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By Email Only: John.Heywood@nienetworks.co.uk

Date: 16 November 2023

Our Ref: NET/E/TH/744

Dear John,

**Request for Extension of Time to Issue a Connection Offer to Parkhall Generator:
NIE Networks reference 23/07515 (“the Application”)**

Thank you for your letter dated 20 October 2023 (the **Letter**) setting out the Application made by NIE Networks Limited (**NIE Networks**).

1. The Application

The Letter describes the relevant background¹ to the Application. Reference is made to Condition 30 of NIE’s distribution licence (**the Licence**).²

Condition 30 provides that (barring specified exceptions) NIE Networks is obliged to make an offer for connection to the distribution system *as soon as practicable* and (by operation of Condition 30 (6)(b)) *in any event* within *3 months* from receipt of a valid/completed application for connection to the distribution system.

¹ What follows is a summary of the Application. It is not intended to be a complete rehearsal. All parts of the Application have been considered in making the decision set out in this correspondence. Failure to mention parts of the Application should not be taken as representing any failure to have regard to those parts. The same goes for correspondence/interactions following receipt of the Application.

² [NIE Distribution Licence](#)

Condition 30 (7) of the Licence allows NIE Networks to make an application to the Authority³ for a consent to an extended Condition 30 (6)(b) period. The making of such an application does not change NIE Networks' obligation to make a connection offer as *soon as practicable*. Nor does the grant (by the UR) of any application made change the position. The primary obligation, recorded in Article 20 of the Electricity (NI) Order 1992 (the **Electricity Order**), to offer a connection offer *as soon as practicable*, remains.

The Application is an application for the Authority's consent (under C30(7)) for a longer period for the making of a connection offer to an entity the Application calls Parkhall Generator (**Parkhall**). The specified period is out to **3 June 2024** from **3 November 2023**.

The Letter explains that *Parkhall* had previously applied to NIE Networks in 2022 for a 5MW biogas generator and received a connection offer on 2 February 2023. However, this offer was not accepted and the related capacity was withdrawn.

On 10 July 2023, NIE Networks received a revised application from Parkhall Generator. The application was deemed competent on 3 August 2023 and joined the generation queue for a 5MW Biogas generating system into Parkhall Primary S/S which is supplied by Antrim Main BSP. The Condition 30 period (without a C30(7) consent to a longer period) is accordingly 3 November 2023, being the date 3 months out from the deemed competent application date.

The Letter records that prior to Parkhall submitting its revised application, an application had been received from another third party applicant (**the TPA**) deemed competent on 10 May 2023. The TPA currently has an existing *accepted* non-contestable connection offer for 25MW into Antrim Main BSP and the 10 May TPA Application is an application for an additional 25MW. It follows, says NIE Networks, that this additional capacity request is ahead of Parkhall in the queue for generation capacity at Antrim Main BSP.

It is further stated that NIE Networks has, as part of the detailed design to the unique connection for the TPA ahead of Parkhall in the queue, identified that further studies are required between the Independent Connection Provided (**ICP**) and NIE Networks. NIE Networks states that these studies are to determine if NIE Networks can provide terms to

³ In this correspondence we use the words "us" "we" "our" "UR" "Utility Regulator" and "Authority" interchangeably to refer to the Northern Ireland Authority for Utility Regulation.

meet the requirements for the additional 25MW without causing a “*determinantal [SIC] impact on the existing network.*”

The Letter narrates that, at this point in time, NIE Networks has not been able to confirm with SONI if there is capacity available for both the TPA and Parkhall. Therefore, the outcome of the (specified) further studies may have a negative or positive impact on the terms in which NIE Networks can provide to Parkhall. NIE Networks asserts that it requires time to conclude these studies and estimate that a connection offer can be made to the TPA by 4 December 2023.

As NIE Networks are unable to provide a connection offer to the TPA until these further studies are completed, and as capacity has not been confirmed for both sites, NIE makes the case that it requires the “license standard” of 3 months to be extended for Parkhall so as to facilitate the outcome of the Parkhall application.

Again, the Application requests that the Authority consent (pursuant to Condition 30(7) of the Licence) to the period under Condition 30(6)(b) of the Licence (in respect of Parkhall connection application) being extended from **3 November 2023** to **3 June 2024**.

This (longer period) end date of 3 June 2024 is made up as follows: the estimated connection offer date for the TPA is 4 December 2023. NIE Networks states that it would have to allow the full 90-day terms for acceptance (by the TPA) to pass, to confirm capacity is available prior to progressing the connection offer for Parkhall. NIE Networks will then require a further 3 months for the Connection Design and Quotation period (for Parkhall).

The Letter states that should the relevant capacity be confirmed prior to 3 March 2024 then NIE Networks would progress a connection offer for Parkhall as soon as is practicable. However, if the capacity has not been confirmed by 3 March 2024, NIE Networks may need to make a further C30(7) application to the Authority.

NIE Networks has stated that the rationale for the proposed extension (to the requisite Condition 30(6) period) is as follows:

Extension Rationale

- Due to its queue position NIE Networks has to determine the detailed design of the TPA as this may have a positive or negative effect on Parkhall's connection.
- If the TPA receives a connection offer and SONI [is] unable to confirm capacity for both applicants concurrently then NIE Networks will have to allow the full 90 days terms of acceptance prior to being able to determine the outcome for Parkhall.
- Once the outcome has been determined NIE Networks will have the full three months permitted for the development of the connection offer.

The Application goes on to record the "impacts" of a decision on the proposed extension to the requisite Condition 30 period as follows:

Granting Extension - Impact Assessment

This extension would facilitate a fair and transparent network capacity allocation and queuing process for the capacity available.

This extension will enable NIE Networks to progress the connection design and production of a connection offer subject to capacity becoming available.

Not Granting Extension- Impact Assessment

Not granting this extension would result in a refusal to connect and would prevent a potential 5MW of generation to support the system being connected to the network.

2. Consultation associated with the Application

Condition 30(7)(a) of the Licence provides that NIE Networks must consult with the applicant for connection in respect of which the application under Condition 30(7) is made. In this case that is the applicant for connection of Parkhall. The Application provides evidence of the requisite consultation.

Condition 30(7)(a) of the Licence also provides that NIE Networks should consult with “*such other persons as [NIE Networks] considers may be affected or interested*” in the Application. We note that NIE Networks has engaged with SONI in determining if there is Transmission Capacity available for this applicant.

We have considered the consultation correspondence between Parkhall and NIE Networks. Parkhall does not support the Application. We note the “concerns” raised by Parkhall. We note the specific concern raised by Parkhall in its email to SONI of 20 October 2023 and the SONI response of 24 October 2023 where SONI said that it had not sought out a C30(7) consent in respect of the TPA application because the TPA had agreed to matters. We return to this matter later in this document.

We note that NIE Networks has stated that there are no affected parties as there are currently no other generation applications in the queue behind Parkhall for the assigned transmission node (Antrim Main) and for that reason NIE Networks doesn’t consider it appropriate to engage with any further parties in consultation at this stage of the process.

3. Further interaction with Parkhall

Parkhall wrote to the Authority on 25 October 2023. In this correspondence Parkhall made the case that SONI had failed to address the concerns raised by Parkhall in respect of the Application.

We had a follow up conversation with Parkhall on 8 November 2023. We explained that any complaint about the processes adopted by NIE Networks should be addressed to NIE Networks in the first instance. We adverted to our published Disputes policy⁴ should Parkhall wish to make an application that we make a relevant determination. It was explained that this process was separate to our adjudication on this Application. Parkhall stated that it had several ongoing projects and wanted to be connected as soon as possible.

⁴ [Complaints Disputes and Appeals - August 2018.pdf \(uregni.gov.uk\)](#)

The Authority's decision

We have been requested to consent (under C30(7) to a longer period) for the purposes of C30(6)(b), so far as the connection application made by Parkhall is concerned. We make that decision on the information presented to us. We note that Parkhall has concerns around NIE Networks actions regarding the processing of the TPA application for connection, and, specifically, the absence of any C30(7) application for the TPA application. We share those concerns.

It seems to us that the consultation materials in this case raises regulatory concerns that we should explore with NIE Networks. It is not clear⁵ to us (accepting that we have not heard what NIE Networks might wish to say on the topic) that NIE Networks is absolved of any requirement to make a C30(7) application, provided the relevant applicant for connection agrees to a longer period for the making of an offer of connection. We say no more than that in this correspondence. We shall discuss the matter separately with NIE Networks and do so in detail. We do not consider that the adjudication of the Application should be held over for those discussions to develop.

In making our decision on the Application we have regard to our published decision document on extension applications⁶ and our principal objective (and related statutory objectives) under Art 12 of the Energy (NI) Order 2003.

Having considered the matter fully - to include the representations made by Parkhall on the Application - it is our decision to provide the consent sought in the Application. We consider that the request for C30(7) type consent is justified for the reasons provided in the Application. It follows that the Authority hereby consents to a longer period for C30(7) purposes - for the making of the relevant connection offer to Parkhall - out to **3 June 2024**.

We would take this opportunity to confirm that the period ending 3 June 2024 is a "long stop" date. The obligation under Condition 30 of the Licence is (now), subject to

⁵ To be absolutely clear, this correspondence sets out no finding at all in respects of NIE's regulatory compliance and should not be read otherwise.

⁶ [Electricity Connections Review Decision Paper | Utility Regulator \(uregni.gov.uk\)](https://www.uregni.gov.uk/electricity-connections-review-decision-paper)

applicable exceptions⁷, to offer terms of connection for Parkhall “as soon as practicable” and “in any event no later than” 3 June 2024. The Licence obligation is not (now) simply to offer connection terms by 3 June 2024. The Application suggests that NIE Networks is aware of this obligation.

This decision will be published in the normal way.

Please do return to us should you require any clarification.

Yours sincerely,



Donald Henry

For and duly authorised by the Authority.

⁷ Consonant with NIE Networks’ licence obligations and its statutory duties set out in Articles 12 and 19-25 of the Electricity Order.