



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

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**FAO: John Wheadon**

**Head of Energy Infrastructure Planning Delivery**

**Department of Energy Security and Net Zero (DESNZ)**

**3-8 Whitehall Place**

**London**

**SW1A 2AW**

**30<sup>th</sup> May 2026**

**Via Email Only:** [BotleyWestSolar@planninginspectorate.gov.uk](mailto:BotleyWestSolar@planninginspectorate.gov.uk)

Dear Mr Wheadon,

**BOTLEY WEST SOLAR FARM (EN010147)**

**Submission on behalf of Mr Dustin Dryden, [REDACTED]**

**Compulsory Acquisition, Failure to Negotiate and the Absence of a Demonstrable Case for the Rights Sought**

*(In response to the Secretary of State's Request for Information dated 14 April 2026, as amended 28 April 2026 - paragraphs 61 - 64 and related matters)*

1. Introduction

This submission is made on behalf of Mr Dustin Dryden, owner and resident of Goose Eye Farm.

Mr Dryden is a Person with an Interest in Land and one of the specific addressees invited to respond to the Secretary of State's Request for Information.

This submission addresses the Secretary of State's questions concerning land interests, negotiations, compulsory acquisition and the continued justification for the rights sought over land affecting Goose Eye Farm.

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## 2. Significance of the Secretary of State's Questions

The Secretary of State has requested further information regarding:

- negotiations with affected landowners;
- the current status of discussions;
- the continuing need for compulsory acquisition powers and rights;
- the justification for the land and interests sought.

These questions are important because they indicate that matters central to the compulsory acquisition case remain unresolved following completion of the Examination.

The fact that further information is now required on these issues raises a legitimate question as to whether the compulsory acquisition case was sufficiently evidenced during the Examination process.

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## 3. Absence of Meaningful Negotiation

Throughout the Examination, Mr Dryden consistently maintained that there had been no meaningful negotiation with him concerning the rights sought over land affecting Goose Eye Farm.

Whilst the Applicant has referred generally to engagement with affected parties, this does not accurately reflect Mr Dryden's experience.

In particular:

- no substantive attempt has been made to agree the rights sought by negotiation;

- no detailed explanation has been provided as to why the full extent of rights sought is necessary;
- no meaningful effort has been made to minimise impacts on Goose Eye Farm through amendment of the scheme.

As a consequence, the compulsory acquisition powers sought continue to be advanced in circumstances where the underlying necessity for those powers has not been properly demonstrated.

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#### 4. Failure to Demonstrate Necessity

The compulsory acquisition powers sought are exceptional powers.

The burden rests upon the Applicant to demonstrate that:

- the rights sought are genuinely necessary;
- there is a compelling case in the public interest;
- the extent of the powers sought is proportionate.

In relation to Goose Eye Farm, that case has not been established.

The application documentation identifies extensive rights affecting land, access arrangements and infrastructure associated with the farm.

However, insufficient evidence has been provided to demonstrate:

- why the full extent of those rights is required;
- why alternative approaches have been discounted;
- why impacts upon Goose Eye Farm could not be reduced through changes to the design or layout of the scheme.

The continuing need for clarification from the Applicant suggests that these matters remain unresolved.

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## 5. Easements, Access and Operational Impacts

A particular concern relates to the interaction between the Proposed Development and existing rights benefiting Goose Eye Farm.

Throughout the Examination, concerns were raised regarding:

- access arrangements;
- private rights and easements;
- infrastructure serving the property;
- the continued operation of the agricultural holding.

These matters are not peripheral.

They affect:

- residential occupation of the property;
- agricultural operations;
- safety;
- long-term viability of the holding.

To date, there remains insufficient clarity as to how these matters would be protected if development consent and compulsory acquisition powers were granted.

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## 6. Relationship to Scheme Design

The issues raised in this submission are closely connected to those addressed in previous submissions regarding landscape, residential amenity and the proposed 250m buffer.

If the scheme requires redesign in order to address unacceptable residential impacts at Goose Eye Farm, the extent of land and rights currently sought may also require reconsideration.

This is particularly relevant because the Secretary of State has expressly invited further consideration of:

- scheme scale;
- layout;
- viability;
- alternative configurations.

It follows that the compulsory acquisition case cannot properly be considered in isolation from those wider questions.

The Secretary of State is currently considering whether the scale, layout and viability assumptions underpinning the Proposed Development require further justification or amendment. In those circumstances, it is premature to conclude that the land and rights presently sought remain necessary.

The compulsory acquisition case has been advanced on the basis of a particular scheme configuration. If that configuration changes, the justification for acquiring rights over land affecting Goose Eye Farm must necessarily be revisited.

If the land requirements change, the justification for compulsory acquisition powers must also be revisited.

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## 7. Proportionality

The rights sought over land affecting Goose Eye Farm must be proportionate to the benefits which they are intended to secure.

At present, there remains substantial uncertainty regarding:

- the final form of the scheme;
- the extent of any redesign;
- the adequacy of residential mitigation;
- the precise land requirements associated with any revised proposal.

In those circumstances, it is difficult to see how the proportionality of the powers sought can be reliably assessed.

## 8. Consequences for the Secretary of State's Decision

The questions now posed by the Secretary of State indicate that further work is required before the land and rights case can be properly understood.

In the absence of clear evidence demonstrating:

- necessity;
- proportionality;
- meaningful efforts to acquire rights by agreement;
- protection of existing property rights and operational requirements;

the statutory basis for compulsory acquisition remains unproven.

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## 9. Prematurity of the Current Compulsory Acquisition Case

The Applicant seeks extensive powers affecting land and rights associated with Goose Eye Farm.

However, the Secretary of State's Request for Information demonstrates that significant uncertainty remains regarding:

- scheme scale;
- scheme layout;
- residential mitigation;
- viability;
- the extent of land required to deliver the development.

Until those matters have been resolved, it is difficult to see how the necessity and proportionality of the powers sought can be properly assessed.

At present, the compulsory acquisition case appears to be founded upon a scheme which may itself be subject to material amendment.

## 10. Process Clarification

For the avoidance of doubt, this submission is made on the basis that Mr Dryden will be afforded a fair opportunity to review and comment upon any responses provided by the Applicant to the Secretary of State's Request for Information before any determination is made.

Given the nature and extent of the additional material now sought, such an opportunity is necessary to ensure that Interested Parties are able to engage meaningfully with the evidence on which the decision will rely.

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## 11. Conclusion

The Secretary of State's Request for Information confirms that significant questions remain regarding the land and rights case advanced by the Applicant.

The evidence currently available does not demonstrate that the rights sought over land affecting Goose Eye Farm are necessary, proportionate or supported by a compelling case.

Nor does it demonstrate that reasonable efforts have been made to resolve these matters by agreement.

In these circumstances, compulsory acquisition powers affecting Goose Eye Farm should not be granted on the basis of the information currently before the Secretary of State.

If the Applicant seeks to maintain the powers requested, it should be required to provide clear and detailed evidence addressing the issues identified above, together with a full explanation of why less intrusive alternatives have been rejected.

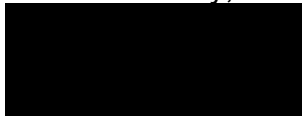


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We are sending this response, as requested, to the PINS Botley West email address and would request that whoever receives it passes it immediately to John Wheadon at DESNZ. We are sending a copy by post to Mr Wheadon at 3-8 Whitehall Place. We are 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,



Karen Squibb-Williams - **Barrister – Authorised to Conduct Litigation (BSB)**