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

Date: 17 October 2024

Our Ref: NET/E/JF/1043

Dear John,

Application for consent to a longer period for the issuance of a Connection Offer for 2 Global Point Avenue, Ballyhenry, NIE Networks Reference: 24/07186

Thank you for your letter dated 3 October 2024 (the **Letter**) setting out an application (the **Application**) made by NIE Networks Limited (**NIE Networks**) for an extension to the period within which NIE Networks is required to make a connection offer (the **relevant Connection Offer**), concerning a [REDACTED] PV at **2 Global Point Avenue, Ballyhenry**.

1. The Application

The Letter describes the relevant background¹ to the Application. Reference is made to Condition 30 of NIE Networks' licence authorising participation in the activity of distribution (the **Licence**).²

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 (or related correspondence) should not be taken as representing any failure to have regard to those parts.

² [NIE Distribution Licence](#).

Condition 30 (6) (of the Licence) provides that (barring specified exceptions)³ 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.

Condition 30 (7) of the Licence allows NIE Networks to make an application to the Authority⁴ (following requisite consultation) for a consent (in writing) that the period specified in Condition 30 (6)(b) shall be substituted by a longer period as specified in the consent. The making of such an application does not change NIE Networks' licence obligation⁵ (under Condition 30(6)(a)) to make a connection offer *as soon as practicable*. Nor does the grant (by the Authority) of the consent sought under any such application change the position. The primary obligation (recorded in Condition 30(6) of the Licence and Article 20 the Electricity Order) - to make a connection offer *as soon as practicable* - remains.

NIE Networks received an application (for connection) that was deemed compliant on 18 July 2024. Absent a Condition 30(6)(b) "consent" a connection offer is due to be made not later than 18 October 2024.

By the Application, NIE Networks applies for consent for the relevant period under Condition 30(6) to be substituted by a longer period ending **14 May 2025**.⁶

The Application refers to two connection policy changes which came into effect on 7 November 2023 (the "Go-Live" date) affecting: (i) the facility for connection offers (for export) for small scale generation (which in some areas had been closed since 2016) and (ii) the 'over-install' limits for single technology and hybrid co-located sites. These connection policy change decisions can be found here⁷ and here.⁸

As recorded in the Application, the connection policy changes triggered an unusually high volume of connection applications to be made to NIE Networks on the "Go-Live" date of 7 November 2023. The volume of applications received is identified as almost 500 small scale applications since November 2023. The Application records that NIE Networks has assessed all

³ Recorded in Article 21 of the Electricity (NI) Order 1992 (**the Electricity Order**): see Condition 30(6) (d) of the Licence.

⁴ 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.

⁵ Which aligns with the statutory duties reflected in Article 15-19 of the Electricity Order.

⁶ An initial version of the C 30(7) Application mentioned a substituted date of 14 April 2024. NIE Networks later confirmed (by updated application materials dated 9 October 2024) that this was an error. There is no prejudice to the Connection Applicant because it was consulted by reference to the correct 14 May 2025 date.

⁸ [NI Over Install Decision Paper For Final Review \(nienetworks.co.uk\)](https://nienetworks.co.uk).

these applications for compliance; validated the information received; and conducted high level studies to determine the BSP each applicant would connect to *“to allow conversations regarding transmission capacity to start with SONI.”*

NIE Networks states that *“this work has taken considerably more resource and time to complete than it would take during normal application levels”* and cites this as a reason for requesting more time to facilitate related liaison with SONI and (if capacity is available) to carry out detailed design and costing work to produce a Connection Offer to/for the Connection Applicant.

The Application goes on to accept that the application (for the Connection Offer) was made after the Go Live date of 7 November 2023 but describes the *“knock on effect of the influx”* as the reason for the Application, with NIE Networks asserting that the grant of the Application will allow it *“sufficient time for the development of the connection.”*

NIE Networks has detailed changes it has made in response to the increased level of applications after the November 2023 changes as follows:

“Over the past month our team has grown in size, which will help manage the workload. NIE Networks are already seeing the benefits of these changes which is improving workload management and an important step in getting back to the 90-day licence standard for export applications.”

The Application also states that NIE Networks will endeavour to issue the Connection Offer *“as soon as practicable”* before the expiry of the substituted period (**14 May 2025**) but acknowledges that a further C30(7) type application might be required if *“it is deemed that capacity is not available until the outcome of an applicant ahead”* in the queue.

NIE Networks, reflecting the points above, explains the rationale for seeking the extension sought in the Application as follows:

“Given the influx of applications it will allow

- 1. SONI to determine if transmission capacity is available taking into account of the interactivity of other applicants in the queue ahead of them*
- 2. NIE Networks time to accurately design and cost connections taking account of the impact of others in the queue ahead of them.”*

NIE Networks also states that granting the extension would enable *“SONI and NIE Networks to determine if capacity is available, complete connection design and production of a connection*

offer subject to capacity becoming available,” while not granting the extension “would result in NIE Networks not being able to meet its licence standard.”

2. Consultation associated with the Application

Condition 30(7)(a) of the Licence provides that NIE Networks must consult with the Connection Applicant when making an Application (for extension) under Condition 30(7).

The Application provides evidence of written consultation on the Application with the Connection Applicant (through its representative) on 1 October 2024.

The Authority notes that, in the consultation with the Connection Applicant, NIE Networks referred to other matters, outside of the workload of connection applications, as described below:

“The primary substation for this site is fed into Ballyhenry, we have not carried out studies at this primary substation yet but this application is 1st in the queue with regards to Ballyhenry. Additionally, we also have to ask SONI for Transmission Capacity for the Bulk Supply Point at Carnmoney Main, which will be done once the extension is approved and is assigned to a HV designer.

Ballyhenry is currently not reverse power capable, so capacity could potentially be limited before tap changers and voltage control relays need fitted.”

The Connection Applicant (through its representative) provided a consultation response, by email, dated 1 October 2024 conveying that “[the Connection Applicant] has been given the below feedback and is happy to agree to an extension in an effort to gain export.”

So far as affected parties’ consultation is concerned, the Application says this:

“Affected Parties Consultation

In line with the process outlined in NIE Networks’ ‘Distribution Generation Application and Offer Process Statement’ NIE Networks are engaging with SONI in determining if there is Transmission Capacity available for this applicant.

As highlighted earlier NIE Networks still need to determine along side SONI how each applicants affects others in the queue ahead of the. NIE Networks therefore have not been able to consult with individual applicants about the impacts of those ahead of them in the queue as it may not be a true reflection. For that reason, NIE Networks does not consider it appropriate to engage

with any further parties in consultation at this stage of the process. When NIE Networks becomes aware of which applicants affect others we will assess if individual extensions have had a detrimental impact on them and whether we need to consult with them at that stage.”

3. The Authority’s decision

In making our decision on the Application we have regard to:

- (a) our published decision document on extension applications⁹
- (b) our principal objective (and related statutory objectives) under Art 12 of the Energy (NI) Order 2003
- (c) the contents of the Application
- (d) the consultation with the Connection Applicant.

Having considered the matter fully, the Authority hereby confirms that it provides the consent sought in the Application. It follows that the period under Condition 30(6)(b) of the Licence (in respect of the application for connection made by the Connection Applicant for the [REDACTED] PV at **2 Global Point Avenue, Ballyhenry**) is now extended until **14 May 2025**. We consider the Application justified for the reasons set out in the Letter.

The Authority notes that the same reasoning is used in this Application (which is around 10 months after the Go Live date of the Over Install and Zero Export changes) as has been relied upon for previous applications for extensions received in 2024. This is something the Authority raised in a recent Decision Letter concerning another application.¹⁰ The Authority has previously communicated concern over the changes being used as a core rationale for extension applications to NIE Networks and would re-iterate this concern after receiving this application.

In July 2024 NIE Networks said it intended, in future extension applications, to reflect as much detail as possible to customers, both in writing and verbally, about why an extension application is being made. NIE Networks also raised the prospect that it may include different reasoning in support of any forthcoming extension applications. However, this is not reflected in the Application. The Authority would request that NIE Networks reflect on these observations.

We do recognise that NIE Networks has stated in the Application that it has expanded the team responsible for connection requests, in response to the increased pressures brought about by the November 2023 changes. NIE Networks has expressed optimism this will allow a return to

⁹ [Electricity Connections Review Decision Paper | Utility Regulator \(uregni.gov.uk\)](https://www.uregni.gov.uk/electricity-connections-review-decision-paper)

¹⁰ [2024.10.08 NIE C30 Hollywood Road Redacted_0.pdf \(uregni.gov.uk\)](#).

the pre-November 2023 level of connection applications turnaround, which would be a positive development. The Authority will communicate further with NIE Networks for an update about whether this is the case over the coming months.

We welcome the commitment of NIE Networks to work with SONI in progressing the relevant connection applications to include that of the Connection Applicant.

We would take this opportunity to confirm that the (extended consented to) period ending 14 May 2025 is a “long stop” date. The obligation under Condition 30 of the Licence is (now), subject to applicable exceptions¹¹, to make a Connection Offer to the Connection Applicant for the [REDACTED] PV at **2 Global Point Avenue, Ballyhenry** “as soon as practicable” and “in any event no later than” 14 May 2025. The Licence obligation is not (now) simply to offer connection terms by 14 May 2025.

This decision will be published and placed on the Register in the normal way.

Please do return to us should you require any clarification.

Yours sincerely,



Jillian Ferris

Head of Networks
Duly authorised by the Authority

¹¹ Consonant with NIE Networks’ licence obligations and its statutory duties set out in Articles 12 and 19 of the Electricity Order.