

Workgroup Consultation Response Proforma**CMP434: Implementing Connections Reform**

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 06 August 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 cusc.team@nationalgrideso.com

Respondent details	Please enter your details	
Respondent name:	Alice Varney	
Company name:	Getlink	
Email address:	alice.varney@eleclink.co.uk	
Phone number:	07785458342	
Which best describes your organisation?	<input type="checkbox"/> Consumer body <input type="checkbox"/> Demand <input type="checkbox"/> Distribution Network Operator <input type="checkbox"/> Generator <input type="checkbox"/> Industry body <input checked="" type="checkbox"/> Interconnector	<input type="checkbox"/> Storage <input type="checkbox"/> Supplier <input type="checkbox"/> System Operator <input type="checkbox"/> Transmission Owner <input type="checkbox"/> Virtual Lead Party <input type="checkbox"/> 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 Workgroup, Panel or the industry for further consideration)

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

- The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;*
- 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;*
- Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and*
- 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 Workgroup Consultation questions				
1	Do you believe that the Original Proposal better facilitates the Applicable Objectives?	<p>Mark the Objectives which you believe the Original solution better facilitates:</p> <table border="1"> <tr> <td>Original</td> <td><input checked="" type="checkbox"/>A <input checked="" type="checkbox"/>B <input type="checkbox"/>C <input checked="" type="checkbox"/>D</td> </tr> </table> <p>Overall, Getlink strongly supports the continuing work by the ESO, Ofgem and the Code Modification working groups to improve the connection process in GB. More specifically Getlink support the broad principles of the original TMO4 and TMO4+ proposals, in particular the potential to remove non-progressing projects and advance the connection dates of viable projects within the connection queue as provided for within the 2-gate approach.</p> <p>We believe that the Code Modification Workgroup proposal acts to build upon these principles and develop a fuller solution which considers the practicalities of implementing the reform along with the specific impacts on different technology types. To this end the Workgroup Proposal better facilitates the Applicable Objectives than the Original Proposal.</p>	Original	<input checked="" type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input checked="" type="checkbox"/> D
Original	<input checked="" type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input checked="" type="checkbox"/> D			
2	Do you support the proposed implementation approach? (see pages 59-61)	<p><input checked="" type="checkbox"/>Yes <input type="checkbox"/>No</p> <p>Getlink broadly supports the proposed implementation approach. However, it must be recognised that the outlined timelines are very ambitious and leave little room for delays within the market consultation and Authority approval processes. Consideration needs to therefore be made on how any such delays to the implementation date will not only impact the reform process but also projects which are within the existing queue/ progressing through the current connection process.</p> <p>We have already seen that the high degree of focus on the Connection Reform has had detrimental impacts on projects currently progressing through the existing GB connection process with some mechanisms (such as the Connection Infrastructure Options Note (CION) process) being discarded without the introduction of replacements frustrating the connection process for the impacted projects. The approach for the Connection Reform must be designed to ensure that potential delays to the implementation timescales do not lead to any further disruption for the existing queue or progressing connection applications. Indeed, we do not see a reason for the current connection application process to have changed and therefore should remain clearly defined and in place until such a point as the new process is formally implemented.</p> <p>Clear guidance and communication throughout the implementation of the Connection Reform will also be critical, especially to the developers of new projects. Due to the extent</p>		

	of the change, it can be difficult for those not actively involved in the reform or connecting for the first time to understand the implications of the proposals. Ofgem and the ESO must ensure that simple and concise communication is used to prevent any projects getting lost through the transition, all old guidance relating to the existing connection process must also be archived in a timely manner to prevent any confusion.	
3	Do you have any other comments?	
	N/A	
4	Do you wish to raise a Workgroup Consultation Alternative Request for the Workgroup to consider?	<input type="checkbox"/> Yes (the request form can be found in the Workgroup Consultation Section) <input checked="" type="checkbox"/> No
	N/A	

Specific Workgroup Consultation questions

5	<p>Do you agree with the elements of the proposed solution?</p> <p>Element 7 has been de-scoped and Element 10 is proposed to be codified within the STC through modification CM095.</p> <p>Please provide rationale for your answer and any suggestions for improvement to each element?</p>	
	Element 1: Proposed Authority approved methodologies and ESO guidance (see pages 9-10, 55)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Getlink supports the subject matters identified as requiring further methodologies. Getlink also strongly advocates the need for market consultation and Authority approval given the significant material impacts associated with these methodologies. However, market consultation is only effective when there is sufficient knowledge across the industry to meaningfully engage with the consultation. As such we support defined requirements for stakeholder engagement on the methodologies prior to market consultation.</p> <p>Additionally, whilst market consultation is important prior to the implementation of the methodologies there needs to be a mechanism established to allow these documents to be continuously reviewed ensuring that they remain fit for purpose. We would therefore also support the introduction of ongoing review periods for the methodology documents whereby the market can be re-consulted and Authority approval sought at regular intervals.</p> <p>Getlink would also welcome the opportunity for industry engagement feedback on the guidance documents preferably prior to publication but at least at the point which they are introduced (with a new version published shortly after taking account of feedback). Whilst we recognise that this feedback may not follow the same formal consultation and Authority approval process as the methodologies, industry input is still critical due to the potential impact of the guidance documents over the longer term and the lack of a route to review or comment on these documents within the current drafting.</p>	

Element 2: Introducing an annual application window and two formal gates, which are known as Gate 1 and Gate 2 (i.e. the Primary Process) (see pages 11, 35-36)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Getlink believe that the proposed approach to application windows and two formal gates makes sense and could drive efficiencies within the connection process. However, careful consideration needs to be made to ensure that flexibility remains within the process to prevent any unforeseen consequences or unproportional delays to projects which have just missed the cut off for a window or gate. To this end it is also important that Application Windows and Gate 2 assessments are undertaken at a reasonable frequency within any calendar year to prevent the connection process causing unnecessary administrative delays to project timescales.</p>	
Element 3: Clarifying which projects go through the Primary Process (see pages 11-12, 35-36)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Getlink agrees with the projects which are outlined to go through the Primary Process and the proposed deviations to the Primary Process as drafted within the Working Group consultation. We do however note that this drafting represents significant changes to these deviations, in particular the arrangements in place for interconnectors and OHAs.</p> <p>We welcome the work that has been conducted by the ESO and the industry to develop amendments to the Reform proposals which capture the unique nature of these projects, and we strongly support the arrangements as proposed within the consultation. Without these amendments the proposed Reform would create unnecessary delays and costs for new OHA or interconnector projects (due to the point of connection being the primary driver for the location of assets and therefore land) and would lead to barriers in the development of this technology type.</p>	
Element 4: Significant Modification Applications concept, including the proposed criteria and the proposed level of codification (see pages 12-13, 36-39)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Getlink agrees with the Significant Modification Application concept and supports in principle the proposed criteria. Although, as outlined in our response to Question 5 Element 1 we would welcome the opportunity for industry review and feedback on the Significant Modification Application Guidance document due to the level of impact which this mechanism may have on individual projects and the lack of ability to meaningfully comment on the proposal at this stage due to the limited detail contained within the consultation.</p>	
Element 5: Clarifying any Primary Process differences for customer groups (see pages 13-14, 35-36)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Please see the response to Question 5 Element 3.</p>	
Element 6: Setting out the process and criteria in relation to Application Windows and Gate 1, including introducing an offshore Letter of Authority equivalent as a Gate 1 application window entry requirement for offshore projects (see pages 15-16, 39-40)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<p>Getlink believes that the Gate 1 application criteria appear to be fit for purpose and considers that the requirement for a Letter of Authority equivalent for offshore projects to be appropriate. Nevertheless, we would support greater clarity on the application process associated with Gate 1 as the practical detail contained within the consultation document is insufficient. We would also advocate for greater support from the ESO through the Gate 1 application process than exists within the current connection process. This will promote a higher proportion of viable projects at the commencement of the connection process and reduce any project delays associated with Gate 1 application which could have been resolved through direct engagement.</p>	
<p>Element 7: Fast Track Disagreement Resolution Process (de scoped from this modification – see pages 16, 58)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>N/A as removed from the consultation.</p>	
<p>Element 8: Longstop Date for Gate 1 Agreements (see pages 16, 40-41)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Getlink supports the introduction of Longstop Dates across all Gate 1 agreements and all technology types but recognises that the time period associated with the Longstop Date may need to vary by technology type. If Longstop Dates must be introduced on a technology agnostic basis, 3 years as contained within the Working Group Consultation, seems to be a reasonable period.</p> <p>We also welcome the potential for an extension to this Longstop Date at the discretion of the ESO as outlined in the drafting. However, we would support further information on the mechanics of this extension process and a route to contest a potential decision from the ESO not to extend a Longstop Date. The decision making process for an extension should avoid the requirement for an individual's opinion to mitigate the perception of potential bias (especially if there are competing projects for grid capacity) Therefore we support terms being objectively defined as part of the relevant documentation.</p>	
<p>Element 9: Project Designation (see pages 17-18, 48-49)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Getlink understands that the ESO already has available to it similar powers which allow for the prioritisation of certain connection applications. We would therefore express concern with any extension of such powers without a comprehensive dedicated review (which cannot be achieved through this consultation or the Connection Reform process due to the tight timescales) due to the potential for perceived subjectivity and exploitation through this mechanism. Further detail on this topic can be found in our response to Question 6.</p>	
<p>Element 10: Connection Point and Capacity Reservation (proposed to not be codified within the CUSC, but is intended to be codified within the STC through modification CM095 – see pages 18-20 and the CM095 Workgroup Consultation, pages 6-10)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Getlink believes that the reservation of Connection Points and Capacity is fundamental to the successful application of the Connections Reform to OHA and interconnector projects. Without this process it would not be feasible for the economic assessment that is required for interconnector/ OHA regulation to be conducted at Gate 1 (as outlined within the</p>	

<p>proposal) and therefore would place the developer at unreasonable risk in fulfilling the Gate 2 requirements (i.e. the purchase of land options) for a connection point which may later change. We are therefore in strong support of the use of Connection Point and Capacity Reservation for this purpose.</p> <p>We do however note that the proposal indicates that this mechanism may be used by the ESO in wider circumstances with reference to the potential applicability to offshore coordination including the HND. Whilst we can understand the use of these tools in such scenarios, careful consideration must be used to ensure that any action which involves the use of these tools to promote coordination drives an overall benefit to both consumers (including both GB and EU consumers for interconnectors and OHA projects) and the connecting projects. To support these considerations checks and balances must be introduced to ensure any use of these tools does not lead to unforeseen negative consequences for consumers, individual projects or the connection process in general.</p>	
<p>Element 11: Setting out the criteria for demonstrating Gate 2 has been achieved and setting out the obligations imposed once Gate 2 has been achieved (see pages 20-24, 42-46)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Getlink broadly supports the Gate 2 criteria as outlined within Element 11. We would however like to take this opportunity to re-emphasise that the proposed Gate 2 criteria is only appropriate for interconnectors and OHAs as a result of the deviations outlined within Element 5. We do also question the broad stroke applicability of minimum operational timescales of 20 years to any option agreement as the lifecycle of a project will vary significantly across technologies. We believe it would be more appropriate for this figure to be technology specific, for instance 15 years may be more in line with industry norms.</p> <p>It should also be highlighted that the proposed timelines for the submission of planning consent post Gate 2 Offer Acceptance are only feasible if timely connection dates are offered. If connection dates continue to be offered far beyond the requested time of connection it is not reasonable to require a project to submit an application for planning consent far earlier in the project timeline that it otherwise would. Allowances for flexibility within this process for delays within the connection date and the knock on impacts on when planning consent would normally be sought must therefore be considered.</p>	
<p>Element 12: Setting out the general arrangements in relation to Gate 2 (see pages 25-26, 47)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Getlink broadly supports the general arrangements outlined relating to Gate 2, however, we would welcome greater clarity on the practicalities relating to the Gate 2 process. Based on the current drafting it is unclear at what frequency the Gate 2 windows are held within a calendar year. Given that the main criteria within the Gate 2 window are related to land options it is crucial that these windows are held at sufficient frequency as to not waste time within the land options validity period. Additionally, greater detail on the level of support available from the ESO through the Gate 2 windows would be welcomed as this is one of the key pain points within the existing connection process.</p>	
<p>Element 13: Gate 2 Criteria Evidence Assessment (see pages 26-27, 47-48)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

<p>It is difficult to comment on the viability of the Gate 2 Criteria Evidence Assessment without confirmation on the percentage of projects which will receive full sample checks. We would welcome further clarification from this topic from the ESO.</p>	
<p>Element 14: Gate 2 Offer and Project Site Location Change (see pages 28, 46)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Getlink supports the principle outlined within this element and believe that it is realistic for projects to be allowed to change their location if they receive a different connection point to the one that they requested through the Gate 2 process. We do however note that the 12-month process in which to identify and secure land rights/options for a new Project Site Location may be unreasonably tight for certain technology types.</p>	
<p>Element 15: Changing the offer and acceptance timescales to align with the Primary Process timescales (e.g. a move away from three months for making licenced offers) (see pages 29, 42-46)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Getlink believe that it makes sense to adjust the timescales to align with the Primary Process however it is difficult to provide any material comments on this proposal due to the lack of detail contained within the Consultation drafting on the timescales relating to the Gate 1 and Gate 2 windows & assessment processes. We welcome further clarity on this topic and the opportunity for industry to comment in more detail on the proposal.</p>	
<p>Element 16: Introducing the proposed Connections Network Design Methodology (CNDM) (see pages 29, 53-55)</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Please see the response to Question 5 Element 1.</p>	
<p>Element 17: Introducing the concept of a Distribution Forecasted Transmission Capacity (DFTC) submission process for Distribution Network Operators (DNOs) and transmission connected Independent Distribution Network Operators (iDNOs) to forecast capacity on an anticipatory basis for Relevant Embedded Small Power Stations or Relevant Embedded Medium Power Stations aligned to the Gate 1 Application Window (see pages 30-33, 51-53)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>N/A</p>	
<p>Element 18: Set out the process for how DNOs and transmission connected iDNOs notify the ESO of Relevant Embedded Small Power Stations or Relevant Embedded Medium Power Stations which meet Gate 2 criteria (see pages 33-34, 51-53)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>N/A</p>	
<p>6 Are there any elements of the proposal which you believe should not be included as part of this proposed solution, which the Proposer believes</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

	represents the 'Minimum Viable Product' reforms required to the connections process? If not, why not? (Please note the element number in each of your responses if applicable)	
	Given that it represents an extension of existing powers for the ESO, it could be argued that Project Designation (Element 9) is not required as part of the "Minimum Viable Product" for the reforms the connection process. As existing processes are in place for the ESO to prioritise certain transmission connections, this proposal would benefit from further scrutiny and the opportunity to fully develop the dispute process which would be possible if it is removed from this Connection Reform.	
7	As per question 6, are there any additional features which you believe should be included as part of Minimum Viable Product reform to the connections process?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	N/A	
8	Do you agree that the Gate 1 process should be a mandatory process step, or do you think Gate 1 should be an optional process step with projects being able to apply straight into the Gate 2 process if the project meets both the relevant Gate 2 and Gate 1 criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	As the requirements for Gate 1 are relatively light touch and given that proposal allows for projects to apply for both Gate 1 and Gate 2 at the same time if they meet the criteria for both gates, Getlink agrees that the Gate 1 process should be mandatory. This approach will ensure that all projects within the connection queue are on equal footing with the benefits to a project of being able to skip Gate 1 being very limited.	
9	Do you believe that the proposed Gate 1 and Gate 2 process could duly or unduly discriminate against any types of projects? If so, do you believe this is justified?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Following the adjustments to the deviations from the Primary Process (specifically the amendments relevant to OHA and interconnector projects) we do not foresee any duly or	

	unduly discrimination against any technology type as a result of the proposed Gate 1 and Gate 2 processes.	
10	Please provide your views on the proposed options ((a) to (e) on page 45) to mitigate the risk of requiring a developer to submit their application for planning consent earlier than they would in their development cycle (with the risk this consent could expire and any extension from the Planning Authority is not automatic).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<p>Within the drafting of the consultation limited information is provided on the mitigating actions and how they would apply to the M1 milestone which leads to difficulty commenting on the viability of these options (in particular option a & b). However, option c and option e seem critical to the implementation of the proposal of a forward looking M1 milestone. Regarding option c it seems unreasonable for the milestone time period to start without confirmation from the TO on the location of the relevant substation, given that the nature of the full planning consents required would not be known. Additionally, looking at option e it is prudent to ensure that developers receive a period to rectify their planning situation. Without such a rectification period there is a risk that otherwise viable and beneficial projects are removed from the connection queue due to a planning requirement which occurs earlier than it normally would within a project timeline.</p> <p>In the absence of the implementation of option c and option e Getlink advocates that option d should instead be introduced whereby the M1 Milestone remains backwards looking to remove the unmitigated risk posed on project developers.</p>	
11	Do you agree that DFTC should be included as part of CMP434? If not, do you believe that the reformed connections process can function without DFTC? Please justify your answer. (see pages 30-34, 51-53)	<input type="checkbox"/> Yes <input type="checkbox"/> No
	N/A	
12	The Proposer intends to set out supporting arrangements for TMO4+ via a combination of guidance and methodologies (e.g. DFTC, CNDM, Project Designation, Gate 2 Criteria). Do you anticipate	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

	any issues with having these outside of Code Governance? (see Pages 9-10, 55)	
	Please see the response to Question 5 Element 1.	