

## Decision

# Decision of the Gas and Electricity Markets Authority to close its investigation into National Grid Electricity Transmission plc and its compliance with obligations under Section 9(2) of the Electricity Act 1989 and SLC B7 of its Electricity Transmission Licence in relation to the Harker 132 kV substation

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In March 2022, Ofgem formally opened an investigation into National Grid Electricity Transmission plc<sup>1</sup> (NGET) and its compliance with section 9(2) of the Electricity Act 1989 ('EA89') and Standard Licence Condition ('SLC') B7<sup>2</sup> of its transmission licence.

This investigation focused on the condition of assets at NGET's Harker substation and on delays to the connection of some embedded generation in the locality.

This document sets out what we found, the action taken by NGET to resolve this issue, and our reasons for closing this investigation following agreement of appropriate 'Alternative Action' enforcement measures.

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<sup>1</sup> NGET owns the high-voltage electricity transmission network in England and Wales, including the Harker 132kV substation.

<sup>2</sup> Section 9(2) of the EA89 imposes a general duty on the holder of a transmission licence to develop and maintain an efficient, co-ordinated and economical system of electricity transmission and to facilitate competition in the supply of electricity.

SLC B7 of the Electricity Transmission Licence contains an obligation that the licensee has available to it such resources as to ensure that it is at all times able to properly and efficiently carry on transmission business, and to comply in all respects with its obligations under the Electricity Transmission licence and those parts of EA89 that applies to the transmission business.

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## 1. Findings

Our investigation found evidence that NGET had failed to take appropriate steps with regard to the maintenance of some civil assets at the Harker 132kV substation (“Harker”) and, in particular, that:

- (a) it had failed to adequately monitor, maintain and repair some civil assets<sup>3</sup> at this substation, leading to their ongoing physical deterioration; and
- (b) it had failed to have in place, or to apply properly, the technical and planning resources needed to ensure that remediation works on those civil assets at this substation could be carried out alongside other upgrading works in relation to a contract that it had offered, in the manner and timescales in which work was planned;

as required by s9(2) of EA89 and SLC B7 of its transmission licence.

Details of these relevant licence conditions and associated statutory requirements are summarised below:

<b>Relevant conditions / statutory requirements</b>	<b>Summary of requirements</b>
Section 9(2) of the Electricity Act 1989	This imposes a general duty on the holder of a transmission licence to develop and maintain an efficient, co-ordinated and economical system of electricity transmission and to facilitate competition in the supply and generation of electricity.

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<sup>3</sup> Civil assets are the non-electrical assets at a substation, such as concrete foundations, plinths and support structures.

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SLC B7 of the transmission licence	This contains an obligation that the licensee has available to it such resources as to ensure it that it is, at all times, able to properly and efficiently carry on its transmission business and to comply in all respects with its obligations under the Electricity Transmission licence and those parts of the EA89 that apply to the transmission business.
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## 2. Remedial actions taken and admissions made by NGET

During this investigation NGET has:

- (a) acknowledged that it failed to adequately monitor, maintain and repair some civil assets at the Harker 132kV substation.
- (b) acknowledged that it should have operated a more formal and thorough system to inspect, risk assess and repair those civil assets (some of which were in a poor condition, with spalling concrete exposing steel rebar in places).
- (c) acknowledged that it had paid insufficient regard to the advance planning required to carry out repairs on those civil assets, and to source sufficient spare parts needed to complete these repairs, and that this poor planning was a factor in the cessation of upgrading works being undertaken at the same time that were necessary to fulfil a connection agreement.
- (d) undertaken repairs to those civil assets at the Harker 132kV substation in 2022.
- (e) agreed to make a payment of £20 million to Ofgem's Energy Industry Voluntary Redress Scheme.

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### 3. Conclusions

Having considered our findings and NGET's remedial actions and admissions, Ofgem has decided that, while there were issues in relation to NGET's monitoring, maintenance and repairing of some civil assets at Harker; and it having in place, or applying properly, the technical and planning resources needed to ensure that remediation works could be carried out alongside other upgrading works in relation to a contract that it had offered, including the manner, and over the timescales, in which the work was planned, as required by s9(2) of the EA89 and SLC B7 of NGET's transmission licence, this investigation was suitable for Alternative Action under Ofgem's Enforcement Guidelines<sup>4</sup> as:

- the Alternative Action taken has had a positive impact on these issues and for consumers, while also ensuring sufficient consequences for NGET's actions.
- NGET has engaged positively throughout the investigation

Our decision is, however, subject to NGET making the agreed £20 million payment to Ofgem's Energy Industry Voluntary Redress Scheme within 30 days of this publication.

Gas and Electricity Markets Authority

11 March 2026

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<sup>4</sup> The Enforcement Guidelines can be found at: [The Enforcement Guidelines | Ofgem](#)