

Public

Ref: FOI/25/078

National Energy System Operator

Faraday House

Gallows Hill

Warwick

CV34 6DA

InformationRights@neso.energy

www.neso.energy

13 August 2025

Dear requester

Request for Information

Thank you for your request for information which we received on 15 July 2025. Your request has been considered under the Environmental Information Regulations 2004 (EIR). This is because we have determined that the requested information meets the definition of environmental information provided at Regulation 2(1)(c) of the EIR.

Request

You asked us:

Part 1. The North London Reinforcement Project HWUP, on completion how much additional electricity will it allow to flow into the London area each day?

Part 2. The North London Reinforcement Project HWUP, in terms of constraint payments how much money will this project save each year? For example, if it was delayed for a year what would be the estimated additional constraint costs?

Our response

We confirm that we hold information relating to the capability uplift within the LE1 boundaries that would result from the Hackney Waltham Cross Upgrade Project (HWUP) and information on the potential costs should there be a 1 or 2 year delay to the scheme.

Confidential information was provided by the Transmission Owner (National Grid Electricity Transmission (NGET)) in relation to the above that we consider to be commercially sensitive. 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. The information held was provided to NESO for the purposes of the [Network Options Assessment \(NOA\) Refresh 2021/22](#) and a more recent Cost-Benefit Analysis (CBA) of the scheme and our use of this exception is primarily in respect of the potential consequence to the Transmission Owners' commercial interests. We can confirm that the CBA concluded that HWUP remains economically efficient as it would still produce benefit for the consumers in the form of savings in almost all scenarios, although benefits may decrease if it is delayed.

The confidential information was used to carry out network planning and economic assessments which are undertaken in order to make recommendations to Ofgem as part of our licensed duties as the National Energy System Operator (and previously as National Grid ESO). NESO is bound by the confidentiality obligations under the System Operator Transmission Owner Code (STC) when we receive information for the purposes of our system operator business.

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 for the purpose of network planning and economic assessments 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 Transmission Owners.

All exceptions in the EIR are subject to a public interest test.

NESO is mindful that the EIR requires us to apply a presumption in favour of disclosure when considering the public interest test. There is a public interest in NESO, as a public corporation, being accountable for its advice and recommendations. We also recognize that there is a public interest in local residents having information about the costs and benefits of changes to infrastructure which may impact on their local communities and the environment. We have confirmed that the most recent CBA identifies that HWUP remains economically efficient.

The Information Commissioner has acknowledged that there is some inherent public interest in maintaining commercial confidences and that third parties would be discouraged from confiding

in public authorities if they did not have some assurances that confidences would be respected. In order to fulfil our statutory and licence obligations as the independent system operator and planner under the Energy Act 2023, we must remain independent, fair, and consumer focused.

Disclosure is likely to harm the relationship between NESO and the TOs and would be likely to reduce trust in NESO more widely in the energy sector. If suppliers of information are concerned about the disclosure of the information, and feel that they cannot trust NESO, such that they are unwilling to provide information in the future, this would be likely to have a detrimental effect on NESO's ability to carry out our role, which would not be in the public interest.

Having weighed up these public interest arguments and mindful of the criminal offence under the Utilities Act, our opinion is that the balance of the public interest lies in maintaining the exemption and withholding the confidential information provided by the TOs.

Advice and assistance

NESO's principal functions are established in the Energy Act 2023 and include carrying out strategic planning and forecasting in connection with the development of transmission systems. TOs (in this case NGET) submit options with high level information, NESO assesses those options based on a clear set of design principles and provides a recommendation back to Ofgem and the TO. Following our recommendation, the TO would develop the project further by considering more detailed aspects and the associated risks and challenges. NESO's assessments are at a high-level network benefit perspective – we recommend options that Great Britain should consider investing, funding, upgrading and building infrastructure for. TOs then develop these projects and are responsible for the appropriate planning permissions.

HWUP is listed as an essential option in the Network Options Assessment 2021/22: [NOA Refresh 2021/22](#). Further information on the HWUP project is available from [Ofgem](#).

Transmission Owners (TO) are also subject to the Environmental Information Regulations 2004 (EIR) and you may wish to contact NGET for information.

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)