

# Guidance

## Independent Technical Adviser (ITA) Guidance Document

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The Independent Technical Adviser (ITA) is responsible for providing assurance to Ofgem on design decisions, procurement processes, cost, and overall project delivery of selected load projects across all Transmission Owners (TOs).

This document provides further guidance on Ofgem's appointment process for the ITA, how project eligibility will be determined, and information sharing between the ITA, Ofgem and TOs.

It is the responsibility of each licensee to understand the provisions of this ITA Guidance Document and how those provisions apply to it.

This document is version 1 of the ITA Guidance Document referred to under Special Condition 6.2 of the Electricity Transmission licence. It will take effect from 1<sup>st</sup> April 2026.

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# 1. Introduction

## Background

- 1.1 Ofgem<sup>1</sup> is the Office of Gas and Electricity Markets which regulates the electricity and gas industries in Great Britain. The Authority's principal objective is to protect the interests of existing and future consumers in relation to gas conveyed through pipes and electricity conveyed by distribution or transmission systems.
- 1.2 The interests of such consumers are their interests taken as a whole, including their interests in the reduction of greenhouse gases in the security of the supply of gas and electricity to them and in the fulfilment by the Authority, when carrying out its functions as the designated regulatory authority for Great Britain, of the objectives set out in Article 40 (a) to (h) of the Gas Directive and Article 36 (a) to (h) of the Electricity Directive.
- 1.3 We work in various ways to protect the interests of current and future consumers, such as by regulating the network companies through the RIIO price controls. We set price controls to specify the services and level of performance that the electricity transmission (ET) Transmission Owners (TOs) must provide for users and consumers and to restrict the amount of money that the network companies can recover through network charges over the length of a price control period.
- 1.4 In our Final Determinations we set out the key elements of RIIO-3 to allow us to quickly designate typically NESO-recommended projects as price control outputs, and to fund and facilitate the delivery of these projects in a timely manner. One of the aspects of this decision was the appointment of an ITA to provide us with third party, independent assurance.

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<sup>1</sup> In this document we use the terms 'Ofgem' and 'the Authority' as well as the terms 'we', 'us' and 'our' interchangeably. Ofgem is the Office of the Gas and Electricity Markets. The Authority is the Gas and Electricity Markets Authority and is the governing body of Ofgem, consisting of non-executive and executive members.

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1.5 Government plans for the decarbonisation of the energy system will require high levels of network investment and efficient action. Ofgem's abilities to display prompt and accurate decision-making are vital. We therefore have a need to introduce the ITA in RII0-ET3. The ITA will act on projects both within RII0-ET3 and likely in future price controls as it oversees delivery of relevant projects and related infrastructure.

**Role of the ITA**

1.6 The ITA is responsible for providing assurance to Ofgem on design decisions, procurement processes, cost, and overall project delivery of selected load projects across all Transmission Owners (TOs).

1.7 The full scope of services required of the ITA from Ofgem is outlined in the ITA Terms of Reference document, which will be published on the Ofgem website following appointment of the ITA.

1.8 The specific activities required of the ITA on any given project are decided by Ofgem on a per-project basis (within the boundaries of the scope outlined in the ITA Terms of Reference) and formalised in the ITA Call-off Contract. Ofgem decision-making on the ITA's scope will follow the completion of the project eligibility process outlined in this guidance document.

1.9 The ITA itself does not hold any decision-making responsibility; the accountability for this remains with Ofgem. It also does not 'reperform' or 'approve' technical solutions or outcomes; the accountability for these remains with the TO.

1.10 Ofgem will continue to exercise its full discretion in relation to decisions on the approval of specific projects, with the ITA being an additional, but not the only, source of information that it takes into account in the exercise of its functions.

**Scope of the ITA Guidance Document**

1.11 Special Condition 6.2 in the TO's Electricity Transmission license sets out the requirements on the licensee required to support the ITA to fulfil its role. The condition outlines that Ofgem will carry out an eligibility assessment on in-scope TO projects to determine whether the ITA will assure them or not. This guidance

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document provides further information regarding Ofgem's decision-making process.

1.12 Also included in this guidance document is further information regarding the appointment of the ITA, information sharing practices between Ofgem, TOs and the ITA and a summary of the ITA Terms of Reference.

**Document review**

1.13 Ofgem may from time to time, following consultation with interested parties, amend this ITA Guidance Document by direction, in accordance with Special Condition 6.2.

**Related publications**

1.14 In addition to Special Condition 6.2, this document is to be read in conjunction with the following related documents:

- **RIIO-3 Final Determinations – ET Annex** – sets out our decision to implement the ITA in RIIO-ET3.
- **ITA Terms of Reference** – document of this name published on the Ofgem website.
- **ITA Call-off Contract and ITA Framework Agreement** – as defined in Appendix 2.

1.15 See Special Condition 1.1 (Interpretation and definitions) of the electricity transmission licence and Appendix 2 of this document for the description of defined terms included in this document.

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## 2. Appointment of the ITA

- 2.1 Ofgem will appoint one or more organisations as the ITA as part of a Framework Agreement. Each party appointed by the Authority will provide independent assurance on the aspects of the design, procurement, cost and overall delivery of selected load projects delivered by TOs.
- 2.2 Ofgem has sole responsibility for the procurement of the ITA, meaning procurement will be administered in accordance with the Procurement Act 2023 and civil service best practices. The parties appointed as the ITA will have a duty of care to Ofgem.
- 2.3 The role of the TO in procurement process is to:
- As part of the initial appointment process or subsequent call-off of a party on the ITA Framework Agreement onto a TO project, a TO may be approached by Ofgem for its views on whether an actual, potential or perceived conflict of interest exists and/or whether the proposed conflict management plan is sufficient.
  - As part of the contract terms negotiation during the initial procurement and subsequent appointment of the ITA, the template ITA Framework Agreement and ITA Call-off Contract shall be agreed. As part of this process, the TOs will be engaged by Ofgem regarding the terms of the ITA Call-off Contract, subject to the limits and timelines of the Ofgem procurement process.

### **Appointment process**

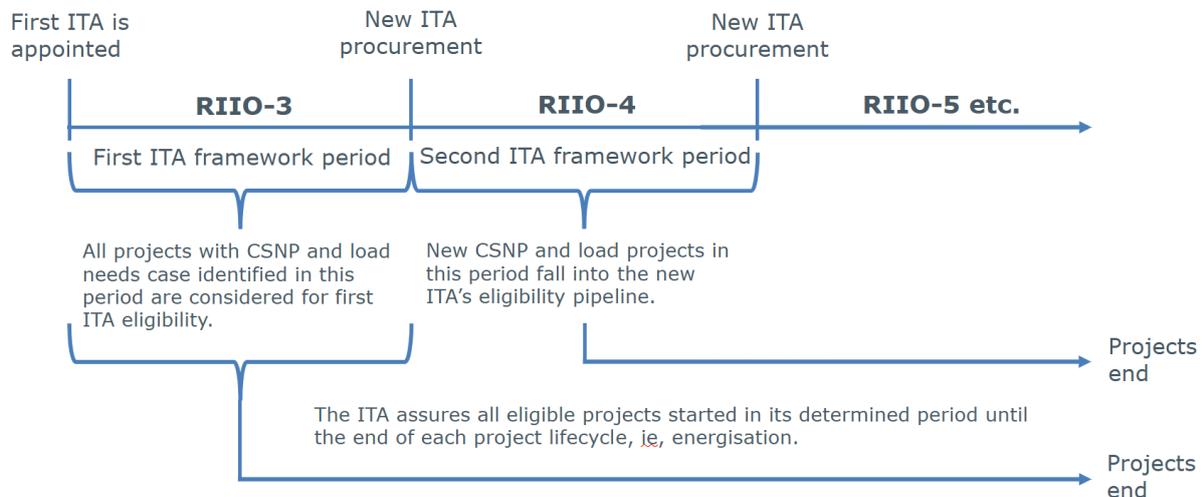
- 2.4 The ITA Framework Agreement will be for a set Appointment Period. The first Appointment Period will be the RIIO-ET3 price control period (ie 2026-2031). During an Appointment Period, all load projects determined eligible by Ofgem may be assured by one of the appointed parties that is the ITA.
- 2.5 The ITA will typically provide assurance for eligible projects from early in design (eg after CSNP publication by NESO) until their construction is complete. Given the nature of load projects, this will mean it is likely that projects are completed following the conclusion of the Appointment Period. There may be circumstances

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in which assurance is not needed for the entirety of the project lifecycle, which will be determined by Ofgem.

2.6 Our intention is that at the conclusion of the first Appointment Period, Ofgem will (if necessary) carry out a new procurement exercise to appoint subsequent ITAs for the next set period of time. This will be without prejudice to on-going call-off contracts with existing ITAs. All new load projects eligible for ITA assurance during this subsequent set period of time will be allocated to the parties that form the new ITA. As in the previous Appointment Period, our intent will be for ITA assurance to typically last until eligible project construction is complete.

2.7 This appointment approach means that although there may be concurrent ITA parties operating (ie carrying out assurance on a project via a call-off contract) following the completion of the first Appointment Period, there cannot be more than one ITA Framework Agreement being allocated new eligible projects at any time. This operational framework is outlined in Figure 1 below.



**Figure 1: Indicative appointment process and term periods of the ITA**

2.8 The outlined appointment process will continue until Ofgem considers it unnecessary to appoint a new ITA or there is a change in policy. Such eventualities regarding the ITA policy would be formally consulted on.

2.9 If any issue is to arise regarding the approach outlined in paragraphs 2.4-2.8, Ofgem may consider it necessary to update this guidance in accordance with the process outlined in Special Condition 6.2.

**Guidance** Independent Technical Adviser (ITA) Guidance Document**Appointment governance and next steps**

- 2.10 Ofgem will be solely responsible for the management of the ITA.
- 2.11 Ofgem and the ITA will agree to a performance management framework, which will be set out in the ITA Call-off Contract. As part of this framework, Ofgem will work with the appointed parties in the ITA Framework Agreement to produce high quality and consistent reporting outcomes.
- 2.12 If the appointed ITA is deemed by Ofgem to have breached its obligations and performance requirements, Ofgem may pursue early termination of the organisation's contract and pursue a new appointment earlier than as outlined above.
- 2.13 In addition to contractual suspension rights in case of major breach of the terms in the ITA Call-off Contract, TOs have the opportunity to approach Ofgem to raise relatively minor issues or improvement suggestions as to ITA performance. This will feed into our assessment of the ITAs performance over the duration of the ITA Call-off Contract.

**Funding**

- 2.14 The ITA is funded by the TOs, with the cost recoverable through the price control, as set out in Special Condition 6.2 in the electricity transmission licence.
- 2.15 The payment process from the TO to the ITA is set out in the ITA Call-off Contract. TO's may recover their payment of the ITA's services as a pass-through cost. TO's will be asked to provide a forecast in-year (ie in July with the Regulatory Reporting Packs (RRPs)), which may be reconciled against the actuals after the Regulatory Year. TOs cannot recover costs due to breach of payment terms (ie late payment charges).

### 3. Project eligibility

#### **Project types eligible for ITA assurance**

- 3.1 The ITA may (at Ofgem's request) assure a range of eligible projects. The types of ET load projects eligible for ITA assurance are CSNP Outputs, tCSNP2 Refresh outputs, selected non-CSNP load projects from the Load Re-opener and the Accelerated Strategic Transmission Investment (ASTI) portfolio. Additionally, projects that experience a Cost and Output Adjusting Event / ASTI Cost and Output Adjusting Event, or Delay Event are eligible for ITA assurance.
- 3.2 If a project which is not originally determined for ITA assurance experiences a Cost and Output Adjusting Event / ASTI Cost and Output Adjusting Event or Delay Event, Ofgem may reassess its eligibility assessment if the project was not originally determined eligible.

#### **Ofgem's process to determine ITA project eligibility**

- 3.3 It is intended that ITA eligibility decision-making will primarily take place in the immediate period following NESO's publication of the CSNP (including any planned annual updates and the tCSNP2 Refresh in 2026).
- 3.4 Our decision-making as to eligibility will be holistic across all project types, meaning it will include decisions on other selected load projects not included in the CSNP. This is because to determine the strategic importance of other load projects to the CSNP, full clarity of what is in the CSNP is required.
- 3.5 Ofgem will informally consult with the TOs on which projects the ITA will assure prior to making a decision and as soon as reasonably possible following NESO's publication. This engagement will be to:
- Outline our minded to position on which TO projects the ITA will assure.
  - Demonstrate the reasoning behind our minded to position – including assessment of individual project characteristics (based on the considerations set out in paragraphs 3.163.10-3.16) as well as the overall portfolio of potentially eligible projects.

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- Provide an indicative view on what scope the ITA will have on any proposed project (in accordance with the ITA Terms of Reference).
  - Receive feedback from TOs on any project specific practicalities that may impact the ITA in fulfilling its role, as well as any views on which projects they would recommend for ITA assurance and why.
- 3.6 Ofgem will retain all final decision-making responsibility for ITA eligibility. The TO's do not have an option to trigger ITA assurance on a project.
- 3.7 Ofgem may also informally consult with the TOs on ITA project eligibility decision-making outside of the typical period following CSNP publication. Consultation could lead to the addition of new projects for ITA assurance or removal of existing projects previously deemed eligible. Such engagement will follow the same informal consultation process outlined in paragraph 3.5. Circumstances to trigger such engagement include:
- In accordance with the timelines of other related regulatory mechanisms of eligible project types, such as the Load Re-opener submission and assessment windows (as set out in the Load Re-opener Guidance Document).
  - In response to updates made by NESO to the CSNP outside of the standard publication and review cycle and/or other NESO-led centralised planning processes.
  - In response to TO engagement regarding developments to a project that mean it believes ITA assurance is required.
  - When wider business plan developments lead to a change in circumstance than that of the previous eligibility assessment. It is not possible to create an exhaustive list of such developments, however, examples may include:
    - High-level policy changes impactful to the energy system transition (eg Net Zero, CP2030 and connections reform).
    - Developments regarding projects in the Load Re-opener (eg submissions out of sync to CSNP publications, changes to projects, or delivery issues).

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- Delivery delays to load projects related to the CSNP and other strategic priorities.
- 3.8 Where a TO submits or notifies Ofgem of a Cost and Output Adjusting Event / ASTI Cost and Output Adjusting Event or Major Projects ODI-F Delay Event for a project the ITA is not already agreed to assure.
- 3.9 We shall continually assess the portfolio of eligible projects and the ITA's output to ensure the value of ITA assurance. This will be primarily determined by the performance management framework agreed in the ITA Call-off Contract, that will ensure the ITA remains in the interests of energy consumers. Dependent on the outcome of performance review, there may be impact for project eligibility (eg an extreme circumstance could see the ITA removed from eligible projects due to performance issues).

**Ofgem's assessment of project characteristics**

- 3.10 As part of any ITA eligibility consultation, Ofgem will outline its view on all CSNP Outputs as to whether they will be proposed for ITA assurance or not. For non-CSNP projects, these will be included by exception as opposed to a full list of all theoretically possible projects. This will be based on the project characteristics:
- materiality (eg whether a project is of low or high cost);
  - complexity (eg novel design and technology); and
  - strategic importance (eg project relevance to Clean Power 2030 and strategic priorities in the interest of Net Zero and energy consumers).
- 3.11 Ofgem eligibility decision-making will be holistic, meaning there is no single project characteristic or metric threshold that will by default determine a project's eligibility (ie there is no set project materiality threshold).
- 3.12 It is to be expected that projects with multiple of the listed characteristics (ie high cost, high complexity and high strategic importance) or prominent features of one characteristic in particular (ie high strategic importance) will be most likely to be considered eligible for the ITA, whereas projects with few or none of those

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characteristics (ie low cost, low complexity and low importance) will not be considered eligible for the ITA.

3.13 Our materiality consideration will include whether project materiality (in £m) is high or low relative to:

- the rest of the CSNP project portfolio;
- the non-CSNP load portfolio (including Load-Re-opener submissions); and
- previous comparable NESO-driven projects.

3.14 Our project complexity consideration will include, but is not limited to whether:

- the project is being conducted by one TO or multiple;
- the project delivery timelines are accelerated and/or pressured compared to typical delivery timelines of a project of that specification;
- the TO has experienced delivery delays and/or unexpected cost increases to other projects similar in scope or driven by NESO historically (not including circumstances confirmed as Delay Events);
- there are uncertainties associated with the project, such as the relative maturity of scope and design in the CSNP, which may risk a higher chance of scope change during early planning and development;
- based on the early technical view available at the time of CSNP publication, the:
  - project has delivery risks, such as planning consent considerations, due to the project scope and route;
  - the indicated level of technological and design novelty is high or low;
  - the TO (and its supply chain) has experience in delivering similar projects; and
  - there is considered to be a high chance of cost, scope or design change due to the nature of the project.

3.15 Our consideration of the project's strategic importance will include, but is not limited to:

- The details of the project in the CSNP publication:
  - Constraint savings;

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- Constraint costs of delayed or non-delivery;
- Carbon savings from connected electricity generation;
- The relative importance of the project to national and regional strategic goals, such as CP2030, Net Zero and connections reform;
- The importance of the project's interdependencies to the delivery of other CSNP projects (ie what is the knock-on impact of delay to the delivery of other projects); and
- Whether a non-CSNP project has interdependencies with NESO-driven projects (ie interaction or enabling works for CSNP).

3.16 Ofgem will also consider the ITAs resourcing and funding when making its determination on eligibility. For example, if a number of CSNP projects have similar delivery timeframes that would result in unmanageable concurrent workloads this would be considered. Given the ITA Framework, resourcing is expected to be a manageable issue.

**TO engagement regarding ITA project eligibility**

3.17 Although the TO's do not have an option to trigger ITA assurance on a project, a TO may engage with Ofgem to propose projects where it believes ITA assurance may be of value. Engagement should include justification of why ITA assurance on a project is in the interest of energy consumers, the scope of the ITA role that would be appropriate (in accordance with the ITA Terms of Reference), and reasoning as to why a project was not proposed as part of the decision-making process in paragraph 3.5 (eg developments effecting that project since previous engagement).

3.18 There is no specific window for TO engagement with Ofgem on project eligibility. Depending on the timing of TO engagement, Ofgem may consider proposals as part of its decision-making process outlined in paragraph 3.5, or, if outside of typical NESO publication timings, Ofgem will consider the proposal independently of this process. It is not expected that many projects will be proposed by TOs outside of the typical engagement outlined in paragraph 3.5, with TO proposals

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encouraged to be included within this process to ensure decision-making is as well-informed as possible at the time.

**ITA variable scope and project eligibility**

- 3.19 Given the ITA scope may vary dependent on the different characteristics of eligible projects, our engagement regarding eligibility with the TOs will aim to also provide insight into the intended scope of ITA involvement on any project (ie full scope or limited).
- 3.20 The full details of the particular ITA scope on a project confirmed eligible will be set and agreed in the ITA call-off contract. There may be judgement made by Ofgem to adjust specific aspects of the ITA role (within the ITA scope) once project assurance has begun to ensure optimal and efficient output of the ITA. Any changes would be communicated to the TOs in advance as part of engagement regarding the ITA Call-off Contract. The scope may only cover the range of areas in the ITA Terms of Reference.

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## 4. Data and information practices

- 4.1 The licence sets out the requirement on the TOs to share data and information as soon as reasonably practicable with the ITA to enable it to fulfil its role. The ITA Call-off Contract sets out the confidentiality rules that dictate how this data will be protected.
- 4.2 The ITA will be required to develop systems, processes and protocols to ensure data security, to protect confidential information, and relatedly, manage conflicts of interest (eg internal firewalls and individual confidentiality agreements).

### **Data and information sharing in practice**

- 4.3 We believe for the ITA to fulfil its role effectively, Ofgem should not play a role as data facilitator (eg providing requested data from the TO to the ITA). To fulfil its role effectively, the ITA must be able to access the information it needs as seamlessly as possible – both for its own purposes as well as to minimise impact on the TO.
- 4.4 To facilitate effective data sharing between the TO and the ITA we do not intend to dictate the method in which data and information is shared (if the rules set out in the ITA Call-off Contract are followed). We believe each TO and the parties that form the ITA itself will be best placed to determine how this can be effectively done.
- 4.5 It is the ITA's responsibility to ensure that the information it provides to Ofgem is accurate. As such, in fulfilling its role, the ITA will, when determined appropriate, engage with the TOs regarding data shared with it or accessed by it for the purposes of factchecking and general querying. This process will include engagement to ensure information is accurate and has been fairly represented before providing any reporting output to Ofgem. This process does not require the ITA to share outputs in their entirety with TOs; it is at the at the ITAs discretion as to what information it judges worth querying or output worth fact-checking.

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- 4.6 Where an ITA Output is used in our decision-making, we will provide details of what the ITA Output is and how it has affected our decision-making (ie discussion and attachment of relevant documentation within the publication). The relevant ITA Output will form part of any formal consultation, with opportunity for TOs to provide feedback if deemed necessary. As such, an ITA Output will be provided in the context of our decision-making and subject to our statutory legal obligations and limitations in relation to the publication of information, but not necessarily directly from ITA to TO before this process takes place.
- 4.7 Not all ITA Outputs may factor into our decision-making, meaning we do not consider it necessary to share all ITA Outputs with TOs.

**Appointment of the ITA Coordinator**

- 4.8 Ofgem will appoint a staff member as the ITA Coordinator, responsible for:
- Leading on engagement between Ofgem and the organisations on the ITA Framework Agreement and from the TOs regarding the ITA.
  - Coordinating any central communications (eg onboarding, best practice sharing) across the organisations on the ITA Framework and the TOs.
  - Leading internal alignment at Ofgem across the various project teams and personnel to whom the ITA and/or ITA Outputs may be of interest and/or use to guide more effective regulatory decision-making.
  - Reviewing ITA performance and ITA Outputs using the KPI methodology and performance review framework.
  - Provide support to the Ofgem contract management team and personnel.

## Appendices

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## Appendix 1 Terms of Reference summary

- A1.1 The Terms of Reference details the scope of the ITA role and processes that may change scope for any given project in the RIIO-ET3 Price Control Period.
- A1.2 The ITA will provide Ofgem with assurance on the design, procurement, cost and overall delivery of selected load projects delivered by Transmission Operators (TOs). As such, the ITA will provide Ofgem with confidence that the TO's management controls are properly designed and being used effectively, along with confidence regarding overall project delivery.
- A1.3 The ITA role will involve the following activities:
- i) Assurance of design proposals.
  - ii) Assurance of procurement strategy, tender process and contract award.
  - iii) Assurance of cost plans and periodic cost statement assurance.
  - iv) Assurance of schedules and associated programmes.
  - v) Independent assurance of all project delivery timings, including works and testing.
  - vi) Assurance of change control governance and process, including cost and schedule impact.
- A1.4 The ITA may be required to attend meetings or make site visits as deemed appropriate to carry out its role, subject to provision of reasonable prior notice.
- A1.5 The specific activities required of the ITA on any given project will be dictated by Ofgem on a per-project basis (within the scope set out in the ITA Terms of Reference).
- A1.6 The full scope of services and activities required of the ITA from Ofgem is outlined in the ITA Terms of Reference document, published on the Ofgem website.

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Appointment Period	means the set period of time defined by Ofgem during which all new projects determined eligible by Ofgem are allocated to the parties appointed as part of the ITA Framework Agreement at the time.
ITA Call-off Contract	means any contractual agreement entered into between the Authority, the licensee and the party(ies) appointed as the Independent Technical Adviser, pursuant to the ITA Framework Agreement.
ITA Coordinator	means the representative appointed by the Authority to act as its primary representative in matters regarding the ITA and its operations, and to coordinate central communication and engagement between Ofgem, the organisations on the ITA Framework Agreement and the TOs.
ITA Framework Agreement	means the overall framework of terms and conditions agreed between the Authority and the organisations appointed as the Independent Technical Adviser.
Independent Technical Adviser (ITA)	means the party appointed by the Authority to provide assurance on the design, procurement, cost and overall delivery of selected load projects delivered by the Transmission Owners in RIIO-3. It may be used to inform Authority decisions, by providing assurance of the information on which a decision is being taken.
ITA Guidance Document	means the document issued by the Authority under Part B of Special Condition 6.2 Independent Technical Adviser.
ITA Output	means relevant data, information, analysis or other form of evidence provided by the Independent Technical Adviser to the Authority regarding a TO or TO project being assured by it for the purpose of influencing Ofgem's decision-making.
ITA Terms of Reference	means the text of that name published by the Authority that contains the description of the services required by Ofgem from the Independent Technical Adviser.