

Public

Ref: FOI/25/076

National Energy System Operator

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Dear requester

Request for Information

Thank you for your request for information which we received on 14 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

You asked us:

I am writing to request information under the Environmental Information Regulations 2004 (EIR) concerning grid connection applications submitted by the following developers:

- *Elmya Energy UK, and*
- *Renewable Power Capital (RPC)*

The scope of this request covers:

- *All applications (successful, refused, withdrawn, or pending) for grid connections to the National Electricity Transmission System (NETS), including embedded or direct connections;*
- *Connection points located in or associated with the district of South Norfolk—in particular, those involving the Gissing area or any nearby substations;*

- *All relevant technologies, including: Battery Energy Storage Systems (BESS), including applications for 450MW or 900MW projects; Solar photovoltaic generation; Wind turbine generation (onshore or hybrid schemes).*

Please provide, where available:

- *The project name or identifier;*
- *Applicant name;*
- *Connection site or substation;*
- *MW capacity;*
- *Status (e.g. accepted, pending, withdrawn, refused);*
- *Technology type;*
- *Application or effective date;*
- *Agreement type (e.g. BEGA/BELLA or transmission-connected);*
- *Relevant queue position or expected energisation date (if known).*

Our response

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

NESO publishes the TEC Register twice weekly. The TEC Register is a current list of projects that hold contracts for Transmission Entry Capacity (TEC) with NESO, including existing and future connection projects and projects that can be directly connected to the National Electricity Transmission System (NETS), or make use of it. The current TEC Register is available on the NESO website and can be filtered by Customer, Project and Connection Site: [Transmission Entry Capacity \(TEC\) register | National Energy System Operator](#). The TEC Register only covers connections to the transmission network. Some generation projects, particularly smaller projects, are contracted by Distribution Network Operators (DNO). Demand-only connections on the transmission system are not shown in the TEC Register.

The TEC Register dated 5 August has a number of projects listed where the 'customer name' includes 'Elmya' 'Elmya RPC' or 'RPC Elmya'. You can also filter by connection site. Further information on Connection Sites is available through [Connections 360](#) (registration required).

Connection offers are made substantially in the form of and under the terms of the Connection and Use of System Code (CUSC). The CUSC has exhibits containing proformas of the documents which set out the main content of the connection agreements with a developer and you can find the CUSC and the proformas on our website: www.neso.energy/industry-information/codes/connection-and-use-system-code-cusc/cusc-code-documents.

In terms of providing information on specific connection agreements or applications submitted by the named companies, further to the information available through the TEC Register, we are

relying on the 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.

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 any 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.

You may find it helpful to know that this kind of confidentiality obligation is not limited to the energy sector. There are equivalent provisions in legislation governing other sectors (e.g. the Water Act 1989, the Telecommunications Act 1984, the Airports Act 1986, and the Broadcasting Act 1990). 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 a general public interest in renewable energy development, particularly where the construction and development of such projects may have an impact on local areas. 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 and fair market for developers.

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 any information held that relates to connection agreements for specific projects.

The information in the TEC Register confirms where there is currently 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.

The use of the EIR exception for similar information relating to the connection of windfarms was the subject of a Decision Notice (Reference IC-127537-Q8R6) from the Information Commissioner. Whilst we consider every request for information on a case-by-case basis, the Information Commissioner's analysis of the connections process and the application of this exemption is helpful context. This decision upheld the use of the exception by the National Grid Electricity System Operator prior to our transition to NESO. The full decision is available on the Information Commissioner's Office (ICO) website should you wish to check this for yourself.

Advice and assistance

You may be aware that NESO is currently 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.

Customers are currently submitting their evidence through the Connections Reform Portal. 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)