

EXECUTIVE SUMMARY AND GUIDE

Botley West Solar Farm DCO - EN010147

Submission on behalf of Mr Dustin Dryden - IP Number: [REDACTED]

Response to consultation on the Applicant's July 2026 material (published 04.09.26)

Purpose of this submission:

This submission raises a **threshold procedural and public-law issue** which Mr Dryden respectfully submits should be resolved before the Secretary of State determines the application.

The central question is:

Does the Applicant's July 2026 package constitute further information concerning the project examined by the Examining Authority, or does it, viewed cumulatively and in substance, amount to a material post-Examination change to the application and environmental case now before the Secretary of State?

Why the issue arises:

The Applicant's own July documents establish that, **after the Examination closed**, further landscape and visual assessment, additional site survey work and further consultation resulted in substantial redesign.

The Applicant records the removal of approximately **130.23 ha of solar installation area and 219.8 MWp of generating capacity**, together with extensive receptor-specific design changes. The July package also includes a revised Masterplan, new Landscape Parameter Plan and residential visual amenity regime, revised environmental and heritage assessment, new/revised ecological mitigation and compensation arrangements, and material amendments to the draft DCO and Requirements.

The issue is therefore not whether these changes may represent environmental improvements. It is **whether the development now proposed for consent remains, in substance and law, the project which underwent statutory Examination.**

Why that matters:

Current PINS guidance provides that the **Examining Authority** determines whether a proposed change to an accepted application may be accepted and examined, applying the test of whether the resulting project remains “**substantially the same**”, including the cumulative effect of incremental changes. Once Examination has closed, the ExA cannot accept a further change request.

The detailed submission therefore asks the Secretary of State to address expressly:

- whether the July package constitutes a substantive change to the application;
- whether the revised development remains within the environmental envelope previously assessed;
- whether all likely significant environmental effects have been adequately assessed before consent;
- whether mitigation relied upon is sufficiently secured and material assessment has not been deferred to post-consent processes; and
- whether written decision-stage consultation provides an adequate and lawful procedure for the revised proposal.

Course requested:

Mr Dryden respectfully requests that **no decision granting development consent be taken on 10 November 2026 unless and until those threshold matters have been expressly resolved.**

If the July proposal requires further independent examination, an available lawful mechanism for that examination should be used. If the proposal is no longer substantially the same project as that examined and no such mechanism is available, Mr Dryden submits that it should **not be consented through the present decision-stage process.**

This is an early submission. Further focused representations may be made before the **4 October 2026** consultation deadline.

Guide to the detailed submission attached:

Sections	Principal subject
1–4	Scale and nature of the post-Examination changes
5–7	Further information or substantive application change
8–10	EIA, environmental envelope and deferred assessment
11–13	Procedural fairness, Rule 19 and case law
14–16	Current NPS, EN-3, NPPF and legislative context
17–19	Legal position and course requested
20–21	Judicial review risk and further submissions

Yours sincerely,

[Redacted signature]

[Redacted name]; **Barrister – Authorised to Conduct Litigation (BSB)**
on behalf of **Mr Dustin Dryden**, Interested Party [Redacted]