

# DCP 407 Working Group - Meeting 28

25 October 2022 at 14:00 - Web-Conference

Attendee	Company
<b>Working Group Members</b>	
Brian Hoy [BH]	ENWL
Dafydd Burton [DB]	Ofgem
David Williams [DW]	SSE
Karin Cadwallader [KC]	BUUK
Kyle Smith [KS]	WPD
Kyran Hanks [KH]	Waters Wye
Lee Wells [LW]	NPg
Martin Brace [MB]	UKPN
Peter Turner [PT]	NPg
Robert Matta [RM]	SPEN
Simon Vicary [SV]	EDF
Tracey Taylor [TT]	ENWL
<b>Code Administrator</b>	
Craig Booth [CB] (Technical Secretariat)	ElectraLink
Dylan Townsend [DT]	ElectraLink
Furqan Aziz [FA] (Chair)	ElectraLink
Mel Kendal [MK] (Technical Secretariat)	ElectraLink
Richard Colwill [RC]	ElectraLink

## 1. Administration

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- 1.1 The Working Group reviewed the “Competition Law Guidance” and “Terms of Reference”. All Working Group members agreed to be bound by the Competition Law Guidance for the duration of the meeting and agreed to the Terms of Reference.
- 1.2 The secretariate walked the Working Group through the actions and updated the action log accordingly in line with the responses that had been received.
- 1.3 An action log has been created and all updates are provided in **Appendix A**.

## 2. Review of Draft Legal Text – Schedule 22 (Option 1)

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- 2.1 The Working Group discussed and reviewed the Schedule 22 of the draft legal text. All updates were made live during the meeting.
- 2.2 The key points can be found below:
  - The Working Group asked that Gowling WLG review the paragraphs numbering to ensure all references are correct. The Secretariat confirmed that this will be completed by Gowling WLG during their final review.
  - Agreed to address footnote 1 within the Change Report.
  - Agreed that under Criterion 4 (financial commitment), a financial commitment is made where the applicant has to pay for both bullet points (as opposed to one or the other).
  - It was queried whether ‘complete development (inclusive of all phases)’ should be consistent throughout the document as there are instances where the brackets are not referenced (i.e., just states ‘complete development’. The Working Group reviewed each reference in isolation and agreed that the ‘inclusive of all phases’ in brackets should be removed throughout the document and explained why this has been removed within the Change Report.
  - Agreed to include ... ‘consent obtained for the project’ as this was included originally due to planning consent and planning permission being used interchangeably.
  - Agreed to not include any minor amendments to paragraphs 1.56 to 1.59 of Schedule 22 and remove from the legal text.
  - Agreed to change ... ‘the Customer may agree changes to the phasing as a result of that review’ to ... ‘the Customer will agree changes to the phasing as a result of that review.

## 3. Review of Draft Legal Text – Schedule 32

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- 3.1 The Working Group discussed and reviewed the Schedule 32 of the draft legal text. All updates were made live during the meeting.
- 3.2 The key points can be found below:
  - LW confirmed that there was only one change to the Schedule 32 legal text post-Consultation (line (d) 0 the Final Demand Site is a Phased Capacity Site).
  - LW confirmed that this legal text now delivers what was Consulted on.

- It was noted that the definition of Phased Capacity Site has now been included within this text.
- Agreed that both Schedule 32 (changes to the baseline version) and Schedule 32 (changes to the baseline, plus DCP 389) should both be included as attachments to the Change Report. It was also agreed for the Schedule 32 legal text to be sent for final legal review.

## 4. Review of Draft Change Report

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4.1 The Working Group discussed and reviewed the draft Change Report. All updates were made live during the meeting.

4.2 The key points can be found below:

- The Secretariat agreed to update the paragraph numbers throughout to ensure the document is consistent (i.e., bullet points to numbers).
- Under Q15, the Working Group noted that there is a response missing from MB – the Secretariat agreed to include the information previously provided by MB.
- It was noted that paragraph references within section 5 of the Change Report will need to be updated subject to changes within section 6 – the Secretariat agreed to cross-reference and update as needed.
- Within Section 6 under the heading Criterion 2, the Working Group agreed to redraft the wording to include the below:
  - In relation to concerns that the timescale of two years from initial application to completion was too short due to the time period available to issue and accept an offer, the Working Group considered options to address timing concerns. However, as the purpose of the criterion is to identify applications with timescales that are sufficiently short to provide the Network Operator with the confidence that the development will complete in its entirety, the Working Group felt that two years is desirable, beyond which, confidence in the development would likely start to decrease.
  - The Working Group recognised that the provision of a “clear phasing plan” may be easy to provide but noted that this criterion is assessed as low significance which mitigates the risk and is only relevant where the overall timescale is greater than two-years.
- Within Section 6 under Criterion 4, it was agreed for the Secretariat to discuss and agree the terminology for capacity ramp profile offline and update the Change Report.
- It was noted that changes made to the option 1 legal text reviewed earlier in this meeting needs to be reflected within the alternate legal text (option 2) and also seek legal review of these changes. The Secretariat agreed to do this post-meeting.

- Within Section 7 of the Change Report, it was agreed for the Secretariat to review the Consultation legal text with the latest version and cross check for differences between the two versions. Differences found should be noted within the Change Report with an explanation as to why the changes had been made post-Consultation.
- Within Section 8, the Working Group agreed to change the positive impact to DCUSA Charging Objective 2 to neutral, and also change the negative impact to DCUSA Charging Objective 6 to neutral and added wording to explain why these impacts have changed.

## 5. Agenda Items for Next Meeting

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5.1 The Working Group discussed the next steps, and the following items were captured:

1. The Secretariat to make the final updates to the draft legal text (Schedule 22/Schedule 32 option 1/Schedule 32 option 2).
2. The Secretariat to make the final updates to the draft Change Report.
3. The Secretariat to issue DCP 407 for voting.

