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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:	Isabelle Vasko	
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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

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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)

***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*

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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:

- 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.*

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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.

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
		Whilst the CMP471 proposal was created only to provide developers with flexibility in their connection dates, the proposal as currently drafted brings unintended and potentially significant consequences for transmission network companies and developers alike: 1. Primarily, the proposed connections delay request window will divert our teams from restudying and updating Phase 2 offers. This	

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		creates disparity between treatment of customers and delays contractual certainty for those still awaiting offers. 2. The volume of the potential requests we are likely to receive for delays is uncertain. NESO's recent RFI on non-gated Mod Apps was limited in its scope, so reduces the level of insight on level of take-up we have right now. Subsequently, the time and resource this activity could take are difficult to determine presenting an unquantifiable risk. 3. Even potentially small volumes of delay requests could impact the published timelines for Reform implementation. Phase 2 is significantly larger than Phase 1, with over double the offers required. Reopening deliverability and resourcing assessments for Phase 1 customers whilst delivering on the existing timeline of Phase 2 offer creation is therefore unfeasible. It could also have a consequential impact on possible timings of the next application window. We believe that alternative approaches are possible which do not risk the above points. One possible route, which would require further consideration, would be for NESO to hold a dedicated delay request window after the conclusion of Phase 2 offers to allow customers to realign their offers where required. In reference to the applicable objectives, we believe that objective (i) would be negatively impacted as the implementation of this modification imposes an entirely new process on NESO (and by extension all transmission network licensees) which will limit our
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		ability to deliver Connections Reform in a timely manner, particularly for Phase 2 customers. In this respect, we assess objective (iv) in the exact same way. The other objectives we assess as having neutral impact, albeit we have sympathy for the mod proposer, in wider support of all in-scope developers, who is wishing to prompt action on reasonable adjustments to their programme and/or connection dates ahead of G2TWQ offers. However, we believe there are sufficient alternatives available without the need to modify the CUSC in piecemeal, short-term manner which might have negative consequences to our wider connections/Reform activities.
2	Do you support the proposed implementation approach?	☐ Yes ☒ No In accordance with our previous answer, we do not support the proposed implementation approach. Additionally, corresponding adjustments to STCP 18.8 must also be coordinated and prepared in accordance with the timescales of CMP471 to ensure holistic review by Ofgem of the full extent of code changes needed to implement this proposal. If CUSC and STCPs are not coordinated, consistent and comprehensive processes between NESO and Onshore TOs will not be established which will undermine the execution of the proposer's solution.
3	Do you have any other comments?	As previously mentioned, we are sympathetic to the concerns this proposal raises.

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		Noting the delays to the Reform implementation timetable, NGET has sought to support developers wherever possible – in line with our license conditions (e.g. E19), and economic and efficient system management We have worked to engage with our customers proactively ahead of studying and issuing Protected and Phase 1 offers. Where customers have indicated that they may need to delay their connection, NGET has taken these requests into reasonable consideration. Whilst the approval of these requests cannot always be guaranteed, we will assess these both individually and with consideration to other connecting parties during the restudy process conducted in line with the Connections Network Design Methodology. We would propose to continue this approach in Phase 2 if no alternative solution coordinated by NESO can be accommodated.
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 <u>Workgroup Consultation Section</u>) ☒ No Whilst the Onshore TOs cannot raise Workgroup Consultation Alternative Requests, we would be open to working further with NESO to explore the

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		possibility of a dedicated delay request window at the conclusion of Phase 2 offers.
5	Does the draft legal text satisfy the intent of the modification?	☐ Yes ☒ No
		Placement / scope NGET considers that all CMP471 provisions should be consolidated within Section 18. CMP471 applies solely to Users with Existing Agreements who are receiving or have accepted Gate 2 Modification Offers under Section 18; it has no application to new Gated Applications or the Gate 2 Agreements arising from them. Section 17, by contrast, governs the Gated Application and Offer Process under CMP434 and is concerned exclusively with new Gated Applications. More generally, NGET considers that the proposed drafting across Sections 17 and 18 will require comprehensive review and revision to ensure that all CMP471 provisions are properly confined to the Gated Process for Projects with Existing Agreements. This includes the definition of "Completion Date Delay Request" in Section 11, which should be revised to make clear that it is

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		available only in respect of Existing Agreements, rather than being expressed in the alternative. In addition, the drafting should be amended to make clear that the Completion Date Delay Request process is a limited and time-bound exercise, and that only one Completion Date Delay Request may be submitted per Existing Agreement for a Project, so as to prevent repeated requests. As currently drafted, there is no express restriction preventing a User from making repeated or sequential requests, nor is the temporary nature of the process sufficiently reflected in the operative provisions. More generally, the drafting could be improved for clarity and certainty including, for example, in respect of the potential outcomes of a delay request. Section 18.15.4 (and current Section 17.14.1.2) – criteria for refusal The criteria for refusing a request should be expanded beyond network planning impact to include: - adverse impact on other Users' connection agreements; - significant changes to reinforcement works; and
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		- inconsistency with the principles of economic and efficient system management.
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?	If CMP471 were implemented in its current form, we believe that the most effective route for those who have not signed their offer is via post offer negotiations. We believe this is a preferable solution to mandating offer receipt, signature and subsequent mod app to all unsigned Gate 2 offers. It will prevent concerns from offer recipients that they are signing and committing to a programme they do not believe they can achieve.
8	Would you anticipate using the Connection Date Delay process to change your Gate 2 modification Offer?	☐ Yes ☐ No

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9	If yes to question 8, for what reasons?	Q8+9 are not applicable for Onshore TOs.
10	Do you believe the legal text is sufficiently clear without requiring supporting information within the Gated Modification Guidance?	☐ Yes ☒ No For further detail on the legal text and additions required please refer to the previous answer on question 5.

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11	Would you propose any variations to the supporting information within the updated Gated Modification and Queue Management Guidance (see Annex 7 and 8)?	Yes We consider that the proposed updates to the Queue Management Guidance exceed the scope of the CMP471 proposal and should therefore be excluded from current consideration and, if necessary, considered separately. On the gated modification guidance, further information on the TO-led assessment process for delay request approvals should be included, expanding on the below section; <i>'As with all modifications, connection date delay requests will be subject to assessment by the relevant Transmission Owner. This will include, but is not limited to, assessment as to whether the change negatively impacts other users and significant changes to reinforcement works. As a result, the revised date may not be offered or may differ from the date requested by the project.'</i>
12	Are there any ramifications from excluding DNO embedded projects that are not already catered for in the separate connections process?	We would envisage a similar process may be required for DNOs if the proposal is approved. Under current process in England and Wales, DNO contracts which only contain Relevant Embedded Power Stations triggering no associated transmission works can be modified by updates to the Appendix G on a regular monthly basis - without requiring a full modification application.

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		However, if works are triggered on the transmission network for the embedded connecting customers, any delays to the connection date as outlined within the TOCO would require a modification application to be submitted. This therefore means that for a portion of DNO contracts, a connection delay process may need to be introduced. It should be noted that the NESO RFI did not include DNO customers, so an understanding of the potential requirement cannot be established at this stage.
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 note that NESOs recent decision to freeze updates to User security profiles until customers receive their Gate 2 offers supports some address of the concerns of the proposer of CMP471. The newly published NESO guidance confirms customers will not be held to security payments according to existing delivery dates whilst they await the outcomes of Reform: <i>'NESO will not issue or update customer securities or liabilities through the usual biannual process in July 2026 for customers who have not yet received a Gate 2 offer. Securities will remain as per the statement sent to them in July 2024, unless a modification offer was signed in the interim before the Gate 2 to Whole Queue (G2TWQ) window opened which updated the securities. That position will remain in place until the customer receives their Gate 2 offer, which will include a security statement.'</i>

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		We acknowledge this does not however resolve the issues of 'existing connection dates at risk of becoming unachievable'- but this can also be mitigated via the prior measures we have referred to.
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 It is challenging to determine the practical duration of the process due to the inevitable complexity of reassessing Phase 1 delay requests, alongside the ongoing process to study and release Phase 2 offers. The final agreed timeline for NESO to respond needs to account for several processes. It will include the time taken for NESO to receive, process and send the requests on to the TO. It will also need to consider the time for the TO to receive and process the request, assess for network impact, detrimental effects on other users, and deliverability of the new date. If this is undertaken for a significant number of parallel requests, it could trigger a coordinated wider reassessment of deliverability in terms of outages, construction resource and supply chain. Resources between NESO and the TOs would be split between delay reassessments and Phase 2 offer issuing, meaning potential delays for both those customers submitting under CMP471 and contractual outcomes for Phase 2 customers.

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15	In CUSC 18, there is currently no proposed legal text describing the interaction between a Gate 2 Modification Offer validity period (3 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?	Yes. Explicit drafting is required. This will need to ensure once a contract enters this Connection Date Delay process and is accepted, the standard time for contractual acceptance is extended by the agreed length (once confirmed) taken to reassess, resubmit and accept the revised offer. If not, the standard time permitted before countersignature will be exceeded before successful update and the Existing Agreement(s) will be changed to Gate 1 Existing Agreements. This will also need to cater for the potential CMP471 delay request periods exceeding any acceptance period – we would suggest here that any acceptance period still applies and the User must accept within this period, even if it subsequently issues a delay request within the required timescale for such issue.
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?	No. The previous protected process was tailored to support limited contractual changes in line with the methodologies, leading to restricted Appendix J updates. However, once the high number of queries were received, this approach was reviewed with NESO, and where required, some Protected Offers are in the process of being updated and reissued with refreshed Appendix Js. In accordance with their status as fully reassessed projects, G2 Phase 1 and Phase 2 offers will have fully updated appendices.

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17	Do you perceive any interactions with commercial frameworks, such as Government's Contract for Difference (CfD) or Capacity Market (CM)?	Yes. Most notably, some projects which are entering the CfD round for AR8 may have dates which are aligned to Phase 2. Those customers may therefore find their Gate 2 offers delayed and lack certainty on their position during the CfD applications process. The Capacity Market process may also be impacted, with delays to certainty on the contracted background and outcomes for Phase 2 offers potentially affecting applications for beyond 2030 support contracts. Further investigation would be required to confirm any potential impacts of CMP471 on these processes.
18	Do you agree that 20 Business Days after 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?	As mentioned previously, it is difficult to perceive the potential volume of requests which may be submitted within the 20-day time frame. NESOs Customer Portal must be developed to accept these requests, and for appropriate briefing material, guidance and support to be given to customers submitting these requests. Improper preparation will lead to errors and resubmissions being required. Further engagement with NESO is therefore required to determine the appropriate duration for initial implementation of CMP471.