

**CUSC Alternative Form – Non-Charging**

# CMP434 Alternative Request 22: Post Gate 2 Provision of Date of Planning Consent Submission

**Overview:** For Users to provide the date they expect to submit planning consent to the ESO post Gate 2 when the outcome of Transmission Owner (TO) site studies is known, and a point of connection is provided.

**Proposer:** Claire Hynes, RWE Renewables & RWE Supply & Trading

I/We confirm that this Alternative Request proposes to modify the non - charging section of the CUSC only

## What is the proposed alternative solution?

For Users to provide their date for submitting planning consent to the ESO post Gate 2, three months after the transmission owners site studies and a point of connection is known. The three months is needed to undertake necessary studies to provide a better forecasted date. The forward-looking milestone is still provided in line with the ESO's Planning Regime reference table and the backward-looking connection queue milestone applies if it applies earlier as per the original change.

An obligation will be introduced to require the system operator to keep the planning regime reference table under review should there be any changes in policy.

## What is the difference between this and the Original Proposal?

A project will only be able to provide a realistic timeframe for submitting planning consent once the point of connection at the substation for the project to connect is known. This information will not be available until after the Gate 2 full connection offer has been received and agreed with the User and the TO has carried out its siting studies. Therefore, we consider the requirement for a project to advise when they will submit consent should sit separately as a Post Gate 2 requirement as opposed to at Gate 2 under the original proposal.

We also consider that the Users forecasted date for submitting planning consent when based on a concrete point of connection provides a more constructive conversation on why a project may not be progressing as expected should the ESO wish to utilise its discretion to give the project further time. This more robust solution that is based on a developers forecast for submitting planning consent once the POC is known rather than an

approximation without basis will act as a better barrier to entry to projects entering the connection queue too early.

This change has been raised with the premise that the exceptions set out in CUSC Section 16 ‘Queue Management’ on connection queue milestone 1 are applicable to this forward-looking milestone and it will also retain the right for the ESO to use powers of discretion where innovative or mega projects fall outside of the defined timescales in the ESO’s table on the time it takes to submit planning consent per planning regime.

We intend to introduce an obligation to require the system operator to keep under review the timelines in their planning regimes reference table. For example, there is currently an open consultation on [‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’](#) which is recommending an increase to the threshold for solar projects to be considered nationally significant from 50MW to 150MW. This will result in larger solar projects utilising the Town & Country planning regime and as a result, we consider the timeframe may need to be moved from 2 years to 3 years in the ESO’s planning regime reference table, should it be approved.

*“14. While these are not so significant as to be an absolute barrier, the capping of solar projects below the 50MW threshold implies that they are not proportionate to the size and scale of contemporary 50MW solar farms. On the other hand, there are a significant number of solar projects sized over 150MW that are being determined via the NSIP regime. This implies that the economies of scale for these projects are such that the greater co-ordination of consents that the NSIP regime allows remains attractive.*

*15. Given that evidence, we are proposing to:*

*a. set the threshold at which onshore wind projects are determined as Nationally Significant at 100MW; and*

*b. increases the threshold at which solar projects are determined as Nationally Significant to 150MW”.*

**ESO’s Planning Regime Reference Table (For the purpose of this Alternate Proposal)**

Planning Type	ESO Proposal (at time of Workgroup Consultation), assuming some land and planning work are done in parallel	Typical timescales based on views of some Workgroup Members	ESO revised Proposal (based on Stakeholder feedback following Workgroup Consultation)
Town and Country Planning (England, Scotland and Wales)	1 year	1.5 years	2 years
Section 36 (England/Scotland)	1 year	1.5 years	3 years
Development of National Significance (Wales)	1.5 years	2 years	3 years
NSIP / DCO (England)	2 years	3 years	3 years
Offshore (including Interconnectors and OHAs)	n/a	n/a	5 years
Nuclear	n/a	n/a	Case by Case
Novel technologies	n/a	n/a	Case by Case

**What is the impact of this change?**

This proposal will allow Users to provide a more accurate forecasted date for submitting planning consent based on the point of connection to the ESO. It will enable a more constructive conversation between the ESO, and the User should they reach the forward-looking milestone deadline without submitting planning consent and it will oblige the system operator to keep the planning regime reference table under review to ensure that the reference information remains reliable for the purpose of which it was intended.

**Proposer’s Assessment against CUSC Non-Charging Objectives**

Relevant Objective	Identified impact
(a) The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;	<b>Positive:</b> This proposal will enable overtime the ESO’s better understanding of a projects planning consents journey based on more accurate information allowing the ESO to better manage the connection arrangements under 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;	<b>Positive:</b> This proposal creates an even playing field for Users by ensuring that all Users have their TO siting studies completed and Point of Connection (PoC) before being required to provide a forecasted date for submitting their planning consent to the ESO.
(c) Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and	<b>None:</b> We do not consider that this change has any impact on compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency.
(d) Promoting efficiency in the implementation and administration of the CUSC arrangements.	<b>Positive:</b> The management of a forward-looking milestone that is informed by a realistic date for submitting planning consent increases the efficiency in the administration of the CUSC arrangements as it ensures that the ESO will be able to have a constructive conversation with the User if it has not met the milestone and take the relevant corrective action with reduced potential for challenge.

\*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.

**When will this change take place?****Implementation date:**

Same date as the original change proposal.

**Implementation approach:**

Same as the original change proposal.

**Acronyms, key terms and reference material**

Acronym / key term	Meaning
TO	Transmission Owner
ESO	Electricity System Operator
NSIP	National Significant Infrastructure Projects
PoC	Point of Connection
MW	Mega Watt
EU	European Commission
OHAs	Offshore Hybrid Assets
DCO	Development Consent Order
CUSC	Connection and Use of System Code

**Reference material:**

1. [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](#)
2. [CUSC Section 16](#)