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Subject: URGENT: POLICY SUBMISSION – PRIMACY OF HYDROLOGICAL SAFETY (EN010159)
Date: 10 March 2026 11:40:24

TO: The Planning Inspectorate (One Earth Solar Case Management Team) The Secretary of State for Energy Security and Net Zero

CC: The Rt Hon Ellie Reeves MP, Solicitor General Susanna McGibbon, Treasury Solicitor Fiona Montgomerie, Government Legal Department, (GLD)The Comptroller and Auditor General (National Audit Office).

DATE: 10 March 2026

SUBJECT: URGENT: POLICY SUBMISSION – PRIMACY OF HYDROLOGICAL SAFETY One Earth Solar Farm proposal (EN010159)

Dear Sir/Madam,

Please find attached a formal submission on behalf of Interested Party Stephen Fox (Ref: [REDACTED]).

This submission is served on the date of the NPPF 2026 Update (10 March). It establishes that the updated national policy landscape re-establishes the primacy of absolute hydrological safety as a non-negotiable prerequisite for development.

Please note that previous attempts to serve forensic evidence to the Permanent Secretary have been met with an "Access Denied" (550 5.4.1) digital block. I am serving this notice via multiple departmental gateways to ensure the Secretary of State is Fixed with Notice of the litigation risk associated with the March 2026 policy shift.

Yours faithfully,

Stephen Fox

Interested Party Ref: [REDACTED]

Litigant in Person

FORMAL SUBMISSION: THE PRIMACY OF HYDROLOGICAL SAFETY IN THE 2026 POLICY FRAMEWORK

1. THE PRIMACY OF ABSOLUTE HYDROLOGICAL SAFETY 1.1. The updates to the Planning Practice Guidance (PPG) in September 2025 and January 2026, cemented by the 10 March 2026 NPPF Draft, establish a clear hierarchy: absolute hydrological safety holds primacy over all other factors [1]. 1.2. The updated framework confirms that the **Critical National Priority (CNP)** status afforded to low-carbon infrastructure is fundamentally contingent upon a project ensuring "no increase in flood risk" [2]. 1.3. By elevating surface water to a primary planning consideration, the government has signaled

that the "urgent need" for energy does not authorize a reduction in safety standards required to protect local communities.

2. FAILURE TO MEET THE SAFETY PREREQUISITE FOR CNP STATUS 2.1.

To benefit from CNP status, an applicant must demonstrate that the development is safe for its lifetime. The One Earth proposal fails this threshold because it relies on the obsolete "hydrological neutrality" assumption, ignoring the empirically proven **Baiamonte effect (2023) [3]**. 2.2. This effect proves that solar arrays generate "curtain flow" with up to 11.7 times the kinetic energy of natural rainfall. 2.3. The Applicant seeks to delegate the resolution of this safety uncertainty to post-consent "Requirements." This is a fatal legal error. Per **C.G. Fry & Son Ltd v SoS [2024] [4]**, environmental and safety certainties must be resolved at the point of decision. Deferring the assessment of 11.7x runoff surges renders the project ineligible for CNP protections.

3. THE JURISDICTIONAL PRIMACY OF THE SEQUENTIAL TEST 3.1.

The September 2025 PPG update confirms that land ownership is not a valid reason for excluding lower-risk alternative sites [1]. 3.2. The Applicant's site selection, pre-determined by commercial lease deals rather than safety optimization, is a **Jurisdictional Nullity [6]**. 3.3. Under the 2026 policy landscape, the CNP status cannot be invoked to bypass a Sequential Test that has been triggered by high-risk surface water flow paths.

4. PROCEDURAL ASYMMETRY AND THE DUTY OF CANDOUR 4.1.

The Secretary of State is further cautioned that the Examination Library has been "sanitised" through the suppression of forensic payloads under the pretext of "repetition." 4.2. This Asymmetric Censorship—where the Applicant may consolidate their narrative while the Interested Party's forensic audit is filtered—violates Article 6 ECHR (Equality of Arms).

5. CONCLUSION 5.1.

The 10 March 2026 policy shift provides a clear mandate: Hydrological safety is the primary requirement. 5.2. To approve this DCO in the face of unmodeled 11.7x runoff surges and a failed Sequential Test would be an act of **Wednesbury Unreasonableness [5]**. 5.3. As the project cannot prove it is "safe for its lifetime," it cannot claim Critical National Priority. The DCO must be refused to maintain the integrity of the national flood safety framework.

FOOTNOTES / REFERENCES

1. **PPG Flood Risk (Updated 17 Sept 2025):** Reasserts the primacy of the Sequential Test over land ownership constraints.
2. **NPS EN-1 (Jan 2026 Update):** Codifies the Sequential Test as a mandatory prerequisite for CNP status.
3. **Baiamonte, G. (2023):** "The hydrodynamic effect of solar panels on runoff generation." Documents the 11.7x kinetic energy amplification.
4. **C.G. Fry & Son Ltd v SoS [2024] UKSC 35:** Safety certainties must be resolved at the point of decision and cannot be deferred to conditions.
5. **Wednesbury Unreasonableness:** A decision so irrational that no reasonable authority could have made it (ignoring the 2026 NPPF safety mandate).
6. **Fraus Omnia Corruptit (Fraud Unravels All):** [REDACTED] regarding the S.55 Consultation record (the "Poisoned Root") unravels the entire process.