

# Code Administrator Meeting Summary

## Meeting name: Application of Gate 2 Criteria to existing contracted background (Workgroup 16)

---

Date: 29/08/2024

---

### Contact Details

**Chair:** Elana Byrne, ESO Code Administrator

**Proposer:** Alice Taylor, ESO (CMP435), Steve Baker, ESO (CM096)

---

### Key areas of discussion

The key area for discussion in Workgroup 16 was to review the individual Alternative Requests that were raised following the Workgroup consultation. The Workgroup members were asked to provide specific feedback to these requests to ensure that they understood them.

#### Timeline Update

The Chair stated that there is no update on the timeline yet. The timings for Special Panels will be shared in due course, and these dates will be shared with the Workgroup members. The Chair reiterated that sharing an agreed timeline is a current priority.

A Workgroup member asked for an updated list of areas of the CUSC that are expected to be changed to be circulated within the Workgroup so that members are aware of where the changes are likely to come from. The Chair will make enquiries in relation to this being shared with the Workgroup members.

The Chair acknowledged that a version of the Proposer's solution from the Workgroup Consultation is being shared with red-line changes to show updates shared with the Workgroup in Workgroup 15. Based on a show of hands, more Workgroup members preferred to also have the document feature changes to CMP434, as well as the changes to CMP435, for context in this instance.

#### Alternative Request Discussion

There were three alternative requests for CMP435 brought for Workgroup discussion. The first Alternative Request is proposing to introduce a stipulated six-month period post-Authority decision on CMP435 for projects with accepted connection offers to fully align to the requirements of CMP435 (the Proposer feeling that this is a necessary window of time post-decision). The intention of the proposed six months from implementation date is to give viable projects time to ensure that they fully meet the requirements, and confidently self-certify, whilst also not undermining the need to reduce the size of the connection queue. One Workgroup member noted that this is a direction needed from the Authority to direct on the implementation, post decision of the approved modification, and should therefore not be necessary to form part of the legal text.

One Workgroup member asked if the proposed time period would be determined by the Authority as part of their decision, rather than being put into the legal text. It was stated, by EDF, that this was raised more so in relation to the fact that the timeline has uncertainty around it, and to ensure it gave projects a fair chance. It was noted that this Alternative is dependent on the final programme timeline. Another Workgroup member suggested that the Proposing party outline why the Alternative would be

better than the Original, appreciating that viable projects are able to progress but also that a deadline is needed. EDF stated that this Alternative comes from wanting to target unviable projects that will not progress and does not want to unnecessarily negatively affect projects which are in a good position to meet those requirements. They do agree that firm action needs to be taken to reduce the number of unviable projects in the queue, but they also think that one month to become ready (put forward by the Original solution) is unreasonable, and the limited period needs to be extended to allow actual viable projects the chance to be ready. A Workgroup member then highlighted that ESO will need to communicate with industry prior to implementation to make the changing arrangements clear. In addition to the feedback to clarify the Alternative Request, there were voices of support for the principle of the Alternative Request from other Workgroup members (including for it to help reduce the task of viable projects reviewing and reapplying if they are not able to meet certification deadlines). The Workgroup Alternate representing the Proposer of the Alternative Request agreed to take the feedback and that further clarity would be presented back to the Workgroup.

The second Alternative Request raised would require ESO to implement changes to existing agreements via Agreements to Vary (AtV) rather than the CUSC. The ESO was able to confirm in the meeting that changes in relation to CMP435 that need to be made to existing agreements have been agreed to be done via an Agreement to Vary on a project-by-project basis (i.e., as per the Alternative Request's suggestion). It was also stated by ESO that this will be reflected upon in the red-line CMP435 text that the Workgroup will receive. The Proposer of this Alternative Request, therefore indicated that they would withdraw their Alternative Request.

The third Alternative Request raised looked to remove Element 14 from the proposed solution to ensure focus on the project and land requirements at the application stage and ensure that applicants are subject to requirements at Gate 2. The ESO confirmed that this element is now de-scoped from the Original in the latest updates and the Proposer of the Alternate Request indicated that they would withdraw on that basis.

An additional Alternative Request was discussed which was to introduce a financial instrument to strengthen the CMP435 Gate 2 criteria process. As part of the critical friend check by the ESO, information on the separate ESO mod being scoped to introduce a financial instrument would be shared with the Proposer of this Alternative Request to review against for consideration of how to proceed.

## Next Steps

The red-line documents and initial draft on the legal text are being worked on, following suit from CMP434. It was outlined that the legal text 'headline approach' would be presented at the next meeting and while there would not be time for the Workgroup to digest this information prior to the meeting, time would be allowed post-meeting.

The Chair confirmed that there will not be an alternative vote next week to allow members to look at the initial draft on the legal text.

## AOB

It was highlighted that the reason for delaying today's Workgroup meeting was to allow members to attend the ENA webinar. Part of this webinar was to address the question around DNO queue re-ordering, a key concern for CMP435 which was highlighted by Workgroup members. The Workgroup member raised a concern that they did not think that there was any information from the webinar in relation to this. An ENA representative stated that this is currently being looked at and it is difficult to say when any updates can be given as they need to assess the Alternatives and needs of CP2030 and other initiatives. A Workgroup member noted that resolution is needed before CMP435 has an Authority decision to avoid misalignment of Transmission and Distribution. They agreed that updates will be shared when available.

Another Workgroup member asked for ESO to take an action to provide an update how they intend to provide the Government with three options for their capacity mix plan, and to share what the legal basis for this.

**Actions**

| Action number | Workgroup Raised | Owner                | Action   | Comment  | Due by  | Status |
|---------------|------------------|----------------------|--|--|---------|--------|
| 21            | WG3              | ESO Connections Team | When considering transitional arrangements, include guidance for staged projects   | To be covered in more detail under Phase 2   | WG6     | 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)  | Any necessary amends to the CAP150 provisions (as a result of ongoing RLB compliance proposals) will be set out in legal text for future discussion. | Ongoing | Open   |
| 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   |
| 56            | WG8              | MO                   | Clarification with legal regarding guidance and introduction of any new obligations.   |  | Ongoing | Open   |
| 57            | WG8              | MO                   | ESO set out the processes and timing for determining liability and security for April 2025 and October 2025.   | The position was clarified in the Workgroup and set out in Workgroup Consultation (check needed as to whether CMP434/435 consultation)               | Ongoing | Open   |
| 59            | WG8              | MO                   | Provide WG with the list of documents outside the mod, the principles for guidance docs and timelines for the development of methodology documents.  |  | Ongoing | Open   |

|    |      |              |   |  |         |      |
|----|------|--------------|---|--|---------|------|
| 60 | WG8  | RP           | (Replacement for action 35)<br>Provide relevant updates from SCG  | Kyle Smith to provide verbal update on TM04+ Impact Group emerging thinking  | Ongoing | Open |
| 72 | WG9  | RM/JH        | Workgroup request appendix/annex re: transmission connection queue – how many projects impacts re diff tech and dates + information on the RFI for the consultation (majority/minority party) | Ongoing and being considered   | Ongoing | Open |
| 74 | WG10 | PM/GG/<br>RW | To consider wider context of projects for Gate 2 criteria and implementation aspects to map project types and considerations for ‘minimum options’ suggestions/proposal                       | Note that GG was to share the example in (a diagrammatical form) that he was referring to in WG10 as difficult to visualise the scenario - this action is a post WG Consultation action.   |         | Open |
| 78 | WG10 | AC           | Explore difference between treatment of mod app fees vs expression of interest from 5 point plan  | The TWR / CPA was a one off project as part of the 5 point plan. This is an on going process and as such when a customer makes a request for a change to their agreement such as a change of date then a mod app fee is applied due to the studies required to see if the requested change can be facilitated, this is the same. |         | Open |
| 79 | WG10 | MO           | Develop a diagram for consultation for alignment of methodologies’ timings vs the modifications   | Post Workgroup Consultation  |         | Open |
| 80 | WG10 | MO           | Provide further clarity on the nature of the projects designated in 2025, and separately those projects would have reserved capacity.   | Further clarity will be provided on designation once draft methodology is available. No further clarity available at this stage in relation to capacity reservation.   |         | Open |
| 82 | WG11 | MO           | To update whether/when/what information from RFI will be  | Further data requested WG14  | Ongoing | Open |

|    |      |                      |   |  |             |      |
|----|------|----------------------|---|--|-------------|------|
|    |      |                      | published (update Tues from Mike or Ruth)   |  |             |      |
| 83 | WG11 | CD/RP                | To update WG on securities for offers (re: small/med embedded generators)                               |  | Ongoing     | Open |
| 84 | WG11 | PM/HS                | To discuss how to make Offshore projects holding offers in scope of the modification                    | Ongoing discussions between Connections and Offshore Coordination team and have spoken to Helen  | Ongoing     | Open |
| 85 | WG11 | GS                   | Comeback to WG with Justification on proposals on exempting mod apps from implementation date           | HS contacted in relation to the correct action owner for this  | Ongoing     | Open |
| 88 | WG14 | EB                   | Email to be shared with Workgroup from CMP434/CM096 compiling emails received about timelines.          |  | w.c. 19 Aug | Open |
| 89 | WG14 | MO                   | STC solution to expand on intended process and contract changes (particular importance for TOs)         |  | Ongoing     | Open |
| 90 | WG14 | EB                   | Summary slides for the Workgroup Consultation responses are to be updated                               |  | w.c. 19 Aug | Open |
| 91 | WG14 | EB                   | Timings for sharing Alternatives with the Workgroup to be clarified                                     | ESO has been discussing certain submissions with potential Proposers which has impacted whether some progress. Latest submissions to be shared 21.08 | w.c. 19 Aug | Open |
| 92 | WG14 | EB                   | Code Governance to check the codified requirements for Workgroup attendance of voting Workgroup members | 50%+ attendance does feature in the ToR for Workgroup Vote   | w.c. 19 Aug | Open |
| 93 | WG14 | ESO Connections Team | Update on the pathway of modifications in relation to the wider Reform package                          | ESO general update from Robyn Jenkins in WG15. Further updates to be shared with the Workgroup   | Ongoing     | Open |

|     |      |                      |  |         |      |
|-----|------|----------------------|--|---------|------|
| 94  | WG15 | ESO Connections Team | Clarification sought on whether the change to assess whether projects are needed introduces any risk to projects before the new arrangements go live (in context of an investment hiatus).             | Ongoing | Open |
| 95  | WG15 | RP                   | Will demand connection dates be reviewed as part of queue re-organization  | Ongoing | Open |
| 96  | WG15 | PM                   | CNDM team to be asked how existing projects not meeting Gate 2 will be factored into the CNDM (in case of any consequential issues for removing the Gate 1 longstop)                                   | Ongoing | Open |
| 97  | WG15 | PM                   | Ask CNDM team if it would help them to know what stage projects are at from the self-declaration letter  | Ongoing | Open |
| 98  | WG15 | PM                   | To check if TEC reduction will still mean projects are open to liabilities   | Ongoing | Open |
| 99  | WG15 | PM                   | ESO to consider the new proposed reforms to National Planning Framework for nationally significant solar projects and any impacts for the Planning Regime timescales for Town & Country Planning (TCP) | Ongoing | Open |
| 100 | WG15 | RM                   | Will timescales for submitting offers change with changes in programme timelines   | Ongoing | Open |
| 101 | WG15 | RM                   | Workgroup require timings for the further updates on Element 19  | Ongoing | Open |
| 102 | WG15 | MO                   | Swim lane document to be produced for CMP434 and 435   | Ongoing | Open |
| 103 | WG16 | AT/AQ                | List of CUSC Sections expected to be changed for   | WG17    | Open |

|     |      |       |   |        |      |
|-----|------|-------|---|--------|------|
|     |      |       | CMP435 legal text to be shared to the Workgroup (for background reading if needed)  |        |      |
| 104 | WG16 | PM    | Slides presented by James Norman to the ENA SCG on 29 Aug to be shared with the Workgroup   | 30 Aug | Open |
| 105 | WG16 | AT/SB | Request for ESO to provide comment on how options will be created for Govt decisions on capacity mix (and the legal basis for decisions)  | TBC    | Open |
| 106 | WG15 | TBC   | Will there be Code changes to allow for onshore connection site changes, can ESO be confident giving assurances on connection points (if whether it is 'needed' means it's not guaranteed). | TBC    | Open |

**Attendees (excluding Observers)**

| Name                 | Initial | Company                 | Role                              |
|----------------------|---------|-------------------------|-----------------------------------|
| Elana Byrne          | EB      | Code Administrator, ESO | Chair                             |
| Prisca Evans         | PE      | Code Administrator, ESO | Technical Secretary               |
| Alice Taylor         | AT      | ESO                     | Proposer CMP435                   |
| Stephen Baker        | SB      | ESO                     | Proposer CM096                    |
| Holli Moon           | HM      | ESO                     | Subject Matter Expert             |
| Paul Mullen          | PM      | ESO                     | Subject Matter Expert             |
| Richard Paterson     | RP      | ESO                     | Subject Matter Expert             |
| Andrew Colley        | AC      | SSE Generation          | Workgroup Member Alternate CMP435 |
| Andrew Yates         | AY      | Statkraft               | Workgroup Member Alternate CMP435 |
| Andy Dekany          | AD      | National Grid           | Workgroup Member CMP435           |
| Amy – Isabella Wells | AW      | National Grid           | Workgroup Member Alternate CMP435 |
| Axel Wikner          | AW      | Orron Energy            | Workgroup Member Alternate CMP435 |
| Charles Deacon       | CD      | Eclipse Power           | Workgroup Member CMP435           |

|                             |     |                                |  |
|-----------------------------|-----|--------------------------------|--|
| Charles Yates               | CY  | Vattenhall                     | Workgroup Member<br>Alternate CMP435         |
| Ciaran Fitzgerald           | CF  | Scottish Power                 | Workgroup Member<br>Alternate CMP435         |
| Claire Hynes                | CH  | RWE Renewables                 | Workgroup Member CMP435                      |
| Clare Evans                 | SE  | Scottish Power Energy Networks | Workgroup Member CMP435                      |
| Darcy Kiernan               | DK  | NGV                            | Workgroup Member<br>Alternate CMP435         |
| Ed Birkett                  | EB  | Low Carbon                     | Workgroup Member CMP435                      |
| Gareth Williams             | SW  | Scottish Power Transmission    | Workgroup Member CMP435                      |
| Garth Graham                | GG  | SSE Generation                 | Workgroup Member CMP435<br>& CM096           |
| Grant Rogers                | GR  | Qualitas Energy                | Workgroup Member CMP435                      |
| Greg Stevenson              | GS  | SSEN Transmission              | Workgroup Member CMP435<br>& CM096           |
| Helen Stack                 | HS  | Centrica                       | Workgroup Member<br>Alternate CMP435         |
| Hooman Andami               | HA  | Elmya Energy                   | Workgroup Member CMP435                      |
| Jonathan Whitaker           | JW  | SSE                            | Workgroup Member<br>Alternate CMP435 & CM096 |
| Jenny Thompson              | JT  | Starkraft                      | Workgroup Member<br>Alternate CMP435         |
| Kimbrah Hiorns              | KH  | EDF Renewables                 | Workgroup Member<br>Alternate CMP435         |
| Luke Scott                  | LS  | Northern Power Grid            | Workgroup Member<br>Alternate CMP435         |
| Laura Henry                 | LH  | National Grid                  | Workgroup Member<br>Alternate CMP435         |
| Mark Field                  | MF  | Sembcorp Energy                | Workgroup Member CMP435                      |
| Michelle MacDonald Sandison | MM  | SSEN                           | Workgroup Member CMP435                      |
| Niall Stuart                | NS  | Buchan Offshore Wind           | Workgroup Member CMP435                      |
| Nina Sharma                 | NiS | Drax                           | Workgroup Member<br>Alternate CMP435         |
| Nirmalya Biswas             | NB  | Northern Powergrid             | Workgroup Member CMP435                      |
| Paul Jones                  | PJ  | Uniper                         | Workgroup Member CMP435<br>& CM096           |
| Paul Youngman               | PY  | Drax                           | Workgroup Member CMP435                      |
| Pedro Javier Rodriguez      | PR  | Lightsourcebp                  | Workgroup Member<br>Alternate CMP435         |



|                   |    |  |                                      |
|-------------------|----|--|--------------------------------------|
| Philip John       | PJ | Epsilon Generation                       | Workgroup Member CMP435              |
| Ravinder Shan     | RS | FRV TH Powertek Limited                  | Workgroup Member CMP435              |
| Robin Prince      | RP | Island Green Power                       | Workgroup Member<br>Alternate CMP435 |
| Richard Woodward  | RW | NGET                                     | Workgroup Member CMP435<br>&CM096    |
| Robin Prince      | RP | Island Green Power                       | Workgroup Member CMP435              |
| Salvatore Zingale | SZ | Ofgem                                    | Authority Representative             |
| Steffan Jones     | SJ | Electricity North West Limited<br>(ENWL) | Workgroup Member CMP435              |
| Steve Halsey      | SH | UK Power Networks                        | Workgroup Member<br>Alternate CMP435 |
| Tony Cotton       | TC | Energy Technical & Renewable<br>Services | Workgroup Member CMP435<br>& CM096   |
| Tim Ellingham     | TE | Scottish Power Renewables                | Workgroup Member<br>Alternate CMP435 |