

Claire Whiteside
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By Email Only: Claire.Whiteside@nienetworks.co.uk

Date: 29 July 2025

Our Ref: NET/E/JF/1294

Dear Claire,

Application for consent to a longer period for the issuance of a connection offer at Site adjacent to Sersons Road Site 2, NIE Networks Reference: 24/04509

Thank you for your letter received 10 July 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, under Condition 30 of its electricity distribution licence **(the Licence)**¹ to make a connection offer, in response to an application for a connection to its distribution system **(the Network)** of a 4.9MW PV at **Sersons Road Site 2 (the site)**. The extended period now applied for expires on **28 December 2025**.

In this letter we refer to the legal person requesting the relevant connection to the Network, as the **Connection Applicant**.

1. The Application

The Letter describes the relevant background² to the Application.

¹ NIE Networks Distribution Licence.

² What follows includes the most relevant aspects of the Second Extension Application. All parts of the Second Extension 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.

Reference is made to Condition 30 of the Licence.

- 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 (6) 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 *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 (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 (including by reference to a specific date) and subject to any conditions as specified in the consent.
- Significantly, if the Authority grants the Application, this does not alter NIE Networks’ licence obligation⁵ (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.

NIE Networks states that it received a valid application (for the Relevant Connection Offer) from the Connection Applicant on 29 April 2025, for the connection of a 4.9MW PV at the site. In the absence of an extension request, Condition 30(6) would have required NIE Networks to respond by 29 July 2025.

On 10 July 2025, NIE Networks made the Application for extension. In respect of this Application, NIE Networks makes the following points in

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 Articles 19 and 20 of the Electricity Order.

support of its request for a further extension:

1. There is a finite amount of capacity remaining at the LCTA Connection Node, Magherafelt West, for the Site (the **Connection Node**).
2. The connection applicant is third in the 'connection queue' for a connection to be made at the Connection Node, immediately behind another application, also for a 4.9MW PV, by the same Connection Applicant, at another location at Sersons Road.
3. The first person in the connection queue (the **first applicant**) requests a connection with a capacity of 4.8MW. A connection offer was made to the first applicant (in respect of the maximum capacity) on 1 July 2025. The first applicant has provided planning permission, and has 90 days to accept the connection offer made to it (to 29 September 2025).
4. NIE Networks has clarified, in follow up communication with the Authority, that it became apparent that the first applicant, because of the finite capacity at the Connection Node, could affect the Connection Applicant, depending on the outcome of their application.
5. Should the first applicant accept the connection offer and subsequently be able to prove planning permission, that connection will utilise much of finite capacity which is available at the Connection Node. NIE Networks has stated, in follow up communication with the Authority, that if the first applicant accepts this connection offer, the remaining capacity not allow for the Connection Applicant to receive a connection offer.
6. We note that the Connection Applicant, in their consultation response, comments that NIE Networks has said it would explore further an upgrade of the transformers at the Connection Node, which would facilitate the connection application.
7. If the first applicant does not accept its connection offer, they would be removed from the connection queue on 29 September 2025, at which stage (by the latest), NIE Networks could confirm to the connection applicant if capacity will be available at the Connection Node.

8. In these circumstances, NIE Networks would require a further 90 days to process the design and quotation for a connection offer to be made to the Connection Applicant. NIE Networks has clarified, in follow up communication with the Authority, that 90 days is required because it does not know at present what size of project to carry out a connection offer study for, because of the uncertainty caused by the finite amount of capacity at the Connection Node.

NIE Networks has therefore requested the Authority to grant an extension to the period within which it must, under Condition 30, either issue or refuse to issue a connection offer to the Connection Applicant, to 28 December 2025.

NIE Networks states that this rationale demonstrates how the Connection Applicant's application is subject to the outcome of an event which is outside of NIE Networks' control. NIE Networks has advised the Connection Applicant that it will confirm if capacity will be available for it by 29 September 2025.

NIE Networks states that if clarity regarding the remaining capacity at the Site is realised earlier than 29 September 2025, NIE Networks would progress the Connection Applicant's connection offer at an earlier date.

NIE Networks Authority has set out an impact assessment in relation to the Application. NIE Networks states that if the Authority refuses the Application, NIE Networks would have to refuse the Connection Applicant's request to connect under Article 21(1) of the Electricity Order, as there is currently no network capacity available for the Connection Applicant.

Alternatively, NIE Networks states that if the Authority grants the Application:

- It would *“allow the applicant to remain in the connection queue at Magherafelt West where there is an opportunity for network capacity to become available that would facilitate the connection of this proposed project,”*
- This would facilitate a fair and transparent network capacity allocation and queuing process for the capacity available.

- It would present a “*potential benefit by providing a greater opportunity for the renaming capacity at Magherafelt West to be fully committed.*”

2. Consultation associated with the Application

Condition 30(7)(a) of the Licence requires NIE Networks to consult with the Connection Applicant when making an application for extension under Condition 30(7).

NIE Networks has provided the Authority with evidence that it sent an email to the Connection Applicant, on 2 June 2025.

The email response from the Connection Applicant provided a response on 2 June 2025, included with the Application, indicates the Connection Applicant fully supports the application, and noting NIE Networks had said it would explore further the costs of upgrading the primary transformers at the Connection Node, that would support this application for connection.

NIE Networks has contacted all affected parties in the queue for the Connection Node.

3. The Authority’s decision

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

- (a) our published decision document on extension applications, dated 31 May 2017⁶,
- (b) our principal objective (and related statutory objectives) under Article 12 of the Energy (NI) Order 2003⁷
- (c) the contents of the Application
- (d) the Connection Applicant’s response to NIE Networks’ consultation
- (e) clarifications sought and received from NIE Networks in the period following receipt of the Letter.

The Authority recognises the limited capacity at the Connection Node and accepts NIE Networks’ argument that if the Authority does not grant the

⁶ [Electricity Connections Review Decision Paper | Utility Regulator \(uregni.gov.uk\)](#)

⁷ [Article 12 of the Energy \(NI\) Order 2003.](#)

Application, NIE Networks will have to refuse the Connection Applicant's application for connection. The Authority recognises that by granting the Application, the Connection Applicant's place in the queue is preserved while NIE Networks works through the applications in the queue ahead of the Connection Applicant, which may or may not result in the Connection Applicant receiving a connection offer.

The Authority notes that at various points in 2025, NIE Networks will have greater clarity as to the remaining capacity at the Connection Node. So, for example, by 29 September 2025, NIE Networks should be in a position to know whether the first applicant is able to connect to the Connection Node or alternatively, whether the Connection Applicant's request can be processed instead.

The Authority acknowledges that NIE Networks has confirmed that if clarity regarding the remaining capacity at the Connection Node is realised earlier than 28 December 2025, then it would progress the Connection Applicant's offer at an earlier date.

Notwithstanding this, the Authority requests that NIE Networks keeps all applicants in the queue, including the Connection Applicant, updated on their status within the queue, particularly at the key points identified, namely near the end of September 2025 and near the end of December 2025.

In conclusion, 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 to the Network made by the Connection Applicant for the 4.9 MW PV at the Site is now extended until **28 December 2025**.

We would also take this opportunity to emphasise to NIE Networks that 28 December 2025 is a “long stop” date. The obligation under Condition 30 of the Licence is (now), subject to applicable exceptions,⁸ to make a relevant connection offer to the Connection Applicant for the 4.9MW PV at **the Site as soon as practicable and in any event no later than 28 December 2025**. The Licence obligation is not (now) simply to offer connection terms by 28 December 2025.

⁸ Consonant with NIE Networks' licence obligations and its statutory duties, including Articles 12 and 19 of the Electricity Order.

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,

A handwritten signature in blue ink, reading "Jillian Ferris", is written over a horizontal line.

Jillian Ferris

Head of Networks

Duly authorised by the Authority