire Fire and Rescue Service

Lincolnshire County Council

County Offices, Newland

Lincoln, LN1 1YL

Email: customerinformationservice@lincolnshire.gov.uk

Dear Sir/Madam,

Lincs Fire-Brigade Freedom of Information Request – One Earth Solar Farm Application

I am writing under the Freedom of Information Act 2000 to request information held by Lincolnshire Fire and Rescue Service in relation to the proposed *One Earth Solar Farm* development.

Please provide:

1. Copies of all correspondence (including emails, letters, and meeting notes) between Lincolnshire Fire and Rescue Service and:
 - The applicant or their representatives;
 - The local planning authority; or
 - Any other public bodies, including the Environment Agency, concerning the *One Earth Solar Farm* proposal.
2. Any internal reports, consultation responses, or assessments prepared by Lincolnshire Fire and Rescue Service regarding:
 - Fire safety considerations, including the 2 hour fire-fighting run-off capacity;
 - Risks associated with solar infrastructure or battery energy storage systems (if applicable); particularly in the **Drinking Water Protected Area**, and
 - Any recommendations or conditions suggested for the development.
3. Any records of meetings, site visits, or discussions related to the impact of the *One Earth Solar Farm* on fire response capability or operational planning.

Please include information from **January 2023 to the present**.

If any information is already publicly available, please provide the relevant links. If my request exceeds the cost limit, please advise how I may refine it.

I would prefer to receive the information electronically via email at the email address at the top of this letter

Yours faithfully,

Mr David White



**Customer Information
Service**

County Offices
Newland
Lincoln
LN1 1YL

Please ask for: [REDACTED]
FOI Reference: 14104338
Email:
customerinformationservice@icasework.lincolnshire.gov.uk

Freedom of Information Act 2000

Request:

RE: Lincs Fire-Brigade Freedom of Information Request - One Earth Solar Farm Application

I am writing under the Freedom of Information Act 2000 to request information held by Lincolnshire Fire and Rescue Service in relation to the proposed One Earth Solar Farm development.

Please provide:

1. Copies of all correspondence (including emails, letters, and meeting notes) between Lincolnshire Fire and Rescue Service

and:

a. The applicant or their representatives;

b. The local planning authority; or

c. Any other public bodies, including the Environment Agency, concerning the One Earth Solar Farm proposal.

2. Any internal reports, consultation responses, or assessments prepared by Lincolnshire Fire and Rescue Service regarding:

a. Fire safety considerations, including the 2 hour fire-fighting run-off capacity;

b. Risks associated with solar infrastructure or battery energy storage systems (if applicable); particularly in the Drinking Water Protected Area, and

c. Any recommendations or conditions suggested for the development.

3. Any records of meetings, site visits, or discussions related to the impact of the One Earth Solar Farm on fire response capability or operational planning.

Please include information from January 2023 to the present.

Response:

Lincolnshire Fire & Rescue (LFR) confirms that it holds information in scope of the request. We have determined that the information is Environmental Information. Section 39 of the Freedom of Information Act (FOIA) allows an authority to refuse to disclose information where it is environmental information. Therefore, we are responding in accordance with the Environmental Information Regulations (EIR)

Whilst LFR promotes transparency through automatic disclosures where they are legally obliged to do so, this application is currently in process with the Planning Inspectorate (PI) who are the relevant authority in the application. In accordance with their duty under the Town and Country Planning Act 1990 it is necessary for them to obtain information from an authority, including confidential information which would not be routinely disclosed or may be disclosed following the application process.

We have determined that our correspondence as a statutory consultee should not be disclosed whilst the PI is handling the application which has not yet been decided. Our decision to withhold the information is in accordance with Regulation 12(5)d and Regulation 12(4)e of the EIR. The PI is highly transparent in its application process, and they produce specific disclosures to the public, in this case a 'draft statement of common ground.'

We acknowledge the PI is also subject to the FOIA and EIR although they would not inherently publish conversations and deliberations of its statutory consultees. We also realise they may not hold all this correspondence. Any of the correspondence disclosed to them would be used to create its published statement. Whilst it is the position of LFR to ensure it does not affect the PI's application process, it would reconsider whether a disclosure is possible after the decision of the application, or at such a time where any exception is no longer applicable.
Regulation 12 (5) d – confidentiality of proceedings

This exception states that a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of the proceedings of that or any other public authority where such confidentiality is provided by law.

To rely on the exception, we must consider the following

What are the proceedings

The definition of proceedings covers a range of activities including our doings or actions, a legal action or process or a record or account of the activities of a society or of papers submitted to it. The Information Commissioner (ICO) considers the word proceedings implies some formality.

The proceedings, in this case is the application process of the PI which is currently at Examination stage.

Is the confidentiality of those proceedings provided by law

We have determined there is a common law duty of confidentiality whilst the application is in progress. The information we hold, if disclosed, could be used to undermine the planning application process, specifically where it could be used to challenge the process through complaints and information requests. This would be prejudice to that process, and the PI would not expect another authority to create that prejudice.

Guidance states: for the proceedings to be covered by the common law duty of confidence, they must have the quality of confidence. It means, the information must not be in the public domain, not be trivial and be of importance to the confider.

The correspondence includes our deliberations for the pre-application between consultees, including ourselves as a consultee, each expecting it not to be shared outside of the consultation process. We accept that information might be disclosed although we expect a degree of confidentiality. The information is not trivial and carries a degree of importance to the PI in their consideration of the application.

Would disclosing the information adversely affect confidentiality

The ICOs definition states 'Adversely affect' means there must be an identifiable harm to, or negative impact on, the confidentiality of proceedings. We believe that disclosing information during the application process would adversely affect confidentiality. Whilst some of the information is used by the PI to form its public documents, the confidentiality would disclose deliberations including free and frank conversation. The PI would not expect their process to be affected by our disclosure where it could be used to infiltrate their decision making.

Public interest argument in favour of disclosing the information

We accept there is an overriding expectation that information related to a planning application is disclosed. We understand that, as part of the planning application, a high degree of information is already made available to the public. This is evidenced on the PI's website for this application. We realise this does not include all our discussions and accept this information may be of interest to the public.

Public interest in favour of maintaining the exception

The emphasis on this exception is the requirement to protect the confidentiality of proceedings, and we are able to apply this where it relates to us or another authority. We have determined that disclosing this information would adversely affect the PI's ability to proceed through its application process without outside interference.

The general public expects an authority has a common law duty of confidentiality especially when requiring a space for deliberation and consulting on environmental matters. Whilst we acknowledge there is an expectation that environmental information is disclosed, especially where it is arguably in the public interest, we consider there is a duty of confidentiality which the public would agree, should be maintained.

The information requested if disclosed would assist the general public in understanding how the PI reached its decisions. However, this would also have the opposite effect where it would be used to question decisions, create complaints and distort the PIs ability to conclude its application without interference.

Regulation 12(4)(e) – Internal Communications

Regulation 12(4)(e) of the EIR allows the authority to consider an exception where a request is made for internal communications. This exception allows the authority to protect its internal communication process. It is subject to the public interest test.

Disclosure of our internal communications would remove our safe space and would create disruption to our routine processes by dealing with unwarranted requests and outside challenges to our discussions.

In a recent ICO decision the Commissioner stated: The Commissioner accepts that there are occasions when a 'safe space' is needed by public authorities to allow them to formulate policy, debate live issues and reach decisions without being hindered by external comment and/or media involvement. The need for a 'safe space' is to allow free and frank debate, and it is the Commissioner's view that this is required regardless of any impact that the disclosure of information may have. The Commissioner considers the 'safe space' to be about protecting the integrity of the decision-making process and whether it carries any significant weight will be dependent on the timing of the request. In this case, the timing of the request is important. The prominent elements of the above statement are the 'safe space' and the 'timing' of the request which we have alluded to in our response.

Public interest argument in favour of disclosing the information

We accept there is an overriding expectation that information related to a planning application is disclosed. We acknowledge that, as part of the planning application, our internal communications would allow the public to see our internal discussions and understand how we reached a decision.

Public interest in favour of maintaining the exception

We consider the public will reasonably accept we can deliberate and consult on matters from start to finish without unnecessary interference and with a safe space to do so. The advantage of a safe space allows for free and frank discussion which would form a decision.

We are satisfied that the public interest in maintaining exceptions 12(5)d and 12(4)e EIR outweighs the public interest in the information being disclosed.

The planning inspectorate continues to update its website with information. Following our submission to them, we have no further correspondence to consider. Once that decision is made and no longer a live application, we could reconsider the information and whether the exceptions 12(5)d and 12(4)e are withdrawn. We reserve the right to maintain protection of confidential and internal communications.

Please quote the reference number 14104338 in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Lincolnshire County Council, Customer Information Service, County Offices, Newland, Lincoln, LN1 1YL

Or emailed to customerinformationservice@icasework.lincolnshire.gov.uk.

If you are still dissatisfied with the Council's response after the internal review you have a right of appeal to the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Website: [REDACTED]

I will now close your request as of this date.

Yours faithfully

[REDACTED]
Customer Information Advisor

Mr David White,
Planning Officer – North Clifton PM

Email: [REDACTED]

29th Dec 2025

Freedom of Information Officer

Lincolnshire Fire and Rescue Service

Lincolnshire County Council

County Offices, Newland

Lincoln, LN1 1YL

Email: customerinformationservice@icasework.lincolnshire.gov.uk

Subject: Request for Internal Review – EIR Refusal (FOI Reference 14104338)

Dear Sir or Madam,

I am writing to request an internal review of Lincolnshire Fire & Rescue Service's response dated 18 December 2025 to my Environmental Information Regulations request (reference 14104338), originally submitted on 13 October 2025.

I appreciate that the Service has engaged with the request and set out its reasoning for relying on exceptions under Regulations 12(5)(d) and 12(4)(e). However, I respectfully request an internal review on the grounds that the application of those exceptions, and the handling of the request as a whole, do not adequately reflect the requirements of the EIR, particularly in relation to timing, proportionality, and the public interest.

In particular, I ask that the internal review consider the following points:

1. Timeliness and impact of delay

While I acknowledge that additional time was requested, a substantive response was not provided until 18 December 2025. Given that the request was submitted on the 13th October 2025 and relates to a live, time-limited Planning Inspectorate examination, the delay has had a material effect on my ability to consider and engage with the information during the decision-making window. Under the EIR, authorities are required to respond "as soon as possible", and the timing of disclosure is a relevant factor in the public interest test.

2. Scope of Regulation 12(4)(e) – internal communications

The request sought not only internal communications, but also correspondence with external parties, including the applicant, the local planning authority, and other public bodies. I ask that the review consider whether it is appropriate to characterise all information within scope as "internal communications", and whether parts of the requested information fall outside Regulation 12(4)(e) altogether.

3. Application of Regulation 12(5)(d) – confidentiality of proceedings

The refusal relies on a common law duty of confidentiality in relation to the Planning Inspectorate's examination process. I respectfully request that the review reassess whether such confidentiality is "provided by law" in a way that meets the threshold required by Regulation 12(5)(d), particularly given the transparency principles underpinning nationally significant infrastructure planning examinations.

4. Consideration of partial or staged disclosure

The response applies the cited exceptions on a blanket basis. The EIR requires exceptions to be interpreted restrictively and encourages proportionate approaches, including partial disclosure or redaction where appropriate. I ask that the review consider whether some information (for example, finalised assessments or non-deliberative material) could be disclosed without undermining any legitimate interest in maintaining a safe space for deliberation.

5. Public interest balance

While the response acknowledges a public interest in disclosure, I do not consider that sufficient weight has been given to the strong public interest in contemporaneous access to environmental and fire safety information relating to a large-scale infrastructure project, particularly where the absence of such access limits informed public participation in a live examination.

This request for internal review is made in good faith and in the interests of transparency, fairness, and compliance with the spirit and letter of the Environmental Information Regulations. I would be grateful if the review outcome could be provided within the timescale set out in the ICO's guidance.

Yours faithfully,

Mr David White
Planning Office – North Clifton Parish Meeting

From Mr David White
On behalf of the communities of North and South Clifton

29th Dec 2025

To: The Planning Inspectorate

IP Ref: [REDACTED]

Dear Sirs,

Application Reference: EN010159 – One Earth Solar Farm

Request: Intervention under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010

Further to our previous submissions, we write to formally request that the Examining Authority exercises its powers under **Rule 17** to secure the disclosure of fire safety evidence that is currently unavailable to Interested Parties but is being relied upon within the examination.

As evidenced by the attached Freedom of Information refusal notice from **Lincolnshire Fire and Rescue Service (LFR)** (FOI Ref: 14104338, **dated 18 December 2025**), LFR has confirmed that it holds correspondence, internal reports, and risk assessments relating to the fire safety of the proposed Battery Energy Storage System (BESS). The refusal confirms that this material exists but is not being placed in the public domain, on the basis that it forms part of confidential discussions with the Applicant.

FOI Response Refusal after Long Delay

We originally submitted a Freedom of Information request to LFR on **13th October 2025**, fully expecting that a timely response would allow interested parties to engage with the examination without the need for late submissions. The delayed response and refusal has, however, left insufficient time for meaningful scrutiny within the remaining examination period.

The effect of this non-disclosure is that the Applicant and a Statutory Consultee are able to rely on a privately negotiated safety position, while Interested Parties are denied access to the underlying technical evidence needed to scrutinise the adequacy of that position. This creates a clear **inequality of arms** and prevents meaningful testing of matters relating to **major accident hazards**, which are central to the decision-making process.

We respectfully submit that the examination cannot be robust or procedurally fair where primary safety evidence is confined to confidential Statements of Common Ground and is not subject to public scrutiny. This is particularly important in the context of BESS proposals, where fire behaviour, water supply adequacy, and firefighting strategy are matters of legitimate public concern.

Request under Rule 17

We therefore request that the Examining Authority issues a Rule 17 request requiring the submission into the examination of the following material:

- All correspondence between Lincolnshire Fire and Rescue Service and the Applicant concerning the adequacy of water supply, fire containment, and emergency response arrangements for the proposed BESS; and

- Any technical advice, reports, or assessments provided by LFR to the Applicant relating to firefighting strategy, including considerations of “direct firefighting” versus “controlled burn” approaches.

This request aligns with the approach taken during the **Sunnica Energy Farm** examination, where the Examining Authority intervened to ensure that detailed BESS fire safety evidence was placed into the public domain to allow for proper examination and testing.

Time-critical nature of this request

We note that the examination is due to close on **8 January 2026**. Given the limited time remaining, we respectfully request that the Examining Authority considers one of the following proportionate and time-efficient remedies:

- issuing a Rule 17 request directly to Lincolnshire Fire and Rescue Service; **or**
- alternatively, directing the Applicant to submit the same material into the examination, insofar as it has been provided to them by LFR and is being relied upon in support of the application.

Either approach would allow the Examining Authority to ensure that the examination record contains the evidence necessary to support a reasoned conclusion on BESS fire safety, while maintaining procedural fairness for all parties.

Yours sincerely

Mr David White
On behalf of the communities of North and South Clifton

From Mr David White
On behalf of the communities of North and South Clifton
Email: [REDACTED]
29th Dec 2025

To: The Planning Inspectorate

IP Ref: [REDACTED]

Application Reference: EN010159 – One Earth Solar Farm

Dear Sirs,

Subject: Examination Representation – Procedural Fairness and Access to Information from Statutory Consultees (Environment Agency)

We write to raise a matter of procedural concern regarding access to information from the Environment Agency (EA) during the examination of the above application. This submission relates to the **procedural fairness and transparency of the examination**, rather than the substantive merits of the development itself.

As Interested Parties, we have sought to engage constructively and on an informed basis with environmental risk, water quality, and public safety matters. To that end, we submitted a **Freedom of Information request to the Environment Agency on 13 October 2025**, seeking recorded information relating to the One Earth Solar Farm planning application, including:

- Minutes, notes, or summaries of meetings or discussions (internal or external) concerning the application;
- Correspondence (emails, letters, or memos) relating to the application;
- Reports, assessments, or evaluations carried out by the EA;
- Guidance, instructions, or decision-making criteria used in reviewing or responding to the application, particularly regarding **Water Framework Directive (WFD) compliance**, potential impacts on the **Drinking Water Protected Area**, and implications for the **North Clifton Reservoir** and **Anglian Water treatment plant**, which provide drinking water for approximately **100,000 residents of Lincoln**;
- Potential long-term impacts from chemical leakage and microplastic pollution associated with permanently buried infrastructure;
- Land use considerations and flood storage tolerance.

On **4 November 2025**, the EA issued a refusal under **EIR Regulation 12(4)(c)**, stating that the request was “too broad” and advising us to submit a more targeted request. Following careful review of the scope of the information held, and in the context of ongoing examination activity — including **Open Floor Hearing 3 on 6 November 2025** and **Deadline 5 on 12 November 2025** — we submitted a **targeted follow-up request on 28 November 2025**, specifically seeking records relating to WFD discussions, internal communications about specialist input, and key meetings held on **16 January 2025** and **29 February 2025**.

The statutory response deadline for this targeted request is on or around the 31st December 2025, two days after the current submission deadline of 29 December 2025. As a result, Interested Parties will not have sufficient time to review, test, or respond to this key environmental evidence within the current examination timetable.

We respectfully request that the Examining Authority notes these concerns regarding long delays and restricted access to environmental information. We further request that the ExA considers whether procedural steps are required, including:

- allowing Interested Parties to make a further submission once the EA response is received, and/or
- using its powers or influence to encourage the EA to provide the requested information in a timely manner, so that the examination record is fully accessible and scrutinisable.

Impact on Procedural Fairness

The delay in, and refusal of, access to this information materially affects procedural fairness. Interested Parties are **unable to scrutinise EA input** on critical issues such as:

- **Water Framework Directive compliance**
- Flood storage, water management, and potential over-spill impacts
- Drinking water quality and safety in the North Clifton Reservoir and Anglian Water treatment plant
- Potential long-term chemical or microplastic contamination of farmland

These matters are of **significant public interest**. The EA's delayed and partial engagement means that **Interested Parties do not have equal access to evidence** relied upon in the examination, creating an asymmetry that undermines transparency and public confidence in the decision-making process.

Closing

We respectfully request that the Examining Authority notes these concerns regarding **long delays and restricted access to environmental information**, and considers whether the current evidential position affords Interested Parties a **fair opportunity to engage with, and respond to, the information relied upon in the examination**.

We emphasise that this matter is particularly important due to the potential impact on **drinking water for approximately 100,000 residents of Lincoln**, including the **North Clifton Reservoir** and **Anglian Water treatment plant**. The EA's refusal and delayed response have **materially limited our ability to scrutinise environmental and water-related risks**, and raise serious procedural fairness concerns in a time-limited examination process.

We raise this matter in **good faith** and in the interests of ensuring that the examination process is, and is seen to be, **procedurally fair, transparent, and robust**.

Yours sincerely

Mr David White

On behalf of the communities of North and South Clifton

Mr David White,

Email: [REDACTED]

Freedom of Information Team
Environment Agency
emdenquiries@environment-agency.gov.uk

10th Oct 2025

Dear FOI Officer,

Subject: Freedom of Information Request – One Earth Solar Farm Planning Application (2023)

Dear FOI Officer,

I am making this request under the **Freedom of Information Act 2000**.

I would like to request all recorded information held by the Environment Agency relating to the **One Earth Solar Farm planning application, announced in 2023**. Specifically, I am seeking copies of:

- Minutes, notes, or summaries of any meetings or discussions (internal or external) concerning the application;
- Correspondence (including emails, letters, or memos) relating to the application;
- Reports, assessments, or evaluations carried out by the Environment Agency in connection with the application;
- Any guidance, instructions, or decision-making criteria used in reviewing or responding to the application in particular with regards to WFD, and the potential effects of a fire-fighting water over-spill, on the Drinking Water Protected Area inside the development zone.
- The potential long term impact from chemical leakage, and microplastic pollution caused by permanently buried decaying XLPE cables.
- Land use considerations – including the long term effects of microplastics pollution and potential chemical leakage on farmland;
- Flood storage tolerance and also how EA flood gates in villages such as North and South Clifton have been included in your reports or studies.

Please also provide, where available, the **names, job titles, and areas of expertise** of Environment Agency staff, contractors, and external representatives who attended or contributed to any such meetings or reports, **limited to those acting in an official or professional capacity**.

I am requesting information covering the period **1 January 2023 to the present date**. If possible, please provide the information in electronic format (e.g. PDF or spreadsheet), and send to the email address at the top of this letter.

If any of the requested information is exempt from disclosure, please provide the non-exempt portions and explain which exemptions are being applied and why. If my request exceeds the cost limit, please advise how I may refine it.

Yours faithfully,

Mr David White

David White

Our ref: EIR2025/36263

Your ref:

Date: 4 November 2025

Dear David,

RE: Environmental Information Regulations: EIR2025/36263

We refer to your request for information regarding Subject: Freedom of Information Request – One Earth Solar Farm Planning Application (2023), which we received on 13 October 2025.

We are handling your request for information under the Environmental Information Regulations 2004 (EIR) as we have determined it to be a request for 'environmental information'.

We regret that we are unable to respond to your request as currently worded. We are refusing your request under EIR regulation 12(4)(c) which states that a public authority may refuse requests that are 'formulated in too general a manner' (e.g. a request that is unclear, non-specific or is open to more than one interpretation).

Regulation 9 - Advice and Assistance

In line with regulation 9(2) if a request has been formulated in too general a manner, then a public authority is required to provide advice and assistance to the customer to rephrase or clarify their request.

We want to be as open as possible in answering requests, and to help you obtain the information you are looking for. To help you to submit a new, revised request for information that will enable us to understand what information you are seeking; please can you advise further regarding the following:

We would suggest limiting your request to a specific time period or to any specific correspondence you are hoping to receive, currently the request is too broad, we would be able to offer information if a more precise request is made. We would also

recommend reading through the Environment Agency's most recent submissions and any previous submissions in relation to the project you are requesting this information for, specifically we would draw your attention to the Environment Agency's responses submitted at deadline 4, in which we respond to a representation made by 'Say No to One Earth' and respond further to the applicant.

We think it may be easier for us to help you if we could give you a call so that you can better understand the information that we hold which falls within your request and you can then confirm and narrow down the information you would like to receive. Please email [REDACTED]@environment-agency.gov.uk with your contact details and a good time to call and she will call you back.

You may find it helpful to browse through our Data Services Platform environment.data.gov.uk/ which contains Environment Agency published data as this may help you to clarify your request.

Public Interest Test

The application of Regulation 12(4)(c) is subject to the public interest test which requires us to balance the public interest factors in favour of disclosing the information against those for in favour of maintaining the exception. Despite the general public interest in making information available on request, and the Environment Agency's commitment to openness and transparency, we find that in this instance the public interest in disclosure is outweighed by the need to deploy our resources in the most effective manner, and not to spend large amounts of time on unclear requests.

Rights of appeal

If you are not satisfied with our decision, you can contact us within two calendar months to ask for the decision to be reviewed. We will then conduct an internal review of our response to your request and give you our decision in writing within 40 working days.

If you are not satisfied with the outcome of the internal review, you can then make an appeal to the Information Commissioner Office, the statutory regulator for EIR and the Freedom of Information Act 2002. Please follow this link to the [ICO online](http://ico.org.uk)

[complaints portal](#). The address is: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate) | Fax: 01625 524 510 Email: icocasework@ico.org.uk | Website: www.ico.org.uk

Yours sincerely,

[REDACTED]
EMD Area Customers and Engagement Team

To report environmental problems please visit www.gov.uk/report-environmental-problem or call the incident hotline on 0800 80 70 60

Please tell us how we did

To help improve your experience as a customer we are currently gathering feedback. If you would like to take part in a short customer satisfaction survey, please click the link below:

[Environment Agency FOI Customer Satisfaction Survey](#)

Mr David White,

Email: [REDACTED]

Freedom of Information Team
Environment Agency
emdenquiries@environment-agency.gov.uk

28th Nov 2025

Dear FOI Officer,

Subject: Freedom of Information Request – One Earth Solar Farm Planning Application (2023)

Dear FOI Officer,

I am making this request under the **Freedom of Information Act 2000**.

I would like to request all recorded information held by the Environment Agency relating to the **One Earth Solar Farm planning application, announced in 2023**. Specifically, I am interested in WFD discussions, and seeking copies of:

- Notes, minutes and any emails and comments on the meeting with the developers on the September 2024, where (as One Earth Commented: “there was no EA specialists present to discuss water quality matters or WFD requirements”).
(Page 3 of Document Reference: EN010159/APP/6.21)
- EA internal emails or letters discussing the need and requirement for a WFD specialist to liaise with the developers.
- The original email sent to One Earth Solar Farm in late January 2025, (as One Earth Commented: “the EA provided an email response (Appendix A3), predominantly making reference to the “Nationally Significant Infrastructure Projects: Advice on the Water Framework Directive1”
Page 3 of Document Reference: EN010159/APP/6.21
- I am also requesting information, including minutes, notes and emails covering the meetings teams meeting on the 16.01.2025, and the email sent to One Earth Solar farm on or around the 29th Feb 2025.

Please provide, where available, the **names, job titles, and areas of expertise** of Environment Agency staff, contractors, and external representatives who attended or contributed to the meetings on the dates above, **limited to those acting in an official or professional capacity**.

If possible, please provide the information in electronic format (e.g. PDF or spreadsheet), and send to the email address at the top of this letter. If any of the requested information is exempt from disclosure, please provide the non-exempt portions and explain which exemptions are being applied and why. If my request exceeds the cost limit, please advise how I may refine it.

Yours faithfully,

Mr David White

From Mr David White
On behalf of the communities of North and South Clifton
Email: [REDACTED]
29th Dec 2025

To: The Planning Inspectorate

IP Ref: [REDACTED]

Dear Sirs,

Application Reference: EN010159 – One Earth Solar Farm

Request: Intervention under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (Environment Agency)

Dear Sirs,

Further to our Procedural Fairness submission regarding access to information from the Environment Agency (EA), we respectfully request that the Examining Authority exercises its powers under **Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010** to secure the submission of evidence that is currently unavailable to Interested Parties.

As evidenced by the attached FOI correspondence:

- We submitted an initial Freedom of Information request to the EA on **13 October 2025**, which was refused on **4 November 2025** under EIR Regulation 12(4)(c) for being “too broad.”
- We subsequently submitted a **more targeted FOI request on 28 November 2025**. The statutory response deadline for this request is **31 December 2025**, two days after the current submission deadline of **29 December 2025**.

The EA holds critical information relating to:

- **Water Framework Directive compliance;**
- Flood storage, water management, and potential over-spill impacts;
- Drinking water quality and safety in the **North Clifton Reservoir** and **Anglian Water treatment plant**, which supply drinking water to approximately **100,000 residents of Lincoln**;
- Potential long-term impacts from chemical leakage, microplastic pollution, and land use changes;
- Internal correspondence, assessments, and technical advice provided to the Applicant regarding these issues.

This information is directly relevant to the examination of the proposed Battery Energy Storage System (BESS) and solar farm development, yet it is currently **not publicly accessible**, leaving Interested Parties without the opportunity to properly scrutinise the environmental and public health risks.

Request under Rule 17

We respectfully request that the Examining Authority issues a Rule 17 letter to the Environment Agency and/or the Applicant requiring the submission of:

1. All correspondence, notes, minutes, emails, reports, and assessments held by the EA relating to the One Earth Solar Farm application, particularly regarding **WFD compliance, water storage, water quality, and potential impacts on drinking water resources**;
2. Any technical advice, internal deliberations, or communications provided by the EA to the Applicant concerning the above matters;
3. Identification of staff or contractors contributing to these documents, limited to those acting in an official or professional capacity.

Given the statutory response deadline falls after the current submission deadline, this intervention is **time-critical**. Without it, Interested Parties will be unable to scrutinise evidence central to **public health and environmental protection**, particularly in relation to the **Drinking Water Protected Area, North Clifton Reservoir, the River Trent, and the Anglian Water treatment plant**.

Public Interest and Procedural Fairness

We emphasise that these matters are of **significant public interest**. The ability of Interested Parties to engage fully with the examination record is fundamental to procedural fairness. Without access to this evidence, there is a **material inequality of arms**, which risks undermining the transparency, robustness, and legitimacy of the examination.

We respectfully submit that, without intervention under Rule 17, the examination would proceed **without Interested Parties having had meaningful access to evidence relied upon by a statutory consultee**, despite the potential public health and environmental consequences.

Yours sincerely

Mr David White
On behalf of the communities of North and South Clifton