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## Response to Ofgem Consultation: Supplemental Guidance on Dispute Determination

Dear Sir/Madam,

Thank you for providing the opportunity to respond to your consultation regarding the Supplemental Ofgem Guidance on the determination of disputes: Gate 2 to Whole Queue.

We wish to express our appreciation for the clarification you have offered on the areas and issues upon which Ofgem is prepared to make determinations. Clear guidance in this regard is welcomed and will help developers better understand the dispute process.

However, we have concerns regarding the effectiveness of the proposed dispute process. The WQTG2 process is inherently time bound, which means developers must not only have the dispute resolved in their favour, but this must be done in a lead time that would allow them to rejoin the process, for this to be effective. Additionally, we note your expectation that all other avenues for dispute resolution must be fully exhausted before Ofgem will consider opining on the dispute. This requirement could further prolong the process for developers, and we would urge you to highlight to all parties in the dispute that this activity must be undertaken at pace.

Moreover, in instances where Ofgem accepts a developers position that an error has occurred, paragraphs 2.19 to 2.22 of the Step 3 Outcome section of the consultation imply that you will not be able to reinstate the affected project back into the connection queue, nor compel the Distribution Network Operator (DNO) or National Energy System Operator (NESO) to compensate the developer for any costs or lost opportunity. Given these limitations, there remains considerable uncertainty as to what the Ofgem dispute process can achieve for those parties who successfully argue that errors have been made under the WQTQ2 framework, beyond vindication of their position.

We accept that it may not be practical to reintroduce the project back into the WQTG2 process, but it would be useful to clarify why Ofgem does not think it appropriate for the DNO's/NESO, who have failed to meet their obligations in the process, to compensate the developer for the costs incurred to that point. Even if compensating the developer for future lost profit is not practical. We would welcome further clarification as to how the process will deliver meaningful outcomes for such parties.



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**Yours Sincerely**

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