

Island of Ireland as a case study of contestability for future implementation in GB.

1. Introduction

On 25th November 2025, NESO reached out to industry bodies to seek anonymous and aggregated evidence to support CMP 414 in order to progress opening up contestable works on the transmission network for all connections, beyond 2km limits. This briefing note aims to share Ireland's experience.

2. Legal Basis of Contestability Across Jurisdiction

2.1 Republic of Ireland (ROI)

The Republic of Ireland's contestability model has been successfully employed since 2000 and has been adopted at both the distribution and transmission level. Contestability in ROI is underpinned by Section 34 of the Electricity Regulation Act 1999, as amended by Statutory Instrument (S.I) No. 445 of 2000 and Statutory Instrument (S.I.) No. 226 of 2009. Developers in ROI can construct connection works, while the TSO (EirGrid) and TAO (ESB Networks) retain control over connection method, system-routing, and transfer rules. Contestability is supported by detailed technical standards and commissioning specifications¹

2.2 Northern Ireland (NI)

Contestability in Northern Ireland is underpinned by the Energy (Northern Ireland) Order 2003 as the core legal foundation. The order outlines the statutory duties and authorities of the regulator to pursue contestability in network connections at both the distribution and transmission level. The TAO (NIE) and TSO (SONI) provide clear governance for contestability works, with a strong emphasis placed on competition, safety, and compliance.²

3. Scope of Contestability in Ireland (ROI and NI)

Contestability in ROI and NI can apply to the following:

- New connections for generators,
- Large demand customers,
- Renewable projects.

Contestable works can typically include the following:

- Design, procurement and construction of dedicated connection assets

¹ [ESB Networks - Contestable Commissioning Specification](#)

² [Contestability-Guidelines-Version-2-2016-05-30](#)

- Civil works and electrical installation at a customer's point of connection.

Below we have provided a comparative table outlining the main differences between Republic of Ireland, Northern Ireland, and Great Britain.

Table 1: Comparison of contestable/non-contestable works across jurisdictions (GB, ROI and NI)

Activity	ROI Dx	ROI Tx	GB Dx	GB Tx	NI Dx	NI Tx
Point of Connection Determination	Non-contestable	Non-contestable	Non-contestable	Non-contestable	Contestable	Non-contestable
Design of Connection Assets³	Contestable	Contestable	Contestable	Contestable	Contestable	Contestable
Route Selection	Contestable	Contestable	Contestable	Non-contestable <2km	Contestable	Contestable
Upstream Reinforcement	Non-contestable	Non-contestable	Non-contestable	CATO process introduced	Non-contestable	Non-contestable
Construction of Shallow⁴ Assets	Contestable	Contestable	Contestable	Contestable (<2 km) ⁵	Contestable	Non-contestable
Final Connection & Energisation	Non-contestable	Non-contestable	Non-contestable	Non-contestable	Non-contestable	Non-contestable

Dx= distribution; Tx=transmission

3.1 Contestable vs. Non-Contestable Works

Broadly works are either defined as contestable or non-contestable within NI and ROI taking the following

a. Contestable Works:

- Contestable Assets outside the existing network (e.g. lines, cables, substations dedicated to the customer)
- Civil works and electrical installation for the customer's connection point.

b. Non-contestable works

- Any work on the existing transmission or distribution system.

³ Subject to approval by Utility

⁴ Definitions of shallow differs across jurisdiction. Generally, it is assumed from experience to mean connection works directly needed to connect that User specifically to the network (e.g. tail-fed connection from the main). Shallow works also mean the connection is not shared by other Users.

⁵ There is a direct assumption in GB that a connection of 2km or less in length, is *de facto* a shallow asset work on the transmission network. It is the only connection works that can be contestably built by developers on the transmission system. The CUSC industry code defines the 2km boundary for contestability.

- System Operator retains responsibility for protection, control, and integration.

3.2 Responsibilities of Parties

The Contestable party takes responsibility for compliance with:

- a) The relevant technical standards set by the System Operators,
- b) Safety rules,
- c) Grid codes.

The System Operator's remains responsible for

- a) approving designs
- b) supervising commissioning and ultimately ensuring compliance.

3.3. Wayleave and Land Access:

Contestability in the Republic of Ireland has been maintained even when land negotiations are required, supported by the regulator's wayleave consent framework⁶. The Commission for Regulation of Utilities (CRU) has functions relating to the transfer of the ESB's powers to developers in order to proceed to construct contestable overhead and underground lines. Only the holder of an authorisation or the holder of a direct line permission under Section 37 of the Electricity Regulation Act 1999 can apply for Section 48 and Section 49 consents.

4. Benefits And Challenges for Contestability in Republic of Ireland

Based on the findings of EirGrid's position paper on contestability from 2023⁷ we have provided the key benefits and challenges experienced in Ireland with contestability.

4.1 Key Benefits

- a) Greater Flexibility and Control: Contestability has enabled developers to manage design and construction, enabling tailored solutions.
- b) Cost Efficiency and Faster Delivery: Competitive procurement and parallel processes has reduced costs and accelerated timelines for developers seeking to connect.
- c) Innovation and Market Development: Contestability fosters competition among contractors, encouraging technical innovation.
- d) Alignment with Policy Goals: When well-integrated, contestability can support renewable targets and system expansion objectives.

5. Useful Other Documents

1. [Contestability-and-Connection-Assets.pdf](#) —Original ROI policy
2. [Company Standard - Contestable Commissioning Specification](#) Example of a template for contestable works

⁶ [Electricity wayleave consents CRU](#)

⁷ [EirGrid Response to CRU202341 Connection Policy Call for Evidence](#)

3. [Transmission-Connection-Agreement-Schedule-10 For-Contestability-of-Comm....pdf](#) Most Recent Available Transmission Connection Agreement Schedule.