

Public

Code Administrator Consultation Response Proforma

CMP435: Application of Gate 2 Criteria to existing contracted background

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 cust.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.

Please be aware that late responses will not be accepted.

If you have any queries on the content of this consultation, please contact elana.byrne@nationalenergyso.com and catia.gomes@nationalenergyso.com or cust.team@nationalenergyso.com

Respondent details	Please enter your details	
Respondent name:	Graham Pannell	
Company name:	BayWa r.e. UK	
Email address:	graham.pannell@baywa-re.co.uk	
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:

- a) *The efficient discharge by the Licensee of the obligations imposed on it by the Act and the Transmission Licence;*
- b) *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;*
- c) *Compliance with the Electricity Regulation and any relevant legally binding decision of the European Commission and/or the Agency *; and*
- d) *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 solution(s) against the Applicable Objectives?	Mark the Objectives which you believe the proposed solution(s) better facilitates:										
		<table border="1"> <tr> <td>Original</td> <td><input checked="" type="checkbox"/>a</td> <td><input checked="" type="checkbox"/>b</td> <td><input type="checkbox"/>c</td> <td><input checked="" type="checkbox"/>d</td> </tr> <tr> <td>WACM1</td> <td><input checked="" type="checkbox"/>a</td> <td><input checked="" type="checkbox"/>b</td> <td><input type="checkbox"/>c</td> <td><input checked="" type="checkbox"/>d</td> </tr> </table>	Original	<input checked="" type="checkbox"/> a	<input checked="" type="checkbox"/> b	<input type="checkbox"/> c	<input checked="" type="checkbox"/> d	WACM1	<input checked="" type="checkbox"/> a	<input checked="" type="checkbox"/> b	<input type="checkbox"/> c	<input checked="" type="checkbox"/> d
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<p><u>Land Rights Checks</u></p> <p>Ability to successfully filter 'Gate 2' viable projects is <i>highly 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 “we may also utilise [public record]” at 8.13 – this is too weak.</p> <p>Element 11 of CMP434 (this part we understand will equally apply to <i>Gate 2 to whole queue</i>) suggests that land rights acreage is only checked at each queue management milestone – this is insufficient to effectively manage the queue, there 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>TEC split</u></p> <p>As part of the one-off exercise <i>Gate 2 to whole queue</i>, recommend that Users can split TEC into Gate 2 and Gate 1 stages, in order to best rationalise the queue. This would require a tweak to the proposed clause 18.8.1.</p>
2	Do you have a preferred proposed solution?	<p><input type="checkbox"/> Original</p> <p><input checked="" type="checkbox"/> WACM1</p> <p><input type="checkbox"/> Baseline</p> <p><input type="checkbox"/> No preference</p> <p>WACM1 – We understand that similar effect should happen already with the <i>Original</i> – i.e. 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 – but nonetheless we support this WACM to be certain of that opportunity to rationalise the queue.</p>
3	Do you support the proposed implementation approach?	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><u>TEC split</u></p> <p>As part of the <u>one-off</u> exercise <i>Gate 2 to whole queue</i>, recommend that Users can also split TEC into Gate 2 and Gate 1 stages via their EA Request, in order to best rationalise the queue. This would require a tweak to the proposed clause 18.8.1.</p>
4	Do you have any other comments?	<p>></p> <p><u>Land Rights Checks</u></p> <p>Ability to successfully filter ‘Gate 2’ viable projects is <i>highly 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</p>

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		<p>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</i> [public record]” at 8.13 – this is too weak.</p> <p>Element 11 of CMP434 (this part we understand will equally apply to <i>Gate 2 to whole queue</i>) suggests that land rights acreage is only checked at each queue management milestone – this is insufficient to effectively manage the queue, there 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>TEC split</u></p> <p>As part of the one-off exercise <i>Gate 2 to whole queue</i>, recommend that Users can split TEC into Gate 2 and Gate 1 stages via their EA Request, in order to best rationalise the queue. This would require a tweak to the proposed clause 18.8.1.</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 within the CUSC?	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>No assessment. Consultation period extraordinarily short.</p>