

Workgroup Consultation Response Proforma

CMP427: Update to the Transmission Connection Application Process for Onshore Applicants

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 26 January 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 Catia Gomes catia.gomes@nationalgrideso.com or cusc.team@nationalgrideso.com.

Respondent details	Please enter your details	
Respondent name:	Dennis Gowland	
Company name:	Research Relay Ltd (W G Nominated by EMEC)	
Email address:	dennis@researchrelay.com	
Phone number:	07739392965	
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 checked="" type="checkbox"/> Other

I wish my response to be:
 (Please mark the relevant box)

Non-Confidential Confidential

Note: A confidential response will be disclosed to the Authority in full but, unless agreed otherwise, will not be shared with the Panel or the industry and may therefore not influence the debate to the same extent as a non-confidential response.

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	Do you believe that the Original Proposal better facilitate the Applicable Objectives?	Mark the Objectives which you believe each solution better facilitates:
		Original <input checked="" type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input checked="" type="checkbox"/> D
		If we go by the aim set out in the Proposer’s Solution (Modification Proposal Form) that the LOA is to confirm that the user has (formally) engaged in discussions, then A, B and D would apply. However if the LOA was to become something other, then A and B would fall away (as uncertainty and barriers to entry could ensue). .
2	Do you support the proposed implementation approach?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		Is this urgent mod a ‘sticking plaster’ to fix a problem or is it meant as an enduring solution in itself? If the former, then A simple document (as per the templates) if linked (between user and ESO) to clear, unambiguous and simple guidelines would seem to fit the aims of the Proposer.
3	Do you have any other comments?	From Workgroup discussions, there seems to be a range of opinions as to what would constitute ‘robust and effective’ and whether certain conditions should be applied to the LOA between user and ESO in this mod or whether a subsequent mod would be required. I would suggest that if the words are interpreted (and this may well be correctly) that the process is indeed meant to activity sift out projects at an early stage, then a subsequent, fully worked mod following the normal CUSC governance pathway, would be more appropriate to allow time for stakeholders to properly engage. This becomes increasingly important if the proposed Connection Reform ‘windows’ are adopted.
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		The Original, in its simplicity, seems to be adequate.

Specific Workgroup Consultation questions		
5	Do you believe that the proposed LoA meets the objectives set out by Ofgem and DESNZ in CAP? If not, please provide your rationale.	<input type="checkbox"/> Yes <input type="checkbox"/> No <p>There is some ‘danger’ of ‘scope creep’ in that CMP427 may be moving a little beyond its objective (from the Proposer’s solution) which is to confirm that formal negotiations have commenced for a generation project at an onshore site. The proposed guidance, which would not be codified in the mod, may be interpreted as more of a sifting exercise and which could assume that a user needs to be further ahead in the development of the site than merely starting talks.</p>
6	Do you believe that an LoA should have a validity period? If so, please provide a timescale and your rationale.	<input type="checkbox"/> Yes <input type="checkbox"/> No <p>It depends on what the LOA is trying to achieve. If it is only ‘as a ticket to ride’ - to ascertain that formal talks have begun between the user and landowner (where the user is not the landowner) then it should have a relatively short shelf –life, then immediately fall away once the ESO has determined that a competent connection application had been made. In order to avoid gaming, in land – banking, long term validity should be avoided. The danger is that the LOA becomes, in effect, an Exclusivity Agreement (a quasi-legal document). This is not what we are tasked with in this urgent mod. I would suggest 6 months at the outside – validity up to the point of acceptance by the ESO – but leaving time for the user to make any appeal in the event of a refusal of the connection application.</p>
7	Do you agree, in principle, with the concept of an Energy Land Density table? If not, please provide your rationale.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>With some reservations. Although it is meant to be guidance only, there is presently insufficient explanation as to whether the suggested figure is an idealised figure representing the minimum land area needed to physically site the generating plant or what would be necessary to allow for track, cableways, transport to site and holding areas.</p>
8	Do you agree with format and the categories proposed in the Energy Land Density table? If not, please provide your rationale.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>With reservations – new technologies or developments of existing would be require regular monitoring and amendments to the guidance based on information from reliable sources.</p>

9	Do you have different values that you can provide for the Energy Land Density table? If so, please provide your rationale.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No I can see the rationale for using a minimum value if the real area needed prior to commencement of EIA surveys and Landowner option areas are to be discounted. The nearer this figure gets to zero, I would suggest, the less relevant it will become to its stated intent.
10	Do you believe that the LoA should be in the form of a standard template? If not, please provide your rationale.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note – Template A (for landowners/agents) does not explain what ‘ESO’ is, whereas Template B (for users who have the land) does.
11	Do you believe the use of the word “authorise” within the LoA, could have adverse legal consequences? If so, please provide your rationale.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ‘Authorise’ is currently used in the DNO version.
12	Do believe the proposed LoA template is suitable for all jurisdictions (England & Wales, and Scotland)? If not, please provide your rationale.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No In that it is not meant to be a legal document. The disclaimer in the proposed text is very important to make such distinction.
13	Do you believe that the technology type should be included in the LoA template? If you not, please provide your rationale.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Although talks with the landowner would very likely include the type of technology – it would duplicate the application information between the User and ESO. It may cause an impediment if, later, it was decided to co-locate technologies at the site. Without a way to make a change (the DNO process allows this) and if the LOA was to remain valid throughout the process to M3 then the connection could fall away.
14	Do you consider the exemption approach to deal with exceptional circumstances appropriate? If not please provide your rationale.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No I agree with the idea (third template) as discussed in the Workgroup report.

