

Public

Ref: FOI/26/082

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Dear requester

Request for Information

Thank you for your request for information which was received by NESO on 16 June 2026.

You asked us to consider your information request under the Freedom of Information Act 2000 (FOIA). The exemption at Section 39 of the FOIA covers information that a public body is obliged to consider under the Environmental Information Regulations 2004 (EIR) and has the effect of routing all requests for environmental information via the EIR rather than the FOIA. Your request has therefore been considered under the EIR because the requested information meets the definition of 'environmental information' at Regulation 2(1)(c) of the EIR.

Request

You asked us:

I am seeking information relating to the Battery Energy Storage System proposed by Anesco Ltd at Land East of Bemersley Road, Ball Green, Staffordshire (Planning Ref. SMD/2022/0076, Appeal Ref. APP/B3438/W/24/3351328).

Please provide the following:

- 1. The Gate status (Gate 1 or Gate 2) assigned to this project under the Connections Reform process.*
- 2. The confirmed or proposed DNO/TO connection point, including the name of the substation and voltage level.*

3. *Any correspondence or documentation issued to the developer relating to the project's connection offer, queue position, or readiness assessment.*
4. *Whether the project has been assigned a firm or non-firm connection date.*

Summary response

We can confirm that NESO holds some information in scope of your request.

However, as we explain in more detail in our full response to your request (provided below in compliance with the EIR) NESO is unable to disclose information on individual projects, except where information is already publicly available.

Further to the above, the project that you are enquiring about is at distribution level and the connection agreement will be held with the Distribution Network Operator (DNO) and not NESO. We therefore hold limited information in scope of your request, and you may wish to contact the DNO, National Grid Electricity Distribution (NGED), to request information

Our response

Public authorities subject to the Environmental Information Regulations 2004 (EIR) are required to confirm whether they hold recorded information in scope of a request and provide access to that information. However, the right of access to information provided by the EIR is subject to certain exceptions. Where an exception applies to recorded information, the public authority may withhold from disclosure that information.

We can confirm that we hold some information in scope of your request however NESO cannot provide any further information relating to specific developers or their projects other than that which is made publicly available.

We are engaging the exception provided by 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.

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.

Information relating to specific developers and projects 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 EIR/FOIA Disclosure Log that our decision to refuse your request is consistent with our decisions on similar requests for information on other projects:

[Disclosure log | National Energy System Operator](#)

Energy projects are developed by commercial companies and are independent of NESO and the respective transmission owners (TOs) and distribution network operators (DNOs). These development projects are competitive processes, including 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.

NESO is bound by the confidentiality obligations under the Connections and Use of System Code (CUSC) and cannot share information about individual projects. Projects with existing connection agreements to the distribution network that wished to apply for Gate 2 contracts submitted their evidence to DNOs, who submitted it to NESO on their behalf. This information was provided to us by DNOs in confidence under the terms of the CUSC for the purposes of the Gate 2 to Whole Queue process.

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 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 energy projects are crucial to the Government achieving its net zero and clean energy targets and anything that unjustifiably inhibits that competitive development 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 information for this project. NESO is ensuring that it is being as transparent as possible through the Connection Reform process, 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](#).

This concludes our response to your request.

Further Information

For information, NESO operates today's electricity system and designs tomorrow's energy system. Our role is to ensure the electricity transmission network can move power safely, efficiently and at the lowest cost to consumers.

NESO's Connections team is responsible for leading and facilitating the process by which customers connect to and make use of the transmission system. For more information on the Connections process and the roles of key market participants, please see NESO's role in [Connections | National Energy System Operator](#).

NESO, in collaboration with the networks, industry, government and Ofgem has delivered a transformational change to the way that the grid connections process operates.

Information on Connections Reform is available here:

- [Connections Reform | National Energy System Operator](#).
- [About Connections Reform | National Energy System Operator](#)

A key part of this reform is the introduction of the new Gate 2 to Whole Queue (G2TWQ) process, which ensures that only projects that are ready to go and are aligned to the UK Government's Clean Power Action Plan progress through to the new connections delivery pipeline. The Gate 2 Criteria Methodology and Connections Network Design Methodology can be found here:

- [Connections Reform design documents and methodologies | National Energy System Operator](#)

On 8 December 2025 NESO began informing Customers of the outcome of their applications and published the results of the new connections delivery pipeline. Further detailed results data was published in January 2026. The published information provides a high-level view of the reformed pipeline. NESO will not be disclosing information on the status of individual projects at this time.:

- [Connections Reform Results | National Energy System Operator](#).
- [Connections Reform: Detailed Results Data](#)

On 13 February 2026 NESO, Transmission Owners (TOs), Distribution Network Operators (DNOs) and wider delivery partners jointly confirmed updates to the delivery timeline for Connections Reform: [Connections reform timeline | National Energy System Operator](#).

NESO has ensured that it is as transparent as possible through the Connection Reform process, whilst preserving the commercial confidentiality owed to the developers and ensuring that NESO meets its legal and licence obligations. Publicly available information is published via:

- [TEC Register](#) - 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. Distribution connected projects will hold a contract with the relevant DNO and are therefore not included on the TEC Register.
- [Existing Agreements Register](#) - the EA Register details projects that applied for "Gate 2" in the Connections Reform process [where consent was given for inclusion](#) in the EA Register. It does not outline any outcomes or results of the reform process.

As explained above, we cannot disclose information about individual projects unless that information has already been made publicly available.

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)