

CMP435 & CM096

Application of Gate 2 Criteria to existing contracted background

Workgroup Meeting 9, 27 June 2024
Online Meeting via Teams

WELCOME



Agenda

Topics to be discussed	Lead
Introductions	Chair
Timeline and Topics	Chair
Terms of Reference	Chair
<ul style="list-style-type: none">• Gate 2 Criteria - Forward Looking QM Milestones Part 1• Gate 1 Longstop Date Proposals• ESO Guidance Governance Approach Proposals• Change in location between Gate 1 and Gate 2 offer - implications for Gate 2 criteria	Proposer, SME
Action Review	Chair
Any Other Business	Chair
Next Steps	Chair

Timeline and Topics

Elana Byrne – ESO Code Administrator

Terms of Reference

Elana Byrne – ESO Code Administrator

Terms of reference – CMP435 (agreed by May Panel)

Workgroup Term of Reference

- a) Consider Electricity Balancing Regulation implications.
- b) Consider the scope of work identified and whether this is achievable within the timeframe outlined in the Ofgem Urgency decision letter.
- c) Consider what types of existing contracts that CMP435 should apply to, and what exemptions are required (if any).
- d) Consider changes to the contractual arrangements for those existing contracted parties that have not met the Gate 2 criteria by the Go-Live Date of 1 January 2025.
- e) Review the transitional arrangements in relation to changes to the contractual arrangements and any associated costs.
- f) Consider the application of the User Commitment methodology to projects in Gate 1 and Gate 2 and the transitional arrangements that may be required for existing connections contracts.
- g) Consider how any new financial instruments associated with connections are cost reflective and predictable.
- h) Consider how the solution(s) conforms with the statutory rights in respect of terms and conditions for connection.
- i) Consider the impact of NESO designation of Gate 2 status, and ways to make this non-discriminatory.
- j) The cross Code impacts this modification has, in particular the STC and distribution arrangements (e.g. DCUSA)
- k) Consider the relevant content of Annex B of the Ofgem [Open letter on connections reform publication](#).

Terms of reference – CM096 (agreed by May Panel)

Workgroup Term of Reference

- a) Consider Electricity Balancing Regulation implications.
- b) Consider the scope of work identified and whether this is achievable within the timeframe outlined in the Ofgem Urgency decision letter.
- c) Consider what types of existing contracts that CM096 should apply to, and what exemptions are required (if any).
- d) Consider changes to the contractual arrangements for those existing contracted parties that have not met the Gate 2 criteria by the Go-Live Date of 1 January 2025.
- e) Review the transitional arrangements in relation to changes to the contractual arrangements and any associated costs.
- f) Consider the application of the User Commitment methodology to projects in Gate 1 and Gate 2 and the transitional arrangements that may be required for existing connections contracts.
- g) Consider how any new financial instruments associated with connections are cost reflective and predictable.
- h) Consider how the solution(s) conform(s) with the statutory rights in respect of terms and conditions for connection.
- i) Consider the impact of NESO designation of Gate 2 status, and ways to make this non-discriminatory.
- j) The cross Code impacts this modification has, in particular the CUSC and distribution arrangements (e.g. DCUSA).
- k) Consider the relevant content of Annex B of the Ofgem [Open letter on connections reform publication](#).

Impact of Forward-Looking Milestones

Paul Mullen

Planning: Ongoing Compliance

Gate 2 Criteria on its own should provide a good mechanism for ensuring 'readier' projects are in the connections queue; however, we consider that there should be ongoing incentives and obligations beyond Gate 2 to ensure that projects are viable and continue to be developed at an efficient pace.

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 an appropriate incentive for projects to progress from Gate 2 towards 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.

Note: We have asked CMP434 and CMP435 Workgroups if more Queue Management Milestones could become forward looking to incentivise delivery

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

On Forward Looking Milestones in principle:

- General support for M1 but minimal support for forward looking M2 or M4-M8
- Concern raised about giving the solution implemented under CMP376 a chance to work first

On M1 being forward looking, the main concern was whether it is reasonable to ask a developer to submit their application for planning consent earlier than they would in their development cycle noting the risk this could expire and any extension from the Planning Authority is not automatic. At CMP434 Workgroup on 25 June, Workgroup articulated some ideas as to how to manage this risk and these are:

- Forward Looking M1 Milestone takes into account expected decision timelines and validity of such planning with the idea that planning does not expire before planning conditions discharged
- Consider using the 10% developer spend route that the Low Carbon Contracts Company use for CFD Contracts
- Forward Looking M1 Milestone time period only starts from when the TO have confirmed the location of their substation
- A blanket if a Completion Date is more than X years away, the M1 Milestone remains backwards looking from the Completion Date



Note, we are proposing that forward looking milestones (and ongoing land compliance) will apply to projects under CMP435 (if/when they meet Gate 2 Criteria). Workgroup to provide any views to the contrary with justification why



Any comments, with CM435 in mind, on the options to mitigate the development planning risk identified by CMP434 Workgroup. Is there any CMP435 specific option to consider?

Background to illustrative examples

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.

The following slides show attached examples of how forward calculated M1 and M2 would work with some illustrative time periods for discussion. There are four principle examples, with completion dates in 2030, 2032, 2033 and 2035 and in each case, two scenarios, the first with “typical” timescales for the main planning regimes, the second with illustrative reduced timescales that assumes more planning work is done ahead of Gate 2 i.e. in parallel with securing land.



Any comments on the examples provided?

Queue Management Milestones –Example if M1 and M2 forward looking (Workgroup provided typical timescales)

Signed Gate 2 Offer – 1 December 2025

Connection Date – 1 April 2030

Illustrative dates for discussion:	Town and Country Planning (18 months)*	Section 36 (18 months)	DNS – Wales only (2 years)	DCO (3 years)	Offshore/Nuclear (5 years)
M1 forward calculated	1 June 2027	1 June 2027	1 December 2027	1 December 2028	1 December 2030
M1 based on CMP376 – backwards calculated (36 months from Connection Date)	1 April 2027	1 April 2027	1 April 2027	1 April 2027	1 April 2027
M2 forward calculated from M1 (assumed 18 months*)	1 October 2028	1 October 2028	1 October 2028	1 October 2028	1 October 2028
M2 - based on CMP376 – backwards calculated 24 months from Connection Date)	1 April 2028	1 April 2028	1 April 2028	1 April 2028	1 April 2028

* Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Text in green shows what the Queue Management Milestones would be in the Construction Agreement

Queue Management Milestones –Example if M1 and M2 forward looking

Signed Gate 2 Offer – 1 December 2025

Connection Date – 1 April 2030

Illustrative dates for discussion:	Town and Country Planning (1 year)*	Section 36 (1year)	DNS – Wales only (18 months)	DCO (2 years)	Offshore/Nuclear (3 years)
M1 forward calculated	1 December 2026	1 December 2026	1 June 2027	1 December 2027	1 December 2028
M1 based on CMP376 – backwards calculated (36 months from Connection Date)	1 April 2027	1 April 2027	1 April 2027	1 April 2027	1 April 2027
M2 forward calculated from M1 (assumed 18 months**)	1 June 2028	1 June 2028	1 December 2028	1 June 2029	1 June 2030
M2 - based on CMP376 – backwards calculated 24 months from Connection Date)	1 April 2028	1 April 2028	1 April 2028	1 April 2028	1 April 2028

* Have assumed developers will do land and some planning work in parallel so have took some time off the typical timescales provided by Workgroup but this is just for illustration.

** Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Text in green shows what the Queue Management Milestones would be in the Construction Agreement

Queue Management Milestones –Example if M1 and M2 forward looking (Workgroup provided typical timescales)

Signed Gate 2 Offer – 1 December 2025

Connection Date – 1 April 2032

Illustrative dates for discussion:	Town and Country Planning (18 months)*	Section 36 (18 months)	DNS – Wales only (2 years)	DCO (3 years)	Offshore/Nuclear (5 years)
M1 forward calculated	1 June 2027	1 June 2027	1 December 2027	1 December 2028	1 December 2030
M1 based on CMP376 – backwards calculated (48 months from Connection Date)	1 April 2028	1 April 2028	1 April 2028	1 April 2028	1 April 2028
M2 forward calculated from M1 (assumed 18 months*)	1 December 2028	1 December 2028	1 June 2029	1 October 2029	1 October 2029
M2 - based on CMP376 – backwards calculated (30 months from Connection Date)	1 October 2029	1 October 2029	1 October 2029	1 October 2029	1 October 2029

* Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Text in green shows what the Queue Management Milestones would be in the Construction Agreement

Queue Management Milestones –Example if M1 and M2 forward looking

Signed Gate 2 Offer – 1 December 2025

Connection Date – 1 April 2032

Illustrative dates for discussion:	Town and Country Planning (1 year)*	Section 36 (1year)	DNS – Wales only (18 months)	DCO (2 years)	Offshore/Nuclear (3 years)
M1 forward calculated	1 December 2026	1 December 2026	1 June 2027	1 December 2027	1 December 2028
M1 based on CMP376 – backwards calculated (48 months from Connection Date)	1 April 2028	1 April 2028	1 April 2028	1 April 2028	1 April 2028
M2 forward calculated from M1 (assumed 18 months**)	1 June 2028	1 June 2028	1 December 2028	1 June 2029	1 October 2030
M2 - based on CMP376 – backwards calculated (30 months from Connection Date)	1 October 2029	1 October 2029	1 October 2029	1 October 2029	1 October 2029

* Have assumed developers will do land and some planning work in parallel so have took some time off the typical timescales provided by Workgroup but this is just for illustration.

** Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Text in green shows what the Queue Management Milestones would be in the Construction Agreement

Queue Management Milestones –Example if M1 and M2 forward looking (Workgroup provided typical timescales)

Signed Gate 2 Offer – 1 December 2025

Connection Date – 1 April 2033

Illustrative dates for discussion:	Town and Country Planning (18 months)*	Section 36 (18 months)	DNS – Wales only (2 years)	DCO (3 years)	Offshore/Nuclear (5 years)
M1 forward calculated	1 June 2027	1 June 2027	1 December 2027	1 December 2028	1 December 2030
M1 based on CMP376 – backwards calculated (48 months from Connection Date)	1 April 2029	1 April 2029	1 April 2029	1 April 2029	1 April 2029
M2 forward calculated from M1 (assumed 18 months*)	1 December 2028	1 December 2028	1 June 2029	1 June 2030	1 June 2032
M2 - based on CMP376 – backwards calculated (30 months from Connection Date)	1 October 2030	1 October 2030	1 October 2030	1 October 2030	1 October 2030

* Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Text in green shows what the Queue Management Milestones would be in the Construction Agreement

Queue Management Milestones –Example if M1 and M2 forward looking

Signed Gate 2 Offer – 1 December 2025

Connection Date – 1 April 2033

Illustrative dates for discussion:	Town and Country Planning (1 year)*	Section 36 (1year)	DNS – Wales only (18 months)	DCO (2 years)	Offshore/Nuclear (3 years)
M1 forward calculated	1 December 2026	1 December 2026	1 June 2027	1 December 2027	1 December 2028
M1 based on CMP376 – backwards calculated (48 months from Connection Date)	1 April 2029	1 April 2029	1 April 2029	1 April 2029	1 April 2029
M2 forward calculated from M1 (assumed 18 months**)	1 June 2028	1 June 2028	1 December 2028	1 June 2029	1 June 2030
M2 - based on CMP376 – backwards calculated (30 months from Connection Date)	1 October 2030	1 October 2030	1 October 2030	1 October 2030	1 October 2030

* Have assumed developers will do land and some planning work in parallel so have took some time off the typical timescales provided by Workgroup but this is just for illustration.

** Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Text in green shows what the Queue Management Milestones would be in the Construction Agreement

Queue Management Milestones –Example if M1 and M2 forward looking (Workgroup provided typical timescales)

Signed Gate 2 Offer – 1 December 2025

Connection Date – 1 April 2035

Illustrative dates for discussion:	Town and Country Planning (18 months)*	Section 36 (18 months)	DNS – Wales only (2 years)	DCO (3 years)	Offshore/Nuclear (5 years)
M1 forward calculated	1 June 2027	1 June 2027	1 December 2027	1 December 2028	1 December 2030
M1 based on CMP376 – backwards calculated (48 months from Connection Date)	1 April 2031	1 April 2031	1 April 2031	1 April 2031	1 April 2031
M2 forward calculated from M1 (assumed 18 months*)	1 December 2028	1 December 2028	1 June 2029	1 June 2030	1 June 2032
M2 - based on CMP376 – backwards calculated (30 months from Connection Date)	1 October 2032	1 October 2032	1 October 2032	1 October 2032	1 October 2032

* Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Text in green shows what the Queue Management Milestones would be in the Construction Agreement

Queue Management Milestones –Example if M1 and M2 forward looking

Signed Gate 2 Offer – 1 December 2025

Connection Date – 1 April 2035

Illustrative dates for discussion:	Town and Country Planning (1 year)*	Section 36 (1year)	DNS – Wales only (18 months)	DCO (2 years)	Offshore/Nuclear (3 years)
M1 forward calculated	1 December 2026	1 December 2026	1 June 2027	1 December 2027	1 December 2028
M1 based on CMP376 – backwards calculated (48 months from Connection Date)	1 April 2031	1 April 2031	1 April 2031	1 April 2031	1 April 2031
M2 forward calculated from M1 (assumed 18 months**)	1 June 2028	1 June 2028	1 December 2028	1 June 2029	1 June 2030
M2 - based on CMP376 – backwards calculated (30 months from Connection Date)	1 October 2032	1 October 2032	1 October 2032	1 October 2032	1 October 2032

* Have assumed developers will do land and some planning work in parallel so have took some time off the typical timescales provided by Workgroup but this is just for illustration.

** Based on current Queue Management Milestones, 18 months is the longest time allowed between M1 and M2.

Text in green shows what the Queue Management Milestones would be in the Construction Agreement

Queue Management Milestones – Pre-Construction

Conditional Progression Milestones	From 0 up to 2 years (0 – 729 days) from contracted Completion date	2 up to 3 years (730 – 1094 days) from contracted Completion date	3 up to 4 years (1095 to 1459 days) from contracted Completion date	4 up to 5 years (1460 – 1824 days) from contracted Completion date	5 years (1825 days) and above from contracted Completion date
Milestones:	All durations referenced back from contracted Completion Date				
M1 - Initiated Statutory Consents and Planning Permission	Bilaterally negotiated	18 months	24 months	36 months	48 months
M2 - Secured Statutory Consents and Planning Permission		12 months	18 months	24 months	30 months
M3 - Secure Land Rights		21 months	27 months	39 months	51 months

Gate 1 Longstop Date Proposals

Holli Moon

Longstop Date Proposals (CMP435)

After considering workgroup feedback, we have removed a Gate 1 Capacity Holding Security from our proposal.

We are instead now proposing a ‘longstop date’ to place a time limit between Gate 1 Offer acceptance* and Gate 2 offer acceptance.

Proposed Approach	A forward-calculated longstop date of [3] years from Gate 1 Offer acceptance*, but with the ESO to have discretion to extend e.g. to avoid an unintended outcome where the developer has provided evidence to demonstrate sufficient progression.
Scope	Applies to all in-scope directly connected generation, interconnectors (and offshore hybrid assets) and demand projects, as well as large, medium and small embedded generation projects.
Illustrative Example	<ul style="list-style-type: none">• Gate 1 Application in January 2025• Gate 1 Offer Acceptance 1st November 2025• Contract Automatically Terminated 2nd November 2028 (if no Gate 2 Acceptance and no extension) <p>Note: Gate 2 Offer acceptance (following application) by 1st November 2028 would have averted Gate 1 contract termination.</p>
Mechanism	Via connection contract with the ESO for directly connected and large embedded and via an obligation on I/DNOs in the CUSC in respect of medium and small embedded generation. We could possibly do this via a new obligation on I/DNOs to impose a similar approach in their connection contracts with such projects and to then apply the longstop date. We think that the I/DNO’s should monitor and apply this separately for their customers and as such the ESO would not need sight of these customers.

*We propose that the longstop date is **not** backdated for existing projects i.e. the longstop date would apply/commence from the point at which the existing contract becomes akin to a Gate 1 contract and is therefore deemed to have been accepted.



- Do you agree with the Proposed Approach?
- Do you agree with the Scope?
- Do you agree with the Mechanism?
- Do you agree with the Backdate Approach?

ESO Guidance Governance Approach Proposals

Mike Oxenham

ESO Guidance Governance Approach Proposals

Throughout Work Groups to date we have been referring to light codification and reliance on supplementary ‘guidance’ or ‘methodology’ for new concepts. For example, we have referred to:

- Amending existing ‘guidance’ e.g. in relation to Queue Management and LoAs
- Introducing new ‘guidance’ e.g. in relation to ‘Significant Change’ and ‘Material Technology Change’ and the ‘Gate 2 Criteria’.
- Introducing new ‘methodologies’ e.g. in relation to ‘Connections Network Design’ and ‘NESO Designation’.

We therefore seek to clarify how we see this working in greater detail and set out our views on which documents should have tighter process controls in place. The following table sets out the key supplementary documentation we consider should have tighter process controls in place and the next slide sets out our initial view on what those controls should be (noting that these would ultimately need to be specified by Ofgem).

Key Documentation
‘Connections Network Design Methodology’
‘Gate 2 Criteria Methodology’
‘NESO Designation Methodology’

Key Documentation

In respect of the 'Key Documentation' we foresee:

- The concept being lightly codified i.e. a broad definition of the document and its purpose set out within the licence (with reference to it in the code).
 - A licence obligation to develop, consult on, publish and comply with such documentation.
 - A requirement for Ofgem approval of the documentation, and any material amendments to the documentation in future.

In respect of the consultation and approvals process for this documentation we initially foresee (based on alignment with other licenced areas):

- A formal minimum of 28 calendar days must be allowed for an external consultation on the methodology (and any proposed changes in future).
 - A formal consultation report must be issued to the Authority within 14 calendar days of the consultation close.
- A formal period of 28 calendar days for the Authority to review the methodology (and any proposed changes in future) and formal consultation report and during this time the Authority must approve or reject the methodology (or methodology changes in future).
- A review of the methodology must be done at least annually, but with the possibility of more frequent changes where required (process as above).

Whilst not necessarily for inclusion in licence we also foresee a period of informal engagement prior to formal external consultation.

However, the above is subject to discussions with Ofgem and the required changes to Licence Conditions.

In respect of the other documentation or 'guidance' we have mentioned to date we do not foresee the need for this to follow the above approach and we instead foresee such documents being managed and approved by the ESO. We will still keep such documentation under review and engage on it prior to publication and amendment, but we do not think Ofgem approval would be required as above.

Change in location between Gate 1 and Gate 2 offer - implications for Gate 2 criteria

Mike Oxenham

Gate 2 Offer and Project Site Location Change

We are tentatively proposing a 12-month time period from acceptance of a Gate 2 Offer whereby a developer would be able to move their project site location closer to the connection point offered/contracted at Gate 2 without affecting their queue position providing the developer can demonstrate that they meet the Gate 2 criteria at that new project site location within that 12-month time period. If not, they would essentially revert to a Gate 1 Contract. This option only applies where the connection point offered/contracted at Gate 2 is different from the preferred/requested one in the Gate 2 Application.

To trigger this option a developer would need to inform us [x] weeks prior to acceptance of the Gate 2 Offer so that situation specific clauses could be inserted into the connection offer via reissue i.e. to not apply the Post-Gate 2 obligations (such as forward looking QM Milestones or liabilities and securities) until the Gate 2 Criteria have been newly met at the new project site location.

If the developer achieved the Gate 2 Criteria at the new project site location and then clock started a standard Modification Application within the allowed 12-month period the developer could then retain their queue position, connection point and connection date (which in some cases may need to be adjusted backwards to account for the time interval) and if not then the developer would revert to a Gate 1 position and lose their queue position.

As triggering this option could result in a later connection date than first offered when the project was provided with a Gate 2 Offer (due to the time interval), as it results in additional cost and effort for the developer (to move project site location); and as ultimately there is a risk of loss of queue position, the risk of creating a perverse incentive for developers to trigger such arrangements may be low. As such, the only developers to trigger such an option may be those whose projects were materially adversely impacted by the connection point being offered at a different location to the one they preferred/requested.

However, to mitigate against the potential for a developer to seek to avoid QM Milestones and liabilities and securities for up to 12 months before then choosing to remain at the same project site location, the triggering of this option would need to forfeit the ability of the developer to remain at the same project site location (i.e. the one which triggered the Gate 2 criteria in the first place).

What are your views on the necessity of such a tentatively proposed option for developers, including the suitability of the period of 12-months?

What are your views on the tentatively proposed arrangements for such an option?

Do you agree with our view that developers would not have any perverse incentive to trigger such an option?

Action Review

Elana Byrne – ESO Code Administrator

Action number	Workgroup	Owner	Action	Comment	Due by	Status
	Raised					
2	WG1	AT	Document that charging and user commitments will be out of scope for CMP435		N/A	Open
6	WG1	EB	Workgroup to discuss the consequences of the SO:DNO contract changes on DNO/IDNO contracts with other parties	Not for the CMP435 solution but WG Report WG time to be allocated to discuss this specifically	Ongoing	Propose to close
7	WG1	Code Admin	Collaboration space – access queries to be explored with IT	Members can also explore this with their IT teams	Ongoing	Propose to close
12	WG2 (amended WG4)	postLH/AC	Discuss possibility of further impact assessment (RFI data). Discuss impact assessments of solution options in terms of effects on the current and future queue.	ESO have confirmed that they will not pursue the use of consultants at this time	Ongoing	Open
14	WG2	AT/PM	Update WG topics	Further updates to be made post WG4	WG5	Open
16	WG2	LH	Look into securities for offers	To be referenced in WG6 – update TBC	June 2024	Open
19	WG3	PM, MO	Clarification on mod apps where CMP435/CM096 are applicable	To be referenced in WG6		Propose to close
20	WG3	RW, AT	TOs and ESO meeting needed to discuss data available to review capital contributions for 2024	Information to be brought back to the WG and discussed in context of transitional arrangements	Ongoing	Open
21	WG3	ESO Connections Team	When considering transitional arrangements, include guidance for staged projects		Ongoing	Open

Action number	Workgroup	Owner	Action	Comment	Due by	Status
	Raised					
28	WG4	PM	Work through different scenarios for progressing/not progressing through the Gates (accept, reject, refer) considering conditions such as restrictions on availability	Proposal has this set as OOS for consideration in CNDM, 'accept, reject, refer' to be checked with LH	Ongoing	Open
31	WG4	RP	Call to be arranged between RP and JD about the consequences of customers not progressing if part of multi-customer applications (to then progress understanding of this via the ENA SCG groups)	Meeting Thursday 06/06.	Ongoing	Propose to close
34	WG5	Code Gov, Proposers, SME	Assess the agenda for 16 July (considering time needed to review consultation responses)		Ongoing	Open
35	WG5	RP	Updates shared to the 435/96 WG from the SCG group exploring implementation		Ongoing	Open
36	WG5	Angie	Statement from ESO as to the CAP150 powers and how they are applied /can be applied re: ongoing compliance (include link to CAP150 info on ESO website)		Ongoing	Open
37	WG5	Angie	Consequences for a false declaration on a self-certification letter outlined for CMP435/CM096 (i.e. any other than termination of agreement)		WG7	Propose to close
39	WG5	HM	Date for the Gate 2 qualification dispute process could start	Disputes related to Gate 2 could be raised as and when they arise, but this is likely to be no earlier than 1st February i.e. after the deadline for the provision of the Gate 2 evidence.	Ongoing	Propose to close
41	WG6	PM/AP	The process & evidence requirements confirmed for DNO/IDNO evidence checking & if there will be a specific template for the self-certificate process for DNOs/IDNOs.	ESO confirmed it would be same process for Distribution and Transmission and would have a consistent template for Distribution and Transmission		Propose to close

Action number	Workgroup	Owner	Action	Comment	Due by	Status
	Raised					
42	WG6	LH	Check with legal as to the clock start dates for new applications considering the point of implementation after an Authority decision (is 15th of November date is legally acceptable as the Gate 1 process only comes to existence 10 Working days after Authority decision?)		Ongoing	Open
43	WG6	RM	Clarify the resources available to industry if they disagree with a specific NESO designation or NESO designation as a process and the basis of (link to query 50 from GG – on what legal basis the ESO can designate projects to not meet CMP435 criteria)	Process to challenge is TBC and would need to be set out in future within licence and/or methodology.		Propose to close
44	WG6	RM	Confirmation about whether NESO designation applications, decisions and decision rationales would be published.	Obligations to publish are TBC and would need to be set out in future within licence and/or methodology.		Propose to close
45	WG6	MO	Confirm when NESO designation guidance is likely to be finalised (NESO Designation Methodology, CND Methodology and Gate 2 Criteria Methodologies)		Ongoing	Open
46	WG6	MO	Check if the three competition routes for reserving bays will be codified and stipulate the specific routes applicable.	Verbal update from MO confirming intention would be to codify within STC/STCP the circumstances in which connection point and capacity reservation could be applied.	WG7	Propose to close
47	WG6	RM	ESO to reflect on the NESO designation vs Ofgem derogation question and respond to the Workgroup with a confirmed position.	Propose to continue with methodology approach rather than derogation approach as suggested in WG.		Propose to close
48	WG6	PM/MO/AD	Call arranged to discuss interconnections and OHA in relation to CMP435 impacts	Call being scheduled between ESO and I/C WG member w/c 17 June		Propose to close
49	WG7	RP	To provide feedback gathered from Friday 21 June meeting with DNOs on distribution mirroring the low level dispute process proposed in CMP435/CM096	This item was deprioritised at the call on the 21st June. Expectation is to discuss on the 28th June at Baringa workshop	Ongoing	Open

Action number	Workgroup	Owner	Action	Comment	Due by	Status
	Raised					
50	WG7	RP	To check with ENA/INA regarding involvement of IDNOs in a SCG working group	Kyle from ENA to provide an update at WG7		Propose to close
51	WG7	ESO Connections Team	To update on guidance on transitional arrangements for staged projects	Duplication of Action 21		Propose to close
52	WG7	KP/LH	To share any experience shared of minimum sample checking (e.g. CMP376) and revisions of sample %	The ESO do not do a % of checks for CMP376, we check all of the evidence that is submitted for this process		Propose to close
53	WG7	Code Governance	To update slide 57 from WG7 for wording relating to alternatives and the need for a defect		Ongoing	Open

Any Other Business

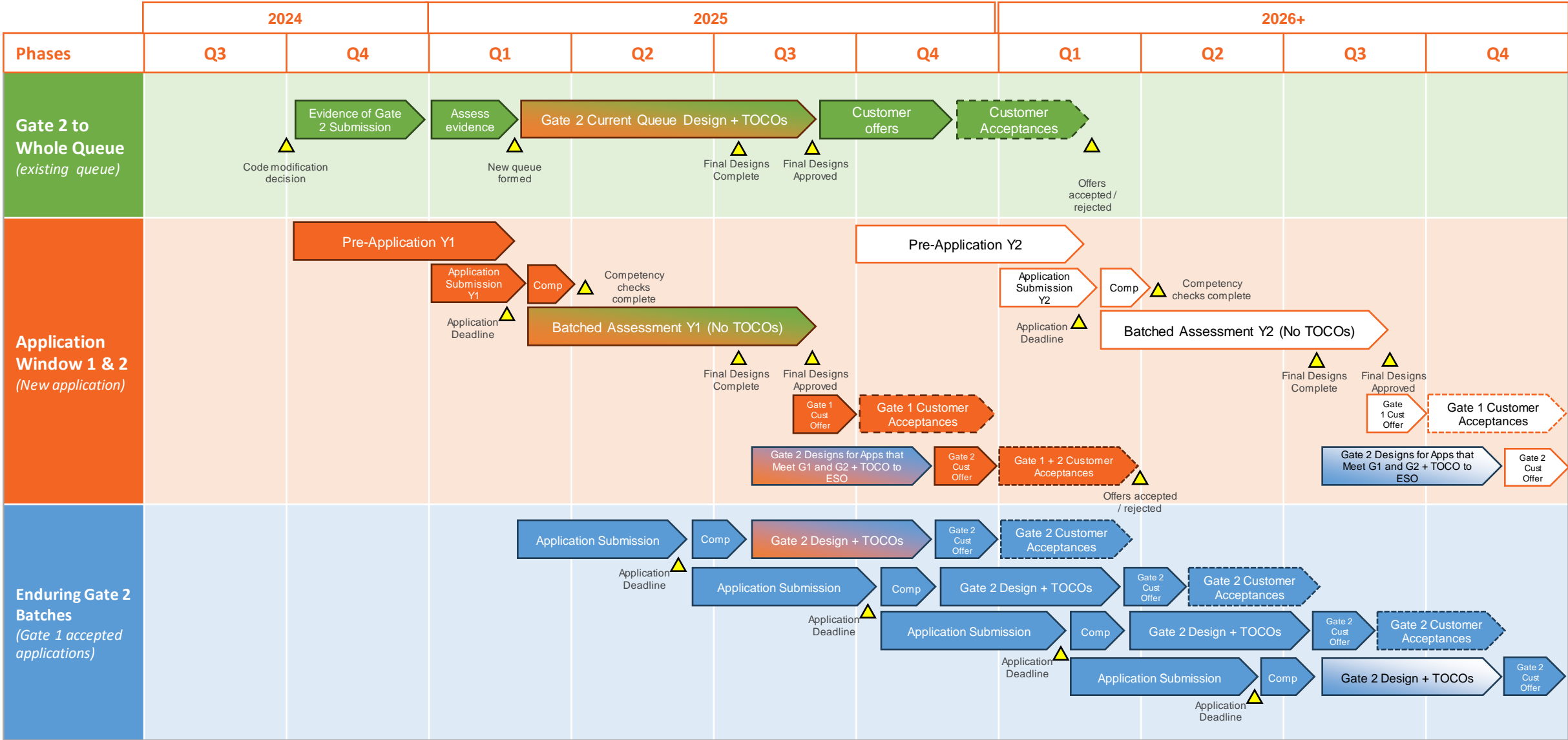
Elana Byrne – ESO Code Administrator

Next Steps

Elana Byrne – ESO Code Administrator

Appendix 1: CMP434 and CMP435 Draft Process

Process and Timeline



Key: Phase Interdependent activities Phase interdependent activities Phase interdependent activities Milestone

Appendix 2: Alternatives

What is the Alternative Request?

What is an Alternative Request? The formal starting point for a Workgroup Alternative Modification to be developed which can be raised up until the Workgroup Vote.

What do I need to include in my Alternative Request form? The requirements are the same for a Modification Proposal you need to articulate in writing:

- a description (in reasonable but not excessive detail) of the issue or defect as outlined in the Original Proposal which the alternative seeks to address compared to the current proposed solution(s);
- the reasons why you believe that the proposed alternative request would better facilitate the Applicable Objectives compared with the current proposed solution(s) together with background information;
- where possible, an indication of those parts of the Code which would need amending in order to give effect to (and/or would otherwise be affected by) the proposed alternative request and an indication of the impacts of those amendments or effects; and
- where possible, an indication of the impact of the proposed alternative request on relevant computer systems and processes.

How do Alternative Requests become formal Workgroup Alternative Modifications? The Workgroup will carry out a Vote on Alternatives Requests. If the majority of the Workgroup members or the Workgroup Chair believe the Alternative Request will better facilitate the Applicable Objectives than the current proposed solution(s), the Workgroup will develop it as a Workgroup Alternative Modification.

Who develops the legal text for Workgroup Alternative Modifications? ESO will assist Proposers and Workgroups with the production of draft legal text once a clear solution has been developed to support discussion and understanding of the Workgroup Alternative Modifications.

What is the Alternative Vote?

To participate in any votes, Workgroup members need to have attended at least 50% of meetings. The vote shall be decided by simple majority of those present at the meeting at which the vote takes place (whether in person or by teleconference)

Stage 1 – Alternative Vote

- Vote on whether Workgroup Alternative Requests should become Workgroup Alternative CUSC/ STC Modifications.
- The Alternative vote is carried out to identify the level of Workgroup support there is for any potential alternative options that have been brought forward by either any member of the Workgroup OR an Industry Participant as part of the Workgroup Consultation.
- **Should the majority of the Workgroup OR the Chair believe that the potential alternative solution may better facilitate the CUSC/ STC objectives than the Original then the potential alternative will be fully developed by the Workgroup with legal text to form a Workgroup Alternative CUSC modification (WACM)/ STC modification (WASTM) and submitted to the Panel and Authority alongside the Original solution for the Panel Recommendation vote and the Authority decision.**

What is the Workgroup Vote?

To participate in any votes, Workgroup members need to have attended at least 50% of meetings. The vote shall be decided by simple majority of those present at the meeting at which the vote takes place (whether in person or by teleconference)

Stage 2 – Workgroup Vote

- 2a) Assess the original and Workgroup Alternative (if there are any) against the relevant Applicable Objectives compared to the baseline (the current code)
- 2b) Vote on which of the options is best.

Alternate Requests cannot be raised after the Stage 2 – Workgroup Vote



Appendix 3:

Workgroup membership – for reference as of 26 June 2024

CMP435 - Application of Gate 2 Criteria to existing contracted background Workgroup Membership

Code Administrator Modification Chair: Elana Byrne
Code Administrator Technical Secretary: Tammy Meek

[Code Modification Page](#)
[Code Governance Rules](#)

Role	Name	Company	Industry Sector	% of WG (based on current WG planned)
Proposer	Alice Taylor	ESO	System Operator	46.67%
Workgroup Member	Deborah MacPherson	Scottish Power Renewables	Generator	46.67%
Workgroup Member	Garth Graham	SSE Generation	Generator	46.67%
Workgroup Member	Claire Hynes	RWE Renewables	Generator	46.67%
Workgroup Member	Paul Youngman	Drax	Central resource across Generation and supplier businesses	46.67%
Workgroup Member	Greg Stevenson	SSEN Transmission (SHET)	Onshore Transmission Licensee	46.67%
Workgroup Member	Michelle MacDonald Sandison	SSEN	Network Operator	40%
Workgroup Member	Richard Woodward	NGET	Onshore Transmission Licensee	46.67%
Workgroup Member	Kyran Hanks	WWA Ltd	CUSC Panel Member	40%
Workgroup Member	Sam Aitchison	Island Green Power	Developer	26.67%
Workgroup Member	Callum Dell	Invenergy	Generator	33.33%
Workgroup Member	Rob Smith	Enso Energy	Generator	46.67%
Workgroup Member	Mark Field	Sembcorp Energy (UK) Limited	Legal, Regulation and Compliance	46.67%
Workgroup Member	Wendy Mantle	Scottish Power Energy Networks	Network Operator	40%
Workgroup Member	Samuel Railton	Centrica	Generator	46.67%
Workgroup Member	Barney Cowin	Statkraft	Generator	40%
Workgroup Member	Charles Deacon	Eclipse Power Solutions	Network Operator	40%

CMP435 - Application of Gate 2 Criteria to existing contracted background Workgroup Membership

Code Administrator Modification Chair: Elana Byrne
Code Administrator Technical Secretary: Tammy Meek

[Code Modification Page](#)
[Code Governance Rules](#)

Role	Name	Company	Industry Sector	% of WG (based on current WG planned)
Workgroup Member	Nirmalya Biswas	Northern Powergrid	Network Operator	46.67%
Workgroup Member	Joe Colebrook	Innova Renewables	Generator	46.67%
Workgroup Member	Jack Purchase	NGED	Network Operator	46.67%
Workgroup Member	Charles Edward Cresswell	Cero Generation	Generator	6.67%
Workgroup Member	Hooman Andami	Elmya Energy	Generator	40%
Workgroup Member	Helen Snodin	Fred Olsen Seawind	Generator	46.67%
Workgroup Member	Ravinder Shan	FRV TH Powertek Limited	Generator	40%
Workgroup Member	Steffan Jones	Electricity North West Limited (ENWL)	Network Operator	40%
Workgroup Member	Jonathon Lee Hoggarth	EDF Renewables Ltd	Generator	40%
Workgroup Member	Paul Jones	Uniper	Generator	46.67%
Workgroup Member	Pedro Javier Rodriguez	Lightsourcebp	Generator	46.67%
Workgroup Member	James Devriendt	UK Power Networks	Network Operator	46.67%
Workgroup Member	Ed Birkett	Low Carbon	Generator	46.67%
Workgroup Member	Niall Stuart	Hutcheson Associates (Nominated on behalf of Buchan Offshore Wind)	Consultancy	33.33%
Workgroup Member	Gareth Williams	Scottish Power Transmission	Onshore Transmission Licensee	46.67%
Workgroup Member	Antony Cotton	Energy Technical & Renewable Services Ltd	Other - not disclosed	46.67%
Authority Representative	Liam Cullen / Salvatore Zingale	Ofgem	-	40%

* Confirmation pending for nomination by a Schedule 1 CUSC party

CMP435 - Application of Gate 2 Criteria to existing contracted background Workgroup Membership

Code Administrator Modification Chair: Elana Byrne
Code Administrator Technical Secretary: Tammy Meek

[Code Modification Page](#)
[Code Governance Rules](#)

Role	Name	Company	Industry Sector	% of WG (based on current WG planned)
Workgroup Member	Andy Dekany	NGV	Interconnector	40%
Workgroup Member	Jonathan Wood	Tarchon Energy	Interconnector	0%
Workgroup Member	Phillip Robinson	ITPEnergised	Other – not disclosed	0%

* Confirmation pending for nomination by a Schedule 1 CUSC party

CMP435 - Application of Gate 2 Criteria to existing contracted background

Code Administrator Modification Chair: Elana Byrne
Code Administrator Technical Secretary: Tammy Meek

[Code Modification Page](#)
[Code Governance Rules](#)

Observers

Role	Name	Company	Industry Sector
Observer	Matt Predescu	Eclipse Power Solutions	Network Operator
Observer	Jeremy Sainsbury	Fred Olsen Renewables	Generator
Observer	Barnaby Wharton	RenewableUK	Generator - trade association representing
Observer	Kyle Smith	Energy Networks Association	Other - trade association
Observer	Kirill Glukhovskoy	AQUIND Limited	Other - Interconnector Licensee
Observer	Aaron Priest	Ocean Winds	Generator
Observer	Alex Ikonic	Orsted	Generator
Observer	Karen Gold	Natural Power	Generator
Observer	Loukas Papageorgiou	RWE	Generator
Observer	Gillian Hilton	SSE Group	Network Operator, Supplier and Generator
Observer	Graz Macdonald	Waters Wye & Associates	Consultant
Observer	Ahmed Dabb	Aurapower/Solar & Bess Developers	Unknown
Observer	Amir Fazeli	Emeren	Renewable Developer
Observer	Joseph Martin	SSE Renewables (Solar & Battery)	

CMP435 - Application of Gate 2 Criteria to existing contracted background

Code Administrator Modification Chair: Elana Byrne
Code Administrator Technical Secretary: Tammy Meek

[Code Modification Page](#)
[Code Governance Rules](#)

Observers

[illegible]

CM096 - Application of Gate 2 Criteria to existing contracted background Workgroup Membership

Code Administrator Modification Chair: Catia Gomes

[Code Modification Page](#)

Code Administrator Technical Secretary: Prisca Evans

[Code Governance Rules](#)

Role	Name	Company	Industry Sector	% of WG (based on current WG planned)
Proposer	Stephen Baker	ESO	System Operator	46.67%
Workgroup Member	Claire Hynes	RWE Renewables	Generator	46.67%
Workgroup Member	Gareth Williams	Scottish Power Transmission	Onshore Transmission Licensee	46.67%
Workgroup Member	Garth Graham	SSE Generation	Generator	46.67%
Workgroup Member	Grant Rogers	Qualitas Energy	Generator	13.33%
Workgroup Member	Greg Stevenson	SSEN Transmission (SHET)	Onshore Transmission Licensee	46.67%
Workgroup Member	Helen Snodin	Fred Olsen Seawind	Generator	46.67%
Workgroup Member	Joe Colebrook	Innova Renewables	Generator	46.67%
Workgroup Member	Kyran Hanks	WWALtd	Other / Consultant	40%
Workgroup Member	Paul Jones	Uniper	Generator	46.67%
Workgroup Member	Richard Woodward	NGET	Onshore Transmission Licensee	46.67%
Workgroup Member	Sam Aitchison	Island Green Power	Developer	26.67%
Authority Representative	Liam Cullen /Salvatore Zingale	Ofgem	-	40%

Observers

Role	Name	Company	Industry Sector
Observer	Jeremy Sainsbury	Fred Olsen Renewables	Generator
Observer	Joel Matthews	DTC	Offshore Transmission Licensee
Observer	Loukas Papageorgiou	RWE	Generator