

Public

Ref: FOI/25/099

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

InformationRights@neso.energy

www.neso.energy

3 October 2025

Dear requester

Request for Information

Thank you for your request for information which we received on 21 August 2025. Your request has been considered under the Environmental Information Regulations 2004 (EIR) as we believe that the requested information falls within the definition of environmental information as set out in Regulation 2(1) of the EIR. In this definition, energy is considered to be a factor that is likely to affect the elements/environment and the connections process, contracts and queue are measures that are likely to affect the elements/environment and energy. The exemption at Section 39 of the Freedom of Information Act 2000 (FOIA) covers information that a public body is obliged to consider under the EIR and has the effect of routing all requests for environmental information via the EIR rather than the FOIA.

We apologise for the delay in responding to your request and thank you for your patience in this matter. We are dealing with a high volume of requests at the current time and had to work around some staff absence. We do aim to respond promptly and have recently expanded the Information Rights Team in order to improve capacity and response times.

Your request

You asked us:

Please provide all recorded information showing **when NESO first became aware of “fault level” issues at the Neilston Grid Supply Point (GSP)** and impact on connection timescales (sometimes referred to in connection with Neilston/Busby/Strathaven/Crookston network assets), including but not limited to:

1. **Earliest awareness / trigger**

- a. The earliest document(s), email(s), memo(s), study output, dashboard entry, ticket, or meeting note indicating insufficient fault level or constrained **fault level headroom** at Neilston GSP (or the relevant transmission node if recorded under a different label).

2. **Assessments and studies**

- a. Any ETYS/NOA/operational planning studies, Appendix G / Project Progression material, or internal technical analyses that identified fault level issues for the Neilston area.
- b. Any “fault level headroom” lists, heatmaps, or dashboards in which Neilston appears.

3. **Internal communications and governance**

- a. Internal correspondence, meeting minutes, risk registers, and decision records concerning Neilston fault level constraints or mitigations (e.g., operational limits, connection queue impacts, constraint management).

4. **External communications**

- a. Correspondence with Transmission Owners (e.g. **SP Transmission**) or Distribution Network Operators regarding Neilston fault level issues, including requests for studies or mitigations.
- b. Any communications with developers (e.g., grid-forming plant, BESS, or “Greener Grid Park”) where Neilston fault level was discussed.

5. **Dates & metadata**

- a. For the above, please include document dates and, where recorded, the date of first awareness and the person/team logging that awareness.

Scope

- **Timeframe:** 1 January 2018 – present.

Our response

We asked colleagues in the System Capability and Strategic Network Design teams to search for recorded information held in relation to your request. They have responded to confirm that they do not carry out any detailed analysis on fault levels, and the team was not aware of the Neilston fault level issue.

This NESO Team undertakes the long-term planning for the Electricity Ten Year Statement (ETYS). Although we publish Minimum fault level for year 1/current year and Peak fault levels for all ETYS model years, the Transmission Owners (TOs) each undertake their own GB wide fault level analysis and calculations and then send that information to us. We collate it and report it in the ETYS appendix D. You can find the ETYS documents, including the appendices on our website here: [Electricity Ten Year Statement \(ETYS\) | National Energy System Operator](#).

The fault levels calculated are general GB wide considering availability of generators based on FES and not calculated for any specific location. Bespoke studies for specific locations are done by TOs only in long term timescales, as the TOs do these for customer compliance checks. And the team have had no correspondence or discussions with the TOs regarding any specific fault level issue at Neilston GSP.

Our Network Access Planning Team was not aware of any fault level issues at Neilston GSP currently or in the near future. This team does hold records related to commissioning on Greener Grid BESS connected at Neilston 132kV but we do not believe that these fall within the scope of your request.

Our Connections Team hold copies of correspondence with customers and SPT and copies of internal correspondence relating to connections related issues at Neilston. We are withholding this information on the basis of the following EIR exceptions: Regulation 12(4)(e) and Regulation 12(5)(e).

Information is covered by the exception at Regulation 12(5)(e) of the EIR 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.

Before we explain the rationale for the use of these exceptions, it is important to note that responses to requests under both the EIR and the FOIA are considered to be disclosures into the public domain rather than private or limited disclosures to an individual requester. When reviewing the requested information, we are therefore required to consider the consequences of disclosing the information to the wider public.

There are a number of customers who are affected by the Neilston issues and these are customers are identifiable via the information in the TEC register. The disclosure of correspondence with any one specific customer or correspondence which references all these customers or contains information relating to all these customers would have the effect of providing information to the other customers affected by the issues, to other developers not affected by the issues, and to other interested parties.

As an affected party yourself, this would involve the disclosure of information relating to your project into the public domain. We normally publish our FOI and EIR responses, but in this case are responding to you without publishing the response on our website to avoid adding information about you and other customers into the public domain.

In terms of providing information relating to a specific connection agreement, project or connection customer, we are relying on the exception at Regulation 12(4)(e) (Internal Communications) in relation to internal communications about customers. For communications between NESO and SPT, we are relying on 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. We believe that the content of specific connection agreements and discussions relating to 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.

Connection offers are made substantially in the form of 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 publish information beyond that is held in the TEC Register which 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. NESO and Transmission Owners (TOs) are also bound by the confidentiality obligations set out in the System Operator Transmission Owner Code (STC).

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 CUSC, the STC, and 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.

Public Interest Test

All exceptions in the EIR are subject to a public interest test and we are permitted to look at the public interest for both exceptions at the same time.

We do not take into account the identity of the requester or the private interests of the requester. For EIR purposes, we focus on the wider public interest rather than the private interests of the requester or other parties.

NESO is mindful that the EIR requires us to apply a presumption in favour of disclosure when considering the 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 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.

We note that you have raised related complaints and in this context acknowledge that there is a public interest in disclosure around how a public authority or corporation has carried out its public tasks and/or licensed activities. There is also always some public interest in disclosing information to present a full picture.

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 requested information.

The use of the EIR exception for 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.

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)

Ref: FOI/25/099

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

InformationRights@neso.energy

15 December 2025

Dear [REDACTED]

You requested an internal review of our handling of your information request, which we received on 17 October.

This internal review is specific to your information request. I have reviewed the response to see if we have met the requirements of the Freedom of Information Act 2000 (FOIA) and/or the Environmental Information Regulations 2004 (EIR). This is separate from any other complaints processes you might be engaged in with us.

My role at NESO is General Counsel and Director of the Legal and Regulation Directorate which includes the Information Rights Team. I have not been involved in the handling of your request before performing this review.

Your request was for information relating to fault level issues at the Neilston Grid Supply Point (GSP). We responded on 3 October. You have specified two areas that you wanted us to review:

- The earliest date that NESO was aware of an issue
- The refusal to provide copies of related internal communications.

My decision

1. Use and application of the Environmental Information Regulations (EIR)

Having reviewed the handling of your request, I agree that the application of the EIR rather than the FOIA was correct, however, I do not believe that this route was the most appropriate for your enquiry.

As an affected party we consider that your request relates largely to private interests. The requested information is primarily of interest to a small number of connections customers. Affected customers have been provided with FAQs/information sheets and have had meetings or calls with NESO with regards to their own specific situations. Given that responses under the EIR are considered to be disclosures into the public domain, we are unable to provide responses relating to specific customers or small identifiable groups of customers unless the information in question is suitable for publication. Responding to one affected customer would have the effect of disclosing commercially sensitive information relating to other identifiable customers into the public domain.

Please contact our customer service team for connections related enquiries and complaints:

<https://www.neso.energy/industry-information/connections-reform/pipeline-notification-enquiries>. This team would be best placed to assist you in your enquiries.

In terms of how the EIR request was handled, I am satisfied that appropriate and reasonable searches were conducted at the time of your request.

2. Earliest date that NESO became aware of an issue

I agree that we could have provided you with a date. Whilst we cannot be certain of the exact date that we became aware of the issue, we can provide you with the date of the first recorded information relating to the issue that we hold. This is not necessarily the earliest date that we were aware of an issue, but under the EIR we should provide you with the recorded information that we hold. The earliest date in recorded information held by NESO relating to a fault level issue at the Neilston GSP is 12 January 2024. This date is from email correspondence between National Grid ESO (NESO came into being on 1 October 2024) and Scottish Power Energy Networks. The email does refer to previous discussions between SPEN and ESO, but we have been unable to locate any earlier recorded information in our searches. It is likely that at least some of the earlier discussions were verbal. As set out in our initial response, this email relates to customers' commercial information and is covered by the confidentiality obligations in the System Operator-Transmission Owner Code (STC) and are therefore exempt under the exception at Regulation 12(5)(e).

3. Refusal to provide internal communications

You queried our decision to withhold the internal communications that fall within the scope of your request and our decision to withhold entire documents.

I have reviewed the information in question and the rationale for the decisions. The information that fell within this category can indeed be classified as internal communications. I agree that the exception at Regulation 12(4)(e) applies to the whole communications. In terms of the public interest test, there are some additional arguments that we should have considered. I am mindful

of the presumption in favour of disclosure and am satisfied that this presumption was considered at the time of the request.

There is a public interest in transparency and accountability of public bodies and public corporations, particularly where the information relates to decision-making. There is currently much public interest in the energy sector, the energy market, and in energy infrastructure.

There is, however, also a need for public sector organisations to have a safe space to discuss issues and consider matters and options in order that they can effectively carry out their public tasks and licenced activities. The ICO's guidance on the exception ([About this exception | ICO](#)) states:

The underlying rationale behind the exception is that public authorities should have the necessary space to think in private. The original European Commission proposal for the Directive [COM\(2000\)0402](#) explained the rationale as follows:

It should also be acknowledged that public authorities should have the necessary space to think in private. To this end, public authorities will be entitled to refuse access if the request concerns... internal communications.

However, the exception is drafted to cover all internal communications, not just those actually reflecting internal thinking.

The limited internal communications held are in the form of email messages between NESO colleagues and involved internal discussion and updates. These are not formal minuted meetings or formal documents. In my opinion, there is a public interest in NESO employees being able to have a safe space in which to discuss issues, seek clarification on matters, and collate views and information. The internal communications relate to specific customers or to a small group of customers and there is a public interest in ensuring fair commercial competition and ensuring that customers' commercial interests are not adversely affected by publicly disclosing information relating to their offers, contracts, and commercial interests. As the connections reform process is still in progress, these issues are still 'live' so there is an ongoing need for a safe space for NESO employees to consider connections related issues and a public interest in the continued confidentiality of this information.

Most of the information in the internal communications would fall under the confidentiality obligations of the Connections and Use of System Code (CUSC) as it relates to a small number of customers or to specific, named customers. Some of the information in the internal communications repeated information that the Transmission Owner had shared with NESO under the STC.

For the sake of completeness I am now also applying the exception at Regulation 12(5)(e) to those sections of the internal communications that include commercial information provided to NESO under the STC and CUSC.

The exception at 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. Information relating to connection agreements and connection customers is commercial in nature and our use of this exception is primarily in respect of the potential consequence to the developer's commercial interests.

In addition to the obligations under the CUSC and the STC, 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.

In terms of the 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 the security of energy supply, the building of energy infrastructure, renewable energy sources, investment in GB's energy sector, and the costs of energy to consumers. There is also a general public interest in the transparency and accountability of public authorities and corporations, particularly with regard to their decision-making.

There is a public interest in ensuring no specific developer is materially disadvantaged through disclosing confidential commercial information. 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 of commercial information would 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. Clearly there is a strong public interest in NESO maintaining the confidentiality of information which is protected by confidentiality obligations in codes and legislation and not committing a criminal offence.

Having weighed up these public interest arguments, and taking into consideration the presumption in favour of disclosure, my opinion is that the balance of the public interest lies in maintaining the exemption and withholding the relevant information in the internal communications.

4. Summary

- I acknowledge that there was a delay in responding to your request and can see that the Information Rights Team apologised for the delay. Although I do not believe that the EIR or

FOIA were the appropriate route for this enquiry, I am satisfied that the EIR request was otherwise managed in compliance with the requirements.

- Save for providing the earliest recorded date of information on this matter, we have provided all disclosable information to you and correctly applied the exceptions.
- I have now provided you with the earliest date in the recorded information held at the time of your request.
- I support the use of the internal communications exception at Regulation 12(4)(e) to the whole of the internal communications documents held. I have applied an additional exception (Regulation 12(5)(e)) to the information contained in the internal communications held which is commercial information and subject to the confidentiality obligations in the CUSC and STC. Most of the information in the internal communications falls into this category.
- I am happy that an appropriate level of advice and assistance was provided at the time and that this was in line with the requirements of Regulation 9 and the EIR Code of Practice, however, I hope that this response provides further clarification.

Advice and assistance

I advise you to contact our Customer Team who can respond to enquiries from specific customers and may be able to provide information to you that we are unable to disclose into the public domain. I also advise that you contact the Transmission Owner for further information.

You may find the Codes section of our website helpful: [Codes | National Energy System Operator](#)

The information on the Codes includes information about the System Operator – Transmission Owner Code (STC) and the Connections and Use of System Code (CUSC).

Next steps

If you still feel that we have not responded appropriately to your information request, 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,

Zoe Morrissey

National Energy System Operator (NESO)