Acorn Chambers

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 **9th June 2026**

Via Email Only: BotleyWestSolar@planninginspectorate.gov.uk

Dear Mr Wheadon,

BOTLEY WEST SOLAR FARM (EN010147)

Final Cumulative Submission on behalf of Mr Dustin Dryden, [redacted]

Implications of the Secretary of State's Request for Information for Determination of the Application

*(**Final** submission in response to the Secretary of State's Request for Information dated 14 April 2026, as amended 28 April 2026)*

Dear Mr Wheadon,

I write on behalf of Mr Dustin Dryden, [redacted], owner and resident of Goose Eye Farm.

This is a final cumulative submission following the seven thematic submissions already made on Mr Dryden's behalf in response to the Secretary of State's Request for Information.

Those submissions addressed:

- landscape design and the mitigation hierarchy;
- residential visual amenity and the need for a 250m buffer;
- compulsory acquisition and the absence of a demonstrable case for the rights sought;
- scheme scale, alternatives and viability;
- construction, access, easements and the practical operation of Goose Eye Farm;
- the long-term viability of Goose Eye Farm as an agricultural holding;
- the reliability of the application and outstanding evidential gaps.

The purpose of this final submission is to draw those points together.

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1. The central issue:

The central issue is no longer simply whether Mr Dryden objects to the Botley West proposal.

He does.

The more important question now is whether the application, as examined, provides a sufficiently complete, reliable and fair evidential basis for the grant of development consent.

The Secretary of State's own Request for Information suggests that this question remains open.

That is significant.

The further information now sought does not concern marginal drafting points. It concerns matters central to the justification for the Proposed Development: landscape, residential amenity, scheme scale, viability, alternatives, compulsory acquisition, land rights, agriculture, ecology and other core matters.

A decision to grant consent would therefore need to confront not only the Applicant's case, but the extent to which that case remained unresolved at the close of the Examination.

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2. The pattern revealed by the Request for Information:

Any individual request for clarification may be capable of straightforward explanation.

That is not the position here.

The Request for Information identifies unresolved matters across multiple parts of the application. These are not incidental or peripheral issues. They are the building blocks of the Applicant's case.

The pattern is clear:

- the design case remains in issue;
- the residential amenity case remains in issue;
- the viability and scale case remains in issue;
- the compulsory acquisition case remains in issue;
- the practical consequences for directly affected landowners remain in issue;
- the overall reliability of the evidence base remains in issue.

Those matters cannot be treated as isolated points.

They are interdependent.

If scheme scale changes, land requirements may change.

If land requirements change, compulsory acquisition powers may need reconsideration.

If layout changes, residential impacts and landscape effects may alter.

If mitigation changes, the planning balance may shift.

The cumulative effect is that the application before the Secretary of State is not simply awaiting clarification. It remains materially unsettled.

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3. Goose Eye Farm illustrates the problem:

Goose Eye Farm is not a theoretical receptor.

It is Mr Dryden's home, an existing agricultural holding and a working rural business situated in one of the most exposed positions within the proposed development area.

The current proposal would place Goose Eye Farm in an extraordinary relationship with the scheme: effectively encircled by solar infrastructure and affected by issues of access,

easements, land rights, construction activity, maintenance, landscape change and residential amenity.

That position has not been adequately addressed.

The repeated theme across Mr Dryden's submissions is simple:

the Applicant has described the scheme at a high level, but has not adequately explained what it would mean in practice for the person and property most directly affected.

That matters.

The planning judgment cannot be properly exercised by treating Goose Eye Farm merely as a point on a plan, a residential receptor in an assessment table, or an entry in a land rights tracker.

The Secretary of State must understand the real-world consequences of the scheme for those expected to live and work within it.

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4. The 250m buffer and the need for redesign:

One of the clearest examples is residential visual amenity.

Mr Dryden's position has been that no consent should be granted unless a minimum 250m buffer is secured between the curtilage of Goose Eye Farm and any operational solar infrastructure, unless a robust property-specific assessment demonstrates that a lesser distance would avoid unacceptable harm.

That is not a cosmetic mitigation point.

It goes to scheme design.

If a 250m buffer is required to avoid unacceptable residential enclosure, the consequences are substantial:

- surrounding development parcels would need to be removed or reconfigured;
- the developable area would reduce;
- land requirements would change;
- viability assumptions would need to be revisited;

- compulsory acquisition powers would need reassessment.

That is why the buffer issue cannot be separated from the wider questions now being asked by the Secretary of State about scale, viability and layout.

The Applicant should not be permitted to rely on generic screening, planting or future management controls as a substitute for proper separation where the fundamental harm arises from proximity and enclosure.

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5. Compulsory acquisition cannot be treated as settled:

The compulsory acquisition case is particularly sensitive.

The powers sought are exceptional.

They require a compelling case in the public interest, necessity, proportionality and proper justification.

On behalf of Mr Dryden, it has been repeatedly submitted that the Applicant has not demonstrated meaningful negotiation, has not adequately explained the necessity for all rights sought affecting Goose Eye Farm, and has not shown that less intrusive alternatives have been properly considered.

That difficulty is sharpened by the Request for Information.

If the scale, layout and viability of the scheme remain under consideration, then the land and rights case cannot safely be treated as fixed.

The compulsory acquisition case advanced by the Applicant was based on a particular scheme configuration.

If that configuration is altered, the justification for acquiring rights over land affecting Goose Eye Farm must also be revisited.

It would be wrong in principle to grant compulsory acquisition powers over land and rights on the basis of a scheme whose configuration and justification remain materially unsettled.

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6. A reduced scheme cannot be approved without proper scrutiny:

The Request for Information appears to contemplate the possibility of a reduced or altered scheme.

That possibility is important.

If a smaller or differently configured scheme may be viable, then the Applicant's previous assertions about the necessity of the current scale require careful scrutiny.

However, a reduced scheme is not a procedural shortcut.

If material changes are proposed, they may alter the environmental assessment, residential impacts, landscape effects, land requirements, agricultural effects and overall planning balance.

Any such proposal would need to be assessed openly and fairly.

The Secretary of State's Request for Information appears to contemplate the possibility that the Applicant may seek to justify a materially reduced or reconfigured scheme.

That raises an important procedural question.

The Examination was conducted on the basis of a particular proposal. If the Applicant now seeks to advance a materially different scheme in response to the Request for Information, there is a legitimate question as to whether a short written consultation exercise would provide an adequate substitute for the scrutiny ordinarily associated with the Examination process.

The purpose of the Examination is to enable the principal features, impacts and justification of the proposed development to be tested through an independent process. If material aspects of the scheme remain under active reconsideration after the Examination has concluded, care must be taken to ensure that the integrity and purpose of that process are not inadvertently undermined.

The greater the extent of any change proposed by the Applicant, the greater the need for corresponding scrutiny, transparency and meaningful participation by affected Interested Parties before any final decision is reached.

Interested Parties must be given a proper opportunity to review and comment upon any revised material before it is relied upon in reaching a decision.

That is not a mere procedural preference.

It is necessary to ensure that the decision is taken on a fair, transparent and properly tested basis.

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7. Procedural fairness:

Mr Dryden has made repeated submissions on the basis that Interested Parties will be allowed to review and comment on the Applicant's responses before any determination is made.

That expectation is important.

The Applicant has been given an opportunity to address deficiencies and respond to concerns after the Examination has closed.

If the Secretary of State is minded to rely upon that material, fairness requires that directly affected Interested Parties are given a meaningful opportunity to comment upon it.

That is particularly so where the further information concerns issues central to the application and directly affects named parties such as Mr Dryden.

A decision taken on the basis of materially revised evidence, without affording a corresponding opportunity for scrutiny by affected Interested Parties, would risk undermining confidence in the decision-making process.

It would also risk undermining the integrity of the Examination itself.

The Examination process exists to enable proposals of this scale and significance to be subjected to independent scrutiny, informed by evidence from statutory bodies, local authorities, affected landowners and other Interested Parties. Confidence in that process depends not only upon its fairness, but upon the perception that material issues are examined before decisions are taken. If significant elements of the Applicant's case are reconsidered after the close of Examination, without

corresponding opportunities for meaningful scrutiny, there is a risk that confidence in the purpose and effectiveness of the Examination process itself may be diminished.

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8. The position now:

The Secretary of State has three broad options.

First, he may refuse consent on the basis that the application as examined has not demonstrated an acceptable and sufficiently evidenced case for development consent.

Second, if the Applicant proposes material changes, he may require those changes to be subject to proper scrutiny, including an opportunity for Interested Parties to comment and, where appropriate, further independent assessment.

Third, he may approve the scheme.

For the reasons set out in Mr Dryden's submissions, the third course would require particular care. It would require the Secretary of State to be satisfied that all material deficiencies have been resolved, that the evidential basis is reliable, that directly affected parties have had a fair opportunity to comment on any new material, and that the planning balance remains sound.

At present, Mr Dryden does not consider that those conditions have been met.

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9. Conclusion:

The seven submissions made on behalf of Mr Dryden should be read together.

They are not separate objections advanced in isolation.

They identify a connected series of concerns arising from the Secretary of State's own Request for Information.

The common thread is this:

the application examined by the Examining Authority did not resolve key matters central to the grant of development consent.

Those matters include design, residential amenity, landscape impact, scheme scale, viability, compulsory acquisition, access, easements, agricultural operation and the practical consequences for a directly affected landowner.

The Secretary of State should not treat these matters as capable of being cured by untested post-Examination material from the Applicant alone.

If development consent is to be granted, it must be granted on the basis of a complete, reliable and fairly tested evidential foundation.

Mr Dryden's position is that the application, as presently formulated, does not provide that foundation.

Unless the outstanding matters are properly resolved through a fair process, including a meaningful opportunity for Interested Parties to comment upon the Applicant's responses, development consent should not be granted.

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 email copies to relevant public representatives and interested parties.

Yours sincerely,

[redacted]

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