

CMP434 Implementing Connections Reform
CM095 Implementing Connections Reform

Workgroup Meeting 5, 28 May 2024
Online Meeting via Teams

WELCOME



Agenda

Topics to be discussed	Lead	Timing
Timeline and Topics	Chair	10:00-10:05
Actions and Query Log	Chair	10:10-10:15
Scene Setting – Workgroup 5	Proposer	10:15-10:25
Scope (Who is in Primary Process)	Proposer/SMEs	10:25-10:45
Introducing the concept of Connections Network Design Methodology	Proposer/SMEs	10:45-10:50
Gate 2 Criteria – Land Requirement and Duplication Checks	Proposer/SMEs	10:50-11:50
Break		11:50:12:00
Gate 2 – Planning Requirement	Proposer/SMEs	12:00-12:30
Lunch		12:30-13:00
Gate 1 Financial Instrument	Proposer/SMEs	13:00-13:30
Next Steps	Chair	13:30-13:45
Any Other Business	Chair	13:45-14:00

Timeline and Topics

Claire Goult – ESO Code Administrator

Timeline for CMP434 and CM095 as at 02 May 2024

Milestone	Date	Milestone	Date
Workgroup Nominations (4 Business Days)	26 April 2024 to 02 May 2024	Code Administrator Consultation (9 Business Days)	19 August 2024 to 02 September 2024
Ofgem grant Urgency	01 May 2024(5pm)	Draft Final Modification Report (DFMR) issued to Panel (3 Business Days)	09 September 2024
Assuming Ofgem have granted Urgency Workgroup meetings 1 - 10	07 May 2024 14 May 2024 16 May 2024 22 May 2024 28 May 2024 05 June 2024 11 June 2024 13 June 2024 18 June 2024 20 June 2024	Panel undertake DFMR recommendation vote (Special Panel)	13 September 2024 (by 2pm)
Workgroup Consultation (8 Business Days)	25 June 2024 – 05 July 2024	Final Modification Report issued to Panel to check votes recorded correctly	13 September 2024 (by 4pm)
Workgroup meeting 11 - 15	16 July 2024 18 July 2024 24 July 2024 30 July 2024 06 August 2024	Final Modification Report issued to Ofgem	13 September 2024 (by 5pm)
Workgroup report issued to Panel (2 Business Days)	13 August 2024	Ofgem decision	06 November 2024
Special Panel sign off that Workgroup Report has met its Terms of Reference	16 August 2024	Implementation Date	01 January 2025

Outline of Workgroup(s) Meeting Topics

<p>WG meeting 1</p>	<ul style="list-style-type: none"> • Set the scene, ToR, timeline, ways of working, context – why connections reform, what are the issues and solutions, what is and isn't scope, cross code impacts, who is impacted and how?
<p>WG meeting 2</p>	<ul style="list-style-type: none"> • Clarifying which projects go through the primary process. • Clarifying any deviations from primary process e.g. for certain technologies.
<p>WG meeting 3 and WG meeting 4</p>	<ul style="list-style-type: none"> • Gate 1 criteria (including financial element requirement) and process • Gate 1 Licence changes • Introducing the concept of a Connections Network Design Methodology (the content and any approvals of this to be covered outside the Code Modification process) and DFTC
<p>WG meeting 5 and WG meeting 6</p>	<ul style="list-style-type: none"> • Gate 2 Criteria (including financial element requirement) , Letter of Authority changes (allowable amendments to red line boundaries and introduction of duplication checks), including impacts to Queue Management (Milestones and impact to all contracts) and NESO designation (criteria and process)
<p>WG meeting 7 and WG meeting 8</p>	<ul style="list-style-type: none"> • Gate 2 process (including how DNOs notify the ESO of Relevant Embedded Small Power Stations or Relevant Embedded Medium Power Stations which meet Gate 2 criteria) • Gate 2 licence changes
<p>WG meeting 9 and WG meeting 10</p>	<ul style="list-style-type: none"> • Gate 1 and Gate 2 disputes process, • Gate 1 offer/contract content, • Gate 2 offer/contract content • Implementation approach • Identify which STCPs will change (STC only) • Identify which sections of legal text will change (Separate CUSC and STC) • Finalise WG Consultation (Separate CUSC and STC)
<p>WG meeting 11</p>	<ul style="list-style-type: none"> • Assess WG Consultation responses, discuss new points • Discuss potential alternatives and agree who develops these
<p>WG meeting 12 and WG meeting 13</p>	<ul style="list-style-type: none"> • Finalise WG Alternatives (CUSC 1st then reflect in STC) • Legal Text (Separate CUSC and STC)
<p>WG meeting 14</p>	<ul style="list-style-type: none"> • Finalise Legal Text (Separate CUSC and STC) • WG Alternative Vote (Separate CUSC and STC) • This is where we are re: Alternatives (Separate CUSC and STC)
<p>WG meeting 15</p>	<ul style="list-style-type: none"> • Workgroup Report (Separate CUSC and STC) • Workgroup Vote (Separate CUSC and STC)

Actions and Query Log

Claire Goult – ESO Code Administrator

Action number	Workgroup Raised	Owner	Action	Comment	Due by	Status
1	WG1	PM	To share further data is shared in relation to the transmission queue		WG2	Open
2	WG1	JH/PM	To clarify if it is the modification is intending to cover a demand application at the distribution level which causes a transmission reinforcement.		WG2	Closed
3	WG1	JH	Tighten up the language RE: User Commitment Methodology/ Final Sums		WG2	Open
4	WG1	JH	Changing the wording from 'change the Network Charging arrangements' to 'Network use of system Charging arrangements' are out of scope	Covered in WG4	WG2	Closed
5	WG1	JH/RW	Collaborate and finalise the Terms of Reference whilst cross checking against CM095.		WG2	Closed
6	WG2	JH	Clarification slide on what is BAU regarding the GSP process	Covered WG4	WG4	Closed
7	WG2	JH	Explain the interaction of CMP434 with GC0117, consider the potential impact if GC0117 approved such as a need for an additional code modification	Workgroup consultation 25/6/24	WG3	Open
8	WG2	AP	Consider the definition of Relevant Embedded Small/Medium Power Station and whether the codified definition needs to be changed or if the ESO is to provide guidance to DNO's outside of the energy codes on what is considered as relevant to the transmission network		WG3	Open
9	WG2	AP	Slide on Large Embedded for clarification		WG4	Open
10	WG2	DD	Tabulate Minor and Major Changes at Gate 1 and 2 for a clearer distinction	Covered WG4	WG4	Closed
11	WG2	JH/DD	Response to the paper provided by Simon Lord	Ongoing	WG4	Open
12	WG2	JH/PM	ESO to speak to the policy team and consider how the 'Allowable Changes' policy being drafted would interact with CMP434, would all of the policy need to be codified or does the concept of the policy need to be codified?		WG4	Open
13	WG2	ALL	Workgroup to propose what they think could change in their application between Gate 1 and Gate 2		TBC	Open
14	WG4	JH	Clarification of new GSPs for iDNOs		TBC	New
15	WG4	JH	Consider alignment of crown estate invitation to tender and auction timing		TBC	New

Workgroup 5 Scene Setting

Joseph Henry – ESO

Meeting Objectives

What is the focus of the meeting?

- Scope (Primary Process)
- Understanding Gate 2 Criteria
- Understanding Proposed changes and land boundaries
- Recap of Gate 1 financial Instruments and Connections Network Design Methodology

What is the ask of the workgroup?

- Understand and contribute to presentations
- Provide feedback

What is the desired output of the meeting?

- Understanding of covered topics
- Contribution to discussions

What should not be discussed?

- Subjects relating to Gate 1 not explicitly called out on today's agenda

Scope

Mike Oxenham

Primary Process Project Types and Significant Changes

Project Type	Included in Primary Process under CMP434
New Directly Connected Generation (and Significant Changes)	Yes
New Directly Connected Demand (and Significant Changes)	Yes
New Interconnectors (and Offshore Hybrid Assets) (and Significant Changes)	Yes
New Relevant Embedded Small and Medium Power Stations (via the DNO or IDNO) (and Significant Changes) <i>(This includes those who elect to have a BEGA)</i>	Yes
New Embedded Large Power Stations (e.g. BEGA and BELLA) (and Significant Changes)	Yes

And further to the discussion at the last Work Group on significant changes we are in the process of updating our proposals in relation to significant changes under the primary process and will share an updated table this week to clarify the ESO position / proposal to allow individuals to form a view on whether there are any further clarification questions.

Introducing the concept of Connections Network Design Methodology

Rachael Eynon – ESO

Connections Network Design Methodology (CNDM)

What is the CNDM?

- The CNDM is the proposed high-level process by which the ESO and the Transmission Owners (TOs) will technically assess connection applications and determine:
 - a) the indicative connection date and indicative connection point included in a Gate 1 offer (as per current CMP434 proposal)
 - b) any requirements for connections-related anticipatory investment as a result of the Gate 1 process
 - c) the firm connection date and connection point included in a Gate 2 offer (as per current CMP434 proposal)
- It will define the roles and responsibilities of the ESO and the TOs in conducting these activities, including any areas where these may differ across the TOs with justification as to why this is the case

Why do ESO believe a CNDM is needed?

- To establish a common framework between the ESO and TOs for assessing connection applications and determining necessary anticipatory investment, including links to other strategic network planning activities
- To provide transparency to industry as to how connection applications are assessed and how anticipatory investment is identified, at a high-level, in relation to both Gate 1 and Gate 2

What are the ESO proposing is codified?

- The requirement for the ESO and TOs to have a CNDM
- An obligation on the ESO to publish the CNDM
- An obligation to engage with industry on the content of the CDNM

Out of scope for CMP434

- Content of CNDM
- Approval of CNDM development process
- Approval of CDNM content

Note that this is ESO's proposal - do you have any feedback?

Gate 2 Criteria - Overview

Joe Henry/Paul Mullen

Gate 2 Criteria - Overview

What is the purpose of Gate 2?

- To provide a full offer including a queue position (and so connection point and connection date) to projects.
- With a batched process there may also be an opportunity for some consequential network design co-ordination.

What Gate 2 criteria have we considered previously?

- In our initial consultation, we proposed a Gate 2 of submission of application for planning consents (i.e. Queue Management Milestone M1) but many respondents felt this was too onerous from a development perspective.
- After consultation and extensive stakeholder engagement (including a focused workshop with land and planning experts across different customer groups), we concluded that something in between M1 and M3 that is clearly evidencable, does not unduly discriminate against a particular technology or cause any material issues for projects utilising a particular planning consents route compare to other routes e.g. Development Consent Orders.
- When raising this code modification, we also considered a Gate 2 financial instrument as an additional criteria. However, we believe that if the submission of the application for planning (**Queue Management Milestone (M1)**) is forward calculated from Gate 2 offer acceptance date, this provides a sufficient incentive for projects to progress to connection and as such **propose no further financial instrument at Gate 2.**

What Gate 2 criteria are we proposing today?

- Secured Land
- Requirement to submit application for planning consent (forward calculated)

Proposed Gate 2 Criteria:

Secured Land

Requirement to submit the application for planning consent

No longer part of our proposal:

Consideration of a Gate 2 Financial Instrument

Gate 2 Criteria - Secured Land

Paul Mullen / Folashadé Popoola



To meet Gate 2:

- Developer has secured the rights to lease or own the land (or already leases or owns the land) on which their Site is planned to be located. Exclusivity agreement is not sufficient evidence (*Appendix 1 shows how Queue Management Milestone M3 could be amended to reflect this*)
 - Customers submit 100% of the land required for their project to meet M3 milestone (to be amended to remove exclusivity route) i.e. to meet Gate 2. This will be calculated using the Energy Density Table as defined under CMP427 and contained in the ESO guidance document.
 - Customers to provide a red line boundary for the project site showing the land secured
 - Any Option agreement must have a longstop date that is later than the earlier of the Completion Date or [7] years after submission of Gate 2 evidence
 - Any Option agreement is accompanied by a lease or purchase agreement, which must reflect typical minimum operational timelines – suggested a minimum of [20] years from the date of exercise of the option.
 - Or, evidence of existing ownership, or existing land lease with a remaining term of minimum of [20] years from the earlier of the Completion Date or [7] years after submission of Gate 2 evidence

Do you agree that customers need to submit 100% of the land required for their project to meet Gate 2. If not, what would you suggest instead and why?

Do you agree with the proposed requirements for an Option agreement (and accompanying lease) and do you agree with the proposed timescales. If not, what would you suggest instead and why?

Do you agree with the proposed requirements re: existing ownership or existing land lease and do you agree with the proposed timescales. If not, what would you suggest instead and why?

Note: The above relates to the milestone achievement route to Gate 2 and not the NESO Designation Route to Gate 2 – **to be discussed next Workgroup**

Note: The above excludes potential differences in relation to Offshore Wind, Interconnectors and Offshore Hybrid Assets - **to be discussed on next slide**

Secured Land: Technology Differences

To provide clarity in relation to Offshore Wind, Offshore Hybrid Assets (OHAs) and Interconnectors.

All Technologies (excluding Offshore Wind, OHAs and Interconnectors)	Offshore Wind	OHAs and Interconnectors
Secured the rights to lease or own the land (or already leases or owns the land) on which the Site is planned to be located.	Agreement for Lease with the Crown Estate for the seabed awarded / signed through the leasing round.	Secured the rights to lease or own the land (or already leases or owns the land) for the Onshore Converter Substation.



Do you agree with the proposed Site interpretation for Offshore, OHAs and Interconnectors?



Are there any other technologies which you believe should be subject to specific Site interpretation?

Gate 2 Duplication Checks

What have we proposed?

- Within the 'Implementing Connections Reform' Code Modification we have included the following in respect of what is referred to as 'LoA Phase 2':
- *'We will explore the extent to which new applications for projects that meet Gate 2 should not have any duplicate sites with any other projects, how this could be demonstrated (including in relation to any other projects) and the consequences for those where there are duplicates. We will also explore if and how this requires changes to the Letter of Authority required for new projects upon application, whether or not they have met the Gate 2 criteria*

How would this be operationalised?

- We would introduce duplication checks at Gate 2 i.e. Customers will only be checked against duplicates when they apply for Gate 2.
- Duplicate check will be against other projects already within the Gate 2 pool.
- This process will apply to both customers already in the contracted background and new customers.
- DNOs would provide information for associated projects in order to allow the check to be completed by the ESO
- No retrospective LoA application for projects already within the contracted background.

What is the consequence for those found to be duplicates?

- Projects with duplicate LoAs (so long as they are valid LoAs) will still be able to enter Gate 1.
- Should a duplicate project apply for Gate 2, they will be deemed to have not met the criteria for Gate 2 (subject to liaison between applicant and ESO).



Do you agree with the proposed duplication checks that should be undertaken upon submission of the Gate 2 evidence and if not why not?

Do you agree with the proposed consequences for those found to be duplicates and if not why not?

Option 1 (Preferred Approach)

- We would introduce duplication checks at Gate 2 i.e. Customers will only be checked against duplicates when they apply for Gate 2.
- Duplicate check will be against other projects already within the Gate 2 pool.
- This process will apply to both customers already in the contracted background and new customers.
- No retrospective LoA application for projects already within the contracted background.

Option 2

- Retrospective LoA application for projects that do not meet Gate 2 criteria.
- No duplication checks conducted until project applies for Gate 2
- Project that has not met Gate 2 criteria will have to resubmit LoA (*note: this position has now been amended going forward*)

Option 3

- Retrospective LoA application for projects that do not meet Gate 2 criteria
- Duplication checks conducted either by:
 - i) Identifying and/or terminating all duplicates within Gate 1 pool; or
 - ii) Removing any Gate 1 projects that have a duplicate with a Gate 2 project

Ongoing Compliance:

- Want to avoid situations where Users can amend their project site beyond Gate 2 such that they are actually developing a completely new site.
- Any amendments made to the red line boundary post achievement of Milestone M3 (as amended) will have to meet criteria specified by the ESO.
- Some options here are:
 - No more than 'X%' change to the red line boundary once Gate 2 has been met;
 - User builds no more than [X%] of the capacity of a technology outside of their original red line boundary. Where User has built more than [X%] of the capacity of a technology outside the their original red line boundary, could introduce a right to reduce a User's capacity of that technology or technologies; or
 - At each Queue Management Milestone, Users have sufficient acreage (calculated using the Energy Density Table as defined under CMP427 and contained in the ESO guidance document) of land rights and/or consents for the full capacity of all technologies in the Connection Agreement and could introduce a right to remove and/or reduce the capacity of those technologies.



Provide view on above options including what the % change re: red line boundary options should be and identify preference

Provide view on proposed contractual consequences where ongoing compliance not met?

Are there any other options we should consider?

Gate 2 Criteria – Planning

Paul Mullen

Planning: Ongoing Compliance

Gate 2 Criteria on its own is not enough so how do you incentivise the project to continue to be developed.

If the submission of the application for planning (Queue Management Milestone (M1)) is forward calculated from Gate 2 offer acceptance date we believe this provides sufficient incentive for projects to progress from Gate 2 to connection.

Ongoing Compliance (Planning):

- Requirement to submit the application for planning consent at the earliest of:
 - i) the Queue Management Milestone M1 (“M1”) calculated back from the connection date (as per current CMP376 methodology); or
 - ii) M1 calculated forwards from the Gate 2 offer acceptance date (based on an agreed standard time period calculated from the date that the Gate 2 offer is accepted for each planning type) to move from Queue Management Milestone M3 (“M3”) to M1.

Appendix 1 shows how Queue Management Milestone M3 could be amended to reflect this

Note: We are not proposing to make the rest of the Queue Management Milestones forward looking

Note: Work on alignment of Queue Management Milestones with Distribution is being done via ENA working group



What do you believe is a suitable timeline for each planning type and why?

Gate 1 Financial Instrument

Rachael Eynon, ESO

Updated Position: Gate 1 Capacity Holding Security

Based on workgroup feedback and further thinking we have updated our position on the Gate 1 Capacity Holding Payment. We are now proposing a Gate 1 Capacity Holding **Security** as below.

<p>Which projects would this security apply to?</p>	<p>All directly connected projects applying for transmission or demand* capacity as well as relevant small and medium embedded generation projects with a contract with a I/DNO which have not met Gate 2. For the avoidance of doubt, it would not apply to DFTC submission from the I/DNOs. These are a forecast at Gate 1 and not attributable to specific projects.</p>
<p>How would it be secured?</p>	<p>Via cash in the (N)ESO escrow account, to be returned if and when the developer has a valid Gate 2 application.</p>
<p>How much would the £/MW security be? How would the security be calculated and billed?</p>	<p>This would need to be reflective of reasonable costs incurred by TOs associated with network design and build that are not otherwise securitised through user commitment post Gate 2. A clear methodology and clear evidence would need to be provided to calculate this security i.e. to calculate the appropriate share of any anticipatory investment on the Transmission System triggered by those at Gate 1 and not being secured under User Commitment arrangements.</p> <p>Liability would accrue monthly for each month between Gate 1 and Gate 2, but security would be requested in advance through an annual cycle to minimise administrative burden. The annual cycle would also include a reconciliation process in the event of project termination within year to rebate any additional months.</p>
<p>Would there be a maximum period i.e. with a longstop date for termination?</p>	<p>We do not think there should be a maximum period and that the liability/security should apply either until the project reaches Gate 2, or the project is terminated by the developer or (N)ESO (e.g. for Event of Default).</p>
<p>Would there be any differences in the value depending on location, technology type, developer size, etc?</p>	<p>We do not initially think the capacity holding security value should differ based on location or technology type or developer size and that it should be a flat value per MW.</p>
<p>What would happen if a developer did not comply?</p>	<p>A developer not providing the required security would trigger the Event of Default process which could result in termination.</p>
<p>What would happen to any claimed securities?</p>	<p>They would be returned to consumers (via network charges) by (N)ESO.</p>

*As introducing 'Transmission Import Capacity' as a broader concept was not part of our MVP we would introduce in a limited sense solely to correctly apply the Capacity Holding Security.

How would this charge apply to small and medium* embedded projects with a contract with a I/DNO which has not met Gate 2?

As we are proposing a security, it' would need to be administered by the ESO because it would be an ESO calculated value in relation to transmission system.

I/DNOs could use their preferred securitisation method (rather than requiring cash into the ESO escrow).

Small and medium EG projects with BEGAs would provide their security through the I/DNO and not the ESO to avoid double counting.

The security would start from when the developer signed their I/DNO connection offer and last until the Gate 2 application is validated by the I/DNO.

It is recognised that the options for providing security are defined in the I/DNO connection agreements with the small and medium embedded projects.

Further work is required with the I/DNOs to understand whether this can be applied retrospectively.

We would see the process working as follows:

1. I/DNOs provide a list of relevant EG to ESO who have a I/DNO contract but have not yet met Gate 2.
2. The ESO requests liability/security from I/DNOs according to I/DNO data provision on an annual basis.
3. I/DNOs would in turn request corresponding liability/security from each developer for appropriate Gate 1 Capacity Holding Security values.




**Note: large embedded projects would only pay one Gate 1 Capacity Holding Security to ESO, and would not be subject to both processes.*

Appendix – Queue Management Milestone Changes

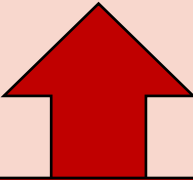
Paul Mullen

Appendix 1 - Queue Management

Milestone M3 Changes

Milestone Requirement	Evidence Required
<p>The User must have secured the required land rights to enable the construction of the project. The User may be the owner/occupier of the land or has the necessary agreement from the owner/occupier.</p> <div data-bbox="326 678 1248 842"><p>Proposed to be removed as part of Gate 2 Criteria</p></div> <div data-bbox="331 921 1248 1128"><p>Update to clarify requirements for Offshore Hybrid Assets and Interconnectors</p></div> <div data-bbox="369 1163 509 1306"></div> <div data-bbox="522 1199 2140 1278"><p>Note proposed changes and feedback (after Workgroup) any initial comments?</p></div>	<ul style="list-style-type: none">(i) The User is an owner or tenant of the land on which the proposed site is or will be situated; or(ii) The User has entered into an agreement to lease the land from the owner of the land on which the proposed site is or will be situated; or(iii) The User has an option to purchase or to lease the land from the owner of the land on which the proposed site is or will be situated; or(iv) The User has entered into an exclusivity agreement in relation to the land with the owner of the land on which the proposed site is or will be situated; or(v) For an offshore site, the User has entered into an agreement for occupation or use of the seabed upon which the User's project (excluding any OTSDUW) is or will be located Nb the obligation is to secure and evidence the land right for the site of the installation e.g. Power Station or demand site so the evidence does not relate to rights e.g. easements associated with that site or OTSDUW. <p>Compliance with this milestone is ongoing.</p>

Appendix 1 - Queue Management Milestone M1 Changes

Milestone Requirement	Evidence Required
<p>Where statutory consents are required for the construction of the User's project, the User must begin the process of seeking statutory consents, including Planning Permission for the project within the timescales and be able to provide the required evidence.</p> <div data-bbox="598 585 789 763" style="text-align: center;">  </div> <div data-bbox="178 763 1228 1192" style="background-color: #800000; color: white; padding: 10px; text-align: center;"> <p>Clarify for those meeting the Gate 2 criteria this will also be calculated forwards (based on an agreed standard time period for each planning type) to move from Queue Management Milestone M3 to Queue Management Milestone M1) as well as calculated back from the connection date (as per <u>current CMP376 methodology</u>). The developer will be required to meet the earliest Queue Management Milestone M1 date</p> </div>	<p>Submission of planning application to the relevant Statutory Authority or, if the User's project does not require a statutory consent, a declaration from the User to that effect.</p>



Note proposed changes and feedback (after Workgroup) any initial comments?

Next Steps

Claire Goult – ESO Code Administrator

Any Other Business

Claire Goult – ESO Code Administrator

Please send queries to box.codes.mce@nationalgrideso.com

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15	WG4	JH	Consider alignment of crown estate invitation to tender and auction timing		TBC	Open
16	WG5	RW	Look into where STC changes for CNDM should be located within main body of STC and STCPs		TBC	New