

Public

Ref: FOI/25/075

National Energy System Operator

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Dear requester

Request for Information

Thank you for your request for information which we received on 10 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 requesting all information held by the National Energy System Operator related to power reservation requests, connections, or agreements made by the following entities:

- *DC01UK Ltd (South Mimms data centre site)*
- *Hilfield Energy Limited*
- *Hilfield Battery Storage Limited*

These projects are in connection with development sites located at or near South Mimms and the Hilfield area in Hertfordshire, including land referred to as east of South Mimms Services or near the Elstree (Letchmore Heath) substation and Hilfield substation.

Specifically, I am interested in, but not limited to, the following:

1. *All documentation, correspondence, and records pertaining to any formal or informal power reservation requests, grid connection agreements, or applications made by these entities (or any consultants or representatives acting on their behalf) for the South*

- Mimms or Hilfield sites. Please include dates of submission, approvals, connection offers, and any associated conditions or constraints.*
2. *Details of the reserved or requested power capacity (e.g., in MW or MVA), including any changes or updates to the capacity over time.*
 3. *Information regarding the connection timeline and energisation schedule for each site, including any agreed-upon or projected dates for connection or service commencement.*
 4. *Any studies, assessments, or analyses conducted by NESO relating to the impact of the proposed connections on the transmission system, including network capacity, reinforcement needs, or operational implications.*
 5. *Any records of communications, meetings, or consultations between NESO and the three companies (or their agents or developers), related to transmission or grid access for the above-named projects.*
 6. *Details of any required or proposed transmission network reinforcements or upgrades necessary to facilitate these connections, including transformer capacity upgrades, substation works, or line enhancements.*
 7. *Any planning or regulatory submissions made by NESO in connection with these projects.*
 8. *Please provide the requested information in an accessible format. If any part of the request is exempt from disclosure, please specify the applicable exemption and provide justification.*

Our response

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 fewer speculative projects. All developers who have projects with existing signed connection agreements in place are required to apply for a Gate 2 offer to receive an identified connection location and energisation date for their project. 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 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](#).

We understand that your request relates to [DC01 UK Ltd](#). [Companies House](#) shows that this company was previously known as Hilfield Energy Ltd and Hilfield Battery Storage Ltd. We can confirm that there is a current connection agreement between NESO and DC01 UK Ltd.

Regulation 12(5)(e) of the EIR 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 are relying on the exception at Regulation 12(5)(e) to withhold any further information on the current connection agreement.

Generation and demand projects are developed by commercial companies independently of NESO and the respective transmission owners. These development projects are competitive processes, both for the rights to connect to the transmission network and also for funding from investors and any available government funding where applicable. Given the competitive arena in which such 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 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.

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.

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 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 also a public interest in ensuring no developer is materially disadvantaged through the disclosure of 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. Data centres have been designated critical national infrastructure and are deemed to be critical to the economy, and anything that unjustifiably inhibits their competitive development 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 amongst stakeholders and customers, hampering NESO's role and our ability to facilitate the growth of national infrastructure and drive forward reforms and initiatives that would bring benefits to consumers, industry and the economy.

Having weighed up these public interest arguments, our opinion is that the balance of the public interest lies in maintaining the exception and withholding any information held that relates to connection agreements for specific projects.

We have confirmed that there is currently a project covered by an agreement in place with DC01UK Ltd, 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. This concludes our response to your request.

Advice and assistance

NESO's role is to move electricity safely, reliably and efficiently through the electricity system. We don't generate or sell electricity and we're not responsible for the infrastructure needed to move electricity around. NESO's Connections team is responsible for leading and facilitating the process by which customers connect to and make use of the transmission system. For information on the

role of key market participants in the Connections process please see this link: [NESO's role in Connections | 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)