

Public

Ref: FOI/25/156

National Energy System Operator
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24 November 2025

Dear requester

Request for Information

Thank you for your request for information which we received on 28 October 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:

Please supply full details of the following listing on the TEC register, including application forms, correspondence, internal discussion and any related documents:-

Project ID a014L0000005iuyQAA

Project No PRO-002123

Our response

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

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 current TEC Register is published here: [Transmission Entry Capacity \(TEC\) register | National Energy System Operator](#).

Connection offers are made substantially in the form 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: [Connection and Use of System Code \(CUSC\) | National Energy System Operator](#).

For information, there appears to be a typographical error in the Project ID referenced in your request. Project No PRO-002123 on the TEC Register has an ID of a0I4L0000005iuyQAA (i.e., the third character is a letter 'I', not a number 1).

In terms of providing the information you have requested about Project No PRO-002123, Thormanby Solar PV & BESS, 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 information about specific projects in the TEC Register is commercial in nature and our use of this exception is primarily in respect of the potential consequence to the developer's commercial interests.

Whilst we review each request that we receive on a case by case basis, you will see from the responses published on our [Disclosure log | National Energy System Operator](#) that our decision to refuse your request is consistent with our decisions on similar requests for other projects.

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.

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 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 exemption and withholding the information 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.

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.

Further information

- 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 on 26 August 2025, NESO will begin re-ordering the current connections queue. 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)