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Subject: Sunnica Ltd. Representation in Response to Proposed Post-Consent Changes to the Development Consent Order
Date: 16 January 2026 23:26:32

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Representation in Response to Proposed Post-Consent Changes to the Development Consent Order

I'm submitting this representation to object to Sunnica Ltd's proposed post-consent amendments to the approved Development Consent Order (DCO). The changes sought relate to fundamental components of the scheme and are being pursued a considerable period after consent was granted. In our view, allowing such amendments would undermine the certainty and finality that the DCO regime is intended to provide and would risk setting an undesirable precedent for the post-consent alteration of nationally significant infrastructure projects.

1. Previous Changes During Examination

During the Examination, the Applicant introduced material changes to the proposed grid connection. These changes led to confusion for interested parties and required an additional consultation period, as well as the suspension and subsequent recommencement of the Examination. The revised proposals also introduced further infrastructure and resulted in additional environmental effects beyond those previously assessed.

Given this context, I consider that any further changes or extensions to the Order limits at the post-consent stage would be inappropriate. Matters of this nature should be resolved through the examination process prior to the grant of development consent, rather than revisited once consent has been issued.

2. Revisions to the Grid Connection Programme

The anticipated grid connection date has been revised on several occasions, moving from April 2025 to October 2027 and more recently to 31 October 2030. These repeated changes introduce ongoing uncertainty regarding the delivery of the project and reduce confidence in the reliability of the approved scheme parameters.

The most recent connection date does not align with the Government's objective of achieving clean power by 2030 and therefore offers limited support to that policy aim. There is also a realistic prospect of further delay, particularly in light of NESO's current review of grid capacity and project prioritisation.

In addition, concerns were raised during the Examination regarding the robustness of the Applicant's carbon lifecycle assessment. On that basis, there remains uncertainty as to whether the scheme would achieve carbon neutrality over its proposed operational lifetime, and therefore whether it would make a meaningful contribution to wider Net Zero objectives.

3. Importance of the Grid Connection to the Scheme

The grid connection is a core and essential element of the Sunnica Energy Farm. It is not an ancillary matter but is fundamental to the operation and deliverability of the development. As such, it should have been fully defined and secured prior to the grant of consent.

Seeking to amend or extend the grid connection arrangements after the Order, including its associated infrastructure, has been approved risks undermining the purpose of the DCO process, which is intended to provide clarity and certainty following examination.

4. Effect on the Approved Order Limits

Interested parties, including myself, engaged with the application and assessed its impacts on the basis of a clearly defined red-line boundary. That boundary informed the environmental assessments, consultation responses, and the Secretary of State's decision.

Allowing extensions to the Order limits post-consent would undermine the integrity of that process and would alter the basis on which representations were made and impacts were assessed.

5. Incremental Change and Precedent

I'm concerned that permitting further incremental amendments to the scheme could result in a situation where a series of individual changes, when taken cumulatively, leads to a development that is materially different from that which was examined and approved.

Such an approach risks circumventing the level of scrutiny, environmental assessment, and public consultation that would ordinarily be required for a revised proposal of this scale. It would also establish a precedent whereby developers are able to progressively alter consented schemes without the benefit of a full examination.

6. Deliverability and Financial Considerations

We note that Companies House is currently issuing a First Gazette notice in respect of Sunnica Ltd for compulsory strike-off, and that the Applicant has a limited financial track record. When considered alongside the repeated revisions to the grid connection proposals and programme, this raises further questions regarding the deliverability of the scheme.

There is a risk that, by the time a secure grid connection is confirmed and the Applicant is in a position to proceed, the implementation period of the DCO may have expired. This uncertainty provides additional justification for resisting further post-consent amendments to the Order.

Conclusion

For the reasons set out above, I object to Sunnica Ltd's proposed post-consent changes to the approved Development Consent Order. Allowing such amendments would undermine the certainty, transparency, and procedural integrity of the DCO regime and would risk establishing an undesirable precedent for the post-approval modification of nationally significant infrastructure projects.

Yours sincerely,

Justin Fuga