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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:	Joe Colebrook	
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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 ☐ None
		Yes. We support the Original Proposal as a proportionate and time-limited mechanism to address a practical issue arising ahead of the first CMP434 Gate 2 application window. It better facilitates objective (i) by enabling NESO to administer connections arrangements efficiently during transition, objective (ii) by reducing avoidable barriers for viable generation and storage	

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		projects, and objective (iv) by creating a clearer process than relying on ad hoc bilateral arrangements.
2	Do you support the proposed implementation approach?	☒ Yes ☐ No Yes. The proposed implementation approach is appropriate given the urgency and the need for a workable interim process before the first CMP434 gated application window. It should be implemented as soon as practicable, with clear guidance and standardised submission requirements so that Users and NESO can process requests consistently.
3	Do you have any other comments?	It is in the interest of transmission owners and NESO to allow projects to make changes to the connection dates now. If the connection dates are not deliverable now, they will still be undeliverable when the first CMP434 window opens, and everyone will still submit requests to delay connection dates, except it will be 12 months later. This alternative would still impact TOs' network planning, resource planning, and procurement strategies. Waiting another 12 months to allow customers to delay connection dates will mean another 12 months of work developing transmission works that is potentially not needed or not needed as early. This misalignment between TOs and customers will increase abortive (sunk) costs and waste precious resources.

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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 No. We do not consider that an alternative is required at this stage. The Original Proposal is capable of addressing the issue, subject to the clarifications noted in this response.
5	Does the draft legal text satisfy the intent of the modification?	☐ Yes ☒ No It would be beneficial to make the interaction with Gate 2 offer validity, Appendix J construction programmes and consequential changes explicit to avoid uncertainty and inconsistent treatment. I think a consequential STC code modification may be required to manage the interaction between the TOs and NESO, this would avoid the need to reference the TO in the CMP471 legal text.
6	Do you agree with the Workgroup's assessment that the modification does not	☒ Yes ☐ No

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	impact the Electricity Balancing Regulation (EBR) Article 18 terms and conditions held within the Code?	Yes. We agree with the Workgroup's assessment that the modification does not materially impact the EBR Article 18 terms and conditions held within the Code. CMP471 is focused on the timing of connection completion dates and the administration of contractual variation requests, rather than balancing services terms or market participation arrangements.
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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?	A formal modification application route is most appropriate. It provides a clear audit trail, consistent treatment across Users, defined information requirements and better governance than post-offer negotiation. Post-offer negotiation risks being less transparent and may lead to inconsistent outcomes depending on the project, individual relationships, or NESO and TO resource availability.
8	Would you anticipate using the Connection Date Delay process to change your Gate 2 modification Offer?	☒ Yes ☐ No
9	If yes to question 8, for what reasons?	We would expect to use the process for our Gate 2 projects that have a completion date that is no longer realistic or commercially viable because of wider

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		programme dependencies, e.g. consenting, procurement, financing, supply chain or network delivery constraints etc. A delay mechanism would help preserve viable projects while avoiding unnecessary securities exposure and administrative inefficiency.
10	Do you believe the legal text is sufficiently clear without requiring supporting information within the Gated Modification Guidance?	☒ Yes ☐ No Yes. We consider the legal text is sufficiently clear to give effect to the core intent of CMP471 and to establish the interim process needed ahead of the CMP434 gated application window. Supporting information in the Gated Modification Guidance (annex 07) will still be helpful to aid consistent implementation, particularly on evidence requirements, process timelines, interaction with Gate 2 offer validity periods and consequential contractual updates.
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. The guidance should confirm that the process is limited to completion date delay requests and should set out the evidence NESO expects, the treatment of securities and construction milestones, the impact on Appendix J, and whether submission of a request pauses or extends any offer acceptance period. The guidance should also make it clear that a request to delay the connection date does not change your commercial position in the connection queue, i.e. the order projects have the right to access the transmission network on a firm basis.

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12	Are there any ramifications from excluding DNO embedded projects that are not already catered for in the separate connections process?	No, we agree with the workgroups assessment that all embedded projects that do not have a BEGA or a BELLA are out of scope of CMP471.
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?	The NESO securities freeze may help where the immediate issue is securities exposure, but it would not fully resolve cases where the underlying completion date itself is no longer achievable or commercially appropriate. CMP471 is therefore more useful for relevant projects because it addresses the contractual date rather than only delaying the financial consequences associated with that date.
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 Sixty Business Days is acceptable for an interim process intended to support timely decisions ahead of the CMP434 gated window. We recognise NESO may need time to assess network and contractual implications. However, as per question 15, if a Gate 2 offer has already been issued then the offer validity period should be extended so customers have at least 30 days

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		to accept following the response to the Connection Date delay request.
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. There should be explicit drafting. Submission of a valid Connection Date Delay Request within the Gate 2 Modification Offer validity period should either pause the offer validity period until NESO has issued its decision, or provide an automatic extension sufficient for the User to consider the outcome. Without this, Users may be forced to accept or reject an offer before knowing whether the requested date change will be granted.
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?	There are drawbacks to not including explicit provision. If the Completion Date is delayed, the Appendix J construction programme will usually need consequential updates to remain coherent. The legal text or guidance should make clear that necessary consequential updates may be made as part of, or immediately following, an approved delay request, without requiring a separate and duplicative process.

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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. Connection dates can interact with CfD, Capacity Market and wider financing milestones. An unachievable contractual completion date can create unnecessary risk for projects that are otherwise viable and aligned with delivery of low-carbon generation and storage. CMP471 would help ensure that connection arrangements do not unnecessarily undermine commercial frameworks or investment decisions.
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?	Twenty Business Days is tight but workable if the process and required information are clear from implementation and standard forms are available immediately. NESO should accept notices submitted in good faith where minor information gaps can be resolved promptly, rather than rejecting requests on technical grounds. If guidance or forms are delayed, an equivalent extension should be provided. It is unclear why projects must wait 10 days after implementation of CMP471. Projects should be able to submit a required completion date notice to NESO as soon as CMP471 is implemented.