FORMAL SUBMISSION TO THE SECRETARY OF STATE

Interested Party Reference: [redacted]

Project: One Earth Solar Farm (EN010159)

Date 22 June 2026

Submission Type: Written Representation in Response to the Secretary of State's Consultation Letter dated 21 May 2026 (Requesting Responses to the Post-Examination Submissions Regarding Draft Requirements 7 and 22) and the Secretary' of States' Request for Information on 1 May 2026 –

Subject: **The Contaminated Record**

Dear Secretary of State,

I am writing to you in direct response to the correspondence of 1 and 21 May 2026 containing requests on your behalf.

The purpose of this letter is to question why you are asking for more information, in view of the documented conduct of the Planning Inspectorate (PINS), the Applicant, your own department, the Solicitor General, and the Government Legal Department (GLD). This letter is designed to fill the transparency gap [redacted] by your agents.

The public has a right to understand the scale of the Applicant's [redacted], and the lengths to which our public institutions have gone to suppress the evidence of them. This is especially relevant considering this government's commitment to the principles of the Hillsborough Law—specifically, establishing a statutory Duty of Candour requiring public authorities and officials to be proactive, transparent, and honest, rather than defensive.

To quote Lord Diplock's landmark ruling in *Trapp v. Mackie*, the facts must be laid bare so that "a reasonable person can form a view". The timeline of this application reveals a statutory system that has collapsed entirely.

1. The Initial [redacted]

The Applicant secured its admission to the examination by [redacted] means. At a meeting on 1 August 2024, the Applicant met with members of the South Clifton Parish Council and the North Clifton Parish Meeting. During this meeting, the Chairperson read a prepared script to the Applicant containing detailed concerns and warnings regarding flood risk and many other material planning matters. This meeting was a robust confrontation on serious, material planning concerns.

On 2 August and 9 August 2024, I wrote to the Project Lead for One Earth, [redacted], to provide him with a copy of the verbatim script of the meeting, together with confirmation and further information of the material warnings relating to flood risk and mental health. The materiality of the flood risk warnings—both at the meeting and in my subsequent emails—is confirmed by the fact that the entire substance of those warnings has now been adopted in the 2026 updates to NPS EN-1 and EN-3. Furthermore, the Environment Agency has retired the flood maps on which the Applicant's case was based, declaring them "unsuitable for development planning" and stating they "should not be used for development planning" - a warning that community gave to the applicant as part of the consultation.

Notwithstanding this, and a clear warning from PINS that they must include the record of all consultation activities in their Consultation Report, the Applicant misrepresented the nature of the meeting. They described it as a mere question-and-answer session and suppressed the evidence provided to them. They stated in the Consultation Report that the record of the meeting was in Appendix J-2; on inspection, it was found to be entirely missing. This deliberate omission represents a clear and material breach of the Applicant's statutory duty under Section 37(3)(c) of the Planning Act 2008 (as in force at the date of submission and acceptance in March 2025), which mandated a complete and honest Consultation Report detailing all relevant responses and the genuine account taken of them under Section 37(7). Under the foundational authority of Lazarus Estates Ltd v. Beasley 1 Q.B. 702, '[redacted] unravels everything'—no party can keep a statutory benefit obtained through [redacted] and this initial [redacted] infected the entire examination from its very inception. Because a legally compliant statutory consultation is a condition precedent for the acceptance of any application, PINS' failure to catch this [redacted] means the application was accepted in direct violation of **Section 55**, rendering the entire subsequent examination procedurally invalid from its very inception

2. Continuation of [redacted] and Bad Faith in the Examination

[redacted] and **bad faith** were subsequently carried directly into the examination room:

- **A. Defiance of the Examining Authority's Instructions:** At the Preliminary Meeting, the Examining Authority (ExA) gave the Applicant a clear instruction to provide a detailed response to the evidence referred to above, which I had included in my Relevant Representation: *"It will be our expectation that we will get a full and detailed response to those representations, including your criticisms that answers haven't been given to questions raised."* The Applicant's lead counsel undertook to do so but, in bad faith, failed to do so throughout the entire examination - thereby defying the ExA's authority.

- **B. Misleading the Tribunal on Local Health Data:** At Issue Specific Hearing 1, the Examining Authority questioned the Applicant's mental health expert regarding the availability of local mental health information. She stated, *"Unfortunately, there's not a substantial amount of data on local health at a local population level,"* and that she understood earlier attempts to obtain such data

"never got anywhere." [redacted], the Applicant's lead counsel, was in full possession of a professionally produced report supplied by [redacted] to the Applicant which provides extensive *of "data on local health at a local population level"*, yet he failed to correct this testimony, despite actively participating in the conversation. It is clear from the video recording that he had consciously allowed his expert to attend as an expert and exposed her by not providing her with the relevant information – lest she should use it. Further, he intervened at the end of the meeting to ensure that the action point requested on the matter was quashed.

- **C. Fabrication of Missing Records:** I emailed the Applicant questioning the absence of the 1 August meeting record from Appendix J -2 of the Consultation Report. They replied: *"I apologise for the delay. I cannot find the referenced attachment. I know it was included in an earlier draft but appears to have been lost in the finalisation process. I am updating that file now to submit at Deadline 1 with the attachment."*

  When the updated Appendix J -2 was submitted at Deadline 1, it did not contain any of the contemporaneous evidence provided to the Applicant by the local community. Instead, the Applicant provided a document they had self-produced 3.5 months after the 1 August meeting. That document was manufactured a few days after PINS had formally warned them to include all consultation activities. (It should be noted that other than acknowledging receipt of the community evidence, the Applicant had failed to contact South Clifton Parish Council or North Clifton Parish Meeting, despite promising to follow up promptly on 14 specific points raised at the meeting). The Applicant recognized that providing the contemporaneous record with its material warnings posed an existential threat to their proposal; they chose to withhold the information, fabricate the form and content of the meeting, and produce a revisionist summary to satisfy PINS.

- **D. Defiance of ExQ2 Directives:** When, in Examiner Questions 2 (ExQ2), the ExA noted that *"concern has been expressed with regard to the suitability and extent of the consultation undertaken"* and requested the Applicant to re-examine their submissions, compile an indexed table of the full suite of consultation documentation, and supply any missing elements, the Applicant flatly refused to comply, telling the ExA that it was not entitled to see the full evidence suite.

- **E. The ExQ3 [redacted]:** At ExQ3, the examiner cornered the Applicant, asking for explicit confirmation of whether they received the two documents referenced by Interested Parties: the survey of 109 people by [redacted] and the script of the 1 August meeting. The Applicant responded: *"We confirm that the Applicant did receive both documents referenced by IPs: Survey of 109 people by [redacted]; Notes/script of the meeting held on 1 August 2024 with SCPC and others. Copies of both documents are appended to this response for completeness."*

On inspection, the appended documents did not include the verbatim notes/script, but rather a summary document titled *"August 1st Meeting Notes. Solar Panel Consultation Meeting."* This [redacted] is so brazenly orchestrated it is intentionally difficult to believe. The ExA cornered the Applicant in their [redacted], and the Applicant and their lead counsel brazenly doubled down—claiming to supply the requested script while deliberately substituting summary minutes for the verbatim script to hide the existential warnings and evidence contained in the verbatim script and the emails of 2 and 9 August.

I am not merely asserting **bad faith**; the examination has physical proof. The written representation stating that the verbatim script was appended, contrasted with the physical presence of summary minutes, is an unanswerable, objective falsehood (***Res Ipsa Loquitur***). Far from curing the initial [redacted], the admission of possession of all the documents, combined with the strategic withholding of the verbatim script, conclusively confirms the **bad faith** with which this operation was conducted throughout the entire examination and the [redacted] perpetrated to gain entry to the examination under section 37c of the Planning Act. This was orchestrated by an officer of the court, [redacted]

Because of his experience with previous examinations for solar proposals, the lead counsel felt so insulated by this broken system that he believed he could [redacted] the examination with equanimity. The 16-month narrative of non-possession maintained by [redacted] and [redacted] while holding the original evidence constitutes a clear breach of professional integrity and a clear intention to mislead the tribunal with the aim of gaining the benefits of approval of the £1 billion proposal.

3. The Gatekeeping Failures: Newark and Sherwood District Council and PINS

This project should never have passed the initial acceptance stage. At the very beginning of the process, Newark and Sherwood District Council (NSDC) was fully aware that the Applicant's community consultation was severely defective, having been provided with the verbatim script of the meeting together with the 2 and 9 August emails. They knew the community had presented critical safety warnings regarding flooding and a major local mental health survey. Yet, NSDC failed in its duty as a statutory gatekeeper. They did not put this primary evidence onto the formal record when assessing the adequacy of the Applicant's consultation.

Despite NSDC explicitly stating that there were concerns regarding the quality of the consultation process, PINS then failed the ultimate gatekeeping hurdle. PINS failed to read the report thoroughly and failed to notice that the record of the meeting with South Clifton Parish Council and North Clifton Parish Meeting had been excluded from Appendix J-2 – despite it being explicitly referred to in the Consultation Report - simply waving the application through the Section 55 acceptance gate without properly vetting the Consultation Report. Consequently, the passage of the proposal into the examination was [redacted].

4. The Institutional Cover-Up and the "Shadow Record"

Having accepted an application built on suppressed evidence, PINS became captured by its own mistake. To admit [redacted] onto the record later would mean admitting they had [redacted]. To protect themselves and the Applicant, PINS resorted to the [redacted] of the public record. From Deadline 2 through until Deadline 9 of the examination, they resorted to extensive redaction of all my submissions on the [redacted] and “procedural matters”.

PINS’ interventions were both desperate and surreal. Having been asked to provide details of how the Applicant had breached the Planning Act by the ExA at ExQ2, PINS proceeded to redact out of recognition all six papers that formed my reply. They delayed publication of them by up to three weeks after the publication of all other interested parties’ and contributors’ submissions and repeatedly reported that they had published all Deadline 4 submissions only to have to repeatedly retract their statements.

This ineptitude and deliberate delay in publishing my submissions only and redaction, continued through Deadlines 6 to 9, including withholding a submission from the ExA,

The Confirmed Existence of the "Shadow Record" The maintenance of a parallel "shadow record"—where the public is deliberately blinded by the redaction of evidence whilst the unadulterated evidence is provided to the ExA and the Secretary of State —is not a matter of speculation. I have been “assured” that it exists, and it has been explicitly confirmed in writing by the Case Manager, [redacted], three senior government lawyers and your own planning department. By holding an unredacted "shadow record" internally while presenting a sanitized and heavily redacted record to the public and the Examining Authority, PINS and the GLD, your department and the Solicitor General have actively facilitated a double standard of administrative justice. They have jointly and deliberately blinded the public to the malfeasance The ease with which these “assurances” were given would suggest that this is common practice. It is a profound and incurable breach of the common-law rules of **Natural Justice** and a direct violation under **Article 6(1) of the European Convention on Human Rights (ECHR)**.

By presenting a sanitized, redacted public library while maintaining an unredacted 'shadow record' behind closed doors, PINS and the GLD have denied me and the wider public a procedurally equal position. You cannot lawfully determine a Development Consent Order on a dual-record system that systematically disadvantages Interested Parties and actively violates ECHR fair trial guarantees

My submissions were forensic audits of the Applicant’s conduct and of the examination procedures, professionally presented and based on hard evidence, all of which was provided to the examination. This was irrelevant to PINS—their concern appeared only to be to protect the Applicant by suppressing the evidence of [redacted] and to prevent the exposure of their own ineptitude. The supressed evidence included the audio recording of the meeting. All the suppressions and redactions were simply [redacted], including redactions of Supreme Court and House of Lords Citations and [redacted] Statutes,

culminating in the redaction of evidence demonstrating the [redacted] and extent of the redactions themselves.

As if the redactions were not sufficient evidence of PINS' desperate attempts at a [redacted], on 9 December 2025, [redacted], PINS Operations Manager, and on 15 December 2025, [redacted], the then Chief Executive of PINS, wrote to me with the clear intention of [redacted]. It was surreal for five reasons:

- **a)** This was clear evidence that the [redacted] was being directed from the very top of PINS.
- **b) They were making a mockery of the independence of the ExA.**
- **c)** They had not looked at the evidence and did not understand that an issue does not become sub *judice* until proceedings are commenced.
- **d)** On 6 November 2025, when they were fully aware of my position, the ExA had thanked me on the record at Issue Specific Meeting 3 for my contributions to the examination.
- **e)** The GLD promptly wrote to me [redacted].

There is no doubt that the letters from both PINS executives represented severe executive overreach. Throughout the examination, there is clear evidence of pressure from PINS Senior Management on the ExA that warrants further investigation.

[redacted], Deputy Director of Planning and Infrastructure Projects, GLD, has admitted that the redactions are [redacted], and this has not been contradicted by [redacted], Head of Justice and Development Division, Litigation Directorate, Government Legal Department, or the Rt Hon [redacted] MP, Solicitor General, both of whom have corresponded with me on the subject. These were redactions were part of an orchestrated, top-down campaign of [redacted] by senior PINS executives—[redacted], statutory references, and even Supreme Court and House of Lords citations to shield the Applicant's representatives from accountability. Under Trapp v. Mackie 1 W.L.R. 377, absolute privilege attaches to all submissions made in these quasi-judicial proceedings, meaning PINS' self-appointed censorship under the guise of 'defamation' was completely ultra vires, violating the fundamental constitutional principles of Open Justice (Scott v. Scott A.C. 493) and the baseline rules against routine public sector anonymity established in R (IAB) v. Secretary of State for the Home Department EWCA Civ 66.

I have available a comprehensive bundle of the original submissions and the redacted versions, together with full meta data. These are readily available should you wish to audit the extent of the [redacted] and PINS' [redacted].

5. The Conduct of the GLD

On 31 October 2025, having made multiple strenuous attempts to have the [redacted] addressed by the ExA and PINS, I had no alternative but to issue a Letter Before Action (LBA). The LBA was addressed to the Secretary of State for Energy Security and Net Zero.

On 3 November, the GLD replied and identified themselves as representing the Secretary of State, with [redacted] being the lead case holder. "Since that date, the GLD—including [redacted] and [redacted]—have tried assiduously to row back from this and create a 'notice gap' for the Secretary of State. This is legally impossible. Under the constitutional doctrine of the Carltona principle, the knowledge of departmental officials and legal advisors is directly and immediately imputed to the Secretary of State. As established in DPP v. Cook EWHC 2963 (Admin), once an authorized case holder is in possession of material facts, knowledge of those facts is fully imparted to the department as a single entity. The Secretary of State is, as a matter of law, on direct and constructive notice of every single redacted document, suppressed safety warning, and procedural defect in this record.

"GLD's persistent attempts to insulate you from direct knowledge of PINS' [redacted] and the suppressed safety data and their failure to take action to prevent [redacted] continuing represent a [redacted] of the Treasury Solicitor's and the GLD's common-law **Duty of Candour**. Public law is a process based on a partnership to maintain the highest standards of public administration—a game best played with 'all cards face upwards on the table'. It must not be treated as a game of administrative hide-and-seek, utilizing an engineered 'notice gap' to manufacture plausible deniability, ensuring the decision-maker can safely claim total ignorance of the [redacted] and suppressed safety data at the exact moment the order is executed.

6. Statutory Consultees and the Absurdity of the 1 May 2026 Letter

Your own letter of 1 May 2026 is further proof of this broken system. In it, you attempt to push the responsibility for life-safety and flood risk onto statutory consultees. However, the administrative record shows that these agencies have already formally admitted in writing that they lack the expertise and resources to verify the engineering or assess the danger. You are asking for safety assurances from bodies that have already explicitly told you they cannot give them.

7. Knowing Complicity and a Cynical War of Attrition

This brings us to the core of the issue. You, as the Secretary of State, along with the Solicitor General and the GLD, have been on formal notice of this [redacted], [redacted], the Rules of Natural Justice, the safety risks, and the existence of this shadow record since October 2025.

You are all fully aware of the [redacted]. You are fully aware of the conclusive strength of the forensic and scientific evidence I have provided. Yet, you have failed to act and therefore knowingly continue to condone the [redacted].

You are prepared to let a demonstrably [redacted] proposal go ahead because the State has made a cynical calculation. You are banking on the assumption that an Interested Party—a Litigant in Person—will not have the stamina, the financial resources, or the endurance to fight the entire machinery of the State through the courts. You are relying on a strategy of procedural attrition to wear me down and shield a [redacted] project. This cynical calculation severely underestimates the situation. Should a decision be made to approve this proposal, it will immediately be met with a formal claim for Judicial Review in the Planning Court, challenging the decision as a jurisdictional nullity. Your reliance on a [redacted] will not shield this project; it will simply ensure that the [redacted] is exposed under the direct scrutiny of the High Court.

Your fundamental responsibility as public servants is to abide by the law.

Conclusion

The One Earth Solar Farm application is built on a foundation of withheld safety data and deliberate [redacted]. An energy policy prioritized over public safety, the rule of law, and basic honesty is entirely unfit for purpose. You cannot lawfully approve a project built on [redacted] and protected by PINS' [redacted], nor can you rely on an administrative record that your own lawyers admit has been [redacted]. Further, you are in possession of inconvertible evidence that your agent, PINS, is [redacted].

I am placing this firmly on the public record so that the public can see exactly how the institutions meant to serve them operate, and so that any reasonable person can form a true view of the profound failures at the heart of this application.

Yours sincerely,

Stephen Fox

Interested Party Reference: [redacted]