

## Public

Ref: FOI/25/117

National Energy System Operator  
Faraday House  
Gallows Hill  
Warwick  
CV34 6DA

[InformationRights@neso.energy](mailto:InformationRights@neso.energy)

[www.neso.energy](http://www.neso.energy)

10 October 2025

Dear requester

### Request for Information

Thank you for your request for information which we received on 17 September 2025.

Your request has been considered under the Environmental Information Regulations 2004 (EIR) as we have determined that information on connections falls within the definition of environmental information as set out in Regulation 2(1) of the EIR

### Request

You asked us:

*This letter is a request for information under the FOI/EIR re Kingsway. The public have been advised by the Kingsway team that they have secured an agreement with NESO for a connection to the new substation to be built at Burwell, South of the present substation at the Burwell site. The intention is for pylons to carry the power from the solar farm approx 14km from the site at West Wrattling to the new substation. Kingsway say they intend to start work in 2027 with the first part of the development connected in 2032 and the second half in 2034.*

*Please supply the following information for Kingsway:*

- 1. The date the agreement to connect was signed.*
- 2. The recommended maximum distance from a solar farm to a substation is 5km so will there be a loss of electric power by pylon cables over an approx 14km distance.*

3. *When is work scheduled to start on the new substation at Burwell.*
4. *How long will it take to build.*
5. *When is the scheduled completion date*
6. *Please give the timescale for Kingsway to get an actual connection date to the new site.*
7. *Is this new substation in addition to the Sunnica proposal to increase the present substation by 50% at their own expense.*
8. *The connection date for Sunnica is now 31st October 2030 so is their connection to the existing site or the proposed new site.*
9. *Are Kingsway correct in what they have given the public regarding the connection date at 2032 and 2034.*

On 6 October 2025, you asked:

10. *They are now telling the public that they have a guaranteed connection with NESO for 2033. with an intended start date now of 2028.  
Please would you confirm what actual date in 2033 and where is this date in the TEC register.*

## **Our response**

We confirm that we hold information in scope of questions 1, 8, 9 & 10 of your request.

1. *The date the agreement to connect was signed.*

Connection offers are made substantially in the form and under the terms of the Connection and Use of System Code (CUSC). NESO is bound by the confidentiality obligations under the CUSC. We are generally unable to disclose information beyond what is published in the TEC Register, which confirms that there is a project covered by an agreement and the CUSC.

We have provided the project numbers related to Kingsway Solar Farm in our response to question 9 below. The TEC Register includes the anticipated connection date ('MW Effective Date') for the projects.

In terms of the dates the specific connection agreements were signed, we are relying on the exception at Regulation 12(5)(e) of the EIR. Information is covered by Regulation 12(5)(e) if:

- The information is commercial or industrial in nature;
- Confidentiality is provided by law;
- The confidentiality is protecting a legitimate economic interest;
- The confidentiality would be adversely affected by disclosure.

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 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 is mindful that the EIR requires us to apply a presumption in favour of disclosure when considering the public interest test. We acknowledge that there are a number of public interest arguments in favour of disclosing the requested information. There is a 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.

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 exception and withholding the dates the connection agreements were signed for this specific project. We are aware that we have previously provided you with the date the connection agreement between Sunnica Ltd and NESO was signed in relation to another project (FOI-25-005). However, in the case of Kingsway, the projects are still at the 'scoping' stage. There is a large amount of information that cannot be made publicly available whilst a project is still progressing its development.

The use of the EIR exception for similar information relating to connections 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 exception 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.

*8. The connection date for Sunnica is now 31st October 2030 so is their connection to the existing site or the proposed new site.*

*9. Are Kingsway correct in what they have given the public regarding the connection date at 2032 and 2034.*

*10. Please would you confirm what actual date in 2033 and where is this date in the TEC register.*

The TEC Register is a list of projects that hold contracts for Transmission Entry Capacity (TEC) with NESO. These include 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 TEC Register is updated twice a week, and the most recent version is available here: [Transmission Entry Capacity \(TEC\) register | National Energy System Operator](#).

You can search the TEC Register by Project Number.

For question 8, the project number is PRO-000393. The connection site is listed in column C of the TEC Register.

For questions 9 & 10, the project numbers related to Kingsway Solar Farm are provided below. Column H of the TEC Register provides information on the 'MW Effective Date'.

- PRO-003824-1
- PRO-003824-2
- PRO-003892

We confirm that NESO does not hold recorded information for your remaining questions (2-7). The exception at Regulation 12(4)(a) of the EIR allows us to refuse a request or parts of a request where we do not hold the information at the time when a request is received. We are not required to create new information in order to respond to an EIR request. All EIR exceptions are subject to public interest test (PIT) however the Information Commissioner's Office (ICO) recognises that it is not possible to carry out a meaningful PIT where information is not held.

This concludes our response to your request.

### **Advice and assistance**

The Host Transmission Owner for the Kingsway Solar Farm (and Sunnica) is National Grid Electricity Transmission (NGET). NGET is subject to the Environmental Information Regulations (EIR), and you may wish to contact them in relation to information regarding the network infrastructure. NGET's contact details are available here: [Environmental Information Regulations \("EIR"\) 2004 | National Grid](#).

### **Connections Reform**

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. The evidence submission window closed on 26 August 2025. Ofgem's [decision on Connections Reform](#) in April 2025 set out that it is for NESO to provide the following information into the public domain for all projects that have met the Gate 2 criteria: Point of connection, Connection date, Technology type, TEC (and installed capacity). The TEC register, and other relevant registers, will be updated with which projects are Gate 1 and which are Gate 2 throughout the G2TWQ process. 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](http://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)