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Attn. Head of Energy Infrastructure Planning Delivery & Innovation
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22 April 2026

Dear Mr Wheadon

BOTLEY WEST SOLAR FARM (BWSF)

I refer to your letter EN010147 of 14 April (amended on 20 April) to various addressees and relating to the `REQUEST FOR INFORMATION` in respect of the BWSF project.

I write on behalf of the Begbroke and Yarnton Green Belt Campaign (BYG), a registered Interested Party taking an active part in the Examination of the Proposed Development that closed on 14 November. We are not one of the IPs directly addressed by your letter. However, we submitted numerous extensive representations to the Examination. We believe those contributions were helpful to the Examining Authority (ExA).

We have previously sent you our letter of 20 April in which we set out our significant concerns regarding the SoS's reopening of the Botley West examination process in a manner we believe to be prejudicial to Interested Parties. We look forward to receiving your reply.

In the meantime, we have reviewed the questions you have raised in your letter of 14/20 April. We have serious concerns in respect of the questions that have <u>not</u> been asked which one would have expected to see for the SoS to be able to meet his obligations under the requirements of EN-1 and related case law.

We believe it is important to raise this now since during *R (Save Stonehenge World Heritage Site Limited) v Secretary of State for Transport* (Case No: C0/4844/2020), the following observation was made by the presiding judge, the

Hon Mr Justice Holgate, in paragraph 178: Save-Stonehenge-judgment-FINAL-CO-4844-2020-30-07-2021.pdf

> *That same case law suggests that in the real world a Minister cannot be expected to read every line of an environmental statement and all the environmental information generated during an examination or inquiry process. But nevertheless, an adequate precis and briefing is required. Depending on the circumstances, that requirement may be met, wholly or in part, by the report of a Panel or an Inspector*

Since we do not have the benefit of seeing the ExA's concluding report we cannot judge its adequacy or be certain that all relevant matters arising during the examination have been brought to the attention of the SoS. The purpose of this letter is therefore to ensure those matters that we think are important are brought to your attention as a matter of record.

1 Alternatives

As shown in the extract below, it is clear from the judgement in the Stonehenge case referred to above (paragraphs 242-290) that the SoS is obliged to carry out his own assessment of the alternatives to the siting of a project in the event that consent is to be granted when planning harm is outweighed by `*need and other benefits*`:

> *The submission of* [redacted] *QC that the SST has decided that the proposed scheme is "acceptable" so that the general principle applies that alternatives are irrelevant is untenable. The case law makes it clear that that principle does not apply where the scheme proposed would cause significant planning harm, as here, and the grant of consent depends upon its adverse impacts being outweighed by need and other benefits*

The information provided by the Applicant during the examination in respect of Alternatives to BWSF (APP-042) was wholly inadequate. This is described in detail in our submission RR-092. In your letter, you surprisingly only ask for a comment in respect of the Northfleet substation. As we pointed out in our submission, there were three other substations with capacity (Mannington, Laleham and Iron Acton), all noted as being on Green Belt. No analysis was carried out by the Applicant to determine if the overall impact on Green Belt, heritage assets, BMVL and local populations would be less at any of these sites than at the Oxfordshire site chosen. These three sites should have been examined in detail by the Applicant and the results of such examination provided to the ExA. This was not done. These sites would have to be included in any serious review of alternatives.

However, the relevance of the substations detailed on APP-063 may be debateable since they resulted from the Applicant's contention that the project had to be sited in the South East. This contention was based on the claim that choice of the South East as the required location had resulted from discussions with the National Grid (APP-042, 5.6.5), a contention that turned out to be false. The statement was firstly contradicted by [redacted], the director of Photovolt Development Partners itself. [redacted] stated in an interview with the Times newspaper that "*finding a good landlord*" in the Blenheim Palace

estate, the ancestral seat of the Duke of Marlborough and birthplace of Winston Churchill, was "*one of the key factors in choosing the site in Oxfordshire for the mega-solar farm*" (RR-092, Appendix 1).

The second, more important, contrary evidence provided to the ExA was the confirmation given to *Private Eye* by the National Grid (NGET) that they never provide advice (REP1-094, and PE issue 1647, *Panel Games*, REP1-095).

These evidences highlight that any assessment of alternatives cannot simply be limited to the South East; the whole country was an option. In this context, and as the SoS must be aware, it is important to note that PVDP currently has a further eight large projects included on the TEC register in various parts of the country, underlining the dispensability of selecting the South East for the proposed BWSF development. Given the evidence provided in the Examination, it is our view that NGET should have been asked to confirm whether it ever expressed a wish to the Applicant that the site should be in the South East.

2 Compulsory Purchase

It is stated in EN-1 (4.1.9) that `*The Secretary of State will consider any such application under the usual compulsory acquisition principles, taking into account the content of the NPSs*.`

In our submission REP7-061, we highlighted the failure of the Applicant to provide any credible financial information; or any evidence that the requirements in respect of funding for compulsory purchase, which the SoS would need to be satisfied, had indeed been met. An extract from our submission is below:

> `*1. The Infrastructure Planning (APFP) Regulation 5(2)(h) is unambiguous. It requires a statement indicating how a DCO order will be funded if such an order contains authorisation of compulsory acquisition; in other words, how the project itself will be funded. The text of APFP 5(2)(h) is set out below:*
>
> `*(h) if the proposed order would authorise the compulsory acquisition of land or an interest in land or right over land, a statement of reasons and a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded.* `
>
> *2. Furthermore, paragraph 17 of the 2008 Planning Act Guidance for DCO compulsory acquisition elaborates on how this requirement should be met.*`

The Applicant has confirmed that all funding is coming from Cransseta Investments Ltd, a Cypriot company wholly owned by [redacted], a Russian national (REP2-025 Q1.5.26).

In our submission REP6-071, we confirmed that the latest financial statements available for the company were for the year ended 2014, over 10 years ago. The company's negative equity at that date was more than €5million. These statements were not provided by the Applicant but had to be extracted with some difficulty from the Cypriot registry.

The Applicant has therefore failed to provide any evidence as to how the estimated £69million (APP-042, 7.4) that is required to fund the Compulsory Purchase Orders will be sourced, let alone the funds required for the project as a whole. The Applicant, on page 50 of REP5-005, claimed that £17,854,832 had been spent on the project to date. The original source of these funds is completely opaque, which should be of concern to the SoS.

Given that the Applicant has not been asked in your letter to provide any further information in respect of available financial resources, we do not understand how the SoS will be able to discharge his responsibilities in respect of the compulsory purchase requirements.

3 Decommissioning

The lack of credible financial information also applies to the issue of decommissioning. The ExA was proposing that the DCO should require financial guarantees as set out in PD-015; PC002 as shown below:

> `*No phase of the authorised development may commence until a decommissioning fund or other form of financial guarantee that secures the cost of performance of all decommissioning obligations under Requirement 14 of this Order has been submitted to and approved by the local planning authority*.`

The Applicant's response to this has been to argue that any decommissioning costs are recoverable through recycling. As shown in our submission REP5-060, this claim is absurd.

Since you have not published the ExA's report we are not aware of the conclusions it reached. If the arguments put forward by the Applicant were accepted, we would expect to see questions asking for a more detailed and accurate analysis of the proceeds from recycling. If, on the other hand, the ExA maintained its position that a guarantee was required we would expect to see a question asking the Applicant for detailed financial information to underwrite the provision of such a guarantee.

It is pertinent that in the recently approved Springwell Solar farm NSIP, the ExA was not satisfied with the applicant's funding statement, asking for it to be revised to include funding required for decommissioning. See 4.4.59 of EN010149-001039-EN010149 - Springwell Solar Farm Recommendation Report.pdf

4 Financial Viability and Technical Feasibility

Paragraph 4.1.22 of EN-1 states that `*Where the Secretary of State considers that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant, it is unlikely to be of relevance in Secretary of State decision making*`.

The absence of financial viability has already been covered above. As far as technical feasibility is concerned, it has also been demonstrated in the Examination that the Applicant has never taken a utility scale solar project through to construction (RR-0092, REP2-060, REP3-085 and REP4-044). The

Applicant was unable to provide any evidence to counter the claims being made in each of these well-documented submissions, supporting our contention that the Applicant does not have the technical background required for the construction of a project of this scale and complexity.

Consequently, we strongly believe that EN-1 paragraph 4.1.22 will indeed be `*of relevance in Secretary of State decision making*`. It is therefore surprising that the Applicant has not been asked to provide additional information to demonstrate it has the necessary background to `*properly assess*` the technical feasibility of this complicated proposal in a very sensitive location.

5 National Security

In EN-1, 4.16.8, it is stated that the SoS is not obliged to consider security issues if the relevant bodies have confirmed that this has been addressed. If no such confirmation has been received it is therefore incumbent for this to be considered by the SoS. We would not expect to see questions to the Applicant on this topic in such a letter but we will, of course, be interested to see if this matter has been properly addressed. The background of the Applicant was covered in some detail in RR-0092. Furthermore, the copies of *Private Eye* submitted at REP1-095 provide supporting evidence that a detailed investigation into the background of the individuals behind this project, and the source of their funding, is required.

6 Airport and Pilot Safety

Your letter asks particular questions in respect of what is described as the *Socioeconomics* of the airport (paragraphs 48 and 49). It does not raise any questions regarding pilot/passenger safety. This is despite the submission from FTEJerez (REP7-187) referred to in the letter which makes a clear statement that the project would create additional risk for pilots having to make emergency landings on the site as a whole. These risks were also highlighted in submissions by [redacted] (REP3-119 and REP7-217) who has firsthand experience of dealing with previous, fatal, flying accidents at London Oxford Airport.

There was further coverage of this topic in REP4-043. Under 5.5.63 of EN-1, the SoS has to be satisfied that `*the impacts of the proposed energy developments do not present risks to national security and physical safety*`*.* It is therefore surprising that the Applicant has not been asked to comment specifically on the dangers that the project might present for pilots and their passengers, and on how these are to be mitigated.

7 Mineral Sterilisation

Paragraph 5.11.19 of EN-1 states that `*Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place*`*.* The letter asks the Applicant to comment on the sterilisation occurring `*for the duration of the proposed development*`. This question ignores the strong statement from Oxford County Council, in REP7-191 paragraphs 2.6 and 5.1.7, that permanent sterilisation of a considerable quantity of mineral

resources may well result from the development. In our opinion, therefore, the wrong question has been asked. The questions that should have been asked of the Applicant were to explain how permanent sterilisation will be avoided, and whether the costs of ensuring this have been fully anticipated.

8 Historic England and the ICOMOS Technical Reviews.

Under EN-1 paragraph 5.9.22, `*the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset.*`

Your letter refers to the three Technical Reviews issued by ICOMOS, all of which represent a devastating criticism of the project and which deal specifically with the setting of the Blenheim Palace WHS.

Your letter only asks the Applicant to address these reviews. Historic England notably sidestepped the issue by concluding in its Closing Statement that `*The Examining Authority will need to carefully consider all of the ICOMOS International Technical Reviews in their determination of this application*` (REP7-118, paragraph 2.60). Historic England merely added the vague and unhelpful comments that `*The ICOMOS' third Technical Review has now been shared with the Examining Authority. Historic England has reflected further on all of the ICOMOS Technical Reviews and considers that both Historic England and ICOMOS are in agreement that there is an impact*` (REP7-118 paragraph 2.57). Significantly, Historic England has not expressed any disagreement with the opinions stated by ICOMOS.

In the third Technical Review, ICOMOS reiterated their strongly-held view that more work is required in order to understand the significance of the setting of the WHS. Below is their conclusion (REP7-117, paragraph 7):

> `*ICOMOS advises against the approval of the Botley West Solar Farm project in the absence of a thorough understanding of the role the estate plays in providing the setting of the Blenheim Palace World Heritage property, and without a detailed analysis of that setting, which could provide clear parameters for assessing the cumulative impact of the scope and scale of the project on the Outstanding Universal Value of the property as a means to assessing whether a smaller and more fragmented scheme might be acceptable that could be seen to support Outstanding Universal Value.*`

It is to be noted that ICOMOS made the same request to Historic England in their first Technical Review dated February 2024, and in their second Technical Review dated August 2025 (REP4-052). In the first Technical Review their recommendation was expressed as follows:

> `*ICOMOS therefore concludes that it would also be appropriate for the State Party to assess the efficacy of the management of the immediate and wider setting in maintaining the landscape character of the immediate and wider setting of the property, especially in the absence of a defined buffer zone.*`

Historic England, being the State Party referred to, has ignored this repeated advice. Such a detailed analysis of the setting has nothing to do with the Applicant but would have to be an independent and professional exercise. Historic England has not commented on this important and reasonable suggestion from ICOMOS. It is surprising that you have not asked Historic England in your letter whether it agrees with ICOMOS that such a review should be carried out before any decision on then development is made.

If the answer to that question is negative, Historic England should then be asked why this has not been discussed with ICOMOS since the issue was first raised in 2024. This is clearly an extremely important consideration for the SoS.

9 Conclusion

Given our extensive contribution during the BWSF Examination we are very familiar with all the material submitted by the parties involved. This enables us to identify the questions that would need to be asked for an SoS to determine if the Botley West Application can be approved. There is a clear lack of adequate or reliable information provided by the Applicant. Our summary above of some of the more important omissions in your letter of 14/20 April reveals a failure to recognise the fundamental flaws in the Application. Our view is that further and specific attention will need to be paid to these in determining the merits of the case. It is also our view that some of these flaws are incapable of being addressed and are therefore terminal.

Yours sincerely,

[redacted]

Chair, Begbroke & Yarnton Green Belt Campaign (BYG).