

Public

Ref: FOI/25/068

National Energy System Operator

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Dear requester

Request for Information

Thank you for your request for information which we received on 1 July 2025.

Your request has been considered under the Environmental Information Regulations 2004 (EIR). This is because we have determined that information relating to connection agreements relates to a measure that could affect the environment and therefore meets the definition of 'environmental information' provided at Regulation 2(1)(c) of the EIR.

Request

Further to our responses to previous information requests ([FOI/25/005](#) and [FOI/25/036](#)), you asked us:

- *Does the fact the agreement between Sunnica Ltd and NESO dated 27th September 2024 when NESO was not under Government ownership have any legal issues from 1st October 2024 when NESO is under Government ownership. This is in regard to the connection date of 31st October 2030.*
- *Who was responsible for changing the connection dates of 1st April 2025, 31st October 2027 to the 31st October 2030 and what were the reasons for those dates being varied over a period of 5 years and 6 months.*
- *Was it Sunnica Ltd or NESO and was the delay, if it was NESO, due to the National Grid being overloaded.*

- *Please supply me with correspondence between Sunnica Ltd and NESO and NESO and Sunnica Ltd between the dates 21st February 2019 and 27th September 2024 that relates to the date Sunnica Ltd can connect to the Sub station at Burwell. Whilst I appreciate in your correspondence of the 8th May and 19th June 2025 that the agreement detail must remain confidential, in my opinion, confidentiality cannot be used as not to release general correspondence to me.*
- *Please explain if there can legally be any further extension to the substation connection date of 31st October 2030 either by Sunnica Ltd or NESO.*

Our response

We confirm that we hold information in scope of your request.

In relation to your first question, we are happy to provide some explanation about the impact of our change in ownership on 1 October 2024.

There are no legal issues for connection agreements due to the change in NESO's ownership on 1 October 2024. The connection agreements remain with the same legal entity (company number 11014226) and are unchanged. The change in 2024 was to our company name (from National Grid Electricity System Operator Limited to National Energy System Operator) and who that company is now "owned" by neither of which has any impact on the rights and obligations, including the connection date, under those agreements. You can see the full filing history and all the updates from 1 October 2024 on the Companies House website [Companies House – GOV.UK](https://www.gov.uk/government/organisations/companies-house) by searching the company number 11014226.

In relation to your final question about potential extensions to connection dates, you will see that the Connection and Use of System Code (CUSC) [Connection and Use of System Code \(CUSC\) | National Energy System Operator](#) allows for modifications to agreements which can be proposed by either party, but these must be agreed by the contracting parties.

The remainder of your questions are specific to a particular project. As we have previously explained, information about specific agreements is subject to an exception under the EIR. We have reviewed the three questions above and have concluded that the information held is covered by this confidentiality and the EIR exception at Regulation 12(5)(e) of the EIR which states that a public authority may refuse to disclose information to the extent that its disclosure would adversely affect the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. We believe that the content of specific connection agreements is commercial in nature and our use of this exception is primarily in respect of the potential consequence to the developer's commercial interests. We also believe that related correspondence between the parties is similarly confidential and subject to the same exception.

Commercial companies develop generation projects and are independent of NESO and the respective transmission owners. These development projects are competitive processes, both for the rights to supply electricity to the transmission network and also for funding from investors and any available government funding where applicable.

Given the competitive arena in which renewable energy projects are developed and implemented, a developer would not expect their commercial information to be published. This would, in effect, make it available to other developers who could use it to undermine future bids for other renewable energy projects. Disclosure could also damage the developer's bargaining position whilst investment and build decisions remain outstanding. It could also affect the value and viability of an upfront investment before the project is connected.

NESO is bound by the confidentiality obligations under the CUSC and cannot share the specific terms put in place with a developer.

NESO also falls within the scope of the Utilities Act 2000 and Section 105 of that Act makes it a criminal offence to disclose information: a) obtained under the Utilities Act 2000 and any other key energy legislation such as the Gas Act 1986 and the Electricity Act 1989, subject to specific exceptions; and' b) where the information relates to the affairs of any individual or any particular business during the lifetime of the individual or so long as the business continues to be carried on. In our opinion, the information in question which is held by our Connections Team is subject to the restrictions at Section 105 of the Utilities Act and does not fall within any of the limited exceptions to that duty of confidentiality. Beyond this, there is also a common law duty of confidentiality based on the expectations of the developers.

All exceptions in the EIR are subject to a public interest test. NESO acknowledges that there are a number of public interest arguments in favour of disclosing the requested information. There is always some degree of public interest in transparency and the accountability of public bodies and disclosures of information may inform public debate and understanding of issues and decision-making processes. There is a general public interest in renewable energy development, particularly where the construction and development of such projects may have an impact on local areas and planning processes. The general public may be interested in the dates and times of construction, the connection dates, and the timelines and scope of developments.

There is a public interest in ensuring no specific developer is materially disadvantaged through disclosing confidential commercial information, which is not released in respect of other projects. This ensures that there is a level playing field across all projects.

NESO has a public duty under our licence to facilitate competition within the energy market and there is a recognised public interest in allowing competition in the energy industry. Increased renewable generation is crucial to the Government achieving its net zero and clean energy

targets and anything that unjustifiably inhibits the competitive development of that renewable generation runs counter to these goals.

NESO is the designated independent system operator and planner under the Energy Act 2023 and must remain independent, fair, and consumer focused. Disclosure could erode trust within the sector, hampering NESO's role and our ability to drive forward reforms and initiatives that would bring benefits to consumers and to the environment.

Having weighed up these public interest arguments, our opinion is that the balance of the public interest lies in maintaining the exemption and withholding the specific contract for this project.

The information in the TEC Register confirms that there is a project covered by an agreement and the CUSC information outlines the substantial content of connection agreements whilst preserving the commercial confidentiality owed to the developer and ensuring that NESO meets its legal and licence obligations.

This concludes our response to your request.

Advice and assistance

You may be aware of the current connections reform activity. NESO is delivering a [transformational change](#) to the way that the grid connections process operates. A key part of this reform is the introduction of the new Gate 2 to Whole Queue (G2TWQ) process, which ensures that only projects meeting specific readiness and Strategic Alignment Criteria progress through the reformed queue. This will mean that following the re-ordering process we will deliver a more orderly and predictable queue with less speculative projects. Following the closure of the submission window, NESO will begin re-ordering the current connections queue. Currently the queue stands at 738GW, more than four times the clean generation capacity required by 2030, with particularly more battery and solar projects than are needed. Helping unlock connections which will support economic growth to enable new industrial development and serve the modern technology needs of the future. Information on Connections Reform is available here: [Connections Reform | National Energy System Operator](#).

Next steps

If you are dissatisfied with our handling of your request, you can ask us to review our response. If you want us to carry out a review, please let us know within 40 working days and quote the reference number at the top of this letter. You can find our procedure here: [Freedom of Information and Environmental Information Regulations | National Energy System Operator](#). The ICO's website also provides guidance on the internal review process: [What to do if you are dissatisfied with the response | ICO](#).

If you are still dissatisfied after our internal review, you can complain to the Information Commissioner's Office (ICO). You should make complaints to the ICO within six weeks of receiving the outcome of an internal review. The easiest way to lodge a complaint is through their website: www.ico.org.uk/foicomplaints. Alternatively, they can be contacted at: Wycliffe House, Water Lane, Wilmslow, SK9 5AF.

Thank you for your interest in the work of the National Energy System Operator (NESO).

Regards,

The Information Rights Team, National Energy System Operator (NESO)