



Specialising in Landlord & Tenant, Forensic Science, Expert Evidence and Procurement

FAO: John Wheadon

Head of Energy Infrastructure Planning Delivery

Department of Energy Security and Net Zero (DESNZ)

3-8 Whitehall Place

London

SW1A 2AW

20th April 2026

Via Email Only: BotleyWestSolar@planninginspectorate.gov.uk

Dear Mr Wheadon,

**BOTLEY WEST SOLAR FARM (EN010147)
Request for Information dated 14 April 2026**

I write on behalf of Mr Dustin Dryden - IP Number: Claim No. [REDACTED]

Procedural approach:

The process now proposed in your letter departs materially from that described in the Ministerial Statement to Parliament on 26 March 2026, which indicated that further information would be sought from the Applicant with a subsequent opportunity for that material to be considered by Interested Parties.

Instead, the approach you now set out provides for a single, parallel 8-week period for both the Applicant and Interested Parties to respond, without any opportunity for Interested Parties to review or comment upon the Applicant's further submissions.

Interested Parties were entitled to proceed on the basis of the process outlined to Parliament. The absence of any such opportunity gives rise to a clear concern as to procedural fairness and consistency with what has been publicly represented and is prejudicial to our interests.

[REDACTED]

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[REDACTED]

Scale and nature of the further information sought:

The scope of the Request for Information is extensive and goes well beyond clarification of discrete matters.

Paragraphs 66 - 71 contemplate:

- material reductions to the scheme;
- reconsideration of viability; and
- updated technical assessments and Environmental Statement material.

Taken together, these amount to a potential reconstruction of both the evidential basis of the application and, potentially, the scheme itself.

This is not the correction of minor deficiencies. It is the provision of material which ought properly to have been tested through the Examination process.

Procedural fairness and integrity of the Examination:

In these circumstances, it is difficult to see how a lawful and fair determination can be made on the basis of materially revised evidence without affording Interested Parties a proper opportunity to review and comment upon that material.

The current approach creates a clear asymmetry: the Applicant is afforded an opportunity to address fundamental deficiencies in its case, whereas Interested Parties are not afforded any corresponding opportunity to respond to the substance of those further submissions.

The Examining Authority conducted a detailed statutory process on the basis of the evidence presented. The scale of the further information now sought strongly suggests that the application, as examined, did not provide a sufficient evidential basis for a positive determination.

Allowing those deficiencies to be addressed outside that process risks undermining the integrity of the Examination - indeed the DCO process altogether.

If the decision ultimately relies on materially revised evidence which has not been subject to equivalent scrutiny, that would give rise to a clear and avoidable risk to the lawfulness of the decision-making process.

Position of Mr Dryden:

[REDACTED]

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[REDACTED]

My client is specifically identified in your letter in relation to land interests and ongoing negotiations.

He is therefore directly affected by any revised proposals, including changes to layout, land take and mitigation. The absence of any opportunity to consider and respond to revised material would cause clear prejudice to his position.

Determination:

The extent of the matters now raised suggests that the application, as presented and examined, is deficient in material respects. The Applicant has not made a case for approval of its scheme and the making of a DCO.

In those circumstances, it is open to the Secretary of State to determine the application on the existing record, including by refusing consent. The absence of adequate evidence on key matters does not justify a process which effectively reopens the Examination without the procedural safeguards which accompanied it.

Requested adjustments to process:

In order to address the procedural concerns identified above, we respectfully request that:

- Interested Parties are provided with an opportunity to review and comment on any material submitted by the Applicant in response to the Request for Information;
- ensuring that any materially revised scheme or evidence is subject to appropriate and independent scrutiny; and
- publishing the Examining Authority's report, or such parts as are necessary to enable Interested Parties to understand the basis upon which further information has been sought.

Clarification:

For completeness, the reference to a "Without Prejudice Offer" at REP6-062 appears to be incorrect, as that document relates to Cotswold Archaeology.

Conclusion:

The matters raised are central to the determination of the application. It is essential that the process adopted ensures a fair and transparent basis for decision-making.

In the absence of such safeguards, we will need to consider our client's position further.



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We are sending this response, as requested, to the PINS Botley West email address and would request that whoever receives it passes it immediately to John Wheadon at DESNZ. We are sending a copy by post to Mr Wheadon at 3-8 Whitehall Place. We are sending email copies to Martin McCluskey, Minister for Energy Consumers, our local Members of Parliament, the leader of West Oxfordshire, our District Council and other interested parties.

Yours sincerely,

[Redacted signature]

[Redacted name] - Barrister – Authorised to Conduct Litigation (BSB)

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