

From the office of the Chief Executive

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Date: 11/02/2019

Our Ref: NET/E/JE/060

Dear Lisa,

Request for Extension of Time to Issue a Connection Offer for Connection Application at Project 232 Whappstown Road, NIE Networks reference 16/02829, until 30/08/2019.

Thank you for your letter of 10 Dec 2018 requesting consent from the Authority for NIE Networks to extend the required three month timeline to issue a connection offer to **Project 232 Whappstown Road Connection Application**.

NIE Network's request for further connection offer extension

Within your correspondence you have noted that with all offers now accepted and with all accepted projects meeting NIE Networks Planning Approval Milestone, NIE Networks is now in a position to provide terms of connection to Whappstown by the current extension deadline of 31/01/2019. However the developer has asked NIE Networks to seek a further extension to allow time for other matters to be worked through.

Following engagement with the developer, NIE Networks therefore has put forward the customer's request for an extension of time for NIE Networks to issue the Whappstown Road Connection Offer until 30 August 2019 as permitted in Condition 30 paragraph 4.

The Developer is continuing to engage with DfI on the Whappstown public inquiry and the Department's notice of opinion and as such has requested an additional extension.

Due to the uniqueness of circumstances, NIE Networks has decided to put forward the customer's requests for an extension of time. NIE Networks also notes that their document NIE Networks' Distribution Generation Application and Offer Process

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Statement' dated 4 May 2018 requires an applicant to provide proof of planning permission 120 days from the date of the terms letter and at that stage NIE Networks would be required to determine if Whappstown PV Farm had planning permission or not.

Applicant Consultation

The application indicates that due to uncertainty around the unintended consequences of the Buick Judgment and the Executive Formation and Exercise Functions Act 2018, the applicant in question, believes these should be considered as exceptional circumstances and has requested and consented to the proposed extension to 31 August 2019.

Affected Parties Consultation

NIE Networks has confirmed that there are three other applicants behind Whappstown PV Farm in the queue at Kells Cluster who will only get capacity within the assigned 90MW at Kells Cluster if Whappstown does not accept or fails to meet NIE Networks Planning Approval Milestone.

NIE Networks has confirmed that an extension will have an impact on the other parties in the queue in terms of both capacity and timelines. It has also noted that each of the other applicants will only be provided terms if all applicants ahead of them either do not accept or fail to meet their Planning Approval Milestone or requirement for Security Payment.

Following correspondence with the parties, one party did not submit an email on their thoughts regarding the extension request, another party was in support of the extension and the third party was not supportive. The third applicant commented that if *"an extension is granted to Whappstown project it would delay any grid connection offer to us by 6 months thereby jeopardising the viability of the project....."*

The Authority's decision

We are aware of the impact of the Buick Judgment and the Executive Formation and Exercise Functions Act 2018 and the ongoing DfI engagement around planning approvals of large projects as well as the effect that this is having on processing of connections.

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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.

Given the exceptional circumstances of the connection and having considered the request and reviewed the response from the connection applicant and the affected parties, the Authority is able to agree to the extension period requested (i.e. until **30 Aug 2019**).

Yours sincerely,



Jenny Pyper
Chief Executive