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Code Administrator 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@nationalenergyso.com by **5pm GMT on 26 November 2024**. Please note that any responses received after the deadline or sent to a different email address will not be accepted.

If you have any queries on the content of this consultation, please contact cusc.team@nationalenergyso.com

Respondent details	Please enter your details	
Respondent name:	Graham Pannell	
Company name:	BayWa r.e. UK	
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Phone number:	07823432508	
Which best describes your organisation?	<input type="checkbox"/> Consumer body <input type="checkbox"/> Demand <input type="checkbox"/> Distribution Network Operator <input checked="" type="checkbox"/> Generator <input type="checkbox"/> Industry body <input 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 Panel or the industry for further consideration)

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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 Code Administrator Consultation questions

1	Please provide your assessment for the proposed solutions against the Applicable Objectives?	Mark the Objectives which you believe the proposed solutions better facilitate:	
		Original	<input checked="" type="checkbox"/> a <input checked="" type="checkbox"/> b <input type="checkbox"/> c <input checked="" type="checkbox"/> d ** with assumptions clarified below
		WACM1	<input checked="" type="checkbox"/> a <input checked="" type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d
		WACM2	<input checked="" type="checkbox"/> a <input checked="" type="checkbox"/> b <input type="checkbox"/> c <input checked="" type="checkbox"/> d
		WACM3	<input checked="" type="checkbox"/> a <input checked="" type="checkbox"/> b <input type="checkbox"/> c <input type="checkbox"/> d
		WACM4	<input checked="" type="checkbox"/> a <input checked="" type="checkbox"/> b <input type="checkbox"/> c <input checked="" type="checkbox"/> d
		WACM5	<input type="checkbox"/> a <input checked="" type="checkbox"/> b <input type="checkbox"/> c <input checked="" type="checkbox"/> d
		WACM6	<input checked="" type="checkbox"/> a <input checked="" type="checkbox"/> b <input type="checkbox"/> c <input checked="" type="checkbox"/> d
		WACM7	<input checked="" type="checkbox"/> a <input checked="" type="checkbox"/> b <input type="checkbox"/> c <input checked="" type="checkbox"/> d
		**Land Rights Checks Ability to successfully filter 'Gate 2' viable projects is <i>hugely dependent on the quality of land rights checks</i> . Simple ' duplication checks ' are insufficient . Original Proposal only works if land rights are properly checked – add duplication checks on 100% to a % of checks with all public records, including Land Registry, and also a number of checks contacting LOs and checks for forgeries. Gate 2 Criteria guidance (Nov'24) only says "we may also utilise [public record]" at 8.13 – this is too weak.	

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		<p>Element 11 suggests that land rights acreage is only checked at each queue management milestone – this is insufficient to effectively manage the queue, must as a bare minimum be an annual check.</p> <p>We collectively refer to these improvements as ‘thorough land rights checks’. We have scored question 1 on the <i>assumption that thorough land rights checks will be undertaken</i>.</p> <p>Planning milestones come too late to be useful in terms of efficient batching for gate 2 offers.</p> <p><u>Considering WACMs in order:</u></p> <p>WACM1 – merit, arguably.</p> <p>WACM2 – essential, improves Original.</p> <p>WACM3 – Detrimental: while the proposer may have valid concerns, the removal of flexibility for this process would lead to accelerated offers being forced on parties who cannot accept, and not offered to those that can. We find the CNDM Nov’24 approach to reallocation more likely to bring efficiency.</p> <p>WACM4 – possible merit, in that the additional two bullets proposed for CUSC 16.4.9 are arguably unnecessary, but we prefer the ‘hold a review’ approach of WACM6.</p> <p>WACM5 – Detrimental: Project Designation guidance as drafted (November 2024) is far too vague, it must be tightened; made a clear, transparent and higher threshold. Nonetheless, we agree that without such designation NESO may face challenges of System Security and Operability, as such we do not support this WACM.</p> <p>WACM6 – An obligation to hold a review – this must happen as good practice regardless of this WACM! We believe such a review to be essential, and the only question being one of timing. For avoidance of doubt we therefore support this WACM.</p> <p>WACM7 – We understand that similar effect should happen already with the Original – that NESO will publish ‘indicative Gate 2 pass list’ early after window, and that Users can withdraw to Gate 1 or immediately challenge their exclusion (by NESO or by DNO) as a result – nonetheless we support this WACM to be certain of that opportunity to rationalise.</p> <p><u>In conclusion:</u></p> <p>WACM2 is essential (vs Baseline and vs Original).</p> <p>Collectively: [WACM2 +WACM6 +WACM7] is the best solution.</p> <p>We would not object to some form of WACM1, WACM4.</p> <p>We do not support WACM3, WACM5.</p>
2	Do you have a preferred proposed solution?	<p><input type="checkbox"/> Original</p> <p><input type="checkbox"/> WACM1</p> <p><input checked="" type="checkbox"/> WACM2</p>

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		<input type="checkbox"/> WACM3 <input type="checkbox"/> WACM4 <input type="checkbox"/> WACM5 <input checked="" type="checkbox"/> WACM6 <input checked="" type="checkbox"/> WACM7 <input type="checkbox"/> Baseline <input type="checkbox"/> No preference
		<p>See text in question 1</p> <p><i>Summarily</i></p> <p>More thorough land rights checks are a necessity.</p> <p>WACM2 we believe is essential.</p> <p>(WACM2 +WACM6 +WACM7) are collectively the best solution.</p> <p>We would not object to WACM1, WACM4.</p> <p>We do not support WACM5, WACM3.</p>
3	Do you support the proposed implementation approach?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		<p>Click or tap here to enter text.</p>
4	Do you have any other comments?	<p><u>Land Rights Checks</u></p> <p>Ability to successfully filter ‘Gate 2’ viable projects is <i>hugely dependent on the quality of land rights checks</i>. Simple ‘duplication checks’ are insufficient. Original Proposal only works if land rights are properly checked – add duplication checks on 100% of applicants to a % of checks using all relevant public records, including Land Registry, and also add a small % of checks contacting LOs and checks for forgeries.</p> <p>Gate 2 Criteria guidance (November 2024) only says “<i>we may also utilise [public record]</i>” at 8.13 – this is too weak.</p> <p>Element 11 suggests that land rights acreage is only checked at each queue management milestone – this is insufficient to effectively manage the queue, must as a bare minimum be an annual check.</p> <p>We collectively refer to these improvements as ‘thorough land rights checks’. We have scored question 1 on the <i>assumption that thorough land rights checks will be undertaken</i>.</p>

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		<p>Planning milestones come too late to be useful in terms of efficient batching for gate 2 offers.</p> <p><u>Legal Text Clarity</u></p> <p>17.6 uses the new defined terms (as per 11.3) of “5 Business Day Period” and “15 Business Day Period”.</p> <p>In a plea for clarity, please use defined terms that makes some reference to the gated window for improved readability. We suggest instead:</p> <p>“5 Day Post-Window Period” and “5 Day Post-Window Period”.</p> <p>For avoidance of doubt, not proposing any change to the definition, just bringing clarity to the use of the term.</p> <p>--</p> <p><u>Land Use - hybrid</u></p> <p>Proposed clause 16.4.9.3.1 “User shall be required... minimum acreage requirements... equal to or greater than that provided for the technologies included in the Gate 2 Application”</p> <p>It must be permissible, and made clear, that some technologies can overlap land use. Consider onshore wind and PV, where panels will be located between turbines. It would be wholly inappropriate to obligate a land area equal to the cumulative sum of land from the Energy Density Table, for such a hybrid site. This would be generally true of any hybrid containing onshore wind – the land area should not be higher than the highest of either (the onshore wind area) or (sum of other technology areas from the same table).</p> <p>Suggest appending to 16.4.9.3.1:</p> <p>“...For a multi-technology Gate 2 Application where one technology is onshore wind, the minimum acreage requirements will be the greater of either as provided for the onshore wind area or as provided for the other technologies included in the Gate 2 Application.”</p>
5	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	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>No assessment. Consultation period extraordinarily short.</p>

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	within the CUSC?	
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