

Determination

Capacity Market Appeal 2026: Northwold Solar Farm Limited

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Contact:	Andrew Macdonell
Team:	Electricity Security and Market Management (ESMM)
Email:	EMR_DR@ofgem.gov.uk

This is a determination made pursuant to Regulation 71(3)(b) of the Electricity Capacity Regulations 2014 (as amended) following an appeal made to the Authority pursuant to Regulation 70(1)(a)

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1. Introduction

- 1.1 This determination relates to an appeal made by Northwold Solar Farm Limited (“Northwold”) against a reconsidered decision made by the Electricity Market Reform Delivery Body (“Delivery Body”) in respect of the following Capacity Market Unit (“the CMU”):
- NSFL01 (T-1 Auction)
- 1.2 Pursuant to Regulation 71(3) of the Electricity Capacity Regulations 2014 (as amended) (the “Regulations”), where the Authority¹ receives an appeal notice that complies with Regulation 70, the Authority must review a reconsidered decision made by the Delivery Body.

2. Appeal Background

- 2.1 Northwold submitted an application for prequalification for the CMU in respect of the 2026/27 T-1 auction and sought a maximum obligation period of 1 year.
- 2.2 The Delivery Body issued a notification of prequalification decision dated 11 November 2025. The Delivery Body rejected the CMU on the following grounds:

“This Application has not met the requirements of the Capacity Market Rules due to the following reason(s):

F2-10 Invalid Prequalification Certificate (Exhibit A): The Exhibit A is not an Evergreen Exhibit and cannot be reused

A previous year's Prequalification Certificate (Exhibit A) has been provided as part of this Application. However, the Prequalification Certificate is not reusable under CM Rule 3.3.6A, and so the requirement to provide a Prequalification Certificate as per 3.12.3 has not been met.

F2-44 Invalid Certificate of Conduct (Exhibit C): Director(s) cannot be verified via Companies House

CM Rule 3.12.4 requires that a Certificate of Conduct (Exhibit C) is provided with each Application. Signatories of the Certificate of Conduct must be active Company directors of the Applicant company as per CM Rules 3.12.4. It has not been possible to adequately verify that the signatories of the Certificate of Conduct provided with this Application hold this position.

F6-8 Application Year on Fossil Fuel Emissions Commitment (Exhibit ZB) incorrect

¹ The terms “we”, “us”, “our”, “Ofgem” and “the Authority” are used interchangeably in this document and refer to the Gas and Electricity Markets Authority. Ofgem is the office of the Authority.

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CM Rules 3.7.4, 3.8.3 and 3.10.4 require Applicants for New Build Generating, Unproven DSR, or Refurbishing Generating CMUs to provide a Fossil Fuel Emissions Commitment (Exhibit ZB). The Fossil Fuel Emissions Commitment provided has an incorrect Application Year. As such, the matters set out in the Exhibit ZB have not been sufficiently addressed, and the requirement not met. Therefore, as per CM Rule 4.4.2(i) the DB² must not Prequalify this CMU.

F6-20 Part 2 Declarations in respect of the Relevant CMU on Fossil Fuel Emissions Commitment (Exhibit ZB) is incorrect

CM Rules 3.7.4, 3.8.3 and 3.10.4 require Applicants for New Build Generating, Unproven DSR³, or Refurbishing Generating CMUs to provide a Fossil Fuel Emissions Commitment (Exhibit ZB). The Fossil Fuel Emissions Commitment provided has incorrect or insufficient declarations in respect of the Relevant CMU as per Part 2 of the Exhibit ZB. As such, the matters set out in the Exhibit ZB have not been sufficiently addressed, and the requirement not met. Therefore, as per CM Rule 4.4.2(i) the DB must not Prequalify this CMU.

F6-26 Part 4 on Fossil Fuel Emissions Commitment (Exhibit ZB) incorrect Director Signatures Date

CM Rules 3.7.4, 3.8.3 and 3.10.4 require Applicants for New Build Generating, Unproven DSR, or Refurbishing Generating CMUs to provide a Fossil Fuel Emissions Commitment (Exhibit ZB). The Fossil Fuel Emissions Commitment provided has incorrect Director(s) Signature(s) dates. As such, the matters set out in the Exhibit ZB have not been sufficiently addressed, and the requirement not met. Therefore, as per CM Rule 4.4.2(i) the DB must not Prequalify this CMU.

F6-28 Part 4 on Fossil Fuel Emissions Commitment (Exhibit ZB) invalid Director Signatures

CM Rules 3.7.4, 3.8.3 and 3.10.4 require Applicants for New Build Generating, Unproven DSR, or Refurbishing Generating CMUs to provide a Fossil Fuel Emissions Commitment (Exhibit ZB). The Fossil Fuel Emissions Commitment provided has invalid Director(s) Signature(s). As such, the matters set out in the Exhibit ZB have not been sufficiently addressed, and the requirement not met. Therefore, as per CM Rule 4.4.2(i) the DB must not Prequalify this CMU.

F11-2 Insufficient information in Construction Plan Summary Information box

Capacity Market Rule 3.7.2(a) requires each Applicant for a New Build CMU to provide a description of the nature of the construction, repowering or refurbishment works to be undertaken. The Construction Plan Summary

² Delivery Body

³ Demand Side Response

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Information provided is insufficient, therefore this Application fails to meet the requirements of this Rule.”

- 2.3 Northwold submitted a request for reconsideration of the prequalification decision on 13 November 2025.
- 2.4 The Delivery Body issued a notice of reconsidered decision on 9 December 2025, which rejected the dispute on the following grounds:

“This Application has not met the requirements of the Capacity Market Rules due to the following reason(s):

F6-26 Part 4 on Fossil Fuel Emissions Commitment (Exhibit ZB) incorrect Director Signatures Date

CM Rules 3.7.4, 3.8.3 and 3.10.4 require Applicants for New Build Generating, Unproven DSR, or Refurbishing Generating CMUs to provide a Fossil Fuel Emissions Commitment (Exhibit ZB). The Fossil Fuel Emissions Commitment provided has incorrect Director(s) Signature(s) dates. As such, the matters set out in the Exhibit ZB have not been sufficiently addressed, and the requirement not met. Therefore, as per CM Rule 4.4.2(i) the DB must not Prequalify this CMU.

F6-30 Part 4 on Fossil Fuel Emissions Commitment (Exhibit ZB) incorrect Director Print Name

CM Rules 3.7.4, 3.8.3 and 3.10.4 require Applicants for New Build Generating, Unproven DSR, or Refurbishing Generating CMUs to provide a Fossil Fuel Emissions Commitment (Exhibit ZB). The Fossil Fuel Emissions Commitment provided has incorrect Printed Names from the Director(s) Signature(s). As such, the matters set out in the Exhibit ZB have not been sufficiently addressed, and the requirement not met. Therefore, as per CM Rule 4.4.2(i) the DB must not Prequalify this CMU.

F2-26 Invalid Prequalification Certificate (Exhibit A): Director(s) cannot be verified via Companies House

CM Rule 3.12.3 requires all Applications be accompanied by a Prequalification Certificate (Exhibit A). Signatories of the Prequalification Certificate must be active Company directors of the Applicant company as per CM Rules 3.12.3. It has not been possible to adequately verify that the signatories of the Prequalification Certificate provided with this Application hold this position.

F2-44 Invalid Certificate of Conduct (Exhibit C): Director(s) cannot be verified via Companies House

CM Rule 3.12.4 requires that a Certificate of Conduct (Exhibit C) is provided with each Application. Signatories of the Certificate of Conduct must be active Company directors of the Applicant company as per CM Rules 3.12.4. It has not

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been possible to adequately verify that the signatories of the Certificate of Conduct provided with this Application hold this position.”

- 2.5 Northwold submitted an appeal to the Authority on 11 December 2025. This was accompanied by updated exhibits A, C and ZB.

Northwold’s Grounds for Appeal

- 2.6 Northwold disputes the decision on the following grounds.

Ground 1

- 2.7 Northwold accepts that the Exhibit ZB submitted at the request for reconsideration had an incorrect signatory (one not registered as a director of the company on Companies House), but argues this was an administrative non-material error capable of rectification.

Ground 2

- 2.8 Northwold has stated that all other errors identified were corrected at the request for reconsideration and have submitted updated Exhibits A, C and ZB with a signatory whose details match the Companies House records along with their appeal to the Authority. Northwold states that they have provided this information with their appeal to the Authority to demonstrate “the information that should have been available to the Delivery Body had the non-material error or omission been rectified” as part of the request for reconsideration.

Ground 3

- 2.9 Northwold asserts that the CMU met all remaining requirements other than the independent technical expert report which has now been provided and demonstrates that substantial completion has been achieved.

Ground 4

- 2.10 Northwold’s final ground seeks to draw together the first 3 grounds arguing that the Regulations and Ofgem’s dispute resolution guidance allow for rectification of non-material errors where the Delivery Body’s decision was based on inadvertently erroneous information.

3. The Regulatory Framework

- 3.1 The Regulations were made by the Secretary of State under the provisions of section 27 of the Energy Act 2013. The Capacity Market Rules 2014 (as amended) (the “Rules”) were made by the Secretary of State pursuant to powers set out in section 34 of the Energy Act 2013.

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- 3.2 The Regulations set out the powers and duties of the Delivery Body which it must rely upon when it determines eligibility.
- 3.3 Regulation 22(a) specifies that each Application for Prequalification must be determined in accordance with the Rules:
- “The Delivery Body must—
- (a) determine each application for prequalification that is made to it in accordance with capacity market rules;
- (b) notify each applicant of its determination; and
- (c) reconsider a determination, if an applicant requests it to do so under regulation 69.”
- 3.4 Regulations 68 to 72 set out the process and powers in relation to dispute resolution and appeals.
- 3.5 Regulations 69 (1)-(4) state that:
- “69.—(1) An affected person may request the Delivery Body to review a delivery body reviewable decision.
- (2) The request must—
- (a) be submitted in writing to the Delivery Body within 5 working days after receiving notice of the decision; and
- (b) include each of the matters specified in sub-paragraphs (a) to (e) of regulation 70(3).
- (3) [If the Delivery Body receives a request which complies with paragraph (2), within [20] working days of giving notice of the decision it must]—
- (a) reconsider the matter; and
- (b) give notice to the affected person of—
- (i) the outcome of the reconsideration (the “reconsidered decision”); and
- (ii) the reasons for the reconsidered decision.
- (4) The Delivery Body must, within 5 working days after receiving a request which does not comply with paragraph (2), give notice to the affected person that the request is rejected as not complying with that paragraph, and give the reason why.”
- 3.6 Further, Regulation 69(5) sets out the requirements for the Delivery Body when reconsidering a prequalification decision:

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“69(5) Subject to paragraph (5A), in reconsidering a prequalification decision or a decision to issue a termination notice or a notice of intention to terminate or a decision to issue a CCS CFD transfer refusal notice, the Delivery Body must not take into account any information or evidence which—

- (a) the affected person was required by these Regulations or capacity market rules to provide to the Delivery Body before the decision was taken; and
- (b) the affected person failed to provide in accordance with that requirement.”

3.7 Regulation 69(5) is subject to Regulation 69(5A), which sets out the exceptions to Regulation 69(5):

“(5A) In reconsidering a prequalification decision or a decision to issue a CCS CFD transfer refusal notice, the Delivery Body may take into account information or evidence if the Delivery Body determines that:

- (a) the relevant application for prequalification or a CCS CFD transfer notice contained a non-material error or omission; and
- (b) the information or evidence is capable of rectifying such non-material error or omission.”

3.8 Regulation 69(7) provides the meaning of a “non-material error or omission”:

“(7) In this regulation-

“non-material error or omission” means an error or omission in an application for prequalification or a CCS CFD transfer notice which is-

- (a) manifest, and either inadvertent or the result of an honest mistake;
- (b) clerical, typographical or trivial in nature; or
- (c) determined by the Delivery Body to be inconsequential to the affected person’s compliance with, or the enforcement of, any requirement in these Regulations or the Rules to which the error or omission relates.”

3.9 Regulation 70 provides that an affected person who has, in accordance with Regulation 69(2), made a request to the Delivery Body to review a Delivery Body reviewable decision, may appeal to the Authority if:

- “(a) the affected person disputes the reconsidered decision; or
- (b) the request for reconsideration was rejected by the Delivery Body on the ground that it did not comply with regulation 69(2).”

3.10 Regulation 70(3)-(6) provides that:

“(3) An appeal notice must contain—

- (a) a concise statement identifying the relevant part of the delivery body reviewable decision in dispute;

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- (b) a concise statement of the facts on which the affected person relies;
 - (c) a summary of the grounds for disputing the delivery body reviewable decision;
 - (d) a succinct presentation of the arguments supporting each of the grounds for dispute; and
 - (e) a schedule listing the documents submitted with the appeal notice.
- (4) The appeal notice must be accompanied by—
- (a) a copy of—
 - (i) the notice given by the Delivery Body under regulation 69(3) or (4);
 - (ii) the request made to the Delivery Body for reconsideration; and
 - (iii) any information or evidence submitted to the Delivery Body in support of that request;
 - (b) in the case of an appeal relating to a prequalification decision, a copy of—
 - (i) the prequalification decision;
 - (ii) any information or documents provided by the affected person to the Delivery Body as part of the application for prequalification which are relevant to the matter in dispute; and
 - (iii) any information or evidence submitted in accordance with regulation 69(5A);
- [...]
- (d) any other documentary evidence which the affected person wishes to rely on in support of the appeal and which—
 - (i) was provided to the Delivery Body before the reconsidered decision was made; or
 - (ii) is needed to show what evidence was before the Delivery Body when the reconsidered decision was made.
- (5) Where a request for reconsideration was rejected by the Delivery Body on the ground that it did not comply with regulation 69(2), the affected person may submit evidence to the Authority that the request did comply with that regulation.
- (6) Except as provided in paragraphs (4) and (5), no other documentary evidence may be included in or submitted with the appeal notice.”

3.11 Per Regulation 71(3):

“Upon receiving an appeal notice which complies with Regulation 70, and any information requested from the Delivery Body, the Authority must:

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- (a) subject to paragraph (4), review the reconsidered decision;
- (b) determine whether the reconsidered decision was correct on the basis of the information which the Delivery Body had when it made the decision.”

The Capacity Market Rules

3.12 Chapter 3 of the Rules governs the processes by which an applicant may apply to the Delivery Body for prequalification of a CMU to participate in a capacity auction for a given delivery year.

3.13 Rule 3.7.4 sets out the requirements for an applicant to provide a fossil fuel emissions commitment:

“Fossil Fuel Emissions Commitment

Each Applicant for a New Build CMU must provide to the Delivery Body a Fossil Fuel Emissions Commitment signed by two directors (or two officers, in the case of a body other than a company), and in such declaration, an Applicant for a CMU which will or may comprise of at least one Fossil Fuel Component or Storage Facility which has part or all of its electricity requirements met by an Associated Fossil Fuel Component (each a “relevant Fossil Fuel Component”) must declare any of the following where applicable:

(a) that the Applicant intends to apply the Fossil Fuel Emissions CCUS Formula to determine the Fossil Fuel Emissions of a relevant Fossil Fuel Component which will be equipped with CCUS equipment;

(b) that the Applicant intends to apply the Design Efficiency CHPQA Formula to determine the Design Efficiency of a relevant Fossil Fuel Component which will be in the Combined Heat and Power (CHP) Generating Technology Class; and/or

(c) that the Applicant will apply the Fossil Fuel Emissions Mixed Fuel Formula or intends to apply the Fossil Fuel Emissions Composite Formula to determine the Fossil Fuel Emissions of a relevant Fossil Fuel Component that will use more than one fuel to produce electricity.”

3.14 Rule 3.12.3 sets out the requirements for an applicant to provide a prequalification certificate:

“Each Application must be accompanied by a Prequalification Certificate signed by two directors of the Applicant.”

3.15 Rule 3.12.4 sets out the requirements for an applicant to provide a certificate of conduct:

“Each Application and each Opt-out Notification must be accompanied by a Certificate of Conduct signed by two directors of the Applicant or the person submitting the Opt-out Notification (as applicable).”

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4. Our Findings

- 4.1 We have assessed Northwold's grounds for appeal, which are summarised below. We have dealt with the grounds together because of the overlap in the applicable Rules and arguments being made.
- 4.2 Northwold accepts that the Exhibit ZB submitted at request for reconsideration had an incorrect signatory (one not registered as a director of the company on Companies House). Northwold has submitted updated Exhibits A, C and ZB (the "Appeal Exhibits") with a signatory whose details match the Companies House records along with their appeal to the authority.
- 4.3 Rule 3.12.3 requires all applicants to submit a prequalification certificate (Exhibit A) signed by two directors of the applicant. Rule 3.12.4 requires all applicants to submit a certificate of conduct (Exhibit C) signed by two directors of the applicant. Rule 3.7.4 requires applicants for new build generating CMUs to provide a fossil fuel emissions commitment (Exhibit ZB) signed by two directors.
- 4.4 At application for prequalification, Northwold submitted Exhibits A, C and ZB (the "Prequalification Exhibits"). In their request for reconsideration, Northwold stated that the CMU had been prequalified for last year's capacity market auctions and that the submission portal showed the Prequalification Exhibits as "Ready to Use". After the Delivery Body clarified the errors with the Prequalification Exhibits in the notification of prequalification decision, Northwold uploaded new versions of Exhibits A, C and ZB at request for reconsideration (the "Reconsideration Exhibits").
- 4.5 In their notification of reconsidered decision, the Delivery Body states that the Reconsideration Exhibits have a director's signature that cannot be verified on Companies House, as required under Rule 3.12.3 and 3.12.4, and we hold that the Delivery Body was correct in their assessment that the evidence did not meet the requirements of Rule 3.12.3 and 3.12.4.
- 4.6 The notification of reconsidered decision also states that Exhibit ZB has incorrect director signature dates and incorrect director print names, but the Delivery Body has confirmed that this is a clerical error and that the error highlighted should also be that the director's signature cannot be verified on Companies House, as required by Rule 3.7.4.
- 4.7 We agree that the rejection reason should be that the director's signature cannot be verified on Companies House as required under Rule 3.7.4, but do not view that the rejection reasons provided by the Delivery Body were significantly misleading, as Northwold updated the director included on the Exhibit ZB they submitted with the appeal to the authority to one listed on Companies House.
- 4.8 In their appeal to the Authority, Northwold states that "the incorrect signatory was used due to an internal administrative error" and that "this is the only project for which the individual is not a registered Companies House director", and asks that

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the corrected versions of the Appeal Exhibits submitted with the appeal to the authority be accepted instead of those submitted at the request for reconsideration.

- 4.9 We acknowledge that the issues raised at notification of reconsidered decision have been resolved in the Appeal Exhibits, however Regulation 70 sets out what documentary evidence can be submitted with the applicant's appeal notice. Only information and documentary evidence that the applicant has provided to the Delivery Body as part of their application for prequalification or in their request for reconsideration can be included in the applicant's appeal notice. Regulation 70(6) states that "except as provided in paragraphs (4) and (5), no other documentary evidence may be included or submitted with the Appeal Notice". The Authority has no ability to consider the information provided as part of the appeal process because Regulation 70(6) prevents this.
- 4.10 The role of the Authority as stated in Regulation 71(3)(b) is to "determine whether the reconsidered decision was correct on the basis of the information which the Delivery Body had when it made the decision." The combined effect of Regulation 70 and 71 means that the Authority cannot consider the information provided as part of the Appeal Exhibits and must consider the position at the point the Delivery Body reached its reconsidered decision.
- 4.11 We consider that Northwold failed to provide evidence which met the requirements of Rule 3.7.4, Rule 3.12.3 and Rule 3.12.4 with the Prequalification Exhibits in their application for prequalification. Northwold did not rectify this with the Reconsideration Exhibits in their request for reconsideration. As such, the Delivery Body was correct to reject the CMU.

5. Conclusion

- 5.1 The Delivery Body reached the correct non-qualification review decision to reject the CMU for the T-1 auction on the basis that:
- Exhibits A, C and ZB submitted with the application failed to meet the requirements of Rule 3.7.4, Rule 3.12.3 and Rule 3.12.4, specifically that these exhibits must be signed by two directors of the applicant.
 - The updated versions of Exhibits A, C and ZB submitted with the appeal to the Authority cannot be considered as there are no provisions under Regulations 70 for the Authority to consider additional evidence that was not before the Delivery Body.

6. Determination

- 6.1 For the reasons set out in this determination, the Authority hereby determines pursuant to Regulation 71(3) that the Delivery

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Body's notification of reconsidered decision to reject Northwold for prequalification be upheld in respect of the CMU for the T-1 auction.

Andrew Macdonell

Senior Policy Manager – Energy Markets and Security

For and on behalf of the Gas and Electricity Markets Authority