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Date: 31/08/2018

Our Ref: CNO/E/TH/437

Dear Lisa,

**Request for Extension of Time to Issue a Connection Offer for Connection Application at Hightown Quarry Waste Incinerator, NIE Networks reference 16/16703, until 28/02/2019.**

Thank you for your letter dated 29 Aug 2018 requesting consent from the Authority for NIE Networks to extend the required three month timeline to issue a connection offer to **Hightown Quarry Waste Incinerator** Connection Application.

**NIE Network's request for further connection offer extension**

NIE Network's asks for a further 6 month extension for this connection offer to 28 Feb 2019 under Condition 30 of the NIE Networks Distribution licence.

NIE Network's was proceeding to provide terms for connection under Phase 1 rules when the High Court and the Appeal Court ruled the Permanent Secretary of the Department of Infrastructure acted 'ultra vires' (beyond his powers) when awarding planning in the absence of a Minister and therefore planning permission was not granted.

It is noted that currently alternative avenues are being enquired via the Supreme Court and the Secretary of State with regards to the arc21 project development. As such the developer has asked NIE Networks to seek a further extension for six months to allow time for the above matters to be worked through.

Due to the uniqueness of the above circumstance, NIE Networks consider it appropriate to seek an extension from UR given that the status of the planning permission remains unclear in relation to NIE Networks '*Distribution Generation Application and Offer Process Statement*' dated 4 May 2018.

This statement details that an applicant is required to provide proof of planning permission 120 days from the date of the terms letter. At that stage NIE Networks would be required to determine if Hightown had planning permission or not and the current assessment

criteria within the above process do not take account of the exceptional circumstances currently in play.

The applicant in question has consented to the proposed extension.

### **The Authority's decision**

The relevant section of the distribution licence is within Condition 30. This requires a connection offer to be made not later than 3 months unless consent to a longer period has been approved by the Authority. Having considered your request and reviewed the response from the connection applicant in question, the Authority is able to agree to the extension period requested (i.e. until **28 Feb 2019**).

Yours sincerely,



**Tanya Hedley**  
**Director of Compliance and Network Operations**