

Public

Ref: FOI/24/0028

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15 January 2025

Dear requester

Request for Information

Thank you for your request for information which we received on 20 December 2024.

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) the EIR. 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.

Request

You asked us:

I noticed the Rover Way 1000 MW battery project located in Cardiff (link below). It is not in the TEC Register and so I just wanted to ask where and at what voltage will this project be connecting?

<https://www.datacenterdynamics.com/en/news/large-data-center-and-energy-park-approved-near-cardiff-in-wales/>

Our response

From your request it is clear that you are already aware of the TEC Register which NESO maintains and publishes. We also publish details of the [connections offer process](#), including the applications and offers processes which sets out the stages of the process and associated timescales. You will see that we list connections on the TEC Register once an agreement is in place and update the register each week. You may be aware that we are currently updating the connections application process as part of our [Connections Reform](#) project.

We are generally unable to provide information about applications and offers that have not yet progressed to the agreement stage as information in the early stages of a project is commercially sensitive. Application information is provided to us in confidence on the understanding that we process it purely for the purposes of assessing a connection application and/or project progression in line with the relevant contract.

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.

Beyond this, there is also a common law duty of confidentiality based on the expectations of the developers.

NESO is therefore not able to provide the information that you requested and is relying on the EIR exception at Regulation 12(5)(e) which allows public bodies to refuse information to the extent that disclosure would adversely affect "the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest."

This exception extends to confirming or denying whether an application has been received or an offer has been made.

Commercial companies develop generation and storage 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 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 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.

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 general public interest in renewable energy development, particularly where the construction and development of such projects may have an impact on local areas. NESO is also mindful of the presumption in favour of disclosure that underpins the EIR.

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.

Such projects are crucial to the Government achieving its net zero and clean energy targets and anything that unjustifiably inhibits the competitive development of related projects 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 specific contract for this project.

Information is added to the TEC Register when an agreement has been completed and this register is very regularly updated to reflect the current position.

This concludes our response to your request.

Advice and assistance

The TEC Register is supplemented by our Connections 360 portal which you can register to access: [Connections 360 | National Energy System Operator](#).

Please note that National Grid Electricity System Operator (ESO) was part of the National Grid PLC group of companies until 30 September 2024. On 1 October 2024 we became the National Energy System Operator (NESO) under government ownership (the Independent System Operator and Planner as designated in the Energy Act 2023). Any requests for information held by National Grid need to be addressed to: box.EIRrequests@nationalgrid.com.

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/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)