

Workgroup Consultation Response Proforma

CMP434: Implementing Connections Reform

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 06 August 2024**. 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 cusc.team@nationalgrideso.com

Respondent details		Please enter your details	
Respondent name:	Vladimir Temerko		
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Phone number:	Click or tap here to enter text.		
Which best describes your organisation?	<input type="checkbox"/> Consumer body <input type="checkbox"/> Demand <input type="checkbox"/> Distribution Network Operator <input type="checkbox"/> Generator <input type="checkbox"/> Industry body <input checked="" type="checkbox"/> Interconnector	<input type="checkbox"/> Storage <input type="checkbox"/> Supplier <input type="checkbox"/> System Operator <input type="checkbox"/> Transmission Owner <input type="checkbox"/> Virtual Lead Party <input type="checkbox"/> Other	

I wish my response to be:

(Please mark the relevant box)

Non-Confidential (this will be shared with industry and the Panel for further consideration)

Confidential (this will be disclosed to the Authority in full but, unless specified, will not be shared with the Workgroup, Panel or the industry for further consideration)

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

- a) The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;
- b) 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;
- c) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and
- d) 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	<p>Do you believe that the Original Proposal better facilitates the Applicable Objectives?</p> <p>Mark the Objectives which you believe the Original solution better facilitates:</p> <p>Original <input type="checkbox"/>A <input checked="" type="checkbox"/>B <input type="checkbox"/>C <input checked="" type="checkbox"/>D</p> <p>We believe the proposal facilitates Applicable CUSC Objectives B and D (listed in page 59 of the consultation) as follows;</p> <ul style="list-style-type: none"> • ACO B – A reformed connections process should be effective in facilitating competition in the generation of electricity by ensuring that the principle of ‘first ready, first connected’ is implemented and so allow progressing projects to connect. This will in turn increase liquidity and competition in the generation market. • ACO D – The reformed process should increase efficiency of the connections process by allowing the creation of a coordinated network design and allowing resources to focus on projects most likely to connect.
2	<p>Do you support the proposed implementation approach? (see pages 59-61)</p> <p><input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p> <p>We support the implementation approach proposed for projects in the scope of CMP434, subject to comments provided in this consultation response.</p>
3	<p>Do you have any other comments?</p> <p>Click or tap here to enter text.</p>
4	<p>Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?</p> <p><input type="checkbox"/>Yes (the request form can be found in the Workgroup Consultation Section) <input type="checkbox"/>No</p> <p>To be confirmed based upon any refinements to the ESO’s solution from this consultation.</p>

Specific Workgroup Consultation questions	
5	<p>Do you agree with the elements of the proposed solution? Element 7 has been de-scoped and Element 10 is proposed to be codified within the STC through modification CM095.</p>

Please provide rationale for your answer and any suggestions for improvement to each element?	
Element 1: Proposed Authority approved methodologies and ESO guidance (see pages 9-10, 55)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
We agree with principle of documenting these details outside of the code, however we believe the following still needs to be clarified. <ol style="list-style-type: none"> 1. Is an active Authority approval or a reactive approval (i.e. the Authority having a right of veto and choosing not to use it) being sought? 2. What will happen if the Authority (i) doesn't approve in time or (ii) rejects the proposed changes to the methodologies. 	
Element 2: Introducing an annual application window and two formal gates, which are known as Gate 1 and Gate 2 (i.e. the Primary Process) (see pages 11, 35-36)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Whilst we agree with the intent behind the design of the Primary Process, we would like to see the timescales in the process reduced but understand that this may not be possible.	
Element 3: Clarifying which projects go through the Primary Process (see pages 11-12, 35-36)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
We agree with the scope of new projects intended to use the Primary Process	
Element 4: Significant Modification Applications concept, including the proposed criteria and the proposed level of codification (see pages 12-13, 36-39)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
There are several areas where we believe Element 4 should be enhanced; <ul style="list-style-type: none"> • The 'considerable impact' should be more narrowly defined, especially regarding impact on design and operation. We believe this is so vague that any change to works or programme would fall under this even if unintended (e.g. a change that only affects transmission connection assets). We agree that a direct impact on a third party's connection would be grounds for the modification to be significant. • ESO should maintain some discretion to allow significant modification applications to be submitted and progressed outside of the annual window. The criteria for this would need to be defined but could include (i) NESO Designation, (ii) no impact on third parties and (iii) the applicant can evidence the need for urgent treatment (possibly including payment of a higher application fee). • Any modifications initiated by the ESO or TOs should be completed as soon as possible and outside Primary Process (including annual window) to ensure developers are not impacted by the ESO and TO actions which are outside of developer's control. 	
Element 5: Clarifying any Primary Process differences for customer groups (see pages 13-14, 35-36)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

We believe there are some fundamental issues with the proposal relating to how projects that progress via a Development Consent Order (DCO) are managed and there is no consideration of how Compulsory Purchase Orders (CPO) may impact on the proposal.

To explain this, we have provided a short summary of the DCO process and the powers it provides, a more detailed version can be found, for example, [here](#)¹ and [here](#)². The intent of the DCO process is to provide a 'one stop shop' for 'Nationally Significant Infrastructure Projects (NSIPs)' to wrap up most of the required elements in to one document and process. NSIPs are defined in legislation ([part 3 of the Planning Act 2008](#)) but can also be given on a case-by-case basis by the Secretary of State via a 'Section 35 direction', as is the case for interconnectors for example. We note that there is now an expectation some interconnector projects will follow this route, with NPS EN-1 which provides national planning policy for nationally significant infrastructure projects providing direct policy support in respect of interconnectors. Applications for DCO are submitted to the Planning Inspectorate who examine the application and are decided upon by the Secretary of State. The DCO process is broadly made up of 5 process steps:

1. **Pre-Application** – Pre-application consultations are undertaken with interested parties to inform and influence the project. These consultations will cover a range of stakeholders and topics and take a significant amount of time/cost to undertake and to develop projects in response.
2. **Acceptance** – The formal application is submitted to Planning Inspectorate. This is either accepted or rejected by the Planning Inspectorate within 28 days based on whether the necessary documentary requirements are met and whether the documents are to the standard required for an examination of the project to proceed. Whilst it is possible to change an application once accepted for examination, it is risky and there only a limited scope to do so, as the project cannot change to be something else. This would for example mean a connection location could not change after acceptance of the application, and realistically it also could not change post the consideration of consultation when the final application materials are prepared.
3. **Examination** – Any 'interested party can register to be involved in the examination. The examination, which is administered by the Planning Inspectorate, is when the application is examined against the policy framework and legal assessment framework and when representations are made by interested parties (including local authorities) in support or to challenge the project. This can be in the form of written responses, open hearings, issue specific hearings, site visits and 'Compulsory Acquisition Hearings' where compulsory acquisition powers are required and provided for within the draft development consent order which is being examined. This may also include requests for information from the Planning Inspectorate for additional details from any party (applicant or interested party) involved in the examination. The examination will consider not just the project directly but any associated works (e.g. network reinforcement) associated with the project.
4. **Recommendation & Decision** – Once the Planning Inspectorate is satisfied that the examination is complete, which must occur within six months from the examination commencing (note an examination does not typically start until circa 6 months post acceptance of an application) they will produce a recommendation for the Secretary of State, who will ultimately approve or reject the DCO. There is a six month target decision period (three months to produce a recommendation and a further three months for the SoS to make a decision), albeit this can be a longer period and more recently typically is.

¹ <https://www.nortonrosefulbright.com/en/knowledge/publications/4d38fe60/consenting-your-energy-project-which-regime-applies#:~:text=If%20an%20infrastructure%20project%20falls,a%20DCO%20is%20required%20to>

² <https://wslaw.co.uk/specialisms/infrastructure-and-utilities/dco-toolkit/>

5. **Post-Decision** – Following the Secretary of State's decision the DCO is made and there is a period of 6 weeks in which the decision can be challenged by judicial review at the high court. If the Secretary of State approved the decision and there is no successful challenge, the Applicant has the confirmed powers needed to acquire the land and rights needed before moving on to construction.

For projects going through the DCO process it is typical that land rights are secured via compulsory acquisition, and those powers will not come into effect and be capable of being exercised until the DCO is made. Accordingly, for such projects to proceed through the assessment and examination processes there is in essence an assumption of the grant of such rights, together with the justification for why they should be granted.

The Planning Inspectorate maintains a register of NSIPs here - <https://infrastructure.planninginspectorate.gov.uk/projects/register-of-applications/>.

As the DCO process is a 'one stop shop' to consent projects of national significance, approval is only given to projects that have demonstrated they are in the public interest and that such projects which serve the public interest are not prevented from being delivered due to land ownership issues. The ESO's proposals fundamentally affect the above in several ways:

1. The requirement to secure land rights for onshore assets (e.g. converter stations) before progressing to Gate 2 places a significant risk that this could not be achieved until the Secretary of State's approval decision. Whilst these land rights could be secured on a voluntary basis before this point, our experience has shown that some landowners are privately supportive of NSIP developments on their land but will not publicly support the project. This is for fear of discord and conflict with neighbours who are not supportive of the project. During the examination stage of the DCO process, any voluntary agreement between the project and landowner will be highlighted and result in additional local tension, whilst the CPO allows the landowner to 'save face' locally and the project progress through the planning.
2. A key part of DCO process is the front-loaded nature of the process. An applicant at the pre-application stage must undertake extensive assessment including surveys and local engagement to underpin a DCO application and justify the acceptability of the project in planning policy terms. This requires a certainty of a connection location for these pre-application activities to be undertaken. A savvy landowner could use the ESO's proposed process to effectively hold the project to ransom by creating uncertainty at the pre-application and examination stages knowing that delays could result in the project losing its connection agreement and create significant risks for the project delivery within the timescales permitted by the DCO. This is a particular issue for NSIP projects due to different DCO process and larger local impact of these projects.
3. All potential impacts associated with a NSIP, including reinforcement required to connect the project (such as upgrades to a connecting substations) must be part of the DCO application and fully assessed in EIA terms. Therefore, Gate 2 offer should be made well in advance of the DCO application being submitted for a developer (and TO) to fully assess impacts of these reinforcements in EIA terms, including from a perspective of assessing alternatives and their impacts which is critical to the justification of the acceptability of such significant projects.
4. There is an implicit assumption in the proposals that the planning regimes in use throughout Great Britain will align and abide by the reformed connections process. Planning is inherently linked to local and (especially for NSIPs) national politics, so

<p>despite an applicant’s best intents and endeavours there will be instances beyond their control which result in deadlines not being met. The connections process needs to be able to adapt and accommodate these instances to clearly differentiate between projects which are delayed for reasons within and outside of their control.</p> <p>5. We also do not believe it is justifiable to have different Gate 2 criteria between offshore projects, specifically differences between offshore wind and interconnectors/offshore hybrid assets. Fundamentally, all these projects require offshore permission from the relevant authority and onshore permission for their landing points. All interconnectors require an option for seabed licence from the Crown Estate and significant number of offshore windfarms also now build as DC projects requiring a converter station. We believe the Gate 2 criteria should be expanded and harmonised between these groups as there is no credible reason why the connections process needs to discriminate between these types of projects.</p> <p>We believe all the above issues can be resolved with some minor changes to the Gate 2 criteria. We believe all projects which are subject to the Planning Act 2008 should also have an additional route or routes to demonstrate meeting the Gate 2 criteria as an alternative to demonstrating land rights; for instance we suggest one of the following:</p> <ul style="list-style-type: none"> a) Project notification submitted to the Planning Inspectorate (which can only be submitted once a Section 35 Direction has been obtained for an interconnector project) or section 35 direction being given by the Secretary of State; and b) Companies’ declaration that all necessary land rights for the project will be included in the compulsory acquisition request; or c) A signed option with the Crown Estate for a seabed licence (if applicable) 	
<p>Element 6: Setting out the process and criteria in relation to Application Windows and Gate 1, including introducing an offshore Letter of Authority equivalent as a Gate 1 application window entry requirement for offshore projects (see pages 15-16, 39-40)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>We believe the timing and frequency of the process should be documented in a relevant legal document – license or CUSC – to provide a sufficient level of certainty to industry about the core process and the timing of it. This will support developers in making long-term decisions on when projects may need to apply as they will have certainty of timing in future years to plan against.</p> <p>We also believe the Gate 1 criteria should also be documented in the same manner as the Gate 2 criteria.</p>	
<p>Element 7: Fast Track Disagreement Resolution Process (de-scoped from this modification – see pages 16, 58)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>We agree that this element of the solution should be de-scoped from the CUSC however we would welcome early visibility of the ESO’s proposals for a non-codified process.</p>	
<p>Element 8: Longstop Date for Gate 1 Agreements (see pages 16, 40-41)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

<p>We agree with the principle of a longstop for Gate 1 agreements however based on how Element 5 is progressed then changes to the longstop date may be required for projects requiring a DCO.</p> <p>As discussed in Element 5, projects who are required to submit a DCO (e.g. Interconnectors) may need longer than 3 years . As explained above, it will be at least a year from the date of acceptance of a DCO application before the decision is made and CPO powers are granted. However, in practice that time frame can be significantly longer, especially in case of successful judicial reviews.</p>	
<p>Element 9: Project Designation (see pages 17-18, 48-49)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>No comments</p>	
<p>Element 10: Connection Point and Capacity Reservation (proposed to not be codified within the CUSC, but is intended to be codified within the STC through modification CM095 – see pages 18-20 and the CM095 Workgroup Consultation, pages 6-10)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>We disagree that the process of Connection Point and Capacity reservation is sufficient for projects where such Reservation is being proposed and are undergoing through the DCO process. As explained above to properly assess all impacts associated with the project a developer must assess all works required to the connecting substation which are not know until Gate 2 offer. For a reservation to be meaningful for a DCO project it essentially needs to mirror Gate 2 offer. Furthermore, due to the significant cost associated with bringing projects through the DCO process investors require certainty that key parameters of the project, connection to the grid being one of them, do not change. However, if a proposal in Element 5 is accepted then a requirement for a reservation for DCO projects falls away as they would pass Gate 2 criteria in any case.</p> <p>We also suggest that the Connection Point and Capacity Reservation processes should not be codified in the CUSC and should be codified in a STC Procedure. We would however suggest that, in order provide visibility to industry in how these processes will be implemented, they are documented in a non-codified document such as the Connections Network Design Methodology (CNDM) from Element 1.</p>	
<p>Element 11: Setting out the criteria for demonstrating Gate 2 has been achieved and setting out the obligations imposed once Gate 2 has been achieved (see pages 20-24, 42-46)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>In addition to our comments provided in Element 5, we believe there are additional changes required to this Element 11 to better reflect projects who are required to complete a DCO and have CPO rights.</p> <p>As explained above, where evidence is provided (for example, a project notification to the Planning Inspectorate) that a NSIP is seeking a DCO together with CPO powers, we believe this should be sufficient to meet the Gate 2 criteria for submitting planning. This is the start of the formal DCO process and is after significant pre-application consultation work.</p>	

<p>DCO is an extremely costly and time-consuming process, and no developer will initiate it to 'game the system'. Equally a developer needs certainty about the connection location and capacity before significant preparatory work can commence (on-site marine and onshore environmental surveys, consultations, detailed site-specific design etc) to be able to apply for the DCO.</p> <p>Requiring land rights to be secured to meet the Gate 2 criteria in effect means that all DCO projects will need to have significantly completed the DCO process before being able demonstrate this (i.e. almost the equivalent of needing to complete queue management milestone M2) or it will significantly impact on where projects are located, due to the inability to rely on the prospect of compulsory acquisition powers and instead the need to secure land rights to enable certainty to allow a project to proceed. Under the current proposals then, the location of NSIPs will be driven by where they can obtain early land rights rather than the best overall societal location for the project. This will increase the risk of DCOs being rejected by the Secretary of State on the basis of their being more appropriate alternatives due to these larger impacts and more objections from local stakeholders suggesting different locations for the NSIP. It is critical to understand that from a policy perspective the consideration of alternatives for a DCO scheme is undertaken on the assumption that compulsory acquisition rights may be obtained, because the Planning Act 2008 specifically authorises such powers to be included within a DCO. The proposed Gate 2 Criteria would be in significant variance to that presumed policy and legal position by not allowing for the prospect of compulsory acquisition powers to satisfy it, which would create an irreconcilable conflict for applicant's who would not able to progress a project without the certainty of having passed Gate 2, but who also cannot select the most appropriate alternative because of an inability to rely on the prospect of the grant of powers of compulsory acquisition within a DCO when made. Such a position would inevitably be used for the benefit of objectors to schemes and would delay, if not prevent, the delivery of critical energy infrastructure required to meet net zero. Whilst we believe this is unintentional, this would be wholly contrary to the purpose and objectives of this proposed connections reform.</p> <p>In circumstances where CPO powers are available, a far more balanced approach to securing land can be taken that maximises the chance of DCO approval by the Secretary of State. Whilst we agree there should be no exemption from the Gate 2 criteria for DCO potentially using CPO, the Gate 2 criteria need to acknowledge and accept this route to securing land and so the prospect of CPO and confirmation that such powers of acquisition are to be sought in a timely manner should be reflected as an alternative to having secured land rights.</p>	
<p>Element 12: Setting out the general arrangements in relation to Gate 2 (see pages 25-26, 47)</p>	<p><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>Our response to Element 12 is the same as Element 6</p>	
<p>Element 13: Gate 2 Criteria Evidence Assessment (see pages 26-27, 47-48)</p>	<p><input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>While noting disagreement regarding Gate 2 criteria as described in Element 11, the principle of using Self-Declaration Letter to evidence meeting these criteria seems to be appropriate.</p>	

	<p>Element 14: Gate 2 Offer and Project Site Location Change (see pages 28, 46)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>We have no comments on this section as long as Element 10 and confirming the location for certain project types at Gate 1 (part of Element 5) remains part of the solution.</p>		
	<p>Element 15: Changing the offer and acceptance timescales to align with the Primary Process timescales (e.g. a move away from three months for making licenced offers) (see pages 29, 42-46)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>We accept that there should be sufficient time in the process for offers to be created and reviewed. From experience, offers can undergo several iterations of comments before a correct offer is issued. This process can sometime take many months often due to limitations of personnel at the ESO and TO. The developer should not be forced into accepting a defective offer or adversely affected while the process of correcting the offer is taking place.</p>		
	<p>Element 16: Introducing the proposed Connections Network Design Methodology (CNDM) (see pages 29, 53-55)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>We feel unable to comment on this element without further detail of what the CNDM will contain. Once more detail on the CNDM's contents are provided, we can provide an opinion as to whether the proposal is sufficient or if more codification is required.</p>		
	<p>Element 17: Introducing the concept of a Distribution Forecasted Transmission Capacity (DFTC) submission process for Distribution Network Operators (DNOs) and transmission connected Independent Distribution Network Operators (iDNOs) to forecast capacity on an anticipatory basis for Relevant Embedded Small Power Stations or Relevant Embedded Medium Power Stations aligned to the Gate 1 Application Window (see pages 30-33, 51-53)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>We have no experience of the connections process for embedded projects and so are unable to contribute on this Element 17.</p>		
	<p>Element 18: Set out the process for how DNOs and transmission connected iDNOs notify the ESO of Relevant Embedded Small Power Stations or Relevant Embedded Medium Power Stations which meet Gate 2 criteria (see pages 33-34, 51-53)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>We have no experience of the connections process for embedded projects and so are unable to contribute on this Element 18.</p>		
<p>6</p>	<p>Are there any elements of the proposal which you believe should not be included as part of this proposed solution, which the Proposer believes represents the 'Minimum</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

	<p>Viable Product' reforms required to the connections process? If not, why not? (Please note the element number in each of your responses if applicable)</p> <p>Not that we are aware of.</p>	
7	<p>As per question 6, are there any additional features which you believe should be included as part of Minimum Viable Product reform to the connections process?</p> <p>Not that we are aware of.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
8	<p>Do you agree that the Gate 1 process should be a mandatory process step, or do you think Gate 1 should be an optional process step with projects being able to apply straight into the Gate 2 process if the project meets both the relevant Gate 2 and Gate 1 criteria?</p> <p>No comments</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
9	<p>Do you believe that the proposed Gate 1 and Gate 2 process could duly or unduly discriminate against any types of projects? If so, do you believe this is justified?</p> <p>Please see our responses to Elements 5 and 11 for further details.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
10	<p>Please provide your views on the proposed options ((a) to (e) on page 45) to mitigate the risk of requiring a developer to submit their application for planning consent earlier than they would in their development cycle (with the risk this consent could expire and any extension</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

	<p>from the Planning Authority is not automatic).</p>	
<p>We do not believe this should be a major consideration for the ESO's proposals. We believe developers should progress with their projects and apply in to Gate 2 when they're ready, including any associated deadlines to submit planning. Of the options presented, we believe option A (milestone M1 includes expected decision timelines) is the most pragmatic solution as milestone M1 can be easily updated if deadlines take longer than expected due to factors outside of their control.</p>		
<p>11</p>	<p>Do you agree that DFTC should be included as part of CMP434? If not, do you believe that the reformed connections process can function without DFTC? Please justify your answer. (see pages 30-34, 51-53)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>We have no experience of the connections process for embedded projects and so are unable to contribute on this question.</p>		
<p>12</p>	<p>The Proposer intends to set out supporting arrangements for TMO4+ via a combination of guidance and methodologies (e.g. DFTC, CNDM, Project Designation, Gate 2 Criteria). Do you anticipate any issues with having these outside of Code Governance? (see Pages 9-10, 55)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>As a general principle, we do not foresee any practical difference between these documents being codified and managed outside of code governance. We anticipate that not having the documents codified would mean they can be revised more frequently and realistically take on more feedback from a wider variety of stakeholders – such as those who can't/don't participate in CUSC workgroups.</p> <p>Conversely, the lack of process to suggest alternatives and have these formally and independently reviewed before Ofgem approval is a negative and would be something we encourage the ESO to consider incorporating in to the process.</p>		