

Submitted via email to:

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RWE Response to Supplemental Ofgem Guidance on the determination of disputes: Gate 2 to Whole Queue Consultation

Do you wish for your response to be treated as confidential?

No.

RWE Overview

RWE is the leading power generator in the UK, with a diverse operational portfolio of onshore wind, offshore wind, hydro, biomass and gas. We produce enough energy to power the equivalent of around 12 million UK homes, with a combined installed renewable capacity of over 4.8GW (2.79GW pro-rata share) complemented by around 7GW of modern and efficient gas-fired capacity, crucial for UK security of supply.

We are investing today, with 2.2GW of new renewable projects currently in construction. This includes our 1.4GW Sofia offshore wind farm, four new onshore wind farms totalling 230MW, 10 new solar farms totalling 500MW and four co-located battery storage sites totalling 105MW.

We have ambitious plans to expand our UK footprint even further, with over 15GW of renewables at various stages of development. This includes nine new offshore wind farms totalling nearly 10 GW, and a GW scale pipeline of onshore wind and solar projects. Complementing our renewables pipeline, we have over 3.6 GW of battery storage under development, and we are in the early stages of developing four gas carbon capture and storage (CCS) projects across the UK, totalling up to 4.6GW.

In addition, as a key component in the energy transition, RWE is developing ~500 MWe green hydrogen opportunities across the UK.

We directly employ circa 3,300 people across the UK and our planned investment will continue to create green jobs, developing green skills up and down the country.

RWE Generation UK plc: Registered in England and Wales no. 03892782 Registered Office Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire SN5 6PB, England

RWE Renewables UK Swindon Limited: Registered in England and Wales no. 2550622. Registered office Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire SN5 6PB, England

RWE Renewables UK Limited: Registered in England and Wales no. 03758404 Registered Office Greenwood House, Westwood Way, Westwood Business Park, Coventry, United Kingdom CV4 8PB, England



We are committed to working in partnership with the government to deliver its Clean Power 2030 mission, and to deliver clean, secure and affordable energy for the UK.

1. G2tWQ Determinations Guidance Clarity

Does the G2tWQ Determinations Guidance in Appendix 1 clearly set out the Authority's determination processes for disputes arising from the Gate 2 to Whole Queue exercise and its expectations of disputing parties?

The guidance

RWE welcomes Ofgem's endeavours to provide clarity and structure for an appropriate disputes process, in relation to Connection Reform implementation, acknowledging the volume of projects which are going through evaluation known as the "*Gate 2 to Whole Queue*" process

The guidance in Appendix 1 does provide a reasonably clear description of the procedural steps for Gate 2 determinations. However, there is a lack of definition around some key terms/concepts and insufficient clarity on evidentiary requirements and costs which could hinder parties' ability to navigate the relevant disputes process and Appendix 1.

- Oral hearings are only permitted in "extenuating circumstances," but the guidance does not clarify the criteria or process for obtaining one.
- The guidance lacks detailed standards on what constitutes sufficient supporting evidence or proof of Alternative Dispute Resolution (ADR) exhaustion when submitting a determination request. Connection reform was introduced through two code modifications, and a set of methodologies that continued to evolve long after the modifications legal text had gone to Ofgem for decision. All documentation including FAQs that have been used in support of this process need to be fully up to date ready for the dispute resolution process. These documents can then be referenced as the standard projects were held to during the queue reorder process. Furthermore, as this documentation is likely to change over time, versions that are applicable to each gate 2 window evidence submission should be kept on record should the need arise for them to be referenced under a dispute.
- Large embedded power stations connected to DNOs have submitted their Gate 2 evidence to NESO instead of the DNO. While guidance allows projects to dispute DNO process errors under S23, ambiguity can arise regarding whether a process is the responsibility of the DNO or NESO. For example, a large embedded power station submits the redlined boundary map to both NESO and the DNO. We recommend Ofgem clarify in its guidance that, in cases of uncertainty about which party is accountable, responsibility for the disputed process should be determined early in remediation discussions so the correct route can be taken.

- Ofgem is still deliberating on cost recovery for determinations, which currently leaves applicants uncertain about possible fees and liabilities that could be incurred from pursuing this approach. We recommend that Ofgem is upfront about what costs will be incurred if any by CUSC parties pursuing this process. If CUSC parties are found to be abusing the use of this process then measures should be put in place to discourage it.

2. Additional Clarity Needed: G2tWQ Determinations Procedures

Is there any additional clarity that you think is needed on the determinations procedures in the G2tWQ Determinations Guidance?

Ofgem's requirement that only projects which have received an offer can raise a dispute introduces significant delay as the Gate 1 notification is in Q4 2025 but a Gate 1 offer could be in Q3 2026. The uncertainty introduced by suspending a project for a lengthy period with no ability to take action may deter investment in an otherwise viable project.

Furthermore, Gate 1 offers issued in Q3 2026 will miss the next Gate 2 evidence window to get back in to the process, which, according to NESO's licence, must open annually, presumably before 8 July 2026. If a dispute is upheld and a project is allowed to re-enter the queue, the process will not allow it to do so in a timely or efficient way. We therefore encourage Ofgem to allow developers to raise disputes upon notification of a Gate 1 offer, ensuring that projects have sufficient time to raise a dispute and get back in to the connection queue in an expeditious manner.

Lastly, including a standard timeframe for the disputes process in the guidance appendices for both the DNO and NESO routes, where Ofgem determines the outcome, would help parties assess whether to pursue a dispute or wait to re-enter the connection queue at the next Gate 2 evidence submission window.