

Nick Timothy, Member of Parliament for West Suffolk



HOUSE OF COMMONS
LONDON, SW1A 0AA

David Wagstaff OBE,
Head of Energy Infrastructure Planning, Dept for Energy Security and Net Zero

13 October 2025

Dear Mr Wagstaff

Re: Sunnica Energy Farm, Development Consent Order EN 10106

I am writing to you about a serious matter related to the Development Consent Order for the Sunnica solar and battery farm (Ref: EN 10106) which was published in July 2024. As you know, the funding statement for a Nationally Significant Infrastructure Project such as Sunnica is a crucial element of a planning application. There is a proposed guarantee for Sunnica Ltd, amounting to the value of £32 million, to cover compulsory acquisition (CA) and temporary possession (TP) of land for the development of this facility.

However, information brought to my attention by constituent of mine, Alan Smith – who I believe also wrote to you about this matter on 22 May and whose letter I attach to this correspondence – has highlighted concerns regarding Sunnica and its related UK registered companies: Sumando Ltd, Jigg FM UK Ltd, Padero Solaer Ltd T/A PS Renewables, Padero Solar Ltd and Solaer UK Ltd.

A report by a chartered accountant, Mr Grahame Fennell FCA, covering the trading period for each company for the 12 months ending 30 April 2024, alleges a lack of transparency and the apparent provision of inaccurate information to the Examining Authority (henceforth 'ExA'). The ExA's report was, as you know, of material importance for the quasi-judicial decision subsequently made by the Secretary of State, Ed Miliband, to approve Sunnica.

Mr Fennell's report – which I also attach to this correspondence - alleges that specific and important financial information was not made available either to the ExA or to Mr Miliband by the time the decision was made in July 2024. His key findings are summarised as follows:

- There is concern surrounding the company Sumando Ltd, which was not disclosed in the organogram of funding Statement No 3. This omission, and the lack of transparency in the organogram, means that the actual group structure was not made clear to the ExA, nor to Mr Miliband;
- Sumando Ltd did not submit its 30 April 2023 financial statements to Companies House until nine months after the due date. This late submission – on October 2024 – occurred well after Mr Miliband's decision letter of 12 July 2024, meaning that apparently inaccurate information was presented to both the ExA and Mr Miliband regarding the financial structure of Sunnica Ltd; and
- It is worrying that a delay in this becoming public knowledge denied the chance for local communities affected by the proposed development to legally challenge the inaccuracies, since the 28-day window to mount a legal challenge was exceeded.

I am concerned that Mr Miliband's decision was made on the basis of inaccurate information and that due process was denied to those affected by decision. In their recommendation to the Secretary of State dated 28 June 2023 the ExA listed, in their '*conclusions in respect of funding*,' items where there was a lack of relevant information. It concluded 'there are outstanding concerns with the Applicant's Funding Statement.

Accordingly, the ExA recommended that the Secretary of State seek further information from the applicant before taking a decision. The report stated that the Secretary of State ‘*should obtain further information in order to be in a position to conclude whether or not there is a reasonable prospect of the requisite funds for acquisition becoming available within the necessary timescale, capable of meeting all financial liabilities arising from the exercise of the CA and TP powers sought*’.¹ However, it does not appear that the necessary due diligence was carried out by Mr Miliband. Had this been done, he would very likely have not come to the conclusion that Sunnica’s funding statement was ‘satisfactory’².

It is also important that, in a statement to the press made at the time of the decision, Mr Miliband stated to the media that solar power would provide ‘an abundant source of cleaner, cheaper energy on the mission towards 2030’³.

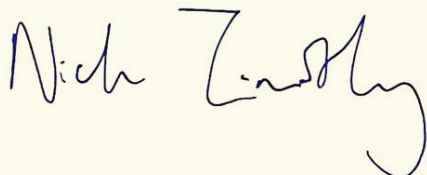
Yet, at the time the decision was taken in July 2024, a grid connection to the Burwell 400kV substation was not going to be available for six years and three months. This is because the transmission entry capacity agreement which Sunnica Ltd holds with the National Energy System Operator (NESO) is not due to become effective until 31 October 2030.

It would appear that, when the Secretary of State issued the Decision Letter of 12 July 2024, he was not aware of the Sunnica connection date to the National Grid substation at Burwell.

In my view there is sufficient evidence that the decision of 12 July 2024 should be overturned. If the process that led to consent for Sunnica being approved cannot be challenged, then CA and TP, in addition to the grid connection noted above, will depend entirely on the financial guarantee. Mr Fennell’s report states specifically with regard to the proposed guarantee that, in order to satisfy the CA/TP this should be provided by a reputable UK Financial Institution rather than any offshore body. It should also be held independently of the companies so that UK individuals affected by CA/TP are able to take action in this country rather than having to try and bring an action against a Spanish organisation.

At the very minimum, as Mr Smith suggests, full due diligence should be undertaken by an independent firm of chartered accountants when the name of the provider of the guarantee of Sunnica is known, when the date of the draft guarantee is known, as well as due diligence on the draft guarantee itself. I look forward to your response.

Yours sincerely,



Nick Timothy
Member of Parliament for West Suffolk

¹ Sunnica, Examining Authority report, 28 June 2023, p.303 [EN010106-005902-Sunnica-ExA-Recommendation-Report-28-June-2023-FINAL-with Errata sheet.pdf](#)

² Department of Energy Security and Net Zero, [Sunnica Decision Letter - 12 July 2024](#), par. 6.53, p.63.

³ [Sunnica solar farm on Cambridgeshire-Suffolk border approved - BBC News](#), 12 July 2024.