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Your Ref:

Our Ref: EN010085

Date: 29 November 2019

Dear Sir David

Cleve Hill Solar Park Examination Matters

Thank you for your further emailed letter on behalf of The Faversham Society along with CPRE. I appreciate that there is a difference between us in terms of interpretation as to what constitutes a conflict of interest. We do not consider that a public servant, in this case an Inspector appointed on behalf of the Secretary of State to make recommendations to them, is engaging in a conflict when carrying out those duties unless they could be considered to relate to their own personal interest such as place of residence or previous, external, employment. As such we follow the same principles as the Civil Service Code which is also reflected in the Inspectors Code of Conduct. Notwithstanding this difference of interpretation, I have taken particular care to monitor this examination and can find no evidence that it has been undertaken in anything other than a robust and open manner and where all parties have been enabled to participate fully. I am grateful that yourself and colleagues have been so active and engaged in both written and oral evidence and I hope you will have seen the same detailed investigation of all the evidence by the Examining Authority as a whole and individually as I have observed.

I am grateful for your expression of support for my casework colleagues in their work and apologise that you feel I have not responded appropriately. I can assure you that I carefully considered your concerns at the outset, responded as appropriate by increasing the membership of the Examining Authority to ensure sufficient capacity was available for the work necessary and have looked again at the basis of your concern, including the previous recommendation report by the Inspector. I can find no evidence of anything other than diligent inquiry and reporting on his part and this diligence has continued in this examination.

There will now be a three month period during which this examination will be reported on and a recommendation sent to the Secretary of State who makes the actual decision. All of the material to date has been published and the recommendation report will also be published alongside the Secretary of State's decision and any supporting documents. Thank you for your efforts in supporting this process with such

substantial engagement as a full investigation of the evidence in national infrastructure planning decisions is in everyone's interest.

Yours Sincerely



Dr Pauleen Lane CBE
Professional Lead National Infrastructure

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THE FAVERSHAM SOCIETY
FOUNDED 1962
FLEUR DE LIS HERITAGE CENTRE
ESTABLISHED 1977



12th September 2019

By email only

EN010085: Cleve Hill Solar Park

Dear Dr Lane

Thank you for your response of 9 September to our letter of 6 June. In that letter we reiterated our major concern that as an Examiner, Mr David Rose had a perceived conflict of interest, and referred to more than 40 letters from individuals expressing the same view.

We were extremely disappointed to note that your recent response once again fails to directly address this important issue. Whilst, in your final sentence, you appear to acknowledge 'the risk of a perception of any prior determination' you go on to assert that this can be dismissed by a review of the conduct of the case so far. This is simply not a valid argument. A conflict of interest is an absolute characteristic, resulting from the previous or current conflicting activity of an individual. It therefore cannot be absolved by the subsequent behaviour of that individual or indeed, any other individuals.

We would wish to add that we have no issue with the conduct of the case by the Examiners. Our central point remains that Mr Rose has a conflict of interest resulting from his involvement in a closely related case and that this could potentially lead to a challenge to the Examiners' final recommendations.

This correspondence has now dragged out for almost four months, largely due to long delays in receiving your discursive responses. We would be grateful if you could address the matter of conflict of interest directly and respond to us within the next seven days.

Sir David Melville CBE
Vice Chair, Faversham Society

Richard Knox-Johnston
Vice President, CPRE Kent