Code Administrator 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 **16 February 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@nationalgrideso.com or cusc.team@nationalgrideso.com

Respondent details	Please enter your details	
Respondent name:	Fiona Casey	
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Which best describes your organisation?	☐Consumer body ☐Demand ☐Distribution Network Operator ☐Generator ☐Industry body ☐Interconnector	☐Storage ☐Supplier ☐System Operator ☒Transmission Owner ☐Virtual Lead Party ☐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 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 Code Administrator Consultation questions			
1	Please provide your assessment for the proposed solution(s) against the Applicable Objectives?	Mark the Objectives which you believe the proposed solution(s) better facilitates:	
		Original	☒A ☒B ☐C ☒D
		WACM1	☒A ☒B ☐C ☒D
		WACM2	☐A ☐B ☐C ☐D
		WACM3	☒A ☐B ☐C ☐D
		Original & WACM1: The LOA requirement should act as a barrier to entry for speculative applications as it will require applicants take steps to engage with landowners. This will have a positive impact on achieving obligations (Objective A). By doing so, it should reduce the instances of valid projects being stalled behind spurious applications thus providing a positive impact on effective competition (Objective B). We feel it has an overall neutral impact on Objective C although it does achieve a requirement set out in Ofgem and DESNZ's Connections Action Plan (CAP). The benefits of the LOA should have a positive impact on the management of the connections application queue (Objective D). WACM1 includes a route and template for exempted projects which we believe is a sensible and necessary inclusion. This WACM is only a slight variation (enhancement) on the Original, so we have assessed these the same. **WACM2:** We do not believe that this WACM better facilitates any of the Objectives and have concerns that it does not facilitate the achievement of the requirement set out in the CAP. This WACM will effectively lower the barrier to entry expected to be introduced through this modification and outlined in the original proposal. The purpose of the LOA is to ensure that Users have engaged with relevant landowners prior to submitting	

		their application. This WACM seeks to significantly reduce that requirement by requesting that Users need only to engage with landowners covering 50% of their proposed development site. This would mean that the issue intended to be addressed by the LOA would still remain, albeit in a reduced fashion. Moreover, we feel the WACM is too loosely defined, and that the multiplier is set too low. If WACM2 or WACM3 were implemented, we feel that a follow up WACM could reduce the potential for unintended consequences (although for clarity, we still would not be in favour of WACM2/WACM3). This could take the form of a threshold being set on the minimum number of landowners a project must involve before it is eligible for the multiplier; the multiplier being set at a level higher than 50%; and developers having to provide evidence that they had tried to contact all the relevant landowners. **WACM3:** This WACM represents the full suite of options from this consultation and provides Ofgem with the option of selecting all available options. We are sceptical of its benefits with regards to facilitating the Objectives, due to the potential negative impacts brought about by the WACM2 aspects. We feel that it may have a positive impact in terms of acting as a hurdle to spurious applications (therefore potentially better facilitating Objective A) however the impact on other Objectives will be negligible.
2	Do you have a preferred proposed solution?	☐Original ☒WACM1 ☐WACM2 ☐WACM3 ☐Baseline ☐No preference
		WACM1: This WACM is our preference as it builds upon the Original by providing a third template for use in exceptional circumstances; this template is relevant and necessary.
3	Do you support the proposed implementation approach?	☒Yes ☐No
		We agree with the push for a swift implementation of this modification however we note ESO's intention to publish guidance for Users and landowners; the 10 business day

		implementation period may be useful additional time for ESO to collaborate with Workgroup members to develop and finalise this guidance in advance of go-live (if this guidance is not finalised sooner). We think it is important that guidance is available at go-live to prevent confusion for industry and landowners. We are also keen to ensure that any new processes to be carried out by ESO in relation to LOAs (Land Registry checks, etc) are finalised and efficient prior to implementation. We note ESO's intention to advise new applicants of the LOA requirement within one business day after an Authority decision to approve CMP427; we agree that this is a sensible approach.
4	Do you have any other comments?	We are conscious of the increasing number of items that will be discussed and considered during the upcoming subsequent LOA code modification. A number of these were raised in the CAP (requiring LOAs for modification applications, applying the LOA requirements to offshore applications, implementing duplication checks, etc) and more suggestions were made throughout the Workgroups for CMP427 (such as exclusivity and the lifespan of the LOA). We would appreciate if all key points that have been raised to be part of the subsequent modification are clearly laid out in the proposal form to ensure industry is aware of what will be discussed.