

Public

Ref: EIR/24/0003

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29 November 2024

Dear requester

Request for Information

Thank you for your request for information which we received on 1 November. Your request has been considered under the Environmental Information Regulations 2004 (EIR).

Request

You asked us about a new circuit:

We were advised by Scottish Power Energy Networks that they had been told by NESO to construct this 400KV line. Page 89 of your report shows a plan of the route and discarded options. The plan is so small it is impossible to see the route. I would like you to forward to me a plan that clearly shows the route.

On page 14 of your report you explain the 4 assessments that you carry out and I would like to see the assessments you have carried out in each of the areas you have highlighted.

You kindly confirmed on 1 November that the line that you are enquiring about is CMN3 and the report that you were referring to was the *Beyond 2030* report.

Our response

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

Please see attached information held by NESO. The information relating to environmental and community assessments has a reference of CMNC. CMN3 is a variation of the CMNC project but we have a record that some of the assessments were retained for the CMN3 project. They were judged to still be applicable due to the update remaining in the study area. Appraisals were carried out by the two Transmission Owners (SPEN and NGET) based on the boundaries of the projects. We have provided the assessment carried out by SPEN. The published ratings for CMN3 reflect the combined assessments for the entirety of the CMN3 reinforcement

Please note that the map indicates a corridor only. The Transmission Owners undertake further build design and follow planning procedures to arrive at a specific route. NESO considers and recommends options from a system needs point of view and in terms of a requirement from a start point to an end point, not a specific route.

The economic assessment was based on confidential information provided by the Transmission Owners which is considered commercially sensitive. We are relying on the exception at 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. In our opinion the exception at Regulation 12(5)(d) which allows us to refuse information to the extent that its disclosure would adversely affect the confidentiality of proceedings and where such confidentiality is provided by law.

The information used for the economic assessments includes information which is commercial in nature and our use of this exception is primarily in respect of the potential consequence to the Transmission Owners' commercial interests. The confidential information was used to carry out the economic assessments which are undertaken in order to make recommendations to Ofgem as part of our licensed duties as the National Energy System Operator.

NESO is bound by the confidentiality obligations under the [System Operator Transmission Owner Code \(STC\)](#) when we receive information for the purposes of our system operator business.

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 for the purpose of the economic assessment 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 Transmission Owners.

The Beyond 2030 assessment found the project known as CMN3 to be beneficial to GB consumers by providing significant economic benefit, as part of the GB network plan. This option forms part of the new north to south electrical spine. It provides significant capacity for power flows between Scotland and England, reducing constraint costs for consumers and allowing onshore and offshore wind to be used more effectively. The [Beyond 2030 Technical Report](#) provides further information about the economic assessment and the overall ratings, including the rating for the economic assessment. NESO's recommendations relate to a combination of reinforcements and requirements, so the assessments very much need to be viewed within the context of the whole system and other reinforcements and projects recommended by NESO.

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. There is a public interest in NESO, as a public corporation, being accountable for its advice and recommendations. We also recognize that there is a public interest in local residents having information about changes to infrastructure which may impact on their local communities and the environment and during planning processes.
- The Information Commissioner has acknowledged that there is some inherent public interest in maintaining commercial confidences and that third parties would be discouraged from confiding in public authorities if they did not have some assurances that confidences would be respected. In order to fulfil our statutory and licence obligations as the independent system operator and planner under the Energy Act 2023, we must remain independent, fair, and consumer focused. Disclosure is likely to harm the relationship between NESO and the TOs and would be likely to reduce trust in NESO more widely in the energy sector. If suppliers of information are concerned about the disclosure of the information, and feel that they cannot trust NESO, such that they are unwilling to provide information in the future, this would be likely to have a detrimental effect on NESO's ability to carry out our role, which would not be in the public interest.
- Having weighed up these public interest arguments and mindful of the criminal offence under the Utilities Act, our opinion is that the balance of the public interest lies in maintaining the exemption and withholding the confidential information provided by the TOs.

This concludes our response to your request.

Advice and assistance

We have already signposted you to the [Beyond 2030 Technical Report](#) which provides some further information about the assessments made for this and other options. The report includes information about the BRAG assessments which you may find helpful.

NESO will refresh assessments and produce its next iteration of the Transitional Centralised Strategic Network Plan (tCSNP) (the tCSNP2 Refresh) in January 2026. Ofgem have recently undertaken a consultation on tCSNP2 projects and you can view the consultation documents here: [Proposed regulatory funding and approval framework for onshore transitional Centralised Strategic Network Plan 2 projects | Ofgem](#). The consultation document provides some further information about the tCSNP2 Refresh and lists of projects, including CMN3, which you may find helpful.

We would like to provide some clarification on the decision-making process for these routes which you referred to in your question. The Transmission Owner (in this case Scottish Power Energy Networks) submits options with high level information such as the technology type which in this case is a new circuit, electrical start and end points, typical cost and delivery timescales to us and we assess those options based on a clear set of design principles and provide a recommendation back to Ofgem and the Transmission Owner. Following our recommendation, the Transmission Owner would develop the project further by considering more detailed aspects such as routing options and the associated risks and challenges. Our assessment is at a high-level network benefit perspective to recommend options that Great Britain should consider investing, funding, upgrading and building infrastructure, rather than detailed build options, variations for each project, or exact routes between end points. Transmission Owners then develop these projects and are responsible for the appropriate planning permissions.

Any specific route and design questions should be directed to the Transmission Owner, Scottish Power Energy Networks.

Next steps

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.

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/foiccomplaints. 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,

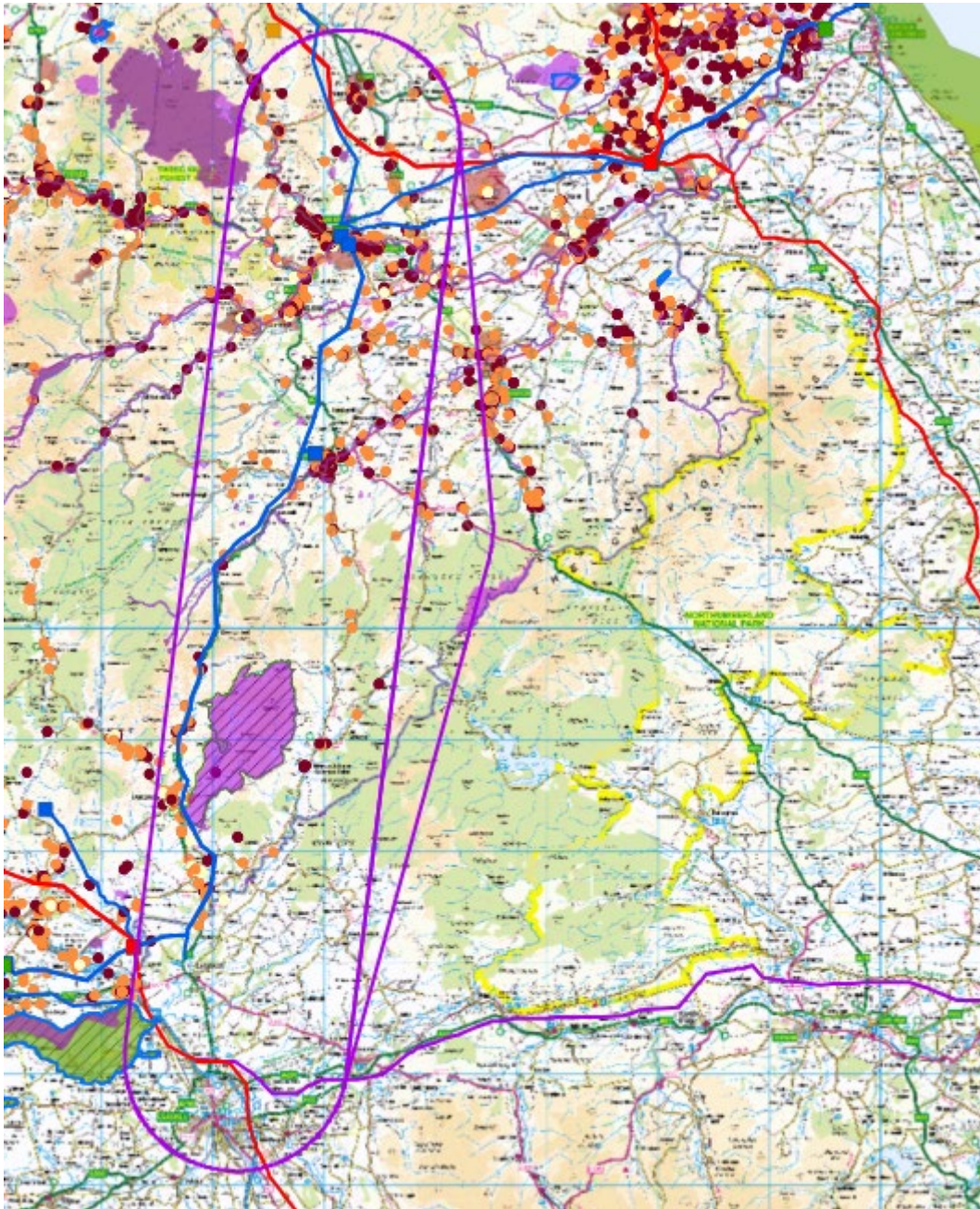
The Information Rights Team

National Energy System Operator (NESO)

REINFORCEMENT DETAILS

NOA reference	CMNC
TO reference	CMNC
Option Name	Gala North-Teviot-Harker 400kV OHL
Option Description	New 400kV double circuit OHL from Gala North to Harker via Teviot

Overview Map



Environmental Summary

BRAG rating:

There are number of sites of the highest or high environmental value in the reinforcement corridor between Gala North and Harker via Teviot including a Special Protection Area, Special Areas of Conservation and Sites of Special Scientific Interest. The majority of these sites are considered to be

avoidable subject to careful route selection. While the River Tweed and tributaries SAC is not avoidable, an overhead line spanning the designated site is not likely to result in significant impacts assuming appropriate mitigation.

Overall, while there are a number of sites of highest or high environmental value in the reinforcement corridor this option is considered to be moderately constrained in environmental impact terms. There is potential to mitigate potential impacts on environmental designations through careful route selection and adoption of appropriate mitigation measures.

Community Summary

BRAG rating:

The reinforcement corridor is predominantly rural and therefore has a low settlement density. Small settlements are present to the north including Hawick and Galashiels, however, these are avoidable. Where constraints combine there is the potential for overhead line routes to be in closer proximity to settlements giving rise to amenity impacts.

There is a single landscape designation, the Eildon and Leaderfoot National Scenic Area within the corridor. It can be avoided but subject to route selection i.e. if routeing to the east of the corridor there remains the potential for impacts on views toward the site as well as from views within it.

There are a number of cultural heritage constraints present within the reinforcement corridor. These are generally avoidable subject to careful route selection, however, there is the potential for setting impacts to occur particularly with regard to scheduled monuments.

Overall this option is considered to be highly constrained in community impact terms.

Constraints Map

See appended plan.

Constraint Type	Name	Description/Features/Potential Effects (adverse and beneficial)	Ranking	Mitigation Identified/Residual Effects	Ranking with Mitigation
Environmental Constraints					
Special Areas of Conservation (SACs)	Multiple	There is a small number of SACs present within the reinforcement corridor including such as Threepwood Moss which is a relatively small, discrete site as well as the River Tweed SAC including its tributaries which are present throughout the corridor. Subject to route selection impacts could include direct habitat loss or sedimentation/pollution impacts.		The majority of SACs are avoidable with careful route selection, however, the nature of the River Tweed SAC and its tributaries means it will require to be crossed by an overhead line route. The River and its tributaries vary in width but could be spanned by overhead line routes. Nevertheless, consideration would require to be given to the proximity of towers to the River and its tributaries in order to reduce the potential for impacts as well as adherence to good practice construction methods.	
Special Protection Areas (SPAs)	Langholm-Newcastleton Hills SPA	This lies entirely within the reinforcement corridor extending across the western and central part of it. The SPA is designated for the population of breeding hen harrier it supports. While the site is avoidable it would largely limit overhead line route options to the eastern 'half' of the reinforcement corridor. Subject to routeing and proximity to the SPA (noting that hen harriers may also utilise functionally linked land (FLL) outside of the SPA), potential impacts could include risk of collision with overhead line towers, habitat loss, barrier effects caused by the presence of an		The primary form of mitigation is careful route selection seeking to maximise the distance of the overhead line from the SPA, however, this may not be feasible subject to other routeing constraints. Depending on the proximity of an overhead line route additional mitigation may be required including the use of bird diverters to reduce collision risk as well as potential timing restrictions on construction activity.	

Constraint Type	Name	Description/Features/Potential Effects (adverse and beneficial)	Ranking	Mitigation Identified/Residual Effects	Ranking with Mitigation
		overhead line as well as disturbance related displacement or exclusion.			
Sites of Special Scientific Interest (SSSIs)	Multiple	There are a number of SSSIs present within the reinforcement corridor ranging from small sites which are readily avoidable to larger sites, some of which coincide with SPA or SAC designations e.g River Tweed or Newcastleton-Langton Hills.		Careful routeing to avoid sites as far as possible. Where avoidance is not possible additional site specific mitigation may be required in order mitigate impacts on the features or interests for which sites are designated.	
Community Constraints					
National Scenic Area (NSA)	Eildon and Leaderfoot NSA	The Eildon and Leaderfoot NSA is located entirely within the reinforcement corridor to the east of Galashiels. Subject to route selection (in and outside of the NSA) there is the potential for an overhead line to impact on the landscape character and features which contribute to the NSA as well as impact on views to/from it.		The primary form of mitigation is careful route selection seeking to avoid the NSA as much as possible while also considered views to and from within the NSA. The size of the NSA means that it could be avoided but this would limit overhead line routes to the west of the reinforcement corridor.	
Scheduled Monuments	Multiple	There are a large number of scheduled monuments present within the reinforcement corridor. While these are typically avoidable as they occupy small areas, they may affect the directness of overhead line route options and/or give rise to potential setting impacts.		Careful routeing to avoid routeing within or over Scheduled Monuments while also giving consideration to potential setting effects.	
Registered battefield sites	Multiple	There are three Registered battefield sites towards the north of the corridor. Routeing		Careful routeing to avoid directly routeing within or across Registered Battlefields.	

Constraint Type	Name	Description/Features/Potential Effects (adverse and beneficial)	Ranking	Mitigation Identified/Residual Effects	Ranking with Mitigation
		within these increases the potential to impact on archaeology.			
Gardens and Designed Landscapes	Multiple	There are a number of Gardens and Designed Landscapes present within the reinforcement corridor, however, these are generally avoidable.		Careful routeing to avoid directly routeing within or across Gardens and Designed Landscapes.	
Settlement	Multiple	Settlements are present throughout, however, they are generally relatively small and widely dispersed. The rural and upland nature of large parts of the reinforcement corridor mean that settlement density is low, however, scattered individual properties and clusters of properties are present with the potential for amenity impacts, particularly visual amenity related impacts.		Careful routeing around settlements and properties seeking to maximise separation distance from them as much as possible. In addition overhead line routes should make best use of intervening landform or vegetation to mitigate impacts as much as possible.	

Notes:

1. Above is based on a 20km wide reinforcement corridor, 10km either side of a direct straight-line route between Gala North and Harker via Teviot within SP Transmission's licence area only.

Deliverability and Operability BRAG assessment

Scheme	ESO 4 Letter Code	Type	Description	Lengths	TO	Technology readiness	Complexity	Operability	System access	Supply chain	Interactivity	Sum
CMN3	CMN3	New OHL	Establish a new 400kV double circuit OHL from Gala North to Carlisle Part B TBC, assuming similar to CMNC	TBC	SPT & NGET	0	2	0	1	0	3	6