

Draft Final Self-Governance Modification Report

CM092: Schedule 9: TO Construction Terms Updates

Overview: Updates to the terms contained in Schedule 9 to more accurately reflect current working practices with NGESO and to avoid any potential for misinterpretation.

Modification process & timetable



Have 5 minutes? Read our [Executive summary](#)

Have 20 minutes? Read the full [Draft Final SG Modification Report](#)

Have 30 minutes? Read the full Draft Final SG Modification Report and Annexes.

Status summary: The Draft Final Modification Report has been prepared for the determination vote at Panel.

Panel recommendation: The Panel will meet on 25 October 2023 to carry out their determination vote.

This modification is expected to have a: Low impact
NGESO; Onshore Transmission Owners

Governance route Self-Governance modification to proceed to Code Administrator Consultation

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Executive summary

CM092 is seeking to make updates to the terms contained in Schedule 9 to reflect current working practices more accurately with NGENSO and to avoid any potential for misinterpretation.

What is the issue?

The Baseline is not clear and there is potential for ambiguity.

What is the solution and when will it come into effect?

Proposer's solution:

In the Proposer's view the changes to the TO Construction Terms can be summarised as:

1. A change to make clear the best endeavours obligations on Transmission Owners (TO) to obtain Consents does not extend to circumstances where a User is obtaining those Consents on behalf of a TO, in which case NGENSO shall use best endeavours to ensure that the User shall obtain those specific Consents for the TO.
2. A change to clarify that when Schedule 9 confirms "all dates...are subject to ... obtaining Consents" this allows each Transmission Owner to make changes to the charges and dates in the Construction Programme to reflect any delays, as well as the Transmission Construction Works (the TCW variation rights are already specifically called out in the text). This realigns the position with what is understood to already be in the NGENSO Construction Agreements.
3. A change to make clear that whilst a Transmission Owner will be the "client" under the Construction (Design and Management) Regulations 2015 when that TO is carrying out the Transmission Construction Works itself, if the User elects to carry out some of these works under the contestability / user self-build principles, the User will then be the "client" under CDM for the purposes of these works.

Implementation date:

As soon as possible.

Panel recommendation:

The Panel will meet on 25 October 2023 to carry out their determination vote.

What is the impact if this change is made?

The impact of the change will set a better standard for contracting for connections between NGENSO and Onshore TOs and remove any potential for ambiguity in the baseline.

Interactions

This is some interaction with the Construction Agreements under CUSC, however as it is understood that most / all changes above are already included in the Construction Agreements so no further changes would be needed.

What is the issue?

Why change?

In the Proposer's view the change will reflect the existing position under the contracts in practice and/or to reflect the perceived intent behind certain terms and/or to reflect the position under the NGESO Construction Agreements to confirm flow-through / mirroring of terms.

What is the solution?

Proposer's solution

The changes to the TO Construction Terms can be summarised as:

1. A change to make clear the best endeavours obligations on Transmission Owners (TO) to obtain Consents does not extend to circumstances where a User is obtaining those Consents on behalf of a TO, in which case NGESO shall use best endeavours to ensure that the User shall obtain those specific Consents for the TO.
2. A change to clarify that when Schedule 9 confirms "all dates...are subject to ... obtaining Consents" this allows each Transmission Owner to make changes to the charges and dates in the Construction Programme to reflect any delays, as well as the Transmission Construction Works (the TCW variation rights are already specifically called out in the text). This realigns the position with what is understood to already be in the NGESO Construction Agreements.
3. A change to make clear that whilst a Transmission Owner will be the "client" under the Construction (Design and Management) Regulations 2015 when that TO is carrying out the Transmission Construction Works itself, if the User elects to carry out some of these works under the contestability / user self-build principles, the User will then be the "client" under CDM for the purposes of these works.

Legal text

Please see Annex 3

What is the impact of this change?

The proposed solution of CM092 will set a better standard for contracting for connections between NGESO and Onshore TOs and remove potential for ambiguity in the baseline.

Proposer's assessment against the Applicable Objectives

Proposer's assessment against STC Objectives

Relevant Objective	Identified impact
(a) efficient discharge of the obligations imposed upon transmission licensees by transmission licences and the Act	Positive Sets a better standard for contracting for connections



	between NGENSO and Onshore TOs.
(b) development, maintenance and operation of an efficient, economical and coordinated system of electricity transmission	Neutral N/A
(c) facilitating effective competition in the generation and supply of electricity, and (so far as consistent therewith) facilitating such competition in the distribution of electricity	Neutral N/A
(d) protection of the security and quality of supply and safe operation of the national electricity transmission system insofar as it relates to interactions between transmission licensees	Neutral N/A
(e) promotion of good industry practice and efficiency in the implementation and administration of the arrangements described in the STC	Positive Removes potential for ambiguity in the baseline
(f) facilitation of access to the national electricity transmission system for generation not yet connected to the national electricity transmission system or distribution system;	Neutral N/A
(g) compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency.	Neutral N/A

Code Administrator Consultation Summary

The Code Administrator Consultation was issued on the 07 September 2023 closed on 27 September 2023 and received no responses.

Panel Determination Vote

The Panel will meet on the 25 October 2023 to carry out their determination vote. They will assess whether a change should be made to the STC by assessing the proposed change and any alternatives against the Applicable Objectives.

Vote 1: Does the Original, facilitate the objectives better than the Baseline?

Panel Member: **Jamie Webb/Terry Baldwin, NGENSO**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Better facilitates AO (e)?	Better facilitates AO (f)?	Better facilitates AO (g)?	Overall (Y/N)
Original								
Voting Statement								

Vote 1: Does the Original, facilitate the objectives better than the Baseline?

Panel Member: **Michelle MacDonald Sandison/Neil Sandison/Harriet Eckweiler, Scottish Hydro Electric Transmission plc. (SHET)**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Better facilitates AO (e)?	Better facilitates AO (f)?	Better facilitates AO (g)?	Overall (Y/N)



Original								
Voting Statement								

Vote 1: Does the Original, facilitate the objectives better than the Baseline?

Panel Member: **Martin Cammidge/Gareth Williams, Scottish Power Transmission (SPT)**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Better facilitates AO (e)?	Better facilitates AO (f)?	Better facilitates AO (g)?	Overall (Y/N)
Original								
Voting Statement								

Vote 1: Does the Original, facilitate the objectives better than the Baseline?

Panel Member: **Mike Lee/Joel Matthews, Offshore Transmission Owner (OFTO)**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Better facilitates AO (e)?	Better facilitates AO (f)?	Better facilitates AO (g)?	Overall (Y/N)
Original								
Voting Statement								

Vote 1: Does the Original, facilitate the objectives better than the Baseline?

Panel Member: **Richard Woodward/Ian Bottomer**

	Better facilitates AO (a)?	Better facilitates AO (b)?	Better facilitates AO (c)?	Better facilitates AO (d)?	Better facilitates AO (e)?	Better facilitates AO (f)?	Better facilitates AO (g)?	Overall (Y/N)
Original								
Voting Statement								

Vote 2 – Which option is the best?

Panel Member	BEST Option?	Which objectives does this option better facilitate? (If baseline not applicable).
Jamie Webb/Terry Baldwin		
Michelle MacDonald Sandison/Neil Sandison/Harriet Eckweiler		
Martin Cammidge/Lynne Bryceland		
Mike Lee/Joel Matthews		
Richard Woodward/Ian Bottomer		

Panel conclusion

Panel will meet on 25 October 2023 to carry out their determination vote.

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

As soon as possible

Date decision required by

As soon as possible

Implementation approach

N/A

Interactions

- | | | | |
|--|---|--|-------------------------------|
| <input type="checkbox"/> Grid Code | <input type="checkbox"/> BSC | <input checked="" type="checkbox"/> CUSC | <input type="checkbox"/> SQSS |
| <input type="checkbox"/> European
Network Codes | <input type="checkbox"/> Other
modifications | <input type="checkbox"/> Other | |

This is some interaction with the Construction Agreements under CUSC, however as detailed above it is understood that most / all changes above are already included in the Construction Agreements so no further changes would be needed.

Acronyms, key terms and reference material

Acronym / key term	Meaning
BSC	Balancing and Settlement Code
CM	Code Modification
CUSC	Connection and Use of System Code
STC	System Operator Transmission Owner Code
SQSS	Security and Quality of Supply Standards
NGESO	National Grid Electricity System Operator

Reference material

- None

Annexes

Annex	Information
Annex 1	Proposal form
Annex 2	Self-Governance Statement
Annex 3	Legal Text