

To: consultations@ofgem.gov.uk

14 November 2025

Dear Ofgem,

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

Wind2 welcomes the opportunity to respond to Ofgem's consultation on the Supplemental Guidance on the determination of disputes: Gate 2 to Whole Queue (G2tWQ).

As a developer actively participating in the G2tWQ process, we strongly support Ofgem's intention to ensure that the new connections reforms are implemented fairly and transparently. However, based on both the content of the draft guidance and our early experience engaging with the National Energy System Operator (NESO), we have identified several areas that require clarification and improvement to ensure the process functions as intended.

1: Does the G2tWQ Determinations Guidance clearly set out the Authority's determination processes and its expectations of disputing parties?

We agree that the G2tWQ Determinations Guidance provides a well-structured overview of the determination process and the stages of dispute resolution. However, our practical experience with NESO suggests that several key procedural aspects remain unclear or risk disadvantaging applicants.

Accuracy and engagement during NESO assessments

We are already observing issues in NESO's implementation of the G2tWQ process, including the use of incorrect data and a lack of timely engagement when developers attempt to correct such errors. If inaccurate data underpin key eligibility or readiness assessments, developers could face serious consequences without an adequate route for prompt correction.

- To address this, Ofgem should explicitly require NESO to: Maintain transparent records of all data used in assessments, including date-stamped versions.
- Provide developers with the opportunity to review and challenge data accuracy before the issue of connection offers.
- Adhere to measurable service-level agreements (SLAs) for communications and dispute handling.

Deadlock notices and dispute initiation

The guidance requires a "deadlock letter" before Ofgem will accept a determination request, but it appears that only NESO or the DNO can issue this. This creates an imbalance, allowing the party under challenge to control the timing of escalation.

We recommend that either party, NESO, the DNO or the developer should be permitted to issue a deadlock notice, provided evidence is submitted showing that all reasonable steps in ADR have been taken. This change would ensure procedural fairness and prevent developers from being indefinitely stalled.

Timing of dispute submission versus offer acceptance

The guidance is unclear on whether a developer must accept a connection offer within the 90-day validity period before raising a dispute, or whether lodging a dispute effectively pauses that obligation. We urge Ofgem to clarify that developers may submit a dispute within the 90-day period without accepting the offer until the dispute outcome is known.

Oral hearings and procedural fairness

We also disagree with the proposal to exclude oral hearings except in 'extenuating circumstances.' Many connection disputes involve complex technical details that cannot be adequately conveyed in written submissions alone. Removing the right to an oral hearing would reduce transparency and may prolong resolution due to misinterpretations or incomplete evidence exchanges. We recommend that oral hearings remain available where justified by case complexity or impact.

2: Is there any additional clarity needed on the determinations procedures in the G2tWQ Determinations Guidance?

While we support Ofgem's structured approach to determination procedures, further clarification and adjustment are required to ensure they deliver practical, fair and timely outcomes.

Financial redress

The guidance currently states that Ofgem does not consider financial redress to fall within the scope of its determination functions. We believe this position is unsustainable. If Ofgem upholds a dispute but determines that practical redress (such as re-insertion into the queue or contract revision) is not feasible due to timing or operational constraints, then financial redress must be available as an alternative.

Otherwise, a developer could expend considerable time and cost proving NESO or DNO error, only to receive no meaningful remedy, a situation that would undermine confidence in the process and render the entire determination function inequitable.

Queue reinstatement and dispute-upheld protection

If Ofgem maintains that re-insertion into the connection queue ahead of future evidence windows is not feasible, we propose a compromise: the creation of a 'dispute-upheld window' for projects with successful determinations. This limited window, preceding the next general application round, would allow affected developers to regain queue position or receive Gate 2 offers before new entrants are processed.

Timing and eligibility of disputes

We also question the restriction that disputes can only be initiated after a new connection agreement is issued. Given that some connection agreements may not be available until late 2026, this restriction risks rendering determinations meaningless for many affected projects. We therefore recommend that disputes may be raised earlier where material error, data inaccuracy, or procedural failure can be evidenced during NESO's implementation of G2tWQ even before a formal contract variation is issued.

Cost recovery clarity

The draft guidance indicates Ofgem may consider cost recovery but provides no clarity on how this would be applied or from whom costs would be recovered. Developers need certainty that cost recovery will be proportionate and, where applicable, targeted at the party found at fault rather than both sides equally.

Conclusion

In summary, while the supplemental guidance provides a necessary framework for handling G2tWQ disputes, its current form requires important clarifications to ensure fair and effective implementation.

We recommend that Ofgem:

- Allow either party to issue a deadlock notice;
- Clarify that disputes may be submitted within the 90-day acceptance window without requiring offer acceptance;
- Permit early dispute submission where procedural errors arise;
- Reinstate oral hearings in complex cases;
- Introduce financial redress where practical remedies cannot be implemented; and Consider a 'dispute-upheld window' to protect successful applicants' queue positions.

These adjustments would ensure that Ofgem's determination process not only functions procedurally but also delivers tangible, fair outcomes for affected developers.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Smith'.

Sarah Smith

Managing Director