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Workgroup Consultation Response Proforma

CMP471: Interim Connection Date Delay Process Ahead of CMP434 Gated Application Window

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@neso.energy by **5pm** on **24 July 2026**. 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@neso.energy

Respondent details	Please enter your details	
Respondent name:	Kirsty Dawson	
Company name:	Statkraft UK Ltd	
Email address:	Kirsty.Dawson@statkraft.com	
Phone number:	07442 604102	
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:

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(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)

***The Electricity Regulation referred to in objective g) 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.*

For reference the Applicable CUSC (non-charging) Objectives are:

- i. The efficient discharge by the Licensee of the obligations imposed on it by the Act and by this licence*;
- ii. 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;
- iii. Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency **; and
- iv. Promoting efficiency in the implementation and administration of the CUSC arrangements.

* See Electricity System Operator Licence

***The Electricity Regulation referred to in objective (iii) 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.*

For reference, (for consultation questions 5 & 6) the Electricity Balancing Regulation (EBR) Article 3 Objectives and regulatory aspects are:

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- a) *fostering effective competition, non-discrimination and transparency in balancing markets;*
- b) *enhancing efficiency of balancing as well as efficiency of national balancing markets;*
- c) *integrating balancing markets and promoting the possibilities for exchanges of balancing services while contributing to operational security;*
- d) *contributing to the efficient long-term operation and development of the electricity transmission system and electricity sector while facilitating the efficient and consistent functioning of day-ahead, intraday and balancing markets;*
- e) *ensuring that the procurement of balancing services is fair, objective, transparent and market-based, avoids undue barriers to entry for new entrants, fosters the liquidity of balancing markets while preventing undue market distortions;*
- f) *facilitating the participation of demand response including aggregation facilities and energy storage while ensuring they compete with other balancing services at a level playing field and, where necessary, act independently when serving a single demand facility;*
- g) *facilitating the participation of renewable energy sources and supporting the achievement of any target specified in an enactment for the share of energy from renewable sources.*

What is the EBR?

The Electricity Balancing Regulation (EBR) is a European Network Code introduced by the Third Energy Package European legislation in late 2017.

The EBR regulation lays down the rules for the integration of balancing markets in Europe, with the objectives of enhancing Europe's security of supply. The EBR aims to do this through harmonisation of electricity balancing rules and facilitating the exchange of balancing resources between European Transmission System Operators (TSOs). Article 18 of the EBR states that TSOs such as the NESO should have terms and conditions developed for balancing services, which are submitted and approved by Ofgem.

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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 versus the current baseline?	Mark the Objectives which you believe the Original Solution better facilitates than the current baseline: Original ☒i ☒ii ☐iii ☒iv ☐v ☐None Click or tap here to enter text.
2	Do you support the proposed implementation approach?	☒Yes ☐No Although noted that exact implementation date is TBC within the workgroup consultation document.
3	Do you have any other comments?	1. It should be noted and captured that developers were unable to push out completion dates during the G2WQ exercise. This is something we pushed for given the foresight we had on delays to the connections reform process. That is why in principle we agree with this proposal better facilitates the current baseline, we developers cannot be negatively impacted by the connections reform delays which have been out of our control. 2. In saying that, throughout our response we make reference to examples where we have negotiated completion dates with TOs either prior to receiving gate 2 offers, or once a gate 2 offer has been received (leading to reoffers being issued). We see the administrative

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		burden on all parties increasing, and if there is a way to reduce this by using some common sense and having open discussions without having the extra admin, we are in favour of this. 3. Finally, answers to this consultation/proposal could change significantly depending on the outcome of NESO's recent information gathering mod app exercise. The outcomes of this are currently unclear, as is when the first CMP434 window will be. Though we note this proposal is a temporary, time-bound solution (and again reiterate that we are in favour of this proposal), we feel there is a risk that if approved and depending on the timing it is approved, it could be 'trumped' by other outcomes (i.e. outcome from NESO mod app exercise).
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	☐ Yes (the request form can be found in the Workgroup Consultation Section) ☒ No Click or tap here to enter text.
5	Does the draft legal text satisfy the intent of the modification?	☒ Yes ☐ No Click or tap here to enter text.

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6	Do you agree with the Workgroup's assessment that the modification does not impact the Electricity Balancing Regulation (EBR) Article 18 terms and conditions held within the Code?	☒ Yes ☐ No
		Click or tap here to enter text.

Specific Workgroup Consultation questions

7	What submission mechanism (post offer negotiation or a formal modification application route) is most appropriate to process a Completion Date Delay Request for Users that have not accepted a Gate 2 Offer?	Our preference would be for there to be discussions with the TO/NESO on date delay requests rather than a formal modification application route. We have examples where we have spoken to TOs prior to gate 2 offers being sent to discuss completion dates.
8	Would you anticipate using the Connection Date Delay process to change your Gate 2 modification Offer?	☐ Yes ☐ No Neither a yes or no but potentially.
9	If yes to question 8, for what reasons?	To date we have been having constructive discussions with TOs on dates for our projects and this has led to common sense decisions on dates being included in

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		gate 2 offers which fit both our needs and the TOs needs. It is also unclear as to what the outcome will be from NESO's recent information gathering mod app exercise. If there is no outcome from this, then our answer to question 7 would likely be yes.
10	Do you believe the legal text is sufficiently clear without requiring supporting information within the Gated Modification Guidance?	☒ Yes ☐ No However, we do still see a benefit in including this in the Gated Modification Guidance document.
11	Would you propose any variations to the supporting information within the updated Gated Modification and Queue Management Guidance (see Annex 7 and 8)?	No.
12	Are there any ramifications from excluding DNO embedded projects that are not already catered for in the separate connections process?	No.

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13	If the NESO securities delay proposal were to be progressed could it potentially resolve the concerns in relation to your relevant projects, or do you feel that a date change mechanism proposed with CMP471 would be more useful in respect of your projects?	We have a large portfolio so the answer would be yes for some of our projects, but no to others. Securities is not the only driver for us in terms of date changes (others include TO delays, planning delays, enabling work delays, outage delays).
14	The Original proposal includes 60 Business Days for NESO to respond to a Connection Date Delay Request. Do you believe this is: a) too long, b) about right, or c) too short – and why?	☐ Too Long ☒ About right ☐ Too short In all honesty we do think that this is too long, but our answer relates to what in reality we think can be achieved. This is all dependant on when this mod is potentially approved and implemented, the amount of delay requests NESO/TOs receive, and the number of gate 2 offers that are still being worked on.
15	In CUSC 18, there is currently no proposed legal text describing the interaction between a Gate 2 Modification Offer validity period (3	As this is a temporary solution, we do not feel the need to describe this interaction in CUSC section 18.

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	months) and a Connection Date Delay Request which is made within that period. Do you believe there should be explicit drafting on this topic, and what that relationship should be?	
16	Do you perceive any benefits or drawbacks to not including explicit provision for consequential updates to the Appendix J Construction programme in line with any delay to the Completion Date arising from this mechanism?	We do feel it is naïve to think that all projects/developers will use this mechanism for the ways intended by the proposer. We are of the opinion there will be examples where this is used as a 'get of jail free card' and feel this message needs to be made clearer.
17	Do you perceive any interactions with commercial frameworks, such as Government's Contract for Difference (CfD) or Capacity Market (CM)?	Yes. As an example, changes in completion dates need communicated with LCCC if a CfD contract is in place and should this proposal be approved, this will have to be a new consideration in these communications. It could also be that this interacts with upcoming AR8, especially as implementation date of this mod is TBC.
18	Do you agree that 20 Business Days after	Yes

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	receipt of a relevant Offer, or 20 Business Days beginning 10 days following the Implementation Date is sufficient to submit the required Completion Date notices to NESO?	
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