



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)

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31st May 2026

Via Email Only: BotleyWestSolar@planninginspectorate.gov.uk

Dear Mr Wheadon,

BOTLEY WEST SOLAR FARM (EN010147)

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

Scheme Scale, Alternatives and the Absence of a Robust Viability Case

(In response to the Secretary of State's Request for Information dated 14 April 2026, as amended 28 April 2026 - paragraphs 30 - 32 and 66 - 71 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.

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This submission addresses the Secretary of State's questions concerning:

- alternative site assessment;
- scheme scale;
- viability;
- the possibility of a reduced scheme;
- and the implications of any revised scheme configuration.

2. Significance of the Secretary of State's Questions

The Request for Information raises fundamental questions regarding whether the scale of the Proposed Development has been adequately justified.

In particular, the Secretary of State seeks further information regarding:

- the viability of alternative configurations;
- the potential for a reduced scheme;
- the evidential basis for previous viability assertions; and
- the implications of any change in scheme extent.

These questions are of considerable significance.

They go beyond matters of refinement and instead address one of the central propositions advanced by the Applicant throughout the Examination:

namely that the proposed scale of development is necessary and that materially smaller alternatives would not be viable.

The fact that the Secretary of State now requires further evidence on this point suggests that the matter was not conclusively established during the Examination.

The Secretary of State would not be seeking this information unless there was genuine uncertainty as to whether the scale of the Proposed Development has been adequately justified.

3. Viability Assertions Have Not Been Properly Tested

Throughout the Examination the Applicant relied upon the proposition that a materially smaller scheme would not be economically viable.

However, detailed evidence supporting that proposition was not subjected to the level of scrutiny normally expected for a claim of such importance.

The Secretary of State's Request for Information appears to recognise this deficiency.

If a reduced scheme is now being actively considered, it follows that the proposition that "the scheme must be this size" cannot be treated as established.

This is important because the scale of the Proposed Development influences:

- landscape impact;
- residential amenity impact;
- land take;
- compulsory acquisition requirements;
- environmental effects;
- and overall planning balance.

The larger the scheme, the greater those impacts become.

The justification for that scale therefore requires particularly careful scrutiny.

The Applicant's assertion that the scheme must be delivered at its current scale can therefore no longer be treated as an established fact. It remains a proposition requiring evidence.

4. Relationship Between Scale and Residential Harm

Previous submissions on behalf of Mr Dryden have demonstrated that Goose Eye Farm would be subjected to severe residential visual impacts under the current layout.

The Applicant's response has largely relied upon the proposition that the current configuration is necessary in order to deliver the project.

The Secretary of State's questions now place that assumption in doubt.

If a smaller scheme is capable of delivering the intended objectives whilst reducing impacts on residential receptors, then the planning justification for the current layout becomes materially weaker.

This is particularly relevant to Goose Eye Farm, where:

- a reduced scheme may permit greater separation distances;
- a reduced scheme may facilitate the proposed 250m buffer;
- a reduced scheme may remove development parcels contributing to residential enclosure.

The issue is therefore not simply one of economics.

It is directly connected to the acceptability of the development.

If a smaller scheme could materially reduce residential impacts whilst still delivering substantial renewable energy benefits, the planning justification for the current scheme configuration is significantly weakened.

5. Relationship Between Scale and Compulsory Acquisition

The Secretary of State's questions also have direct implications for the compulsory acquisition case.

If the extent of the scheme changes, the extent of land and rights required may also change.

The Applicant's compulsory acquisition case has been advanced on the basis of a particular scheme configuration.

However, the Request for Information indicates that the continued appropriateness of that configuration remains under consideration.

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It follows that:

- land requirements may reduce;
- rights sought may reduce;
- impacts on affected landowners may reduce.

The viability and compulsory acquisition cases are therefore closely linked.

The compulsory acquisition case is therefore dependent upon the viability case. If the latter remains uncertain, the former cannot safely be regarded as settled.

6. Alternative Configurations

The Request for Information appears to contemplate the possibility that a different configuration of development could be brought forward.

This raises an important question.

If a materially smaller scheme is capable of:

- delivering substantial renewable energy benefits;
- reducing impacts on residential properties;
- reducing land take;
- reducing the need for compulsory acquisition;

why was such an option not properly developed and tested during the Examination?

The need to revisit these issues at this stage suggests that the alternatives assessment undertaken by the Applicant may not have adequately explored reasonable options.

The fact that these questions are now being asked suggests that reasonable alternatives may not have been fully explored before the application was submitted or examined.

7. Consequences of a Reduced Scheme

The Secretary of State's questions recognise that any reduction in scheme scale may have wider consequences.

A reduced scheme would not simply involve the removal of panels.

It could affect:

- landscape impacts;
- residential amenity;
- environmental effects;
- agricultural impacts;
- viability assumptions;
- land acquisition requirements.

The cumulative effect of those changes could alter the planning balance that was presented during the Examination.

This reinforces the importance of ensuring that any revised proposal is subject to proper scrutiny.

The possibility of these wider consequences reinforces the need for caution before treating the current scheme layout as the only viable development option.

8. The Examination Did Not Resolve the Question of Scale

The Request for Information demonstrates that the Examination did not finally resolve the question of whether the proposed scale of development is necessary.

That issue remains open.

The Secretary of State is now seeking information that goes to the heart of the Applicant's justification for the scheme.

This is not a minor evidential gap.

It concerns one of the fundamental assumptions upon which the Proposed Development has been promoted.

Until that question is answered through robust evidence, the central justification for the current scheme remains incomplete.

9. 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.

10. Conclusion

The Secretary of State's Request for Information demonstrates that the Applicant's justification for the current scale of development remains uncertain.

The proposition that the scheme must be developed in its current form and at its current scale has not been conclusively established.

If a smaller scheme is viable, many of the impacts identified throughout the Examination may be capable of reduction.

In those circumstances, the scale of the Proposed Development should not be treated as fixed or inevitable.

The Applicant should be required to provide clear and robust evidence demonstrating why a materially smaller scheme would not be capable of delivering the project's objectives whilst reducing impacts on affected residents and landowners.

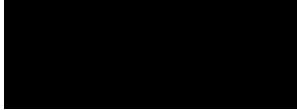


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Until that evidence is provided and properly scrutinised, the necessity for the current scheme configuration remains unproven. In those circumstances, the Secretary of State should be slow to conclude that the present scale of development represents either the only viable option or the least harmful means of delivering the project's objectives.

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)**