

Workgroup Consultation Response Proforma**CMP376: Inclusion of Queue Management process within the CUSC**

Industry parties are invited to respond to this consultation expressing their views and supplying the rationale for those views, particularly in respect of any specific questions detailed below.

Please send your responses to cusc.team@nationalgrideso.com by **5pm** on **23 December 2022**. Please note that any responses received after the deadline or sent to a different email address may not receive due consideration.

If you have any queries on the content of this consultation, please contact paul.j.mullen@nationalgrideso.com or cusc.team@nationalgrideso.com

Respondent details	Please enter your details
Respondent name:	Chloe Goding
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Phone number:	077931308521

I wish my response to be:

(Please mark the relevant box)

☒ Non-Confidential☐ Confidential

Note: A confidential response will be disclosed to the Authority in full but, unless agreed otherwise, will not be shared with the Panel or the industry and may therefore not influence the debate to the same extent as a non-confidential response.

For reference the Applicable CUSC (non-charging) Objectives are:

- The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;*
- Facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the sale, distribution and purchase of electricity;*
- Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and*
- Promoting efficiency in the implementation and administration of the CUSC arrangements.*

*The Electricity Regulation referred to in objective (c) is Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (recast) as it has effect immediately before IP completion day as read with the modifications set out in the SI 2020/1006..

Please express your views in the right-hand side of the table below, including your rationale.

Standard Workgroup Consultation questions							
1	Do you believe that the Original Proposal or any of the potential alternative solutions better facilitates the Applicable Objectives?	<p>Mark the Objectives which you believe each solution better facilitates:</p> <table border="1"> <tr> <td>Original</td> <td><input type="checkbox"/>A</td> <td><input type="checkbox"/>B</td> <td><input type="checkbox"/>C</td> <td><input type="checkbox"/>D</td> </tr> </table>	Original	<input type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C	<input type="checkbox"/> D
Original	<input type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C	<input type="checkbox"/> D			
2	Do you support the proposed implementation approach?	<p><input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p> <p>There are still some fundamental issues to address. We feel that if implemented in its current state major damage could be done to the UK renewable industry.</p>					
3	Do you have any other comments?	Click or tap here to enter text.					
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	<p><input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p> <p>Click or tap here to enter text.</p>					

Specific Workgroup Consultation questions		
1	Do you agree with the Milestone durations proposed? Please provide the rationale for your response.	There needs to be difference as transmission and distribution are characterised by different connection voltage and project rating. This leads to differences in project timescales, i.e., planning decisions take longer for larger plant.
2	Do you agree that the time period for the milestone durations should be from the contracted Completion Date back to the date the Offer is sent to the User; or from the Contracted Completion Date back to the date the Offer is accepted by the User; or from the Contracted Completion Date back to the date the Offer becomes effective; or do you have an alternative approach?	<p>No, for the following reasons:</p> <ul style="list-style-type: none"> M1, M2 – The time limit for achieving consents varies based on the time to completion, this is not case in practice and not how local planning authorities operate. Further, the User has no control over the determination period. <ul style="list-style-type: none"> Note planning determination for sites in Wales and NSIPs/DCO take 2 or more years. The milestone timelines put these projects and regions at risk. M3 – Further definition of secured land rights need to be clarified, i.e., legally binding option or exclusivity as these are very different items. But generally anything greatly than 21 months would not make sense. M5 – Contestable works don't exist for transmission connections so its hard to comment on this milestone. However, the design milestones seem very early. M6 – Currently this milestone varies based on years until project completion date. This does not make sense as it is the project, size, type of generation and complexity that dictates how far in advance of the project programme is put in place but not how far in the future the project is.

	Please provide the rationale for your response.	<ul style="list-style-type: none"> M7 Project Commitment – Currently this milestone varies based on years until project completion date. This does not make sense as it is project size, type of generation and complexity that dictates how far in advance of the project completion financial commitment is put in place but not how far in the future the project is. M8 Project Construction - Currently this milestone varies based on years until project completion date. This does not make sense as it is project size, type of generation and complexity that dictates how far in advance of the project construction would commence.
3	There are differences between the arrangements at Transmission and Distribution. Do you agree with the reasons provided why there is different treatment and that these don't create undue discrimination? Please provide the rationale for your response.	Our understanding is the project 'Completion Date' is the base date that all Milestones are calculated from, so we don't follow the question.
4	Do you agree with the evidence requirements proposed? Please provide the rationale for your response.	M1 – Agreed M2 – Agreed M3 – Needs further clarification M5 – Needs further clarification, as works are not defined M6 – Needs further clarification of 'detailed' programme M7 – Agreed M8 - Agreed
5	Do you agree that works specifically for a User, whose Construction Agreement has been terminated under CMP376, should be suspended until the outcome of the Appeal/Dispute. Please provide the rationale for your response.	Click or tap here to enter text.

6	Do you have any views on the most appropriate route for Appeals/Disputes raised by a User whose Construction Agreement has been terminated under CMP376? Please provide the rationale for your response.	There is need to add an exception for delayed planning decisions as this is outside of a developer's control.
7	Do you agree with the circumstances when Milestone Dates will be changed – the “exceptions”? Please provide the rationale for your response.	CFD delays should be considered as an exception 3rd Party Works or other DNO delays should be considered as an exception
8	Do you agree that the associated Construction Agreement will be terminated if Milestone Dates (unless covered by the exceptions) are missed and not rectified within the 60-calendar day period? Please provide the rationale for your response.	<p>This greatly increases project risk due planning determination timelines which are beyond our control. This could have a huge impact on our ability to deliver clean energy projects.</p> <p>We are also concerned that the proposed queue management scheme is technology biased as it does not take into account shorter development and construction times for BESS and solar and requires upfront commitments more in line with technologies.</p> <p>The proposal injects regional bias with regions such as Wales be directly discriminated against due to NSIP timescales. Also, this bias extends to larger projects, which require DCOs.</p>
9	Do you agree with the proposed impacts on Milestones for different types of Modification Applications? Please provide the rationale for your response.	<p>We would like clarification around Agreements to Vary and the impact on milestones.</p> <p>Partly, however, we believe the reason for a Mod App should be considered, outside of the exceptions already listed, when applying milestone dates</p>
10	Does the CMP376 Original proposal or any of the potential alternative solutions impact your business	If approved in its current state, the impact on our business and development would be significant. We appreciate the need for a queue management, however a blanket approach that is not suitable to different technologies is not appropriate.

	and/or end consumers. If so, how?	
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Additional Points

Milestone order

The Milestone order does not make sense, with M3 coming before M1 in the development process.

Milestone M3

- Is this land rights for all TEC, how about staged connections? Does this mean each stage has separate milestone or just the first one?
- Please provide form of exclusivity agreement.

Milestone M5

- There is no definition in the legal text and none existing in the CUSC. Contestable works are a DNO and not transmission concept, please clarify the meaning here.