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**Date: 20 June 2025**

**Our Ref: NET/E/JF/1246**

Dear Claire,

**Application for consent to a longer period for the issuance of a Connection Offer at 91 Moy Road Portadown, NIE Networks Reference: 23/13913**

Thank you for your letter received 9 May 2025 (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 and Biogas at **91 Moy Road Portadown**. The extended period now applied for, expires on **19 June 2025**.

In this letter we shall refer to the person making the application for the relevant Connection Offer as the **Connection Applicant**.

## **1. The Application**

The Letter describes the relevant background<sup>1</sup> to the Application. Reference is made to Condition 30 of NIE Networks' licence authorising participation in the activity of distribution (the **Licence**).<sup>2</sup>

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<sup>1</sup> 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.

<sup>2</sup> [NIE Distribution Licence](#).

Condition 30 (6) (of the Licence) provides that (barring specified exceptions)<sup>3</sup> 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*

*“after receipt by [NIE Networks] of an application containing all such information in relation to the required connection as [NIE Networks] may reasonably request.”*

Condition 30 (6) is to be read alongside and reflects the provision made in Article 20(3) through to Article 20(5) of the Electricity (NI) Order 1992 (the **Electricity Order**).

Condition 30 (7) of the Licence allows NIE Networks to make an application to the Authority<sup>4</sup> (following requisite consultation) for a consent (in writing) that the period specified in Condition 30 (6)(b) shall be substituted by a longer period and subject to any conditions as specified in the consent.

Significantly, the making – or grant - of a Condition 30(7) type application does not alter NIE Networks’ licence obligation<sup>5</sup> (under Condition 30(6)(a)) to make a connection offer *as soon as practicable*. The primary obligation (recorded in Condition 30(6)(a) of the Licence and Article 20 the Electricity Order) - to make a connection offer *as soon as practicable* - remains.

The Letter states:

*“NIE Networks received an application from the above applicant for a connection of the above generator and was deemed compliant on 3rd April 2024. The license standard at this time for provision of this Connection Offer was 3rd July 2024.”*

The connection application was then the subject of an application for extension by NIE Networks **(the first application)**. In this application, NIE Networks requested extension of the Condition 30 period for the making of a Connection Offer, from 3 July 2024 to 28 February 2025. This was based on the rationale that a large volume of connection applications had been triggered by 2023 changes to Over Install and Small Scale Generation Rules, leading to longer processing times of connection applications by NIE Networks. The first application was approved by the Authority in a Decision Letter of 27 June 2024.<sup>6</sup>

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<sup>3</sup> Recorded in Article 21 of the [Electricity \(NI\) Order 1992](#) (the **Electricity Order**): see Condition 30(6) (d) of the Licence.

<sup>4</sup> 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.

<sup>5</sup> Which aligns with the statutory duties reflected in Articles 19 and 20 of the Electricity Order.

<sup>6</sup> [2024.06.20 Redacted Moy Road Draft DL.pdf](#).

This application for extension was submitted to the Authority on 9 May 2025. NIE Networks has highlighted in the application, and in clarification to the Authority, that the Connection Application was on hold for 68 days, after information relating to existing generation and HVC arrangements was requested from the Connection Applicant. The response from the Connection Applicant was received on the 26 February 2025, with the 68 days added to the 28 February 2025 date, implying (in the view of NIE Networks) that the period for the making of a Connection Offer would now run to 7 May 2025.

The Authority would note that the Condition 30 obligation to make a connection offer applies once NIE Networks is in receipt of *“all such information in relation to the request for use of system as [NIE Networks] may reasonably require.”* This connection offer was already the subject of the first application. We consider, at the point of the first application, NIE Networks effectively stated it was in receipt of all the information required from the connection applicant, to make a connection offer, but required the Condition 30 period to be extended.

In follow up communication with the Authority, NIE Networks confirmed it determined, before the date of the first application (when the application entered the connection queue), that it did have the information reasonably required for the job to progress. NIE Networks also maintained the position that it is common, once the application has been allocated, that further information not evident at the application stage is required to progress the offer, and the job is paused while this information is requested from the connection applicant.

In the Authority’s view, Condition 30 does not provide for NIE Networks to decide, subsequent to the first extension application, that it does not have all the information required to make the connection offer. Therefore, we would consider the period for the making of the Connection Offer should not include the 68 ‘hold’ days NIE Networks has cited and should run to 28 February 2025.

We also have noted that NIE Networks referenced, in the covering email to this application, that it had been counting ‘days for Storms Eowyn and Darragh’ in their original calculation of the expiry of the Condition 30 period (22 May 2025) but had revised this calculation to the 7 May 2025 before submission of the application. The Authority welcomes NIE Networks’ revision of this calculation relating to the storms, which the Authority had raised issues with, in recent Decision Letters, and in a meeting with NIE Networks on 30 April 2025.

However, we also note that both these issues with the application of the ‘on hold’ period has meant that, whilst the Application was submitted to the Authority with the necessary information

- as per the Authority's 2017 Electricity Connections Decision<sup>7</sup> (the **Decision Paper Guidance**)
- it was not received in line with the expectations set out in the Decision Paper Guidance.

The Decision Paper Guidance states that the Authority “*would expect to receive a request from the licensee at least two weeks before the end of the three month connection application period.*” The connection application period, by NIE Networks’ calculation expires on 7 May 2025. With the correct application of the ‘on hold’ period discussed above, it expires on 28 February 2025. Therefore, the submission date (of the Application) of 9 May 2025 does not fulfil the stated expectations. The Application itself offers no explanation for the departure from the expectations set out in the Guidance, although explanation of the point concerning the Storms was included in the covering email.

Beyond this, we do not consider we need to further resolve any controversy surrounding NIE Networks’ approach to the timings set out in Condition 30 (and/or Articles 19 - 20 of the Electricity Order) for the purposes of resolving the Application. We are content – for present purposes - to proceed on the basis set out in the Application and in doing so determine that we are dealing here with a Condition 30(7) type application to extend the (Condition 30(6)(b)) licence period for the making of the relevant Connection offer out to **19 June 2025** from 28 February 2025.

There looks to be no disadvantage to the Connection Applicant in proceeding on that assumed basis. It is also worth emphasising that any positive decision on the Application (on the assumed basis) “cures” any possible licence breach (by NIE Networks) involved in not making a relevant Connection Offer before any newly (substituted) specified Condition 30(6)(b) longer period.

NIE Networks states that there is no 33kV capacity at the connected Primary Substation for this connection, Ballyfodrin Central. It has been identified by NIE Networks that RP7 works (starting in 2027) will rectify the lack of capacity at Ballyfodrin Central. NIE Networks “*spent extra time studying the impact of this additional generation on the circuit before network upgrades would be complete.*” However, after assessing the risk of connecting the connection applicant ahead of these works being carried out NIE Networks states “*It has been determined that this is an acceptable risk.*”

NIE Networks requests extension to 19 June 2025 to “*complete HV studies and issue paperwork.*” In NIE Networks’ opinion, the Authority not approving this extension, would result in the Connection Applicant becoming not compliant.

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<sup>7</sup> [Electricity Connections Decision FINAL.pdf](#).

## 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 sets out such consultation with the Connection Applicant, via email of 8 May 2025. The Connection Applicant responded via email on 9 May 2025, and did not express opposition to the application, stating that *“hopefully we can receive a generation connection offer long before 19th June 2025.”*

## 3. The Authority’s decision

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

- (a) our published Decision Paper Guidance<sup>8</sup>
- (b) our principal objective (and related statutory objectives) under Article 12 of the Energy (NI) Order 2003
- (c) the contents of the Application
- (d) the consultation with the Connection Applicant
- (e) clarifications sought and received from NIE Networks in the period following receipt of the Letter.

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 and Biogas at **91 Moy Road**) is now extended until **19 June 2025**. We consider the Application justified for the reasons set out in the Letter.

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 also take this opportunity to confirm that the (extended consented to) period ending 19 June 2025 is a “long stop” date. The obligation under Condition 30 of the Licence is (now), subject to applicable exceptions,<sup>9</sup> to make a Relevant Connection Offer to the Connection

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<sup>8</sup> [Electricity Connections Review Decision Paper | Utility Regulator \(uregni.gov.uk\)](https://www.uregni.gov.uk/electricity-connections-review-decision-paper)

<sup>9</sup> Consonant with NIE Networks’ licence obligations and its statutory duties set out in Articles 12 and 19 of the Electricity Order.

Applicant for the [REDACTED] PV and Biogas at **91 Moy Road** “as soon as practicable” and “in any event no later than” 19 June 2025. The Licence obligation is not (now) simply to offer connection terms by 19 June 2025.

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

NIE Networks is asked to reflect on our observations (above) as to the expectations explained in the Decision Paper Guidance.

Our expectation is that further applications for Condition 30 type extensions will be presented in accordance with our observations.

Please do return to us should you require any clarification.

Yours sincerely,



Jillian Ferris  
**Head of Networks**  
**Duly authorised by the Authority**