

Workgroup Consultation Response Proforma

CMP435: Application of Gate 2 Criteria to existing contracted background

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:	Paul Jones	
Company name:	Uniper UK Ltd	
Email address:	paul.jones@uniper.energy	
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 checked="" type="checkbox"/> Generator <input type="checkbox"/> Industry body <input 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.

Standard Workgroup Consultation questions

1	Do you believe that the Original Proposal better facilitates the Applicable Objectives?	Mark the Objectives which you believe the Original solution better facilitates:	
		Original	<input checked="" type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input checked="" type="checkbox"/> D
Click or tap here to enter text.			
2	Do you support the proposed implementation approach? (See page- 57-58)	<input checked="" type="checkbox"/> Yes	
		<input type="checkbox"/> No	
Click or tap here to enter text.			
3	Do you have any other comments?		
	No thank you.		
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	<input type="checkbox"/> Yes (the request form can be found in the Workgroup Consultation Section)	
		<input checked="" type="checkbox"/> No	
Click or tap here to enter text.			

Specific Workgroup Consultation questions

5	Do you agree with the elements of the proposed solution for CMP435? <i>Please note that the application of these elements may be different to CMP434, therefore please answer the questions in respect to CMP435.</i>		
	Elements 2,4,6,7,12,15,17 and 18 are not part of the CMP435 Proposal and is only part of the CMP434 Proposal. Element 10 is proposed to be codified within the STC through modification CM095 .		
	Please provide rationale for your answer and any suggestions for improvement to each element?		

<p>Element 1: Proposed Authority approved methodologies and ESO guidance (see Page 8-10,29)</p>	<p><input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p>
<p>Not fully. There may be instances where it is sensible to have a separate Methodology or Guidance for a process, but some of the proposed areas would sit more appropriately in the main text of the CUSC. In particular, the Gate 2 Criteria should be set out in the CUSC and not in a methodology, as they form a key part of the process as set out in this proposal.</p> <p>The Project Designation Methodology would better sit outside of the current proposal as it does not seem to be an integral part of the Minimum Viable Product (MVP) that the proposer has suggested should be the outcome of the proposal.</p> <p>The Connections Network Design Methodology might be a valid candidate for a licence based Methodology as proposed.</p>	
<p>Element 3: Clarifying which projects go through the Primary Process (See pages 10-11,29-31)</p>	<p><input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>This seems sensible.</p>	
<p>Element 5: Clarifying any Primary Process differences for customer groups (See pages 11-12,32)</p>	<p><input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>These seem to be largely appropriate. Any difference in treatment has been proposed in response to the particular circumstances of the two main categories of connecting party (ie DNOs and offshore assets).</p>	
<p>Element 8: Longstop Date for Gate 1 Agreements (See pages 12-13, 32-33)</p>	<p><input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p>Projects should be discouraged from entering the process too early, so a longstop date by which projects are expected to enter Gate 2 from Gate 1 seems appropriate.</p>	
<p>Element 9: Project Designation (See pages 14-15, 33-34)</p>	<p><input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p>
<p>Too little is known about how this process will work exactly. It has the potential to be highly contentious and should not be brought into this process until it has been defined further. The industry needs to understand exactly how projects will be designated as sufficiently important so as to effectively jump the queue ahead of other projects that have to go through the primary process. This element does not seem to be needed for the Minimum Viable Product approach suggested by the proposer.</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 16-21, 34-39)</p>	<p><input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p>
<p>Not fully. Firstly, as we mention in the answer to Element 1 above, the Gate 2 Criteria should be set out in the CUSC and not in a separate methodology. Even if the concept of the criteria is also introduced in the Transmission Licence, it does not follow that the detail should be contained in a methodology. It is understandable that the proposer may wish to retain flexibility to adjust the criteria in light of experience, but it is important that these are</p>	

<p>set out in the CUSC as they are fundamental to the whole process. They can be changed within the CUSC governance processes if this is deemed necessary.</p> <p>The current proposed criterion of obtaining land rights is a good starting point, but may need to be strengthened. The aim of the modification is to ensure that projects are sufficiently progressed so as to prove that they should be able to advance ahead of projects that are less so. It may be necessary to strengthen the arrangements around planning in order to do so.</p> <p>The proposal to only allow up to 50% of the project to move outside the original red line boundary seems sensible to allow flexibility due to subsequent planning conditions while prevent connections being transferred to unrelated projects. As a general rule, we would not expect the red line boundary to change very often as a result of the planning process, so this rule is likely to be used by exception.</p>	
<p>Element 13: Gate 2 Criteria Evidence Assessment (See pages 22-23, 39-40)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>We agree with the evidence required for the assessment, but believe that this should be set out in the CUSC, rather than in a separate methodology as has been proposed.</p>	
<p>Element 14: Gate 2 Offer and Project Site Location Change (See pages 23-24, 40-41)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>It is not clear to us how likely and often this provision would be needed, but it seems sensible if a project is subsequently offered a connection point some distance from the one they requested, for there to be a time limited opportunity for the developer to move the project closer to the offered point. However, there should be a general responsibility on developers to ensure that they are seeking connections in generally sensible areas to obtain suitable connections. Improved pre application information can hopefully help this respect. Additionally, it would seem appropriate for use of this provision to be fully transparent to the wider industry to ensure that it is not misused in any way.</p>	
<p>Element 16: Introducing the proposed Connections Network Design Methodology (CNDM) (See pages 24-25, 41-42)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>This is an area where a methodology would seem appropriate, although it could be set out in the SO/TO code.</p>	
<p>Element 19: Contractual changes (See pages 26-28, 43-46)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>These seem to be appropriate.</p>	
<p>Element 20: Cut Over arrangements (See page 28, 47)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>This proposal seems to be sensible as long as there is not a significant delay in the implementation of CMPs 434 and 435. Effectively putting the assessment of future connection applications on hold would be an acceptable approach if it is anticipated that the modification will be implemented in timescales similar to proposed, ie in early 2025 or soon after. However, if there is anticipated to be a significant delay then it would seem reasonable that these applications should be progressed in a similar manner to other previous applications, so they can join the current background and be subject to the arrangements as set out in Element 19.</p>	

6	Are there any elements of the proposed CMP435 solution - as per Q5 - which you believe are not appropriate to include when you consider how to most effectively implement TMO4+ to projects in the existing contracted background (as opposed to the process for new applicants via CMP434)? If yes, please provide supporting justification.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
As mentioned in responses above, the Project Designation Methodology is contentious and does not need to be part of the MVP process.		
7	In relation to Q6, are there any features which you believe are missing in the proposed CMP435 solution that would more effectively facilitate implementation of TMO4+ to the existing contracted background. If yes, please provide details and justification.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8	Do you believe any groups of projects should be exempt from the scope of CMP435 or from some elements of the proposed solution? If so, please advise on which groups and elements and provide rationale to why.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Click or tap here to enter text.		
9	Do you believe that the proposed solution could duly or unduly discriminate against any particular types of projects? If so, do you believe this is justified?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Click or tap here to enter text.		