

Simon Raywood

From: Karen Squibb-Williams [REDACTED]
Sent: 21 June 2026 21:35
To: Botley West Solar Farm
Subject: EN010147; Response on behalf of IP Dustin Dryden to SoS's 11 June 2026 invitation to comment; Second Submission; RFI Questions 68 and 69 .
Attachments: EN010147 Botley West Response to SoS 11.6.26 - SECOND SUBMISSION 21.06.26.pdf

Dear Simon,

I hope the current heatwave is not too uncomfortable!

Please find attached Submission 2 made on behalf of Dustin Dryden in response to the Secretary of State's letter of 11 June 2026.

This submission should be read alongside Submission 1 and addresses the Applicant's response to RFI Questions 68 and 69, including:

- the Applicant's assertions regarding viability and scheme reduction;
- the Secretary of State's request for evidence concerning viability constraints;
- the Applicant's response to the 250m buffer and "without prejudice" reduction questions;
- the absence of supporting financial and viability evidence; and
- the implications for the Secretary of State's consideration of whether the current scale of the proposed development is necessary.

As indicated previously, further topic-specific submissions will follow.

It would be much appreciated if you could acknowledge receipt, forward to the department and arrange for publication in due course.

All best,

Karen



*Specialising in Forensic Sciences,
Technology, Expert Evidence & Property,
International Judicial Governance.*

KAREN SQUIBB-WILLIAMS
REGISTERED BARRISTER – Authorised to Litigate (BSB)

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

FAO: John Wheadon

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21st June 2026

Via Email Only: BotleyWestSolar@planninginspectorate.gov.uk

Dear Mr Wheadon,

EN010147 - Botley West Solar Farm

Submission on behalf of Dustin Dryden

Further Response to Secretary of State's 11 June 2026 invitation to comment

**Submission 2: COMMENTS ON THE APPLICANT'S RESPONSE TO RFI
QUESTIONS 68 AND 69**

Dear Mr Wheadon,

This submission should be read alongside Mr Dryden's Submission 1 dated 15 June 2026.

Mr Dryden has a direct interest in this issue. A smaller version of Botley West could significantly reduce, or potentially remove altogether, impacts upon his property and agricultural operations.

However, the importance of Questions 68 and 69 extends well beyond the position of any individual landowner. The Secretary of State's questions go to the heart of whether the scale of the proposed development is genuinely necessary and whether the Applicant has demonstrated that a materially smaller and less harmful scheme is not capable of being delivered. Mr Dryden submits that it has not.

The Secretary of State did not ask Question 69 because he was curious about the Applicant's finances. He asked it because he needed to understand whether the significant harms arising from this scheme are unavoidable. If a materially smaller scheme could be delivered, then many of the impacts which have concerned landowners, local authorities, statutory consultees and local communities throughout the Examination could potentially be reduced. The Applicant's response does not provide the evidence necessary to answer that question.

1. Questions 68 and 69 must be read together -

Question 69 cannot properly be considered in isolation. It follows directly from Question 68 and both concern the Applicant's "without prejudice" offer and the possibility of a reduced scheme.

The Applicant asserts in response to Question 68 that:

"The position as submitted with this Applicant's response to the SoS's RFI represents the maximum viable reduction."

The Applicant then states that:

"Further reductions would remove viability."

The remainder of the response is, in essence, an attempt to explain why the application of a 250m buffer and the associated reduction in generating capacity represents the furthest reduction that can be made without undermining viability.

The difficulty is that these assertions are largely unsupported by evidence. The Applicant's conclusion to Question 68 appears to be that because future electricity prices and inflation rates cannot be known with certainty, the scheme must retain as much generating capacity as possible in order to preserve an adequate economic buffer. That is an opinion. It is not evidence.

Nor does it explain why a materially smaller scheme, which would still remain substantially above the statutory threshold for a Nationally Significant Infrastructure Project, would necessarily become unviable. As Mr Dryden understands it, Botley West would remain one of the largest solar developments in the country even after substantial reduction. The proposition that any meaningful reduction in scale would render the scheme commercially undeliverable is not self-evidently credible and therefore requires evidence. That is precisely why the Secretary of State asked Question 69.

2. The Secretary of State requested evidence -

During the Examination, in REP6-052, Response to Rule 17 Letter dated 14 October 2025, Section 9 Part 2, the Applicant suggested that implementation of the Oxfordshire Host Authorities' proposed reductions would remove approximately 495MWp and would make the scheme "not even close to being viable".

The Applicant did not produce evidence to support that assertion during the Examination. Mr Dryden therefore welcomes the Secretary of State's decision to ask the Applicant:

"to evidence the viability considerations and constraints of any changes to the design of the Proposed Development."

The key point is that Question 69 did not ask for further assertions. It asked for evidence.

3. The Applicant has not provided the evidence requested -

The Applicant's response relies heavily upon the proposition that the development carries substantial fixed infrastructure costs which are largely independent of installed capacity. That may or may not be correct. However, no meaningful evidence is provided to enable the proposition to be tested.

No total infrastructure cost is identified. No breakdown of those costs is provided. No distinction is made between fixed and variable costs. No evidence is provided showing how those costs could be reduced under alternative layouts or alternative scheme scales.

The Applicant is effectively asking the Secretary of State to accept the existence and scale of a substantial fixed-cost burden without disclosing what that burden actually is. That is not evidence. It is assertion.

Furthermore, the analysis appears to assume that these alleged fixed costs would remain broadly unchanged irrespective of the scale or configuration of a reduced scheme. No serious attempt appears to have been made to explore whether a smaller scheme could be configured, phased or delivered differently. Nor is there any meaningful analysis of whether a reduced scheme might involve a different infrastructure solution, a different cost structure or a different financing approach.

The Applicant simply assumes that the existing cost structure must remain intact and then concludes that reductions are uneconomic. The conclusion follows from the assumption. It is not derived from evidence.

4. Absence of Transparent Funding Evidence -

There is a wider problem which the SoS should not overlook. Throughout the Examination the Applicant repeatedly relied upon arguments about viability, deliverability and commercial necessity, yet consistently declined to provide meaningful evidence about how the scheme would actually be funded.

Question 69 gave the Applicant an opportunity to correct that deficiency. Instead, it has again relied upon assertions rather than evidence. References are made to fixed costs, debt service cover and project economics, but no underlying financial information is provided which would allow the SoS, Interested Parties or independent advisers to test those claims.

No funding structure is explained. No investor commitments are identified. No financial modelling is disclosed. No sensitivity analysis is provided. The result is that the SoS is still being asked to accept the Applicant's assertion that further reductions to the scheme would make it unviable. Question 69 required evidence. The Applicant has again provided opinion.

5. The "break-even" analysis cannot be verified -

The Applicant's response includes a purported break-even capacity analysis. However, the analysis depends entirely upon assumptions which are neither evidenced nor capable of independent verification.

The Secretary of State is therefore being invited to place weight upon a financial exercise that cannot be tested by Interested Parties, consultees or independent experts. The practical consequence is that the response provides no reliable basis upon which the Secretary of State can conclude that a smaller scheme is not viable.

6. The status of the "without prejudice" offer remains unclear -

There is a further difficulty. Question 69 is prefaced by the words:

"If the Applicant is to proceed with a Without Prejudice Offer..."

The Applicant's response to Question 68 appears to suggest that it is no longer pursuing such an option. However, its response to Question 70 is less clear and appears to leave open the possibility of further discussion. The Oxfordshire Host Authorities' response similarly suggests that meaningful engagement on the "without prejudice" offer has not taken place.

Mr Dryden therefore repeats the request made in Submission 1. The Secretary of State should clarify whether any reduced or amended scheme remains under consideration and, if so, what process will be followed to allow Interested Parties to comment meaningfully upon it.

7. National Grid arguments -

The Applicant also argues that it has contractual commitments associated with an 840MW grid connection. Mr Dryden does not consider this argument assists the Secretary of State.

Any contractual arrangements entered into by the Applicant before obtaining development consent were entered into at the Applicant's own commercial risk. The existence of such arrangements cannot determine the planning merits of the

application. Nor can it justify retention of a larger scheme than would otherwise be necessary.

Furthermore, the latest National Grid evidence indicates that connection is not expected until Q4 2031. In those circumstances it is difficult to see why alternative arrangements could not be explored if the Secretary of State concluded that a smaller scheme should be pursued.

8. Funding and ownership context -

Finally, Mr Dryden considers it relevant that the Applicant has still not produced evidence demonstrating how the proposed development is to be funded.

This issue was raised repeatedly during the Examination, including by the Begbroke and Yarnton Green Belt Campaign in its Closing Statement, REP7-058, Section 13. The significance of that material is not that the Secretary of State must resolve every aspect of the Applicant's ownership structure or commercial arrangements. Rather, it provides context when considering how much weight should be attached to unsupported assertions regarding viability, financing and commercial necessity.

The Applicant has repeatedly relied upon such assertions. Question 69 provided an opportunity to support them with evidence. In Mr Dryden's submission, it has failed to do so.

9. Conclusion -

Question 69 required evidence. The Applicant has largely provided assertions.

The Secretary of State still does not know:

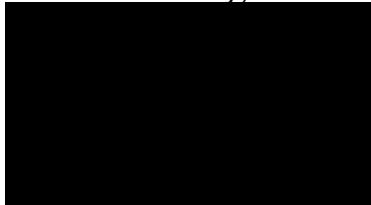
- what level of generation is genuinely required for viability;
- what a materially smaller scheme would cost;
- whether alternative configurations have been properly assessed;
- whether alternative financing structures have been considered;
- why a smaller scheme could not remain commercially deliverable.

The result is that the Secretary of State still lacks a reliable evidential basis for concluding that the scale of the proposed development, and the associated level of harm, is necessary.

That is the issue raised by Question 69.

It remains unanswered.

Yours sincerely,



Barrister – Authorised to Conduct Litigation (BSB)

