

Simon Raywood

From: Karen Squibb-Williams [REDACTED]
Sent: 24 June 2026 08:13
To: Botley West Solar Farm
Subject: EN010147 – Submission 3 on behalf of Dustin Dryden
Attachments: EN010147 Botley West Response to SoS 11.6.26 - THIRD SUBMISSION 24.06.26.pdf

Good morning, Simon,

I hope you are well.

Please find attached Submission 3 made on behalf of Dustin Dryden in response to the Secretary of State's consultation of 11 June 2026.

This submission addresses RFI Question 30 and focuses on decommissioning, restoration and the claimed reversibility of the loss of Best and Most Versatile Agricultural Land. In particular, it considers:

- the Secretary of State's request for a mechanism which would secure restoration of BMV land;
- the Applicant's revised Soil Management Plan and the extent to which it provides the certainty sought;
- the absence of any comparable precedent for restoration following a solar development of this scale and duration;
- the significance of the Examining Authority's proposed Decommissioning Fund; and
- the implications of these matters for the planning balance under section 104 of the Planning Act 2008.

I would be grateful if you could arrange for this submission to be forwarded to the relevant DESNZ officials for consideration as part of the Secretary of State's current consultation process and published on the project website in due course.

As before, further topic-specific submissions will follow.

Many thanks for your assistance.

Best wishes,

Karen



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

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



🌱 Consider the environment. Do you really need to print this email?

Acorn Chambers is regulated by the Bar Standards Board, High Holborn, London, UK.

VAT: GB 242 5387 08

This message contains confidential information and is intended only for the intended recipients. If you are not an intended recipient you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.



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

24th June 2026

Via Email Only: BotleyWestSolar@planninginspectorate.gov.uk

EN010147 – Botley West Solar Farm

Submission on behalf of Dustin Dryden

Third Response to Secretary of State's Consultation of 11 June 2026

SUBMISSION 3

SoS RFI QUESTION 30: DECOMMISSIONING, RESTORATION AND THE LOSS
OF BEST AND MOST VERSATILE AGRICULTURAL LAND

Dear Mr Wheadon,

This third submission should be read alongside Mr Dryden's earlier submissions (dated 15 and 21 June) responding to the Secretary of State's consultation of 11 June 2026.

It addresses the Applicant's response to RFI Question 30, in which the Secretary of State requested that the Applicant provide further detail within the Soil Management Plan ("SMP") to secure the restoration of Best and Most Versatile Land ("BMVL") to

at least its pre-construction Agricultural Land Classification and to outline appropriate monitoring to aid soil restoration.

Mr Dryden has a direct and particular interest in this issue. Land in which he has an interest includes land classified as Best and Most Versatile agricultural land.

Like many other landowners affected by Botley West, Mr Dryden cannot know whether he will still be actively involved with this land when the scheme reaches the end of its operational life. However, it is entirely possible that his children and grandchildren will be. That is why the question of restoration matters so greatly.

The issue is not simply whether the Applicant intends to restore the land. The issue is whether future generations can be confident that they will inherit land of the same agricultural quality as exists today.

The Secretary of State's Question 30 recognises the importance of that issue. The question does not ask the Applicant merely to describe restoration processes. It asks the Applicant to demonstrate how restoration will be secured. That distinction is critical.

The temporary nature of the proposed development forms an important part of the Applicant's planning case. The proposition advanced throughout the Examination has been that, whilst agricultural land may be affected during the operational life of the scheme, the land can ultimately be restored and returned to agricultural use.

The question raised by RFI Question 30 is therefore not whether the Applicant can describe a restoration process. It is whether the Secretary of State can be satisfied that restoration of BMVL can genuinely be secured.

Mr Dryden respectfully submits that, on the evidence presently available, he cannot.

1. The Secretary of State requested a mechanism which would secure restoration:

The wording of RFI Question 30 is important. The Secretary of State did not merely ask for further explanation of restoration techniques. He requested additional detail

to the SMP in order to secure the restoration of BMVL to at least its pre-construction Agricultural Land Classification. The requirement for security is significant.

The planning balance in this case depends, in part, upon the proposition that impacts upon BMVL are temporary and reversible. If restoration cannot be secured with sufficient confidence, then the extent and duration of the harm must be assessed differently.

The issue is therefore not whether the Applicant has produced additional text. The issue is whether that text provides the certainty the Secretary of State requested.

2. The Applicant's response does not provide that certainty:

The Applicant has amended the SMP and provided additional material in response to the Secretary of State's request. The revised text describes professional procedures, monitoring arrangements and restoration processes. However, no matter how carefully drafted, no document can create certainty where the underlying evidence does not exist.

The fundamental difficulty is that there is no comparable precedent. No solar farm on the scale of Botley West has previously been constructed on BMVL or, indeed, on agricultural land generally and then decommissioned following an operational life of approximately forty years.

Accordingly, there is no body of practical experience demonstrating that land affected on this scale can successfully be restored to its former agricultural quality after decades of operation.

The Applicant therefore seeks to reassure the Secretary of State about an outcome which has never previously been demonstrated on a comparable project. That is not a criticism of the Applicant. It is simply a statement of fact.

3. The scale and community geography of Botley West make this issue particularly important:

The importance of this issue is amplified by the scale and geography of Botley West itself. Unlike many solar developments, Botley West does not affect a single community or a small number of isolated receptors. It surrounds or directly affects a very large number of villages and settlements across West Oxfordshire, Vale of White Horse and Cherwell.

The consequences of decommissioning therefore extend well beyond the restoration of individual fields. If the development proceeds, decommissioning would itself constitute a major infrastructure undertaking involving the removal of panels, mounting systems, electrical infrastructure, foundations, access arrangements and associated works across a vast area.

That work would not occur in isolation. It would take place in and around communities which had already lived with the construction and operational phases of the scheme for decades. It would affect residential and working lives, local roads, agricultural operations, local businesses and the rural environment at precisely the point when the Applicant says the harm of the scheme will come to an end.

The planning balance can only treat those effects as temporary if there is reasonable confidence that the promised restoration will in fact be achieved.

In the case of Botley West, the question is therefore not simply whether solar infrastructure can eventually be removed. It is whether the Secretary of State can be confident that the agricultural, environmental and community conditions which exist today can realistically be restored after several decades of operation.

4. The Applicant's own wording acknowledges the uncertainty:

The position is made clearer by the Applicant's own revised SMP. At paragraph 9.1.8 the Applicant states:

"The procedures set out... have been developed to ensure wherever practicable... the reinstatement of the soil profile as far as possible to its pre-working characteristics."

Those words are important. The Secretary of State asked for a mechanism which would secure restoration. The Applicant responds by stating that restoration will be achieved:

- "wherever practicable"; and
- "as far as possible".

Those are not words of certainty. They are words of qualification. Indeed, they appear to acknowledge that full restoration may not always be achievable.

The Secretary of State is therefore faced with an obvious difficulty. The Applicant's own response accepts that restoration can only be pursued where practicable and only to the extent possible. That is materially different from demonstrating that restoration can be secured.

5. The absence of precedent matters:

The Applicant relies heavily upon guidance and restoration principles derived from other sectors. In particular, Annex A to the SMP relies upon restoration guidance developed in the context of quarrying and mineral extraction.

However, the restoration of mineral workings is not directly comparable to the restoration of a solar farm of the scale proposed at Botley West. The engineering interventions are different. The land use is different. The timescales are different.

Most importantly, restoration of mineral workings generally takes place following periods measured in years or decades substantially shorter than the operational life now proposed for Botley West.

There is therefore no established body of experience demonstrating the successful restoration of agricultural land following the installation, operation and eventual

removal of solar infrastructure on this scale after approximately forty years. The absence of such evidence demonstrates that restoration cannot presently be regarded as certain.

6. The implications for the planning balance:

Mr Dryden submits that this uncertainty is important. The Applicant's case consistently treats impacts upon BMVL as temporary because the land will ultimately be restored. That proposition can only carry substantial weight if restoration itself can be relied upon.

If restoration cannot be secured with confidence, then the Secretary of State should be cautious about treating the loss of BMVL as wholly temporary and reversible. The uncertainty identified above should be reflected in the planning balance. In particular, the Secretary of State should recognise that the actual position is not:

'BMVL will be restored';

Rather, it is:

'BMVL is intended to be restored and restoration will be pursued wherever practicable and as far as possible.'

Those are materially different propositions. The distinction is important because the Secretary of State's ultimate task is not merely to identify harms and benefits, but to determine the weight that should properly be attached to each. Under section 104 of the Planning Act 2008, the Secretary of State must decide the application in accordance with the relevant National Policy Statements unless one of the statutory exceptions applies, including where the adverse impacts of the proposed development would outweigh its benefits.

In undertaking that assessment, the Secretary of State should have regard to the particular characteristics of Botley West. This is not a proposal affecting a single site or a small number of neighbouring properties. It is a development spread across a vast area of countryside affecting an unusually large number of villages, settlements, farms, businesses and rural communities. It also surrounds and affects the setting of

The Studio, 10 Osborne Road, Ashcombe, Weston-super-Mare, North Somerset. BS23 3EL 6

M: +44 (0) [REDACTED]

[REDACTED]

the Blenheim Palace World Heritage Site, one of the nation's most important designated heritage assets.

The Applicant's case relies heavily upon the proposition that many of the resulting impacts are temporary because the land will ultimately be restored. If the claimed restoration of BMVL is uncertain, the Secretary of State should be cautious about treating the loss of that land as a temporary or fully reversible effect. The uncertainty identified above is therefore directly relevant to the planning balance which the Secretary of State must ultimately undertake, including the weight properly to be attached to the long-term effects of the development on the communities which will live with its construction, operation and eventual decommissioning.

7. Decommissioning funding and the Examining Authority's proposed Decommissioning Fund:

There is a second important aspect to this issue. Even if restoration techniques were accepted as adequate, restoration can only occur if decommissioning itself takes place and sufficient funds are available to complete the work.

This issue was considered extensively during the Examination. The concern was not confined to Interested Parties. It ultimately led the Examining Authority to propose a specific amendment to the draft Development Consent Order through Proposed Change PC002 (PD015).

The reasoning given by the Examining Authority is particularly significant:

"The applicant has made some pledges towards decommissioning, though has previously answered that nothing can be guaranteed regarding funds being available for decommissioning [REP1-019, page 33].

The applicant has also stated that if development consent is granted, the interest would fall back to having just an 'adequate equity ratio'.

The provision is deemed necessary to ensure that decommissioning would be adequately financed and the restoration of the land to its original condition."

These are not the concerns of an objector. They are the concerns of the Examining Authority itself.

The Examining Authority evidently concluded that a dedicated Decommissioning Fund was necessary because it was not satisfied that the availability of funds for decommissioning and restoration could otherwise be relied upon. That conclusion is highly relevant to the Secretary of State's consideration of RFI Question 30.

8. Temporary development requires credible restoration:

The Applicant repeatedly relies upon the temporary nature of the development as a factor weighing in favour of consent. Mr Dryden accepts that, in principle, solar development can be temporary.

However, a development can only properly be regarded as temporary if there is reasonable confidence that it will be decommissioned and that restoration will be achieved. The Secretary of State should therefore be cautious about treating the effects on agricultural land as wholly temporary and reversible unless both of those propositions can be demonstrated with sufficient certainty.

The present evidence does not do so.

On the contrary, the Applicant's own SMP contains important qualifications concerning restoration, whilst the Examining Authority considered it necessary to propose a Decommissioning Fund specifically to address concerns regarding future funding.

Taken together, those matters introduce a significant degree of uncertainty.

9. Conclusion:

The Secretary of State asked the Applicant to provide further detail which would secure restoration of BMVL to at least its pre-construction Agricultural Land Classification.

The Applicant has provided additional process. It has not provided the certainty sought by the Secretary of State. The distinction matters.

The Secretary of State asked how restoration would be secured. The Applicant's answer is, in effect, that restoration will be pursued wherever practicable and as far as possible.

It does not demonstrate that restoration has been secured. The difference between those two propositions should be reflected in the planning balance.

The Applicant's own SMP accepts that restoration can only be pursued "wherever practicable" and "as far as possible". No comparable solar farm has previously been restored following operation on the scale and duration proposed at Botley West. Furthermore, the Examining Authority itself concluded that a dedicated Decommissioning Fund was necessary to ensure that decommissioning and restoration would be adequately financed.

Mr Dryden therefore summarises:

1. The Secretary of State should not assume that restoration of BMVL has been secured merely because additional wording has been added to the SMP.
2. The uncertainty surrounding restoration should be reflected in the planning balance.
3. The Secretary of State should give substantial weight to the Examining Authority's reasoning in support of Proposed Change PC002.
4. If the Secretary of State is minded to grant development consent, the Development Consent Order should include the Decommissioning Fund proposed by the Examining Authority.

The temporary and reversible nature of the development is an important component of the Applicant's case and of the weight which the Secretary of State may ultimately attach to the agricultural land impacts of the scheme.

The central issue raised by RFI Question 30 is in fact, a simple one:

Can the Secretary of State properly conclude that the loss of Best and Most Versatile agricultural land caused by Botley West is a temporary and reversible effect when the Applicant's own evidence acknowledges that restoration can only be pursued

"wherever practicable" and "as far as possible", when no comparable solar farm has ever been restored following operation on this scale and duration, and when the Examining Authority itself considered it necessary to propose a dedicated Decommissioning Fund in order to secure restoration?

Mr Dryden respectfully submits that, on the evidence presently available, the Secretary of State cannot.

If the restoration of BMVL cannot be secured, then neither can the assumption that its loss is temporary. That reality should be reflected in the weight attached to this harm when undertaking the planning balance required by section 104 of the Planning Act 2008.

Yours sincerely,



Barrister – Authorised to Conduct Litigation (BSB)

